this debate, that I think it desirable to make that sentiment part of the resolution.

Sir ALEXANDER PEACOCK seconded the amendment.

Mr. BENT.—I want the House to affirm another sentiment, and it is that this House do now adjourn. I have not the slightest doubt that after to-morrow, or next day, when we have been able to read Hansard, we shall be able to come to a decision that we will thoroughly understand. I therefore beg to move—

That the House do now adjourn.

The motion for the adjournment of the House was agreed to.

The House adjourned at seven minutes past eleven o'clock, until Tuesday, October 17.

LEGISLATIVE COUNCIL.

Tuesday, October 17, 1905.

The President took the chair at ten minutes to five o'clock p.m., and read the prayer.

ASSENT TO BILL.

The Hon. J. M. DAVIES presented a message from the Governor, intimating that, at the Government Offices, on October 10, His Excellency gave his assent to the Artificial Manures Act 1904 Amendment Bill.

MELBOURNE HOSPITAL.

The Hon. D. MELVILLE called the attention of the Attorney-General to the case reported in the Argus of the 9th October instant of a passenger being found in a railway carriage in a semi-conscious condition and taken to the Melbourne Hospital and examined, from there removed to the City watch-house, and again taken back to the Melbourne Hospital, where he died; and asked if he would have inquiry made into the circumstances surrounding the case? He said that he had only a few words to offer in connexion with this matter. He and many thousands more had been very much struck by the treatment which had been meted out to the gentleman in question at the Melbourne Hospital, and he felt it to be his duty to point out to the House that if the kind of experience reported was true, and there was so doubt it was true, then there was an absence at the Melbourne Hospital of a proper observation ward, properly equipped and attended to by competent men. Notwithstanding the splendid traditions of the Melbourne Hospital; notwithstanding that it was splendidly managed, and that the best of our citizens were connected with its management, the kind of thing he drew attention to should not be allowed to continue. It should not be possible that any reputable citizen who might fall ill in a railway carriage could be landed in a police cell. In this case, the policeman who took charge in the first instance of the unfortunate gentleman appeared to be an intelligent man, and took the sufferer to the hospital, but from there, as he (Mr. Melville) understood, the patient was unceremoniously sent to a police cell. The sufferer was returned to the hospital to be seen by another doctor, who also made a mistake as to what was the matter with the patient, and eventually the sufferer was no more. That sort of thing should not be possible in a great city like Melbourne. It was true that all kinds of people were taken to the Melbourne Hospital, and that it was difficult in some cases to determine what was the matter, but while he desired to make no reflection on the committee of that institution, surely it was not too much for him to say that a felt want of the Melbourne Hospital ought to be supplied, and that felt want was a properly equipped observation ward, for the reception of dubious cases. He would read a few lines from the number of the Lancet last laid on the table of the library:

The error of moving a man in a state of collapse a long distance is as frequent as it is inexcusable. If a patient is in a state of collapse, the most certain method of diminishing or obliterating any chance he may have of recovery is to remove him in a jolting uncovered conveyance a long distance.

The destination of a sufferer, it was true, might be the hospital, but that did not alter the fact that a patient already nearly dead had had his condition aggravaed and his chances of recovery minimized by being unnecessarily moved about. The case that be (Mr. Melville) was referring to was an unfortunate man found ill in a railway carriage, who was taken to the Melbourne Hospital, and his complaint being misunderstood there, he was taken to the watch-house, where he lay two or three hours. He was taken again to the hospital, where again his complaint was misunderstood, and where, furthermore, he died. Persons had been writing to him (Mr Melville) about this case from all quarters, from the city to as far as Swan Hill, point-
ing out that the kind of treatment meted out in the case in question gave a stricken man no chance of living. One of the letters he had received was as follows:—

9 Queen Street, Melbourne, 11/10/95.

Dear Mr. Melville,

Was glad to see you had taken up the case in question. The treatment of this unfortunate man was shameful in the extreme. Also, I understand, the cells at the goal [meaning watchhouse] are filthy and dirty, and not fit to put a pig into, let alone a respectable man with his name and address in his pocket. I trust you will get this matter sifted to the bottom.—I am, yours faithfully, A. Gillespie.

He (Mr. Melville) had a big file of letters to the same purport. He would not trouble the House by reading them all, but he would mention that one was from Swan Hill, written from the Commercial Hotel there, and pointing out that the treatment of sufferers as in the case referred to should not be permitted in such a city as Melbourne. He (Mr. Melville) was proud of the Melbourne Hospital, and he thought the whole public had reason to be proud of it. It was one of the institutions that did the city great credit, and nothing he said should reflect on it; but there was a universal condemnation of the kind of recklessness to which he had alluded, and he hoped that the Government or Parliament would henceforth so provide that suffering members of the public would find protection in it by the establishment of an observation ward with men in it competent to deal with any person who might by chance fall by the way.

The Hon. J. M. Davies said that when the honorable member asked any question regarding any act of the Government, or of any Government officer or Department, he (Mr. Davies) was always glad to furnish all the information he could obtain. The question Mr. Melville at present asked was, however, with reference to the management of an hospital which was managed by a committee, which committee was not controlled by the Government. If the honorable member wished to gain information in such a case, he had as much power to get it as he (Mr. Davies) had to obtain it for him; and he (Mr. Davies) objected to the Government being made the medium of obtaining information in such cases. He (Mr. Davies) had as much sympathy as Mr. Melville with the unfortunate case which had been referred to, and he had heard privately that an inquiry had been made into it by the hospital committee, who, after full investigation, had found that there was sufficient excuse for the action of the doctors. He (Mr. Davies) had made no official inquiry, and did not consider that it was his duty to do so. If there was to be some general inquiry in connexion with the management of the hospital, the proposition of Mr. Melville might be perfectly right, but it would not be proper to imply censure in the present case by undertaking to make any inquiry on behalf of the Government.

The Hon. D. Melville said that in view of the answer of the Attorney-General, he intended to give notice of a motion, asking the House to recommend that the committee of the hospital should have a properly equipped observation ward.

CONSOLIDATED REVENUE BILL (No. 3).

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. J. M. Davies, was read a first time.

The Hon. J. M. Davies moved the second reading of the Bill, which, he said, was to apply out of the Consolidated Revenue the sum of £705,139 to the service of the year 1905-6. It was the ordinary supply for two months.

The motion was agreed to,

The Bill was then read a second time, and committed.

On clause 1,

The Hon. W. Cain said that he noticed on the list an item of £170 for closer settlement, and in the Estimates, under the heading, "Commissioner of Crown Lands and Survey," the following occurred: "Acquisition of land for purposes of closer settlement: Salaries, clerical division, secretary to the Lands Purchase Board, £323; clerk, £273; clerk, £115; junior messenger, £42; expenses generally, £250." It seemed to him (Mr. Cain) somewhat remarkable that the salary for the secretary to a board which was dealing with immense quantities of land should be only £323 per annum. It did seem extraordinary that a man intrusted with such responsibilities, and who was practically the leading spirit of the commission, should be so inadequately paid. If the same man were keeping books in a second-class office in the city, he would be getting much more than that. This was a matter deserving of the serious attention of the Government. He believed that the secretary in this instance...
was a man of first-class standing, and in giving him only £323 a year, the Government was not dealing with him fairly.

The Hon. W. S. MANIFOLD.—He will be taken away by some other State.

The Hon. W. CAIN said that this officer was certainly not adequately paid for his services.

The Hon. J. M. DAVIES remarked that Mr. Cain had stated that the Secretary of the Lands Purchase and Management Board was well fitted for his position, but that he was getting too low a salary. He (Mr. Davies) might state that there were a good many other officers in the Public Service who were getting no more salary. He understood that this particular officer had been promoted from the 4th to the 3rd class when he was given his present position.

The Hon. D. MELVILLE.—Is that Mr. Jenkins?

The Hon. J. M. DAVIES said the name of the officer was Mr. Jenkins, and it was to be supposed that in getting his recent promotion that officer had stepped over the heads of others. In his own (Mr. Davies’) Department the officer who prepared the Estimates for the Solicitor-General was in the 5th class, and got only £200 a year. There were officers in the Public Service who, perhaps, should get much higher salaries than they did. On the other hand, there were many of them who got higher salaries than they deserved. That was a fault of the system, and it could not be helped until Parliament was willing to change the whole system and reclassify it.

The Hon. W. CAIN said he hoped the Attorney-General would excuse him for having drawn attention to the case he had referred to. He hoped, however, that the Attorney-General would look into the matter.

The Hon. W. H. EMBLING observed that if an officer got promotion and a rise in salary he ought to consider himself very well treated for the time being. If that officer was the keystone of the board his salary was not too much, but in every well conducted board it was not the secretary who was the head of it, but the chairman; consequently the statement made by Mr. Cain was hardly fair to the Commissioners and their chairman. Apart from that, honorable members should not interfere with the automatic rise of salaries in the Public Service, for they must remember that if they touched one they would immediately affect the whole. Any one getting £100 a year rise, and promotion from one class to another, might be considered as having done very well for the time being.

The Hon. D. MELVILLE remarked that the board had made an excellent selection in the appointment of Mr. Jenkins as its secretary. He knew the man. No better man for the billet existed probably in the Department. Mr. Jenkins was not only an enthusiast, but he was very hard working, worked night and day, and ever since he had been appointed he had had a very large amount of work thrown upon him, and only recently had had other officials to help him. He (Mr. Melville) had no doubt that when the Government got a good man they would appreciate him.

The Hon. W. CAIN said that Mr. Jenkins was unknown to him, and that he had only seen him once in his life.

The Hon. W. J. EVANS remarked that in the present case, under discussion the Government appeared to have got a good deal more value than they were paying for. It was no argument to say that other men in the service were getting less or more, and he (Mr. Evans) hoped that the Government would see that the officer in question was compensated to an extent something near the mark, especially in view of the fact stated by Mr. Cain that a man occupying a very ordinary position outside the Government service would be more highly salaried.

The Hon. W. H. EDGAR said that he thought the Attorney-General had in his remarks touched on a very vital point in connexion with the whole of the Civil Service. In the instance under notice, the appointment had been made as a matter of merit, and not as a matter of seniority. In the past there had been too much red-tape on account of seniority, men being promoted whether they were worth increased salaries or not. Here, however, was a case of promotion on account of clear and definite merit, and he (Mr. Edgar) trusted that it would be looked into, with a view to having the officer paid according to his deserts. He (Mr. Edgar) understood that in addition to carrying out his onerous work as secretary to the board the officer in question frequently delivered lectures of an evening in the public interests. When a case of merit of this kind was found in the Public Service, the officer should be duly rewarded.

The Hon. J. M. PRATT said he desired to draw attention to an item of £20,000 for the carriage of grain. It
was an allowance for the Railway Department, and he wished to know if it should be continued whilst the Railway Department was making a profit out of the grain traffic? He would not object at all to the item if it involved a reduction of freights, but from what he knew of the business there had been no such reduction.

The Hon. J. M. DAVIES remarked that it was quite true freights for grain had not been reduced this year, but they were reduced when a similar item was originally proposed. When the allowance was started the Government for the time being required, as a matter of policy, that the Railways Commissioners should carry grain at lower rates than the Commissioners otherwise would have charged. Lower rates were charged, and the Commissioners required the Government to recoup them the difference. Since that time this item had appeared in every annual Appropriation Bill, he thought, with the exception of one, when it was omitted by the late Treasurer, Mr. Shiels, and the Railways Commissioners contended that it was improperly omitted. Since that time it had been reinstated. As soon as the Railways Commissioners were allowed to charge what they thought was the proper business charge the item would disappear.

The Hon. J. M. PRATT stated that he was not asking at all that railway freights should be increased. They should be reduced on the traffic that the Department was doing now, and without this bonus the Department for carriage of agricultural produce at reduced rates, £20,000, was only a blind. It was taken from the general Treasury on the supposition that the freights were reduced, whereas they were not.

The Hon. R. B. REES said he desired to know if this vote of £20,000, for two months, meant £120,000 for the carriage of grain for the year?

The Hon. J. M. DAVIES stated that the item was only an estimate, even in the Appropriation Bill. It appeared in the Appropriation Bill as “Allowance to the Railway Department for carriage of agricultural produce at reduced rates, £50,000,” although Mr. Pratt said it was not at reduced rates. The item as to coal was “Allowance to the Railway Department for carriage and use of Victorian coal, £9,000.” The item of £50,000 was subject to variations. If there was a very large harvest then it would be increased, and if there was a small one it would be reduced. It was merely a payment in proportion to the quantity carried, and represented the difference between what the Commissioners were required to charge and what they would have charged if they were not so required.

The Hon. J. M. PRATT expressed the opinion that the item called for inquiry. He wished to see grain carried at a reduced rate.

The Hon. J. M. DAVIES.—And do not want to pay for it.

The Hon. W. CAI N observed that Mr. Pratt's contention was that the rates charged now for carrying grain were profitable rates.

The Hon. J. M. DAVIES.—That has nothing to do with it.

The Hon. W. CAI N said that, from a business point of view, the question that really should be settled was whether the rates were sufficient to pay for the traffic.

The Hon. W. J. EVANS remarked that this was purely a commercial item, and he was surprised that Mr. Pratt, who was interested in the wheat trade, should raise any objection, because, to carry out commercial principles strictly, all the Commissioners had to do was to raise the freights.

The Hon. J. M. PRATT.—Not at all.

The Hon. W. J. EVANS said, of course, any suggestion to raise the freights would not suit at all. The coal industry and the grain industry were deriving a benefit from these items, and if they did not appear the Commissioners would be bound, if they were to run the railways on commercial principles, to increase the freights, and then the money would come out of the pockets of those who used the railways, and not out of the general revenue.

The Hon. D. MELVILLE stated that constant complaints were made to him that the Railway Department were now compelling merchants, who were buyers of wheat, to weigh wheat in the trucks. The outcome of it was that the system of weighing was of no value to anybody. When the Bill dealing with the matter came up last year, it was pointed out by more than one member that business people could not go by the railway weights. The complaint was universal on the part of the grain buyers that they were compelled by the Railway Department to take the weight of wheat on the trucks, but they had to re-weigh the wheat themselves. He did not wish to start a discussion on the question, but it was a
very serious matter, seeing that the farmers would not take the railway weights and the buyers could not take them. The system was brought into force by a Bill passed through this House last year, and nobody would take any notice of it. A gentleman, who was not now a member of the House, made a special complaint to him the other day in the street, naming the amount of money that he had lost by this process, and expressed wonder that he (Mr. Melville) did not take notice of it when the Bill was passing. As it happened, he (Mr. Melville) had noticed that the system of weighing in railway trucks would be mere nonsense.

The Hon. J. M. Davies.—Is it done in accordance with an Act of Parliament?

The Hon. D. Melville.—Yes.

The Hon. J. M. Davies.—Is the honorable member in order in discussing an Act of Parliament unless he is going to move for the repeal of it?

The Chairman.—The honorable member knows that he is not in order in doing so.

The Hon. D. Melville said the Act under which the weighing complained of was done was forced through this House, although it was pointed out at the time that it would be a great tax on these men. He wished to draw attention to item 58, "Extermination of rabbits and wild animals, £2,755," and to ask how much approximately rabbit extermination was costing per year?

The Hon. J. M. Davies said the items in the Estimates for the year for the extermination of rabbits and wild animals totalled £16,568, which included subsidies to shire councils for the destruction of foxes and wild animals, and the expenses generally of carrying out the Vermin Destruction Act.

The Hon. D. Melville said he wished to point out the inconsistency of policy in expending money for the extermination of rabbits on the one hand, and on the other hand for encouraging the export trade in rabbits. The demand for rabbits was growing. England wanted all that could be exported at a very high price. The traffic brought a large revenue to the railways, and a fair income to the State. Yet owners, even of small pieces of land, were subjected to annoyance and expense in being compelled to keep down the rabbits on their land, but why should they have to incur any cost for rabbit destruction when such a tremendous de-

mand was growing for this new product? In these economical times, why should the Government pay £16,000 a year for rabbit extermination? Notwithstanding that so many unemployed were said to be looking for work, men were able to make £2, £3, and even £4, per week at rabbit-trapping. In some places it paid almost as well to breed rabbits as to cultivate. Was the State to go on year after year subsidizing inspectors to compel the destruction of rabbits, which had become to a large extent profitable? Why should not the men who had the land look after their own land, and pay what cost was necessary? The idea of being able to exterminate the rabbits appeared to have been given up, and yet this expense went on every year. Which was it to be? Was the export trade to be destroyed, after all the expenditure there had been on cool storage? In one of the daily papers recently the people were told of one man who made an enormous amount of money at rabbit-trapping during the year—running into £1,000, and the man's books showed what he had trapped and sold. Why, then, should the extermination of rabbits cost the State any more? The House would have to make up its mind which it was going to do—to destroy the trade or encourage it.

The Hon. J. Balfour remarked that Mr. Melville could not know the great evil that the rabbits were, and their tremendous reproductivity. In New South Wales the people were not taxed in the form that they were taxed in here, but they taxed themselves under the Pastoral Boards for the purpose of keeping the rabbits down.

The Hon. D. Melville.—That is fair enough.

The Hon. J. Balfour said the same thing went on in New South Wales as here. People were trapping and exporting the rabbits and making money with them, and yet, in addition to that, the people were empowered by Act of Parliament to tax themselves in the way he had mentioned for the purpose of destroying the rabbits. It would continue to be so so long as the rabbits were as prolific as they were, and so long as they were such a curse to the country. Undoubtedly, if rabbit destruction and the tax to keep them down were done away with in Victoria, the State would soon be overrun with them, for all the export that went on.

The Hon. W. Cain observed that Mr. Melville was generally well informed, but did not appear to understand this subject. The holders of land of any area had to put
on men to kill the rabbits under inspection, but very often there were Crown lands adjoining, and these were breeding-places for vermin. Very often the Crown lands were so far from a railway station that it would be impossible to take the rabbits to the railway for the export trade. The vote for the extermination of rabbits in this item was meant for doing the work on Crown lands, and it would have to go on.

The Hon. W. J. EVANS drew attention to the item, "Travelling Expenses, Governor, &c., £835." He said this seemed to be a very large item for two months.

The Hon. J. M. DAVIES remarked that the item as it appeared in the Estimates was "Payment to Railway Department for issue of free passes to Governor and staff, members of Parliament, &c., Executive Councillors, and members of Parliaments of other States, £5,000." The honorable member, therefore, got his share in allowances out of the item.

The Hon. W. J. EVANS said he was afraid his share was a very small one. He wished to draw attention to the item "Victorian Railways, £330,000," and to ask if there was any amount included, and how much, to carry out the arrangement that the Chairman of the Railways Commissioners had made, according to what the Attorney-General told him the other night, with the engine-drivers and firemen, and which the honorable gentleman stated had satisfied the men?

The Hon. J. M. DAVIES stated that he could not give the honorable member the information. Every expenditure that the Railways Commissioners incurred for salaries and wages was payable out of this sum. In the Estimates there were three lump items under the working expenses of all lines—transportation branch and general passenger and freight agent's office, £560,000; way and works branch, £547,900; and rolling-stock branch, £178,305. He presumed the engine-drivers would be paid under the transportation branch, and, so far as that money went, it was all available for the Commissioners, and if it was not sufficient, any more that was required would appear on the Supplementary Estimates at the close of the year.

The Hon. D. MELVILLE drew attention to the item "Carriage of coal, £4,000," and asked how much was paid per annum for this purpose?

The Hon. J. M. DAVIES said the estimated amount for this year for the carriage and use of Victorian coal was £9,000. Last year it was £4,875.

The Hon. D. MELVILLE said he wished to know what coal it was that the State had to pay this amount for?

The Hon. J. M. DAVIES—Coal from Korumburra, Coal Creek, &c.

The Hon. D. MELVILLE—Was this Gippsland coal for railway use or for private use?

The Hon. J. M. DAVIES—Both.

The Hon. D. MELVILLE—Why, then, were the Railways Commissioners to be credited with an amount at all for coal when they were using it themselves? Private individuals would have to pay for the coal they used, and why should the railways be treated differently?

The Hon. J. M. DAVIES said he thought that Mr. Melville knew that the Railways Commissioners paid more for the Victorian coal than it was worth compared with Newcastle coal. This had been done to encourage the coal-mining industry in Victoria, and the Railways Commissioners having been called upon to do this by the Government, required the loss to be made up. This was under Act 1439, which provided that any increase of expenditure or decrease of revenue caused to the Railways Commissioners by carrying out any system or policy imposed upon them by Parliament or the Governor in Council, should be recouped to the Commissioners by Parliament in the annual Appropriation Act. The Government required the Railways Commissioners to accept tenders for the Victorian coal at a higher price than they would have paid for an equal value of New South Wales coal, and the Railways Commissioners properly acted under the section he had referred to, and wanted the loss to be made up to them.

The Hon. M. CUSSEN drew attention to the item, "Waterworks in country districts, &c., £350," and asked if this item included the construction of new works?

The Hon. J. M. DAVIES stated that Division No. 73 in the Estimates included the following:

Surveys, reports, and contingencies in connexion with projects of water supply in country districts, expenses in connexion with gauging rivers, analyses of water, and preparing and recording statistics, £1,700; travelling expenses, £300; total, £2,000.

The Hon. J. STERNBERG drew attention to the item "Agriculture and Industries, £2,048," and asked what was comprised in the item?
The Hon. D. MELVILLE drew attention to the item "Technical Education, £2,876," and asked what purposes this vote would be devoted to?

The Hon. J. M. DAVIES remarked that unless the items were taken in the order in which they appeared, and disposed of, the Committee would never get through the Bill. Mr. Pratt had been stopped because he was asking a question on an item which the Committee had already dealt with. The Committee had already dealt with the item for the Victorian Railways, which was the last on the list.

The Hon. D. MELVILLE said he desired the information he had asked for about the vote for technical education.

The Hon. J. M. DAVIES stated that Division No. 79 in the Estimates, "Technical agricultural education, experimental stations and demonstration plots," gave all the details of the vote for the year, totalling £15,482. Last year it was £15,155.

The clause was agreed to, as was also clause 2.

The Bill was reported without amendment, and the report was adopted.

On the motion of the Hon. J. M. DAVIES, the Bill was then read a third time and passed.

WATER ACTS CONSOLIDATION AND AMENDMENT BILL.

The message from the Legislative Assembly, intimating that they had agreed to some of the amendments made by the Council in this Bill, disagreed with one amendment, and agreed to one amendment with an amendment was taken into consideration.

The Hon. J. M. DAVIES stated that the Council had added the following words at the end of clause 4:—"This section shall not operate so as to prevent any person from draining any land or making any dam or tank upon land of which he is the owner." The Assembly had agreed to this amendment, with an amendment omitting the words "or making any dam or tank upon land." Clause 4 provided—

The right to the use and flow and to the control of the water at any time in any river creek stream or water-course and in any lagoon swamp or marsh shall subject only to the restrictions hereinafter provided and until appropriated under the sanction of this Act or of some existing or future Act of Parliament vest in the Crown.

That was the way the clause came to this House. In Committee, Mr. Manifold moved the addition of the words he had mentioned. He (Mr. Davies) informed the Committee at the time that he would consider the amendment, and the amendment was afterwards accepted and passed. He was now informed by the Minister of Water Supply that the words "or making any dam or tank upon land," on consideration were found to go much farther than was thought at the time, and might lead to great evils. The Legislative Assembly had left in the portion relating to draining the land, but they had omitted the words "or making any dam or tank upon land." Of course, that only related to boundary rivers. This would apply in cases where the property-owner had the soil in the bed and banks of these streams or water-courses, and the Council's amendment would enable the owner to dam up a creek altogether, as far as the Government were concerned, and stop the flow, if he could succeed in making a dam strong enough to keep the water back. He (Mr. Davies) understood that if the owner wished to make a dam or a tank on his own land, apart from the bed of the creek, there would be no objection to that. The owner could divert water in flood time, and fill the tank or dam, but it was looked upon as a very serious thing if the owner could make a permanent dam in the bed of the creek. The Council's amendment would prevent the Government taking objection to such a thing as that, but it would not give the owner the right to put up a dam as against owners lower down the creek, and whose supply of water might be stopped by the construction of the dam. There would generally be an owner below, because these creeks ran, in some cases, for scores of miles.

The Hon. D. E. McBRYDE.—Could that be done without the sanction of the Government—making a tank and diverting the water?

The Hon. J. M. DAVIES said that that would not be objected to, but the words of the Council's amendment would give the owner the right to dam the creek up altogether, and he might divert all the water on to his own land. This amendment was contrary to the whole tenor of the Bill, and was also opposed to the provisions of clause 11, which gave a right of entry to the Crown to prevent interference with a water-course. This amendment, unless it was so construed that clause 11 would override it, would take away the Crown's right to go upon the land, and remove any obstruction. He (Mr. Davies) had assented to this
amendment, while the Minister of Water Supply was sitting beside him, but the Minister of Water Supply was now satisfied that the words which were inserted in the clause at the instance of Mr. Manifold should not be in. He begged to move—

That the House agrees with the amendment of the Assembly upon its amendment in clause 4.

The Hon. W. S. MANIFOLD remarked that he was very much surprised that the Minister of Water Supply should have carried his theories to such an extraordinary extent as he appeared to be carrying them now. It was an unheard-of thing that the Minister was now attempting. In the first place, it put this House in a very false position, that an amendment should be printed and circulated amongst honorable members and accepted by the Government, and that the Minister, who had accepted it, should get up in another place, and propose that it should be disagreed with. The honorable gentleman simply could not be aware of the circumstances under which dams and tanks were made upon private property. The Attorney-General spoke of the case of rivers or streams, which no one could make dams and tanks. As a rule, the dams would be put on creeks that were of no size at all. In the case of rivers or streams, which were boundaries of allotments, the bed and banks by this Bill would be vested in the Crown, and the Council's amendment with which they were now dealing would not apply to such creeks as that, but to many little depressions throughout the whole of the country. The depression might be 50 miles from the creek, and be only a slight depression in the soil, down which, when rain fell, a trickle of water would go. He had read to the House the only definition of a water-course, which was a course sufficiently defined that the water always ran in one direction. That meant the slightest little valley, or depression on land, perhaps, 50 miles away from a creek. According to the contention of the Minister of Water Supply, it would be injudicious to allow a man to make a dam on that.

The Hon. J. M. DAVIES.—This includes rivers.

The Hon. W. S. MANIFOLD said that the honorable gentleman knew that rivers were always the boundaries of allotments. He did not think that, with the exception of some old Crown grants, of which there were only three or four, there were any cases of rivers not being the boundaries of allotments, and, therefore, the rivers would not come under this amendment at all.

The Hon. J. M. DAVIES.—Streams.

The Hon. W. S. MANIFOLD said that the Council's amendment dealt only with streams, or water-courses, or catchment areas in the middle of a man's land, that this comprehensive Bill did not touch. It was an extraordinary thing that the Government should bring in a Bill to conserve water, and that a great deal should be said about the enormous value of the water, and yet that the Bill should be an engine for preventing the conservation of water. This Bill applied to the whole of the northwest, but besides that there were millions of acres which would not benefit by this Bill, in our time, at all events. By objecting to the Council's amendment, the Minister of Water Supply proposed to take away the rights of the individual owner to conserve water. The next thing would be a Bill under which no man was to allow rain to fall on his land. If a man could not conserve the rain that Providence sent him, what hope was there for the settler? Honourable members had all heard of that eminent man, Bishop Moorhouse, who refused to set apart a special day for prayers for rain, saying, "No; you should conserve the rain that God sends you." Here was a Bill which would have the effect of stopping a man from doing that. The Bill was inconsistent as it was. In one part of the Bill men would be compelled to make tanks.

The Hon. J. M. DAVIES.—Not in creeks.

The Hon. W. S. MANIFOLD said that the Council's amendment did not specify that dams or tanks were to be made on creeks. The amendment gave the right to the owner to make a dam on land which belonged to himself, and not necessarily on creeks. One part of the measure compelled a man to put in a tank, and another part of the measure would stop other people, who had not water brought to their back door, from conserving water which was very much wanted. The Minister of Water Supply, as a great concession, said that property-owners could make dams and tanks by one side of a water-course, and lead the water into it. But what was the difference to the general public if a property-owner could make a 10,000 cubic yard tank a quarter of a mile from a creek, and take the water into that—which was impossible unless he raised the level of the water in the creek—and if he made his dam to hold 10,000 cubic yards, where the water would go?

The Hon. J. M. DAVIES.—You could fill the tank in flood-time.
The Hon. W. S. MANIFOLD said that one could only fill a 10,000 cubic yard dam or tank once, and once it was full the water would run down the creek. If he built a dam across a narrow little gutter on private property, the tank would fill at once, and the water that fell from heaven would go on. What the Minister of Water Supply wanted would absolutely prohibit stock from being put on a very great deal of land. There were hundreds and thousands of places throughout the State where one could make a dam, but not a tank. Look at the millions of gallons of water that, in New South Wales and Queensland, simply sank into the ground; and was a man not to be allowed to conserve such water as that? He hoped the House would insist on its amendment, for honorable members had gone far enough in concessions. If the Council was not to have any force of its own, it might as well be wiped out altogether. He would urge the House to disagree with the Assembly's amendment on the Council's amendment.

The Hon. M. CUSSEN stated that he quite sympathized with Mr. Manifold, whose explanation of the amendment was fairly correct. Evidently that honorable member had a letter grasp of the position and of the circumstances than the person who drafted the Bill. But, at the same time, he would point out to the honorable member that there were reasons why the Council's amendment had been objected to. In his (Mr. Cussen's) electorate, dams at one period had been put across the River Loddon, and in flood-times these had diverted the river three or four miles out of the original course, and had led to a great deal of litigation. When this amendment went to the other House, Mr. Cullen and Mr. Gray pointed this fact out to that Chamber. The river he mentioned was not a boundary in this case.

The Hon. W. S. MANIFOLD. — They must be Crown allotments.

The Hon. M. CUSSEN said that the river was not a boundary.

The Hon. W. S. MANIFOLD. — It runs through Crown allotments, although one owner may have land on both sides.

The Hon. M. CUSSEN said that he understood that at one time it was the boundary of the allotments, but that the river was now diverted from its old course, and was passing through other places. What Mr. Manifold said about the conservation of water was true enough, but the matter was dealt with under the Bill as it was at present. The remedy was to make a tank, and to fill it with water from the running stream or creek. If a man constructed a dam, it would block the stream, and in the course of a year or two the dam would become silted up.

The Hon. J. M. PRATT.—A man would not be allowed to block a running stream.

The Hon. M. CUSSEN said that that was what the Council's amendment allowed.

The Hon. J. M. PRATT. — A man cannot stop a natural stream.

The Hon. M. CUSSEN said that the House would do well to remember that there were very good reasons why the Assembly had made its amendment on the Council's amendment, and he had been asked to make this explanation to the House. No doubt Mr. Pratt, who had represented the Avoca and Loddon country, would know something about the matter, and so also would Mr. Rees. It was at the request of the members of that district in the other House that the Assembly had made its amendment on the Council's amendment.

The Hon. J. BALFOUR remarked that he did not agree with the proposal of the Attorney-General that the Council should accept the Assembly's amendment. The provision objected to was put into the Bill by this House, and properly so. If the clause had been left as it was, any one who had a water-course on his land, or even a depression, would not have been able to make use of it by putting a dam across it in order to conserve the water. It would become a most serious thing if they provided that not only the water in running creeks, streams, and rivers, which were boundaries of allotments, should belong to the Government, but that the property-owner was not to be allowed to conserve water on his own land. It was to the advantage of the community that a land-owner should conserve the water. If it was to the public advantage that a man should make two blades of grass grow where one grew before, surely it was also to the public advantage to have water conserved for stock and domestic purposes, and to save the water that came from heaven. A man would not be able to do that, although the water fell on his own land. Speaking from experience, he (Mr. Balfour) could say that some of the best tanks on properties were those on water-courses which did not run all the year.
round, but which ran only when there was a heavy rainfall.

The Hon. J. M. PRATT observed that, like Mr. Manifold, he was surprised at the Assembly's amendment. It was the intention, and it ought to have been carried out in the Mallee when the leases were being granted, that the question of the conservation of water and cultivation should be in the single licence. It was most important that the conservation of water for stock should have been provided for in those leases, and he had always held that the fact that it was not was an omission. If settlers were not to be allowed to construct a dam or a tank on any natural water-course which was not a river it would greatly handicap settlement. Mr. Cussen had spoken about obstructions to the London. If there were obstructions there, they were placed there by the water trusts, and in doing that the trusts were carrying out the duties for which they were constituted. But he did not know that private individuals had ever done that. One could not cut off the water from people who were lower down the stream, and therefore it was nonsense to talk about that. If a man had a selection of 320 acres, and there was any place on that where he could construct a dam or tank, the man should be encouraged to effect that improvement. The Assembly's amendment virtually said that he was not to do that. A man could not do anything. He held that it was the duty of Parliament to encourage these selectors, in the northern areas particularly. There could not be too much water, for water brought water. The more tanks there were, the better, for in hot weather they had the effect of producing rain. If men were not allowed to construct these works on their own land they would have only barren country.

The Hon. W. LITTLE said he concurred in the remarks made by Mr. Pratt. There were blind gullies in various parts of the hilly country, which, after a thunderstorm, had a great flow of water in them, and no man should be prevented from making a dam to conserve the water. Common sense dictated to the man that that was the right thing to do. It was absurd to say that people living on land where the annual rainfall was only from 20 to 30 inches should be prevented from storing the water which ran down streams and rivers. He was entirely opposed to the amendment made by another place, and was in favour of the proposal as it left this House.

The Hon. J. STERNBERG said he was associated with the northern part of the State, and this matter had been brought under his attention. The clause, as altered by this Chamber, was accepted in the north as a very excellent provision. Under the circumstances, he felt that he was in duty bound to support the House in insisting on the amendment as passed by the Council. This provision would be useful to the selectors in the north. The dams were made on creeks at certain seasons of the year for the conservation of water, but if the amendment of another place was accepted, those dams could not be made.

The Hon. A. O. SACHSE said he thought there was some slight misconception. There would be no objection, as far as he could see, to a land-owner putting a dam on his land, but the objection came in where there was a running creek or a river. Mr. Manifold said that surely a man was entitled to the rain that fell on his land. In this case, it was not the rain that fell on a man's land. There was a selfish proposal involved, viz., to dam the water which came down, and thus to interfere with the rights of others.

Several HONORABLE MEMBERS.—No, no.

The Hon. A. O. SACHSE said that the selfish proposal was that the man could dam the water as it ran through his land, and thereby cut off the supply of others. Surely that was selfish. It was all very well for the man with the higher land to argue, but what would happen to the man on the lower land?

The Hon. D. MELVILLE said he was afraid that it had been forgotten that only a few years ago large sums of money were voted by Parliament for building dams. What was to become of the money sunk in the Wimmera district in tanks? Were those tanks to be done away with? These tanks and dams could only be filled when the creeks and rivers were in flood.

The Hon. J. M. DAVIES.—There is no objection to that.

The Hon. D. MELVILLE.—What then did it mean? He had travelled a good deal, and seen some of these tanks. An Act was passed to encourage the sinking of tanks to conserve water. He understood that this Bill would prevent a man from touching the river to fill the tanks, and if that were so, it would have a serious effect. The tanks, even on small properties, cost a good deal to sink. The fault hitherto found with men in the Mallee was that they did not sink enough tanks. He
thought the Act he had referred to was passed to provide settlers with advances to enable them to make tanks. This proposal, it appeared, would prevent these people from getting water for stock and domestic supply. The House would do right in adhering to its amendment.

The Hon. W. H. EMBLING said he understood that the objection to the Council's amendment was, as Mr. Cussen had stated, that one or two members in another place had said that a river was blocked up by some person or persons, and for that reason the whole State was to be penalized. The objection to the Council's amendment meant that in future there was to be no conservation of water in Victoria, because no man could make a dam or tank on his own land. Mr. Sache had spoken about creeks and rivers, but the words in the amendment of this House were plain. Those words simply conserved that right to private owners that should never be taken away from them. The whole Bill was a theory, and produced by a theorist who had not gone into practical matters. The very best proof of that was that when the amendment of this House went down to another place, one or two members there stated that a certain river had been blocked, and at once the Minister agreed to wipe out the Council's amendment.

The Hon. W. CAIX said that a great injustice would be done if the amendment of another place was carried. The first thing that the settler did was to conserve water, and he did not go on the top of a hill, but into a valley where there was a flow of water. In that valley he constructed a dam which was the simplest work for him to do. If a dam were not suitable the settler would make a tank. If the amendment of another place were adopted, that man would be able to do neither. The Land Act might as well be burned, and the settler told, "We do not want you here." The Attorney-General stated that a settler might block a stream to the detriment of the man below him. That could not be done, because the man below had his rights.

The Hon. D. E. McBRYDE stated that as far as he understood this matter, it virtually meant that every endeavour was being made to do away with private enterprise. It ought to be the endeavour of the Government to assist private enterprise in every possible way, and particularly in conserving water. He had had the misfortune of being in Central Australia for many a year, and consequently he knew something about the conserving of water. The Bill from the first clause to the last showed that its framers knew nothing about what they were doing. He regretted that the Chamber went as far as it did in accepting the Bill.

The Hon. J. M. DAVIES rose to a point of order. He wished to know if Mr. McBryde was in order in discussing the whole Bill on this amendment?

The PRESIDENT.—I do not think the Attorney-General can object to Mr. McBryde using that argument to show that the House should insist on its amendment. If Mr. McBryde thinks that the action of the House on the Bill is such as to render it necessary not to agree to the amendment of another place, that is an argument he may use.

The Hon. J. M. DAVIES.—Mr. McBryde is reflecting on the action of the House.

The Hon. D. E. McBRYDE said he had no wish to say anything that would give offence to the Attorney-General. He (Mr. McBryde) had had a great deal to do with water conservation, and he thought it was the duty of the Government to afford every facility possible to private enterprise to conserve water. He intended to support Mr. Manifold's amendment, and he hoped honorable members would support it and stick to it.

The motion was negatived, and the amendment was disagreed with.

The Hon. J. M. DAVIES said that the next amendment was in connexion with clause 41. The Council omitted this clause, and the Assembly had disagreed with that amendment. He was not prepared to support the disagreement of the Assembly, and he supposed that he ought to leave it to some one else to move that the amendment be not insisted upon.

The Hon. R. B. REES.—This is the minimum wage clause.

The Hon. J. M. DAVIES moved—That the House do not insist on this amendment.

The amendment was insisted on.

The Bill was ordered to be returned to the Legislative Assembly with a message intimating the decision of the House.

McANULTY SUPERANNUATION ALLOWANCE BILL.

The Hon. J. M. DAVIES moved the second reading of this Bill. He said it was a Bill to provide for a superannuation allowance to Mr. McAnulty. In carrying out the recommendation of the Royal Com-
mission on legal matters, Parliament passed an Act providing for the appointment of a Taxing Master. Mr. McAnulty up to the end of June last had filled the position of taxing officer for a good many years. Pursuant to the powers of the Act, another gentleman was appointed as Taxing Master, and that left Mr. McAnulty to go back to the position he occupied as clerk previously in the Crown Solicitor's office. Mr. McAnulty refused to do so, and, after an inquiry by a special board, the Public Service Commissioner recommended that his services be dispensed with. That recommendation would have been given effect if it had not transpired that Mr. McAnulty was in a state of health which would excuse him for the act he had done. Taking everything into consideration, it was thought that his act in refusing to go back to his position should not be visited against him, and that a pension should be provided for him, just as if he had retired from the Public Service. He proposed, in Committee, to make some alteration in the application of the pension. He did not intend to deal with that tonight, but the intention was that a great portion of the pension should be paid to Mrs. McAnulty, and the remainder to Mr. McAnulty. A deed had been prepared providing for that, but it had not been executed, and it had been intended to have it executed as soon as the Bill was passed. It had, however, been thought necessary to make the necessary provision in the Bill, so that the greater portion of the pension would be paid to Mrs. McAnulty, and a small portion only to her husband.

The Hon. D. E. McBryde.—What is the amount of the pension?

The Hon. J. M. Davies.—About £280, out of which it is proposed to pay £250 to Mrs. McAnulty, and the balance to Mr. McAnulty.

The Hon. W. H. Edgar.—Is that on the assumption that he has arrived at the age of 60 years?

The Hon. J. M. Davies.—Yes. Mr. McAnulty had been nearly 36 years in the service, and his pension would be based on 35 years. If he had been in the service one month and sixteen days longer there would be another sixtieth added to the pension.

The Hon. J. Balfour.—What is his age now?

The Hon. J. M. Davies said he thought it was about 54, but he could not say exactly.

The Hon. R. B. Rees.—What was his salary?

The Hon. J. M. Davies.—It was £485 per annum.

The Hon. J. Balfour said he had followed in the public press what had been stated about this matter, and from all that he could gather Mr. McAnulty was at the time either in a very bad state of health or his mind was not in a clear state. It was proposed to treat him as one who had reached the age of 60 years. He would support the principle of the Bill.

The Hon. R. B. Rees said he thought this was a most extraordinary thing to propose. Mr. McAnulty had reached the age of 54 years, and had disobeyed the orders of his superiors. It was certified by a medical officer on behalf of the Government that he was not insane. Yet it was proposed that a man who had been receiving £485 a year should get a pension for the remainder of his life. The country was already loaded with pensioners, and now it was proposed to add another. He would like to know if the Government gave the same consideration to the railway men, who, though they did wrong against the country in striking, were under great duress because they belonged to an association that was going in a certain direction, so that it was impossible for one man to stand down as against the whole body? Mr. McAnulty stated that he was under the Chief Justice, and not under the Attorney-General, and he fought the question and lost; and now, because he had disobeyed his superiors, the House was asked to agree to this proposal to pay him a pension. It was indeed a most extraordinary proposal. Under this Bill it was proposed that Mr. McAnulty should receive £280 a year for life. He was 54 years of age, and might probably live till 80. It was extraordinary that no details were given of Mr. McAnulty's work, and the reasons why he was leaving the service. There seemed no reason why he should be treated differently from any one else. A number of public servants were no doubt dismissed from time to time for various causes, and their pension rights were forfeited, but in the present case the pension rights were preserved without any reason being given.

The Hon. W. Cain.—The Attorney-General is satisfied.

The Hon. R. B. Rees said the House was entitled to be satisfied also. At all events he thought he was entitled to further information before being asked to vote for
the second reading of the Bill. The statement made by the Premier in introducing the measure in another place was of a most meagre character. Honorable members were asked to swallow the Bill holus bolus without any real explanation. Mr. McAnulty might be entitled to the £280 a year, or he might not be. Either the man himself was being badly treated, or else the country was badly treated in having to pay him a pension. This man had been dismissed the service.

The Hon. J. M. Davies.—He has not been dismissed the service.

The Hon. R. B. Rees said that it was only the difference between tweedledum and tweedledee. Mr. McAnulty had been cashiered in some way. A board appointed under the Public Service Act had held an inquiry, and the Public Service Commissioner had recommended the man’s dismissal. He (Mr. Rees) understood that he had been dismissed accordingly.

The Hon. J. M. Davies.—He has not been dismissed accordingly.

The Hon. R. B. Rees said he accepted the Attorney-General’s statement. But in any case some information should be given as to why the Public Service Commissioner recommended Mr. McAnulty’s dismissal. As the matter now stood he might go on receiving £280 for the next twenty-five years, and that was a large sum for the country to have to pay. Victoria was paying quite enough pensions already, and many of our public requirements were being depleted of funds through this expenditure. This gentleman had been drawing a salary of £485 a year, and the public servants in positions of that kind should be able to provide something for a rainy day. Many of them spent their money in an almost profligate manner, and then they expected the frugal people of the community to pay taxes to keep them going in their old age or when struck down by infirmity.

The Hon. W. J. Evans said that when the last speaker commenced his remarks he (Mr. Evans) thought that he was going to support the Bill, inasmuch as he was making a comparison of Mr. McAnulty and others. No one could gather from his remarks, however, that Mr. McAnulty was to have something which he had not earned. He (Mr. Evans) was very much in favour of the Bill, yet he could not understand why it had been brought in. It was not necessary to bring in a Bill to give Mr. McAnulty what the law already bestowed upon him. There must be something behind the measure which was not disclosed, especially when regard was had to the action of the Government in respect to another employé, who had found it necessary to go into a court of law with his claim. In the latter case, the Government took up the position that they had the right to call upon an officer to leave the service at any time, and that his accrued rights were at the same time wiped out. The employé, however, took the Government to court, and got a unanimous decision in his favour, and now the case was going to a higher court. It occurred to him (Mr. Evans) that this Bill might have a bearing on that case. All the same, he could not understand why the age of sixty should appear in the measure at all, particularly as Mr. McAnulty was not the only man who had been deprived because of infirmity. The House was entitled to know why the Bill was brought in for one officer any more than for another officer. When the existing law gave an officer the one-sixtieth allowance, where was the necessity of bringing in a Bill for the purpose? The same allowance of pension had been given to hundreds of public servants before, without any special Bill being passed, and surely it was not proposed by members like Mr. Rees that there should be repudiation with regard to other public servants similarly situated to Mr. McAnulty? There was indeed, some peculiarity in connexion with the present case. The present Government took credit for being economical, but here was a man who had been performing duties as Taxing Master for ten or twelve years at £480 a year, and suddenly another man was appointed as taxing officer in his stead at £700 a year. The Attorney-General had stated that he had selected for the position of Taxing Master the best possible man. Probably he did; and, considering the position he occupied as head of the Law Department, honorable members had to regard his opinion as valuable. There was, however, this peculiar thing about the matter, that the individual appointed was a leading man in the reform movement, and did work in the same office with another applicant for the position. It looked as if Mr. McAnulty had been driven out of his position; that for no fault of his own he had been squeezed out of his office.

The Hon. J. Balfour.—No; he put himself out.

The Hon. W. J. Evans observed that Mr. McAnulty had held the position for a
long time without any complaints being made about the way in which he performed his duties, and he could not understand why his services should be suddenly dispensed with. But, supposing there had been complaints made against him, look at the wide difference which there was between the salary paid to Mr. McAnulty and the salary paid to his successor. It was a wonder Mr. Rees had not touched on that point.

The Hon. R. B. Rees.—I left that for you.

The Hon. W. J. Evans said he was glad that Mr. Rees had left him something to speak about, but he would now reiterate his original point that the House was entitled to know what the necessity was for this Bill at all, seeing that it was the custom to pay officers who were retired the usual sixtieth, without any Bill whatever. Section 207 of the Public Service Act 1890 was as follows:

All persons classified or unclassified holding offices in any department of the Public Service at the time of the passing of the Public Service Act 1883, except persons appointed since the passing of the Act No. 710, shall be entitled to superannuation or retiring allowance compensation or gratuity to be computed under provisions of Act No. 160, but save as aforesaid nothing in this Act shall in any way affect alter or vary the enactments in the last preceding section, so as to give any person appointed under the Public Service Act 1883 or hereunder any claim to any pension superannuation or other allowance.

If any one looked up the debate that took place on the passing of that law, he would see that a great deal was said about the giving of full security to the public servants. There had been at one period a Black Wednesday when many officers were put on one side, regardless of their claims, and it was then in 1890 the intention to give public servants security of tenure, with rights of compensation or pension. That being so, he (Mr. Evans) would very much like to hear the Attorney-General explain why this Bill was brought in at all. As far as the merits of the present case were concerned, he (Mr. Evans) thought that Mr. McAnulty, having served faithfully for so many years, was entitled to his sixtieth for every year of service, seeing that the present condition of his health was such that the Government could not retain him. With regard to what the Attorney-General had said as to what was to be done with the money, he (Mr. Evans) thoroughly agreed, but, as he had said before, the thing that puzzled him was why it was necessary to have the Bill at all.

The Hon. W. H. Edgar said that honorable members had the fullest confidence in the Attorney-General, especially in his administration of his Department, and in his conduct of the House. Were it not for the fact that the Attorney-General had introduced a Bill, and given information with regard to it, a good many doubts would have arisen with regard to the measure. The case of Mr. McAnulty appeared to be a very special one. After 35 years of public service in the performance of very important public duties, and bearing very onerous responsibilities, the officer had been displaced by the appointment of another person from outside the service, which appointment was made in accordance with an Act of Parliament. If there was anything calculated to dishearten a man who had done years of service, it was the bringing in of an outside man to take his place. He (Mr. Edgar) did not know if there was any officer fit for the position in the Law Department, but, surely, there was no necessity for going outside the Department.

The Hon. J. M. Davies.—There was not one who could be appointed from the Department, if we were to fulfil the requirements of the Act.

The Hon. W. H. Edgar remarked that if Mr. McAnulty had been giving satisfaction up to the time that the new Act came into force, and a new Taxing Master was appointed in his place, then that circumstance was sufficient to upset his equilibrium. It was a very serious thing for a man in a position such as he held, and with prospects of promotion, to be suddenly supplanted by somebody from outside at nearly double the salary.

The Hon. J. M. Pratt.—He must have known that the change was coming.

The Hon. W. H. Edgar said that Mr. McAnulty could not see the change coming, and had not been able to see it until this day. It was quite evident that Mr. McAnulty acted in a very eccentric manner, and the blow which he had received by being supplanted might have been sufficient to upset his mental balance altogether. His case had been dealt with by the Public Service Commissioner, and had been dealt with in a very special way. Evidently the state of the man's mind had been taken into consideration. As he read the case, Mr. McAnulty had not been responsible for some of his actions, and it seemed to him (Mr. Edgar) that the mere fact of introducing the outside element—the appointing
of a man in his place from outside—had probably something to do with his present unfortunate state of health. Altogether, it seemed to be a very special case, indeed, and one the circumstances of which were sufficient to warrant the introduction of this Bill to grant the officer a pension of £280 a year. The Attorney-General had said that Mr. McAnulty had not been complying with the Act.

The Hon. J. M. Davies.—I did not say that.

The Hon. W. H. Edgar remarked that the Attorney-General had said something to the effect that Mr. McAnulty was not competent to comply with the provisions of the Act.

The Hon. J. M. Davies.—He could not have been appointed Taxing Master.

The Hon. W. H. Edgar said that, at all events, he (Mr. Edgar) had never heard any objection taken to the way in which Mr. McAnulty had carried out his duties. The introduction of an officer from outside had apparently finished up Mr. McAnulty's career, and the Government, in a sympathetic moment, and finding that the officer had done nothing worthy of dismissal, now proposed to compensate him at the rate of £280 a year. It was a very special case, but if it was to be regarded as a precedent, then they would be introducing a very dangerous element into the Public Service. He hoped that in Committee the Attorney-General would let honorary members have a little more light on the matter. In any case, the House did not wish to deal unfairly with any member of the Public Service. There was an impression abroad that Mr. McAnulty was ousted from a position which he was qualified to fill, and that an outsider had been taken in to fill his place. If that were so, he (Mr. Edgar) would point out that it was matters of this kind that dislocated the Public Service, disheartened the officers, and brought about an unsatisfactory state of things.

The motion was agreed to, and the Bill was then read a second time, and committed.

On clause 1.

The Hon. J. M. Davies said that he intended to propose certain amendments, which he would have printed and circulated. These amendments would provide for the greater part of the pension being paid to Mrs. McAnulty. He begged to move—

That progress be reported.

The motion was agreed to, and progress was reported.
New Zealand 84 per cent. In England the law compelled all children to attend school every day when the school was open. The Victorian Act was very faulty. It provided that the children must attend 75 per cent. of the number of meetings of the school, the school meeting twice a day; and prosecutions for truancy could only be brought about after the quarter was ended, when all the shortage of attendance of truants was gathered up, and the parents were pursued with fines and imprisonment. Of course the imprisonment was exercised to only a very slight extent, as the fines were usually, and, in fact, always paid. In New Zealand the children must attend four meetings out of six in a week, or six out of eight, or eight out of ten. Here, before it could be proved that a child had not been present at 75 per cent. of the sittings of the school, the Department must wait, according to the Act, until the expiration of the quarter, and by that time the parents very often were no longer in that school district. Even if a truancy inspector saw in the street a child that he had every reason to believe was “wagging it,” or playing the truant, he had no power to take up that child. He might question it, but he had no power to detain it, and he would have to wait until the whole quarter had expired before he could make any inquiry as to what that child had been doing, and the number of days it had attended school. Before the quarter was out, it was quite possible that the child might make up his average, but in the meantime the child had got on the streets, mixing with undesirable companions, and sowing the seeds of no end of evil, and perhaps crime in the future. Perhaps an even worse feature still was that the pupils who attended regularly were always kept back in their progress by reason of these irregular children coming at erratic periods to the school, and having to be brought up before the general class could be raised by the schoolmaster, so that good and regularly attending pupils in the schools were actually kept back. Again, as the schoolmaster’s status and progress in the service depended to a very great extent on the progress made by the children in his school, and the number of marks and the proficiency the children attained, the school teacher had to suffer, so that his or her progress was also kept back. One could imagine—and it was a fact, too—that in a class where the pupils were erratic in their attendance, the schoolmaster or schoolmistress in charge of the class was unfairly kept back from his or her promotion. It could, therefore, be seen that in the interests of the teachers themselves, a better system of truancy inspection and truancy prosecution should be insisted upon. He proposed in the Bill to embody in our education law certain sections from the New Zealand Act. By clause 3 it was provided that the parents of children of not less than six years or more than thirteen years of age must cause such children, unless there was some reasonable excuse, to attend a State school not less than four times in any week in which the school was open six times, or not less than six times in any week in which the school was open eight times, or not less than eight times in any week in which the school was open ten times. Consequently, when a school was doing its full week’s work of ten meetings, the child must attend eight times out of ten, or, in other words, the child might be away one day in the week without the parents getting into trouble. This was practically a copy of the New Zealand Act, which had been found to produce in New Zealand the cure that the Department trusted it would produce here. It might be said that it was not always convenient for children to attend school in certain country districts, or when it was raining very heavily, but those cases would come under the description of “reasonable excuse,” which was provided for in this Bill, and in the present law. “Reasonable excuse” was defined very plainly in sub-clause (4) of clause 3, as follows:—

(i.) that such child is under efficient and regular instruction in some other manner and is complying with the like conditions of attendance as are prescribed under sub-section (4) of section 3 of this Act with regard to attendance at State schools; or

(ii.) that such child has been prevented from attending school by sickness fear of infection temporary or permanent infirmity or any unavoidable cause; or

(iii.) that such child is of the age of twelve years and has received a certificate of having been educated up to the standard; or

(iv.) that such child has been excused by a general or particular order of the Minister; or

(v.) that there is no State school which such child can attend within a distance from the residence of such child—

(e) if under seven years of age of one mile; or

(f) if seven years of age but under nine years of age of two miles; or

(g) if nine years of age but under eleven years of age of two and a half miles; or

(h) if at least eleven years of age of three miles;
Attendance at any other school would be accepted by the Department, provided that the ordinary compulsory curriculum of a State school was taught there. This was a very simple matter—the simplest of all educational standards. It consisted of reading, writing, and arithmetic, spelling and composition, and nothing else. Those subjects could be taught even in the simplest of all children’s schools, and if they were so taught the Department would accept attendance at such a school as a reasonable excuse for absence from a State school if the name of the child happened to be on the State school roll. It might seem, perhaps, rather harsh to prosecute parents if a child was away from school for more than the number of sittings prescribed, but there was another side to the story. To kindly-disposed people it might seem almost incredible that such a practice should exist, but it actually did exist, of parents and guardians exploiting little children’s labour, and keeping them working at home—children of tender years, of seven, eight, nine, and ten years of age—doing laborious work, and not allowing them to go to school. Any parent who was so thoughtless, or so cruel, as to exploit his children in this way, and to prevent them from attaining that necessary thing—a little education—to fit them for their progress in life, was beyond our consideration, and certainly should receive some punishment. In any case, the child should receive a certain modicum of education, no matter what the parent might have to suffer for it. Up to the present there had been many instances, he was sorry to say, in which parents seemed to care very little indeed about the education of their children. They seemed to look upon it as a sort of necessary nuisance that their children should have to go to school. He did not think, however, the most trusted Conservative could possibly say that education for children was not necessary—absolutely necessary for their success and progress in life. It had been said that the system of education that we were giving the children—this compulsory education—was undermining the workers, and preventing them from desiring to do honest, laborious work, but he thought that any thoughtful man or woman who gave this matter a little consideration would surely agree that an educated worker, no matter if he was the commonest labourer, was better than if he were an ignorant person. No one, he thought, could possible defend illiteracy, and, what-
tion in the case. The truant officer then reported the result of his inquiries to the Department or the local board of advice, and at the same time made his recommendation as to prosecution. When the truant officer forwarded to the correspondent of the board of advice the result of his investigations, the board might make further inquiries. After considering the report, the board selected the cases for prosecution, and instructed the truant officer to prosecute accordingly. The truant officer then forwarded to the board and the Department the result of the prosecution. As the boards in many of the country districts declined, or were unable, to assist in enforcing the compulsory clause, the Department authorized the truant officer to prosecute in cases of default. And these were the steps which had to be taken to make little Tommy Brown go to school more regularly! The whole thing was working into a farce. We had all the machinery for carrying out the compulsory clauses of the Act, but it would not work, it was so complicated.

The Hon. R. B. Rees.—Cannot the truant officers prosecute direct?

The Hon. A. O. Sachse said that they might do so on orders from the Department, but under the present system this was only increasing the complication. The duty was thrown on boards of advice in the country. He did not want to say anything against boards of advice, but he was compelled to say that members of boards of advice very often were disinclined to prosecute. For example, a little local grocer would not care to prosecute a man who bought goods from him, and, consequently, in many cases prosecutions did not take place which ought to take place. By the Bill now before the House the Department took proper power to see that a prosecution was carried out, whether it was by a board of advice or by the Department.

The Hon. R. B. Rees.—But you do not take proper measures to inform the parents that the child is not attending school.

The Hon. A. O. Sachse said that all that was provided for under the Bill.

The Hon. R. B. Rees.—In what clauses?

The Hon. A. O. Sachse said he would give the honorable member every information as to details in Committee. Provision was made in the present Act for a truant officer accosting and detaining children apparently of school age whom he found loitering in the streets during school hours in Melbourne and the larger towns of the State. It was a part of the duty of truant officers to carry out this provision. Where a truant officer found a child apparently of school age loitering in the street, he detained him, and asked for information as to his age, name, school last attended, or any other information he considered necessary. If the child had been attending a State school, the truant officer inspected the school rolls, in order to ascertain whether the child was a defaulter, and if it was found that the child had failed to comply with the provisions of the compulsory clause, the case was reported to the Department or board of advice, as the case might be. If the child said he had attended a private school, the truant officer endeavoured to ascertain from the proprietor of the school whether the child had fulfilled the conditions of the law as regarded attendances. If the child had not been attending a school the matter was reported to the Department or board of advice, the truant officer having in the meantime made full investigation. In many of the sparsely-settled districts there were no truant officers employed. It could be easily understood that where there was an attendance of only ten or fifteen at school it was not usual to employ a truant officer. In these cases the local police were authorized by the Department to prosecute defaulters. The proprietors of private schools were required to furnish half-yearly returns, showing the names, ages, and attendances of children of school age enrolled at such schools. There was no regulation as to the marking of school rolls with regard to private schools, such as was enforced in the State schools. The truant officers had no legal power to inspect the class rolls of private schools. So that if a child told the truant officer that he was attending such-and-such a private school, there was really no power to the truant officer to ascertain whether the child was attending that school or not. The present Act, therefore completely failed in this respect, and the result was that we had 67 per cent. only of children attending school, as against 84 per cent. in Great Britain.

The Hon. W. S. Manifold.—What is the reason for that?

The Hon. A. O. Sachse said it might be that our climate was particularly pleasant, so that the children preferred to play about outside rather than go to school.
The Hon. W. H. Edgar.—Is it not lax supervision on the part of the parents?

The Hon. A. O. Sachse.—Not altogether. A boy might leave home with his books, apparently on education bent, but before he crossed the paddock he might take it into his head to have a holiday, and perhaps might not attend school for two or three days, without the parent knowing that he was absent. This would be got rid of by the present Bill, because the teacher would report, and the truant officer would attend both at the house of the parents and at the school before the week was over.

The Hon. R. B. Rees.—Where does the reporting by the teacher come in this Bill?

The Hon. A. O. Sachse said he would give the honorable member every information in Committee. He wished to point out that there was very regular attendance on the part of a large number of children, in fact, in some cases, the attendance was quite extraordinary. A certificate was signed and issued by the Minister as a sort of honour certificate to children who attended with great regularity, and he (Mr. Sachse) had sometimes to sign a certificate for children who had attended school for three years without missing a single day in the whole of that time. This showed that those children who wished to go to school found no difficulty in doing so, and that there was really no reason for non-attendances of children unless there was a proper excuse such as one of the reasons set forth in clause 3 of the Bill. It seemed very illogical to continue the present faulty system while Parliament was providing such a large sum of money—over £600,000 per annum—for education. There was a great army of teachers waiting for pupils to instruct and do their best to render them successful men and women in after-life, and yet, owing to the present lax supervision, and the carelessness of parents—in many cases even worse than carelessness, because the children were kept at work instead of being sent to school—no less than 85-257ths of this £600,000 was spent without any return being received for it.

The Hon. R. B. Rees.—Would you not allow the children to stay away during the fruit season at Mildura, for example?

The Hon. A. O. Sachse said there were districts in Victoria where it was proposed to give a moratorium, as it were—where children would be allowed to stay away a week, a fortnight, or more. This applied to such places as Rutherglen during the grape-picking season, and Mildura during the fruit season. There was no desire to keep back the father and mother in their progress in life. The Department of Public Instruction went to this extent in some districts, that it arranged that their holidays should be better distributed in accordance with the needs of the crops and produce of the country, for it was found that the holidays should not be on the same days in all districts alike. The Department had no reason to complain, so far as the parents were concerned, in connexion with gathering in any particular crop, for the work involved in that only occupied a short time during the year. But the Department did complain where the father and mother kept the children at home, performing perfunctory work. He could not imagine anything more cruel—he was going to say more criminal—than keeping little children from obtaining a certain modicum of education, which would give them some chance in life. The poorer the parents were, the more important was the compulsory clause. The poorer a boy's parents were, the more care the State should exercise in seeing that he obtained education so as to help to bring him into a better way of prosperity, and give him more hope in life. The well-to-do class in the country who sent their children to schools where they paid for their education required little looking after. The fact that the parents had to pay fair fees for education was a pretty sure guarantee that their children were getting value from the school. There was no amount of truancy in those cases, and the Department really had not to concern themselves with those children. But the Department did concern itself sympathetically with the children of very poor parents, for those children, unless they got a little education, would be very poor indeed all through their lives. Last year he took the trouble and went to the expense of sending the Director of Education over to New Zealand to report as to the administration and other aspects of education in that Colony, because he thought, in the matter of education, a little money spent in a matter of that kind was money well spent. He liked to think that we, in Victoria, were keeping up with the foremost countries in the world in connexion with useful education.

The Hon. W. H. Edgar.—Do you think it is all useful teaching at the present time?
The Hon. A. O. SACHSE said that he thought the Department was doing everything on utilitarian lines at present. At the same time, it was not desired to cramp the whole of the artistic sentiment in the children. The Department was trying to bring forward the artistic element in the children, and there was no reason why, in educating a child, the teaching should not be done in an attractive manner, so as to give it some interest. This end was sought in kindergarten work, or nature studies, or little lecturettes, so as to impress upon the children facts which they would not otherwise have grasped.

The Hon. W. H. EDGAR.—Is not the fifth or sixth class examined in about sixteen subjects?

The Hon. A. O. SACHSE, said that that was not so at all. The subjects were divided into different grades. For instance, in reading and writing, the subjects would be divided into different grades. In history also there would be different grades. There were grades or branches of all these subjects, and it, therefore, could not be said that there were sixteen subjects. The subjects were practically those which were set forth in the schedules to the Act, and the Department did not exceed that.

The Hon. W. H. EDGAR.—Have you a uniform time-table in all the schools?

The Hon. A. O. SACHSE said that there was so practically. Mr. Tate, reporting on the New Zealand system, referred to the statistics in connexion with compulsory attendance in New Zealand. He said—

From this it will be seen that a defaulter can be dealt with at the end of the week in which the default occurred, and further, that in the case of persistent default over comparatively brief periods, charges can be made cumulative. For example, while I was in Dunedin, a parent was fined on three charges, representing defaults in three separate weeks, taken from a period of six weeks of the school term. The popular appreciation of education in the colony is shown by the strictness with which the magistrates administer the Act. In New Zealand the maximum fine for a default during a week is 25. In Victoria fines of 1s. and 2s. 6d. for serious default extending over three months are common, and instances of justice expressing want of sympathy with the Act are not unknown. But the real obstacle to the efficient carrying out of the compulsory clause in Victoria is the obligation imposed upon the Department to wait till the end of the quarter before a prosecution can be entered upon. This makes the work of street supervision almost impossible, for a truant officer may observe a child playing in the streets or on the wharfs for a week at a time, but he cannot do more than make an inquiry into his attendance during the past quarter, or take a note of him for use at the end of the current quarter. Probably the child will be lost sight of before the end of the quarter, for these defaulters often belong to families which are constantly on the move. The best preventive of systematic irregular attendance is such a clause as that of the New Zealand Act. Under its provisions a defaulter has to be observed but two days in succession, and a case has been made out against him. Again, irregular attendance is largely a matter of habit, and the attendance of other children than street habits is greatly improved when the beginnings of lax attendance are dealt with. It may be argued that the fine does not cover the temporary irregular attendance of his child during so short a period as a week places the parent at the mercy of the administration, but in practice none but genuine defaulters are prosecuted, and there is provision for the registration of reasonable excuses with the teacher or with the School Committee, and power is given to issue exemptions in case of need. As a matter of fact, although the individual fines are heavier than with us, the number of prosecutions throughout the year is less.

Our prosecutions here numbered more in the year than the prosecutions in New Zealand. But in Victoria it was very hard to prove a case of truancy, whilst in New Zealand the prosecutions were instituted while the case of truancy was fresh, and while the facts were easy of proof. He did not think that there was anything more that he need touch upon, as he believed that he had dealt with the leading features of the Bill. But he would give honorable members a few figures which might be interesting. He had pointed out that in Victoria, where there was an attendance of 67 per cent., 85,000 children every day were not attending schools. If we had the New Zealand percentage of attendances, or an additional 16 per cent. of 257,000 children, we should add 44,546 to the number of children attending the schools per day. That was the difference between an attendance of 83 per cent. and an attendance of 67 per cent.

The Hon. W. H. EDGAR.—If they were all attending, you would have to increase the teaching staff.

The Hon. A. O. SACHSE said that he did not think that, but he would sincerely hope that we should require more teachers; but he did not think such a thing would happen. If we had the English percentage, and had an additional 15 per cent. of 257,000 children, that would equal an added number of 38,550 children attending school. That was to say, that if we had an attendance similar to that in England we should have 38,550 more children attending the schools, and he saw no reason, if this Bill was passed, and the same compulsory provisions could be brought into
operation, why we should not have that extra 38,550 children per day attending the schools. There were, of course, many ramifications of the subject which might upset those figures, and those figures, therefore, must only be taken as approximate.

An Honorable Member.—What is the proportion of truancy between town and country?

The Hon. A. O. Sachse said that truancy was worse in the country districts than in the cities. In the city the means of communication were easy, and children had not to go the same distance that they had to go in the country. But in the city no doubt there was a greater temptation to avoid school. The temptations of the city had some charm for boys, but there was not a very great difference between the amount of truancy in the city and in the country, though he understood that truancy was worse in the country districts.

There was another disturbing factor in connexion with the school attendance, and that was in cases where parents purposely kept their children at home and exploited them for their services. That existed as much in the cities as in the country, or even more. The country people seemed to be more eager to send their children to school than the city people were. In England, as he had explained, the compulsory system was very rigid. The parent of every child of not less than five nor more than fourteen years must cause the child to attend school, unless there was a reasonable excuse for non-attendance. The reasonable excuses accepted were practically the same as in Victoria. In Western Australia, unless some reasonable excuse for non-attendance was shown, the parent of every child not less than six nor more than fourteen years of age, “shall cause such child to attend school on the days on which such school is open.” That was much more stringent than the position in Victoria. In Tasmania the child must attend each day the school was open. In New South Wales children between six and fourteen years of age must attend school for a period of not less than 70 days in each half-year. In South Australia children between seven and thirteen years of age must attend a public school or a certified efficient school for a period of not less than 35 days in each school quarter. In Queensland children of not less than six nor more than twelve years of age must attend school for 60 days in each half-year. In New Zealand children between seven and fourteen years of age were required to attend school not less than four times in any week that the school was open six times, six times in any week that the school was open eight times, and eight times that the school was open ten times, morning and afternoon attendance being specially counted. The only difference from all these that we appeared to have here was that we followed up our fines with imprisonment if the fines were not paid. The imprisonment clause was in the existing Act, and he did not think that there need be any fear on the part of honest parents with regard to the imprisonment clause. He, therefore, did not propose to repeal it, but had lessened the penalty to a term not exceeding three days instead of, as at present, seven days. He thought that the fear of imprisonment, in some cases, had a much better effect than a mere fine of 15. or 25. Those were the general principles of the Bill, and he thought he could recommend it with confidence to the House. He felt that we could have no satisfactory system of education in Victoria without a compulsory clause, and we could not do better than adopt more stringent provisions than we had in the past, and unless we insisted that every child of school age should, no matter what the consequences might be, attend a properly-equipped school giving a minimum amount of education. If we wished to become a nation of any importance, whether an agricultural nation or a manufacturing nation, or both, our only hope in the future would lie in our having properly-equipped schools for our young people, so that when the children grew to manhood or womanhood they would be properly fitted to fight in the competition of the world’s markets. He recommended the Bill to the House with the fullest confidence.

On the motion of the Hon. J. Balfour, the debate was adjourned until Tuesday, October 31.

VICTORIAN RAILWAYS MOTOR BILL.

This Bill was returned from the Legislative Assembly, with a message acquainting the Council that the Assembly had disagreed with the amendment made by the Council.

The message was ordered to be taken into consideration on Tuesday, October 31.

ADJOURNMENT.

The Hon. J. M. Davies said it might be convenient to honorable members who lived in town to meet every week, but he
felt it was rather too severe upon honorable members who resided a great distance from Melbourne to come down every week for one day’s sitting. Therefore, he thought it was advisable, in their interests, to move for an adjournment until this day fortnight. There would be some business to do next Tuesday, but it would not be continuous work. On Tuesday fortnight he hoped honorable members would be prepared, if necessary, to sit continuously, even on Thursday. He begged to move—

That the House, at its rising, adjourn until Tuesday, October 31.

The motion was agreed to.

The House adjourned at five minutes past nine o’clock, until Tuesday, October 31.

LEGISLATIVE ASSEMBLY.

Tuesday, October 17, 1905.

The Speaker took the chair at half-past four o’clock p.m.

EIGHT HOURS ART UNION OF 1902.

Mr. BOYD asked the Premier when would he present to the House the result of his inquiry into the Eight Hours Art Union of 1902, as promised last session?

Mr. BENT.—I have already indicated to the honorable member for Essendon, who moved the amendment, and to the honorable member for Albert Park, who moved the motion—and I make the same promise now—that if a committee is appointed by this House, and it brings up a resolution that will have the effect of guarding the industries under the Tariff, I shall be most happy to adopt it. That is my only desire, and I am pleased to say this, because there is no one who is more desirous than I am that this should be done, for, at any rate, it will save us from any trouble in regard to this matter in the future. I shall be happy if a committee is appointed, and brings up a resolution, to agree to the resolution.

Mr. BEAZLEY.—Will the Premier consent to the committee being appointed now?

Mr. BENT.—We will consult with you, and take the responsibility of bringing it up.

Subsequently,

Mr. BEAZLEY said—By leave, I desire to move a motion dealing with the question that was discussed last week. The Premier called the Minister of Water Supply, the honorable member for Essendon, the honorable member for St. Kilda, the leader of the Opposition, the honorable member for Prahran, the honorable member for Altona, and myself to a conference, and we arrived unanimously at a decision as to a motion which, we thought, would meet the wishes of the House, and carry out the intentions of myself and of the Government and of the mover of the amendment on the motion I submitted last week. These honorable members were good enough to place the motion in my hands, and I wish to tell the House that I very much appreciate the courtesy. I beg to move—

That in obtaining machinery, goods, or material for the service of the State, the Government shall, with a view to the encouragement of our own manufacturers and producers, give substantial and effective preference to those manufactured or produced in the Commonwealth; and further that the prices and tenders for all machinery, goods, or material so obtained which are manufactured or produced outside the Commonwealth shall be laid on the table of the House at the end of each financial year, or as soon thereafter as Parliament meets.

The object of adding the second part of the motion was in order that we could see what
The officers in the Departments were purchasing during the year, and that Parliament might be informed of what was being done in that direction. I desire to express my pleasure at what I consider the successful conclusion arrived at.

Mr. WATT.—I beg to second the motion, which, I trust, will meet with unanimous approval at the hands of honorable members.

Mr. BENT.—As honorable members are aware, in the early part of the evening I made the same offer as I made the other night, and the honorable members referred to by the honorable member for Abbotsford met. Although, perhaps, the wording of the motion may not altogether suit everybody, still, at the same time, we are anxious to show, at any rate, that we desire that the policy of this State, shall be carried out, and, therefore, on behalf of the Government, I have accepted the motion. I am very pleased to think that we have been able to arrive at a conclusion. I am especially pleased with the last words used by the honorable member for Abbotsford that, in putting this return on the table of the House, we shall see that the officers of the Departments carry out the wish of the House, and take the responsibility off our shoulders.

Mr. GAUNSON.—Before the motion is put, might I be allowed to throw out a suggestion? It is all very well to talk about questions of policy, but will the Premier make arrangements whereby a Select Committee of this House, or a committee, at any rate, shall be appointed to watch over the legislation proposed in the Federal Parliament? That will be necessary, and it is desirable that it should be looked to.

Mr. BENT.—Before the close of the session I intend to make a proposition. The motion was agreed to.

PURCHASE OF BRICKS AT BALLARAT.

Mr. HANNAH asked the Premier if he would inform the House what price per thousand he had agreed to pay for the 2,000,000 bricks purchased at Ballarat, and what buildings he proposed to use them in? He said that he thought that this question was of such importance that the House should have the information before the press. He considered it a distinct flouting of Parliament that the House should have not had the information before it was furnished to the newspapers.

The SPEAKER.—The honorable member cannot go into that.

Mr. BENT.—Of course one cannot keep anything from the press. Does not the honorable member know that?

Mr. COLCHESTER.—The honorable gentleman keeps it from Parliament when it suits him.

Mr. BENT.—I agreed to pay 29s. per 1,000 for 1,000,000 bricks at the kiln, and 30s. per 1,000 for 1,000,000 bricks in the trucks. I was advised that we required 1,250,000 right off to build the lunatic asylum, as suggested by Dr. Jones, and, with the consent of my colleagues, we purchased these bricks. The balance will be wanted.

Mr. PRENDERGAST.—With the consent of his colleagues, after giving the order.

Mr. BENT.—Before I gave the order, because I was informed about this, and was told the bricks were there. The bricks are as good as those of the combine. Three objects have been gained by this purchase. First of all, we show that bricks can be made for 29s. This man at Ballarat is making a living, and we have bought the bricks at 29s. and 30s. They are as good bricks as those of the combine. I have that on the authority of the Inspector-General of Public Works, in addition to my own authority, for I understand brick-making.

Mr. PRENDERGAST.—Why did you pay 35s. to the combine?

Mr. BENT.—What we did, we did as business men. We have obtained good bricks. I see by some of the newspapers that we should have given some of the other people a show, but these are machine-made bricks, and the other two brickmakers are turning out hand-made bricks. As I have said, we show that bricks can be supplied at 29s. and 30s. In addition to that, by purchasing the bricks at Ballarat we are giving the industrial class at Ballarat a living.

An HONORABLE MEMBER.—The public have to pay 38s.

Mr. BENT.—Does any one say that it was not a good bargain at 29s. and 30s.?

An HONORABLE MEMBER.—It was a bad bargain at 38s., then.

Mr. BENT.—All right. That is my answer.

Mr. HANNAH remarked that, he considered that the second portion of his question had not been answered, with regard to the buildings the bricks were to be used for.

Mr. BENT.—I have informed the honorable member that 1,250,000 of the bricks
are required right off. The necessary plans have been prepared. As the House is aware, a sum of money was passed in the Surplus Revenue Bill to put up the building to which I have referred, and 1,250,000 bricks will be required for that. We shall want the whole number, because the supply will be spread over a period of fifteen months.

RAILWAY DEPARTMENT.

CONSTRUCTION OF LOCOMOTIVES — COMPUTATION OF COMPENSATION — MINIMUM WAGE IN CONTRACTS.

Mr. LEMMON asked the Minister of Railways—

1. If it is a fact that he has promised an order for a number of engines to the Phoenix Foundry?
2. If so, how many engines have been promised, and at what price per engine?
3. Will he give the House an opportunity of considering the matter before the order is ratified by the Government?
4. Will he inform the House how much per engine and per ton the Railways Commissioners anticipated they will save to the people upon the third lot of ten engines now nearly completed at Newport, as compared with the rate per engine and per ton in the tender of the Phoenix Foundry of April, 1903?

Mr. BENT.—The reply to No. 1 is, that it is not a fact. With regard to question No. 2, the answer to No. 1 rules No. 2. With regard to question No. 3, the answer is supplied by the answer to No. 1. With regard to question No. 4, the Commissioners state that the saving to the Department by the construction of locomotives at the Newport shops will be £1,960 per engine and tender, or £30 8s. 3d. per ton. The honorable member, perhaps, forgets that it was I who called for tenders for these engines at Newport.

Mr. LEMMON.—The last question is not answered—the cost, as compared with the tender of 1903.

Mr. BENT.—I have a slight cold, which I contracted at Stawell, and perhaps the honorable member did not hear me. The saving will be £1,960 per engine and tender, or £30 8s. 3d. per ton.

Mr. SOLLY asked the Minister of Railways—

1. In the computation of compensation due to Railway employé of, at what date does compensation cease to accrue?
2. By whose authority?
3. In the event of a Railway employé insuring for the second £100, if such employé be reduced to a lower grade, will the Government pay the premium on that second sum?

Mr. BENT.—The answer to question No. 1 is, the 3rd March, 1903. With regard to question No. 2, “By whose authority?” I will answer by putting another—“By whose authority was it ever paid?” I will follow that up by saying that it was on the authority of the then Government. The answer of the Chairman of the Railways Commissioners to question No. 3 is—

Any employé reduced in salary or wage below the rate of pay on receipt of which he was obliged to assure for an additional amount is, on application, authorized to allow such additional policy to lapse, and he may then obtain the surrender value (if any) thereon. The Commissioners, however, are opposed to the payment by the Department of the premium on any such policy in order to keep it effective.

Mr. SOLLY asked the Premier if he would inform the House whether the minimum wage and maximum hour conditions applied to all contracts for the construction of engines for the Railway Department; if so, had he any objection to lay on the table of the House a copy of such conditions?

Mr. BENT.—The answer to the honorable member’s question is as follows:—

The minimum wage and maximum hour conditions apply to all contracts for the supply of locomotive engines for this Department, and a copy of such conditions is forwarded herewith.

HOT WORKINGS IN MINES.

Mr. SMITH asked the Minister of Mines if he would inform the House whether he had seen the statements, as reported in the press, made at the Miners’ Association meeting at Bendigo, relative to the miners working in hot places; if so, would he take steps to have this condition of affairs attended to at once?

Mr. McLEOD.—With regard to the first portion of the question, I have to inform the honorable member that I have seen the statement, as reported in the press. With regard to the second question, I scarcely know what the honorable member will expect me to do in the matter, as it has not been brought under the notice of the Department in any way. I understood from the press reports that the Miners’ Association were in communication with the mine-owners. In making connections between levels and winzes for some period the mine may be hot. No complaints have been made to the Department, and consequently the Department could not move in the matter.
Mr. Smith.—Have none of the inspectors reported?

Mr. McLeod.—No, I only know from what appeared in the press that the Miners' Association were going to communicate with the mine-owners.

STATE BRICKWORKS.

Mr. Hannah asked the Premier if he would inform the House if it was a fact that the Brick Combine had purchased the buildings in course of erection at Thornbury, and was removing the material to the Northcote Brickworks?

Mr. Bent.—When I arranged with the combine that we would not make any bricks for twelve months, I had been informed by the Inspector-General of Public Works that we could not possibly have any bricks made for five months. A tender for the building was about to be let, and I was informed that we might be liable for liquidated damages. It was agreed that I would not make any bricks for twelve months, and it was also agreed that the Government should obtain bricks at 35s., and that bricks should be supplied to the public at 38s. We were erecting a building at Thornbury, and the secretary of the combine objected to the building being gone on with. I said, "Before I made that agreement, you knew very well that I was going on with that building, and do you think that I am going to knock off in the middle of the work and let boys carry away all the material? I will not." The combine agreed to be at the whole of the expense for the building.

Mr. Colechin.—Notwithstanding the direction from this House that the Government were to go on with it.

Mr. Bent.—With what?

Mr. Colechin.—To go on with the building and make the bricks.

Mr. Bent.—Does the honorable member think that I was going to leave the material for the kiddies to take away? No fear. I made a condition that the combine should pay, and they are paying every penny of it.

Mr. J. W. Billson (Fitzroy).—Are they taking it away?

Mr. Bent.—They are paying every penny of it.

Mr. J. W. Billson (Fitzroy).—Did you sell it to them?

Mr. Bent.—I did not sell it. They took over the tender, and they are taking the material away.

STATE PENSIONERS.

Mr. Fairbairn asked the Premier if he would inform the House how many Victorian State pensioners were non-resident in Australia, and what was the total amount of their annual pensions?

Mr. Bent.—The honorable member's question appears on the paper as being in reference to pensioners who are non-resident in Victoria. The figures in reply were compiled under the impression that what the honorable member wanted was information with regard to pensioners who are now resident in Victoria. I am obtaining the other information for the honorable member.

Mr. Watt.—Give us both.

Mr. Bent.—The amount of money received by those who are now resident in Victoria is about £80,000 a year. I will give the honorable member full information to-morrow, as the Treasury Department is now preparing the reply to the honorable member's question.

ST. KILDA CEMETERY.

Mr. G. H. Bennett (Richmond) asked the Chief Secretary if he would inform the House—

1. Whether the late manager of the St. Kilda Cemetery, on being asked to reply to certain charges against him, failed to answer them and disappeared?
2. What steps have been taken to discover his whereabouts?
3. What is being done to relieve the Trustees of the St. Kilda Cemetery of duties for which they are not paid, and which they do not perform?

Mr. E. H. Cameron (Evelyn).—The answers to the honorable member's questions are as follow:—

1. Yes.
2. An information has been laid against the secretary by the Trustees of the Cemetery, and a warrant for his arrest has been issued, and the police are endeavouring to ascertain his whereabouts.
3. The Trustees are not being relieved of their duties, but are being called on to fulfil them.

SUPPRESSION OF GAMBLING.

Mr. Graham asked the Chief Secretary, in view of the admissions made by Messrs. Chomley and O'Callaghan before the Police Commission that the police, under the present law, were powerless to put down the "tote" and other gambling places carried on under the guise of clubs, &c., would he bring in a Bill at once to give the police the necessary power to cope effectively with these places? He said that,
in asking this question, he would like to call the attention of the Chief Secretary to the fact that not only had Mr. Chomley and Mr. O'Callaghan admitted that the law as it was at present gave the police no power to put down these betting shops which were carried on as clubs, but every constable who was examined before the Police Commission had made the same admission. The evil in connexion with these places was patent to everybody, and it was a crying shame that a Bill should not be introduced at once to give the police power to put down these shops. When there was a railway strike——

The SPEAKER.—The honorable member cannot debate his question.

Mr. GRAHAM said that it was a very serious question, and one which would have to be debated at a very early date. He did not wish to take up the time of the House, but something would have to be done in the near future in order to put a stop to this evil.

Sir SAMUEL GILLOTT.—The honorable member is in error in stating that Messrs. Chomley and O'Callaghan had admitted before the Police Commission that the police were powerless to put down gambling places carried on under the guise of clubs. The laws are effective, in my opinion, for dealing with certain of these so-called clubs. A conviction was obtained the other day, and probably other prosecutions will be instituted. What was referred to by these gentlemen is the Collingwood "tote," in connexion with which, on account of the proprietor having adopted certain devices which they described, it is impossible for the police to arrest or to identify the persons engaged in this unlawful business. The honorable member may remember a Bill which had passed the Legislative Council in 1898, and was submitted by the then Attorney-General, Mr. Isaacs, to the Legislative Assembly, and which would, if passed, have given the police all necessary powers to suppress this establishment. That Bill, however, failed to pass its second reading. Probably this House, as now constituted, might pass a measure on similar lines, and with that view I will consult my colleagues as to the advisability of introducing the same during the present session.

FARRIERS BILL.

Mr. FAIRBAIRN (by leave) moved——

That Mr. McGregor be added to the members appointed to bring in the Farriers Bill.

The motion was agreed to.

TREASURY BONDS BILL.

Mr. BENT presented a message from His Excellency the Governor, recommending that an appropriation be made from the Consolidated Revenue for the purposes of a Bill to provide for the issuing of Treasury bonds when required for paying off, repurchasing, or redeeming Government securities, or for exchanging therefor.

The House having resolved itself into Committee to consider the message,

Mr. BENT moved——

That it is expedient that an appropriation be made from the Consolidated Revenue for the purposes of a Bill to provide for the issuing of Treasury bonds when required for paying off, repurchasing, or redeeming Government securities, or for exchanging therefor.

The motion was agreed to, and the resolution was reported to the House and adopted.

Authority having been given to Mr. Bent and Sir Samuel Gillott to introduce a Bill to carry out the resolution,

Mr. BENT brought up a Bill "to provide for the issuing of Treasury bonds when required for paying off, repurchasing, or redeeming Government securities, or for exchanging therefor," and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

DAYS AND HOURS OF SITTING.

Mr. BENT said it would be within the recollection of honorable members that he stated the other night that he intended to ask them to meet on different hours and days. He had thought of asking the House to meet on Fridays, but he had consulted members, and was inclined to think that the proposition which he was about to give notice of would meet the case. It was——

That the Sessional Order appointing the days on which the House shall meet for the despatch of business be rescinded, and that the following be adopted in place thereof, viz:—That Tuesday, Wednesday, and Thursday in each week be the days on which the House shall meet for the despatch of business; that four o'clock be the hour of meeting on Tuesday, and half-past one on Wednesday and Thursday, and that no fresh business except the postponement of business on the notice-paper be called on after half-past ten o'clock.

He found that honorable members living in the country could not get down to Melbourne before half-past four on Tuesday, and he did not propose, therefore, to alter the hour of meeting on that day, but on Wednesday and Thursday he wished the House to meet at two o'clock. One reason
why he was not asking that the new arrangement should take effect this week was that a number of members were engaged at various agricultural shows, and it seemed that their constituents would rather have them at the shows than in the House. He wished the new arrangement, however, to take effect next week.

VICTORIA RACING CLUB COMMITTEE.

Mr. WILKINS said he desired to move the adjournment of the House to discuss the position of the Victoria Racing Club committee in relation to the public.

Mr. MURRAY.—In relation to the public, is it?

Mr. WILKINS.—Yes.

Twelve honorable members having risen in their places (as required by the standing order) to support the motion,

Mr. WILKINS said that the Victoria Racing Club was an institution that had gone on growing in popular favour, because as a rule its committee had endeavoured to deal fairly with all parties. It must not be forgotten that one of the causes of the popularity of this racing club was that its race-course was in close proximity to the city of Melbourne, and that it was undoubtedly one of the best courses in the world for horse-racing.

Mr. MURRAY.—The very best.

Mr. WILKINS said that the course was Crown land, consisting of upwards of 300 acres, and it did not seem unreasonable to believe, having regard to the unfortunate action of the V.R.C. committee in a recent case, that the time had arrived when the Government should be substantially represented on the committee. Section 13 of the Act under which this racing club carried on its business stated—

The committee or an absolute majority in number of such committee may from time to time, subject to the special provisions of this Act make such by-laws as they think fit for regulating the election or admission of members into the club, and the expulsion of members therefrom, for providing for the due management of the affairs of the club, for regulating all matters concerning or connected with the said land by the Act vested or which may hereafter be vested in the chairman, and the admission thereto and expulsion therefrom of members of the club and the public respectively, and the rates or charges to be paid for such admission, and for the general management of the said race-course, and all races and race meetings, and may from time to time by any other by-laws alter or repeal any such by-laws. Provided that no such by-laws be repugnant to the laws for the time being in force in Victoria. And every by-law shall be reduced into writing, and shall be signed by the chairman.

And section 14 provided—

No by-law shall be of any force or effect until the expiration of one month after the same or a copy thereof, signed by the chairman, shall have been sent to the Chief Secretary of Victoria for the time being, and until publication, as hereinafter mentioned, and at any time within the said period of one month the Governor in Council may disallow such by-law, and after such disallowance such by-law shall not come into operation.

Since he came into the House this afternoon he had had placed in his hand a copy of the by-laws by which this great body was ruled, and one of those by-laws stated that the club had full power to register certain persons as bookmakers.

Mr. GAUNSON.—That is illegal.

Mr. WILKINS said he was at a loss to understand why the Government of this country should permit such a huge gambling business as was carried on at the Flemington Race-course to be carried on, and that the persons who were intrusted with the lands should be permitted to levy large fees upon certain men who followed the occupation of bookmakers. He was told that bookmakers had to pay £75 per annum for the right to bet on the race-course at Flemington, and that the fee for betting on the Hill was £25 per annum.

If this Government, or the people of this country, were in earnest in dealing with this huge gambling business, it was the duty of the Government to start with these gentlemen at once, for the Flemington course was Crown land, and the Government should not permit the V.R.C. committee to charge for an illegal act. These people ought to be prosecuted, and could be prosecuted. Why were they not prosecuted? It was monstrous to think that the Government of this country should wink at such swindling being carried on, because there was no doubt at all that many poor unfortunate men had been brought to ruin and to Penridge by the betting transactions that were permitted at the Flemington Race-course. Some of these by-laws under which betting was carried on had been authorized and sanctioned by the Government of this country.

Sir ALEXANDER PEACOCK.—Which Government?

Mr. WILKINS said the by-law to which he had referred was passed on the 20th May, 1905; but it did not matter what Government permitted it; there was no reason why this Government or any other Government should permit it to be carried on. The V.R.C. committee were making a large sum of money annually,
and it was only a fair thing that they should pay something for the occupancy of the land at Flemington. There was a Bill before the House the other night, brought in by the Minister of Lands, and a great deal of time was spent in discussing whether the poor unfortunate people who were to be settled on certain small blocks should pay 4½ per cent. interest or less on the balance of the money due. What did these gentlemen pay for this magnificent estate of over 300 acres? The time had arrived when something should be done, when full inquiries should be made, and when this body should no longer be permitted to occupy this splendid land without paying something for it. That was where the Government should start in dealing with the gambling question. The Chief Secretary had stated that he was going to bring in a Bill to deal with the tote shops. While he admired the honorable gentleman for that, there was no reason why he should not bring in a Bill to deal with the huge gambling going on at the Flemington Race-course. He (Mr. Wilkins) sincerely hoped that something would be done, and that this star chamber business would not be permitted as in the past. There was no doubt about it that any man and every man who went before the Victoria Racing Club committee was entitled to British fair play, but, judging by recent events, that had not been the case. He sincerely hoped that something would be done, and he would assist the Government in every possible way to wipe out the licensing of bookmakers on the Flemington Race-course.

Mr. Watt. — What is the trouble all about?

Mr. Gaunson said he seconded the motion, if it was necessary that it should be seconded.

Sir Samuel Gillott said that from what the honorable member had stated it would appear that the by-law to which he had referred was the first one ever made in connexion with the registration of bookmakers. For the honorable member's information he (Sir Samuel Gillott) might state that the power to impose a fee on bookmakers was included in a by-law something like twenty years ago. He thought that at that time it was stated by some bookmakers that they were going to test the legality of the power of the Victoria Racing Club committee to make such a by-law, but the matter had remained untested until the present time. The registration of bookmakers was intended by the Victoria Racing Club committee to be for the protection of the public, because, as a matter of law, any person could make a bet on a race-course. It was not illegal at common law to make a bet, as the honorable member ought to know. It was only made illegal by statute, and in that case it was betting in certain places.

Mr. Prendergast.—A race-course is a place which is not a place.

Sir Samuel Gillott said that so long as a person did not constitute a place as a place by putting up an umbrella, standing on a box and betting with the public—

Mr. Gaunson.—Does not the Victoria Racing Club committee constitute a race-course a place by licensing persons to bet there?

Sir Samuel Gillott said he did not desire to give legal opinions on matters he had not considered, but only on matters respecting which he knew he was on safe ground. He was not going to answer questions in the nature of conundrums. All these by-laws were, as a matter of practice in the Chief Secretary's office, referred to the Crown Law Department.

Mr. Wilkins.—Do you think it is in the interest of the public that this sort of thing should continue?

Sir Samuel Gillott said that the Victoria Racing Club had, by Act of Parliament, the power to make by-laws for certain purposes. By that Act, a copy of the by-laws had to be forwarded to the Chief Secretary, and it was lawful for the Governor in Council, within one month, to disallow them. As he had stated, it was the practice in the Chief Secretary's Office to refer these by-laws to the Crown Solicitor, who was responsible to the Government in connexion with this particular duty. He had the papers with him, and in no instance had the Crown Solicitor advised that the by-laws infringed the law, or that there was any reason whatever why the power of disallowance should be exercised.

Mr. Sangster.—Are the public allowed to go there and bet without being registered?

Sir Samuel Gillott said the public could bet without being registered, but if any person carried on the business of a bookmaker, he would probably be asked to retire. A backer was not bound to be registered.
Mr. Watt.—What is the cause of the trouble?

Sir SAMUEL GILLOTT said he did not know, but he would like to know what was at the bottom of it. Was it because certain entries had not been allowed? If it was, he could understand it. The question as to whether bookmakers should be registered had now been raised for the first time in the Courts, the leaders of the bar were engaged on each side, and probably within the next two months we would have an authoritative decision as to whether the Victoria Racing Club were within their powers in requiring persons to be registered and to pay a fee. He had seen the honorable member for Collingwood at Sydney, and the honorable member must be aware that the Australian Jockey Club in Sydney required bookmakers to be registered, and to pay a fee. The Victoria Amateur Turf Club also did the same thing.

Mr. Wilkins.—That is no justification for the action of the Government of Victoria.

Sir SAMUEL GILLOTT.—What was the action of the Government? There was an Act of Parliament deliberately passed by this House, which granted to this club—

Sir ALEXANDER PEACOCK.—It was passed in 1871.

Sir SAMUEL GILLOTT said it was passed about 30 years ago. That Act granted a piece of land to the Victoria Racing Club, and the club had spent thousands of pounds on it—probably £100,000, or more.

Mr. Wilkins.—Money taken from the public.

Sir SAMUEL GILLOTT said he would not say that it was not. Under that Act, the club had certain powers to make by-laws, just as municipal councils had power to make by-laws. The Victoria Racing Club had made by-laws, and if any of them were challenged, the matter could be properly tested in a court of law. Instances occurred almost every day, in which municipal by-laws were tested, and the Courts upset them, if they thought them unreasonable. In this particular case, the by-law was being tested by the action of one Coleman against the Victoria Racing Club committee, and probably we would shortly have an authoritative decision on the point.

Mr. GAUNSON said that horse-racing in Victoria was not a new sport. One of the complaints against Oliver Cromwell was that he stuck up for horse-racing as a sport known to the English people. Horse-racing was a sport known to the English people, but was the licensing of bookmakers a sport known to the English people? It must be remembered that the point was never brought under the notice of the Crown Solicitor as to whether the licensing of bookmakers was lawful. They were not licensed in England, because it was against the law. No person was entitled to conduct the business of betting in any house, office, room, or place. The Victoria Racing Club was a racing club authorized by Parliament, and it licensed persons to bet upon its premises—its race-course.

Mr. Watt.—Are there no bookmakers in England?

Mr. GAUNSON.—Yes, but they were unlicensed, because it was against the law to license them. It was flying openly in the face of the law.

Sir ALEXANDER PEACOCK. — But the people can bet in England.

Mr. GAUNSON said the clubs had a particular charge for persons who wished to bet, and a particular spot where bookmakers and others were allowed to carry on betting, just as people were charged extra for going on the grandstand.

Mr. Watt.—Then it is all a subterfuge and there is nothing in it. They conduct unlawful games in secret places.

Mr. GAUNSON said that the bookmakers had no rights at all, but here they were licensed and registered by a club which was authorized by the Crown to carry on racing. The Law Times (London), in its issue of the 2nd of September last, said—

So long as betting is tolerated on the turf, efforts should not cease to have it as decently ordered as possible.

The writer went on to recommend the Australian system of licensing the bookmakers, but at the present time that could not be done under the law of England. It was the most deliberate flouting of the law to make regulations under which people were licensed to carry on any illegal occupation on lands belonging to the public. The writer in the Law Times said—

The open betting rings on an English race-course, with unlicensed ready-money bookmakers, touts, and greedy clients are about as ugly a spectacle as can be seen.

It was much the same at Flemington. There was no worse spectacle than these raucous voiced people who were duly registered by the Victoria Racing Club committee. Then, see how the committee had acted. There was a noble piece of land, no doubt once
owned privately, on the other side of the Saltwater River, where thousands of people used to congregate in order to watch the racing on the Flemington course. The Victoria Racing Club committee, without any authority at all, and in direct violation of the law—and for this their charter could be challenged—purchased this land, and shut out these poor people from seeing the races run.

Sir Alexander Peacock.—Is that so?

Mr. GAUNSON said it was. Whose money was it with which the committee purchased that land in order to exclude the public? It was the public money. Surely that was not decent or proper conduct. There was another point he desired to put. It was no use talking rot and nonsense about persons wasting their money. Who was there in the wide world, whether bookmaker, or the owner of horses, who raced in order to lose money?

Mr. Thomson.—You would soon find out if you tried. They soon lose their money if they support racing.

Mr. GAUNSON said he would ask why they supported it? The honorable member for Goulburn Valley had called attention to the fact that, under the guise of clubs, these bookmakers were licensed contrary to and in the teeth of the law, and for this the members of the committee could be dragged up as common felons for a breach of the Betting Act. For a second offence, they could be sent to gaol, and for a third offence they must be sent to gaol for six months without the option of a fine. Was it not a fact that this committee was one of the biggest gambling concerns in the State? Because they thought that a little man in Bourke-street was interfering with their gigantic monopoly, they said, like the silversmiths of Ephesus, "Great is Diana of the Ephesians." As a matter of fact, was not the Victoria Racing Club committee, in organizing gambling on a huge scale, the worst offender against the laws of this country? He was astounded at the clerics of Victoria, that they did not subscribe heartily to have the question tested in the Courts, whether some members of this committee should not go to gaol for so grossly offending against the betting laws of this community by licensing men to bet on their premises.

Sir Alexander Peacock.—They are not those premises. They only hold them in trust for the public.

Mr. GAUNSON said the premises were theirs so long as they were in charge of them. They licensed people to bet on the course.

Mr. Watt.—That has been done on the arena close to this Parliament House—betting on cycling races.

Mr. GAUNSON said he had no time to listen to interjections. The Age very properly said the other day that the public had a keen sense of the injustice of attacking one class of men for doing on a small scale what other men were permitted to do wholesale under the ægis of authority and respectability. The Victoria Racing Club committee were now attacking Mr. Wren.

Mr. McBride.—Then it is not the public, but Mr. Wren, they are attacking.

Mr. GAUNSON said they were attacking the public through Mr. Wren. Mr. Wren had spent a large sum of money in purchasing the best blood stock in the country. Was that not beneficial to the public? Only recently the Minister of Water Supply had induced the Government to put the sum of £3,000 on the Estimates for the purchase of blood stock.

Mr. Murray.—Not blood stock, but "stud" stock.

Mr. GAUNSON.—What is the difference?

Mr. Murray.—There is a lot of difference.

Mr. GAUNSON said the Victoria Racing Club committee made no accusation against Mr. Wren when the decision was given through their mouth-piece, Mr. Croker. There was no doubt that when lawyers managed to put their foot in it they did so most alarmingly. Mr. Croker said—

The decision to reject Mr. Wren's entries was arrived at, not upon the ground that he had misbehaved himself as a racing man, but on quite other grounds.

If the committee could act in that way towards Mr. Wren, what was there to prevent them doing the same towards any other owner? The Parliament of this country had handed over 301 acres of land in the closest proximity to the city—a magnificent site—to the Victoria Racing Club committee upon certain trusts, and upon the condition that they would guard the interests of the public and behave properly as trustees. Instead of that they had behaved with the grossest impropriety. Was it not time that the Government appointed a Select Committee to inquire into the conduct of the club and the committee of the Victoria Racing Club, in order to ascertain whether they were performing their trusts properly? This reserve of 301 acres was
granted to the club under a lease, and not under Crown grant.

Mr. BENT.—If I had my way I would make all these reserves contribute to charity.

Mr. WARDE.—Why do you not bring down a Bill for that purpose?

Mr. BENT.—I cannot be always bringing down Bills.

Mr. GAUNSON said he would like to ask honorable members whether the Victoria Racing Club was not a huge gambling monopoly? There were certain suburban race-courses over which the Victoria Racing Club exercised a jurisdiction, usurped or assumed.

Sir ALEXANDER PEACOCK.—That is the complaint.

Mr. GAUNSON said he believed the Jockey Club of England was not like our wretched Victoria Racing Club. The Jockey Club owned its own private property. The Victoria Racing Club was in possession of public property, but it dared to act as though its members were caesars and autocrats. As showing their monopolistic tendencies and grasping conduct, the Victoria Racing Club committee had cut down the number of racing days allowed to suburban racing clubs.

Sir ALEXANDER PEACOCK.—What power have they to do that?

Mr. GAUNSON said they had no power whatever. Whilst they had cut down the days upon which suburban clubs were to hold race meetings, the Victoria Racing Club did not cut down their own days. Then, because Mr. Wren was generally believed to be a "tote-owner," but without any legal proof whatever, the Victoria Racing Club rejected his entries, pretending that they were acting under some by-law or other, whereas, as a matter of fact, it now leaked out that above the signature of Mr. Wren they had insisted upon the following words being interpolated:

"I agree to the committee rejecting the entries above submitted at any time if thought proper."

Surely this was outrageous. What would the great racing clubs of England think of conduct of that kind? It seemed that the committee had no fault to find with Mr. Wren. Mr. Croker, voicing the opinion of the committee, said to him in effect—

"You have done no wrong as a racing man. Your conduct has been good, but for other reasons which we won't tell you we cast you out as a pariah. We won't let your horses be run by other people for the time being, and we won't touch them in any shape or form." This was done after Mr. Wren had gone to enormous expenditure of a lawful character, and no doubt the tradespeople who depended upon these racing men for the purchase of forage and other supplies would suffer also.

The SPEAKER.—The time allowed to the honorable member is exhausted.

Mr. WARDE stated that he was not particularly interested in the question which the honorable member for Collingwood had placed before the House. Horse-racing was not one of those pleasures in which he participated, but there was no reason why others who took pleasure in horse-racing should not be allowed to indulge in that sport in their own little way. He said, unhesitatingly, that while betting was to be deplored on the part of our community, no law that could be passed would prevent people who desired to put their money on race-horses from hacking their own fancy now and again. It might be, as the honorable member for Dundas had said, that the men who followed horse-racing sometimes lost a lot of money by it. No doubt horse-racing was an expensive luxury, and the people who followed it could only expect to pay the penalty of hacking their immature judgment against the opinion of other people who knew better. All sorts of reasons were given why the horse which passed the post first managed to do so, but it was well known that those who were in the habit of betting usually lost in the end, because even if they happened to secure a fortunate win on one race they often found themselves a good deal behind at the end of twelve months. Therefore he thought a man was foolish to follow that sport for the purpose of making money. He understood that the question of the licensing of bookmakers by the Victoria Racing Club committee would come before the Courts for trial.

Mr. GAUNSON.—The Courts will not touch the point I have put as to the liability of the committee to punishment.

Mr. WARDE said that the Victoria Racing Club committee had been intrusted with the management of a large and valuable property, with the intention, no doubt, that it should be used in the interests of those who desired to participate in horse-racing, and whose wishes deserved some recognition at the hands of the public. In past years efforts had been made from time to time by the Victoria Racing Club committee to filch from the public some of the privileges which Parliament intended to convey.
Some years ago there was a very strong agitation on the part of the public when the committee endeavoured to fence off the whole of the flat so as to keep the public completely out of it, with the object of ultimately charging for admission in the same way as was done at Caulfield and elsewhere, but the watchfulness of the municipalities on that occasion thwarted the grasping intentions of the Victoria Racing Club committee.

Mr. PRENDERGAST.—They tried to seize the river bank also.

Mr. WARDE said it was to the credit of the municipalities that such strong activity was shown by them on that occasion, so as to prevent the Victoria Racing Club committee from getting the power they wanted. There was no doubt that but for that watchfulness the public would have been excluded from the flat at Flemington. In order that no injustice might be attempted, Parliament, as a High Court of Appeal, had a perfect right to take into consideration the rules, regulations, and by-laws which governed the actions of the Victoria Racing Club in relation to the public outside. The committee of that club seemed to have come to the conclusion that a certain man, who owned a number of horses, was conducting some other establishment in the city for the purposes of betting, with the result that the attendance at the race-course was prejudicially affected. Whether that business was lawful or unlawful, he (Mr. Warde) was not prepared to say. That was a matter for the Courts to decide, but it was for the Government to protect the interests of the public as against the Victoria Racing Club committee. The Victoria Racing Club committee had declared that they would refuse to accept the nomination of horses owned by a particular individual. The whole of the correspondence had appeared in the press, and it was no use for honorable members to pretend, as the Judges sometimes did, that they were not aware of what was going on.

Mr. MURRAY.—The motion for the adjournment of the House was not moved on that point.

Mr. WARDE said he did not know what was in the mind of the mover of the motion, but he wanted to bring this particular phase of the question before the House.

Mr. MURRAY rose to a point of order. He wished to know whether the honorable member was in order in introducing a subject that was entirely foreign to the motion before the House? The SPEAKER.—What is the question?

Mr. MURRAY said he was not quite sure what the honorable member was dealing with, but he (Mr. Murray) thought he could guess what was coming. He had no objection to the honorable member introducing any subject into the debate, but he thought that some regard should be had to the rules of procedure.

The SPEAKER.—I have been watching the honorable member carefully, and I cannot see that he is out of order.

Mr. WARDE said he was merely discussing the powers of the V.R.C. committee, and expressing his opinion that the action of that committee in connexion with the whole of the management of the Flemington Race-course required revision at the hands of the Government. Whenever the committee did anything of an unfair character, as trustees of that property, the Government were in duty bound to take the part of the public. Whatever occupation a man might follow in life, surely no reasonable court of authority would hold it to be a bar to his nominating horses for racing. On one occasion he (Mr. Warde) read a decision by the Chief Justice of England, in which the Chief Justice said that, where trustees or corporations were given certain powers to administer certain public trusts, it was always held that the trustees must use ordinary discretion in making by-laws, rules, or regulations to carry out their work. If the Victoria Racing Club committee made by-laws for the licensing of bookmakers, or to prevent nominations being made under certain circumstances, it should be within its power also to protect racing from innovations by underserving persons, whether because of dishonest practices, or because their operations were likely to bring discredit to the sport. The whole community, he thought, would support the Victoria Racing Club committee in refusing the nomination of any person of a disreputable character, who had done anything dishonorable on the turf. In Mr. Wren's case, however, the position seemed to be different. He had been invited to spend his money to the extent of some £11,000 in purchasing the best horses, and he was then invited to nominate those horses for various races. Not only that, but he had been asked by the owners of various racehorses to purchase horses from them, and he was looked up to as an honest owner. Then, without rhyme or
reason, on the eve of the great meeting, the Victoria Racing Club committee refused to receive his nomination. This treatment was most uncalled-for and un-British, and it was the duty of the Government to make inquiries as to why that course had been taken. He did not wish to pass any reflection on individual members of the Victoria Racing Club committee, but he would say that some of those who supported that line of conduct with regard to Mr. Wren did not stand out as paragons of honesty. One man who was present at the meeting of the committee at which those nominations were tendered compounded with his creditors some time ago, and afterwards ran horses under an assumed name. Subsequently he paid 6s. in the L.

Mr. Watt.—How do you know he was present at the meeting?

Mr. Warde said the newspapers published a list of the members present. Of course, any man might be unfortunate in his business transactions, and might be compelled to compound with his creditors, but there was no reason why the owner of a very valuable string of blood horses should be prevented from running those horses at the dictation of men of such a character. That man was found to be in possession of a very valuable string of blood horses. He (Mr. Warde) had his doubts as to whether any honest individual in this community should be prevented from running those horses at the dictation of a man of that character. He believed in only honest and straight men sitting in judgment on others. He had nothing to do with Wren’s tote. If Wren broke the law it was the duty of the police and of the Government to prosecute him. Even if Wren was breaking the law, that would be no justification for a committee like that of the V.R.C., who could not prove their allegations, sitting in judgment on him, and refusing his nominations. Mr. Croker was reported to have said that Mr. Wren’s connexion with racing had been exemplary and honorable. He (Mr. Warde) would ask the Speaker, who had taken a great interest in questions of this kind, and who had been rejected as a candidate for the V.R.C. committee possibly because he would not accede to their request to assist in getting a Gambling Bill passed through the House, whether he would not rather see such a man as Mr. Wren welcomed than see him driven out whilst so many shady characters were running horses on our race-courses? People outside the House generally said that it was palpably unfair to attack a man in this way. The very fees which the V.R.C. charged made it a close corporation; and, as the honorable member for the Public Officers had pointed out, it was a corporation which encroached on public interests. For instance, there was the land on the far side of the Saltwater River—the finest of picnic sites, where whole families, with their campers, used to resort. What had been done with it? The V.R.C. committee, who were supposed to use the moneys they received as entrance fees to the race-course for the improvement of the race-course, and for the work necessary to keep the course in order, and also for the encouragement and improvement in the breed of horses, saw thousands of people enjoy themselves on an eminence fitted by nature for that purpose, and, instead of using the money they had collected for the purpose of improving the race-course and encouraging the better breeding of horses, used it to buy that picnicking eminence—a huge piece of land—and to fence it in, so that the poorer classes might no longer enjoy the point of vantage which they had enjoyed for years before. He would say now, unhesitatingly, that if the Government desired—

The Speaker.—The honorable member’s time is up.

Mr. Hannah said that he had been hoping that, ere now, that custodian of the people’s rights, the honorable member for Essendon, would have said something on this subject.

Mr. Watt.—All the talk has been by Labour members so far.

Mr. Bailes.—Because they represent the workers.

Mr. Hannah said that perhaps the honorable member for Essendon did not see fit to speak because certain members were searching very closely into what was for the public interest. So far as he (Mr. Hannah) was concerned, he had no knowledge with respect to the present dispute between the V.R.C. and Mr. Wren. He did not know Mr. Wren, and never had met him in his life; but, from the small knowledge which he (Mr. Hannah) possessed of the racing subject, he had viewed the action of the V.R.C. in this case as an outrage that should not be tolerated by a British community. It was an action of an autocracy, and should not be permitted for one moment in such a country as Victoria. The
Premier had stated that he would make the racing clubs pay up if he had his way. He (Mr. Hannah) was with the Premier in that regard; but he went further, and would say that it was the duty of the Government to place this matter on just such a fair basis as the community demanded. There were, of course, two views of the matter; but honorable members could not get away from the facts as they appeared to them as common-sense men. He (Mr. Hannah) had endeavoured, as much as any man in the House, to eradicate gambling in its worst forms, and he was prepared to say that it was a disgrace to the Government of this country that it had not hitherto put the gambling business on its proper basis. And now he desired to draw the attention of honorable members to the fact that there were other phases of the horse-racing business than those which had been dealt with so far. One honorable member (Mr. Hannah) knew desired to defend the V.R.C., and he (Mr. Hannah) trusted that that honorable member would do so before the debate was closed. He referred to an honorable member who, at all events, was always particularly anxious to defend close corporations and combines. The V.R.C. was such a combine that the Legislature, if it was to deal with it, would have to speak with an emphatic voice.

The condition of things going on at present with the V.R.C. was reprehensible, and he (Mr. Hannah) was glad of the opportunity to ventilate it in the public interest. There had been a condition of things made by the management of the V.R.C. for some years, and especially on opening race days, under which poor people, who had gone on the ground in order to make a shilling or two—widows, too, some of them—had had all their wares, to the value of £20 or £30, absolutely confiscated. In this connexion facts had been brought very prominently before the Trades Hall Council by those interested. The sufferers appealed to the Trades Hall, and the Trades Hall, to some extent, brought the V.R.C. to their bearings. There were still other matters in connexion with the conduct of the valuable Flemington Race-course requiring to be looked into. Sweating took place in connexion with the conduct of race meetings. This fact should receive attention from honorable members who, like the honorable member for Essendon, had sympathy in some small corner of their hearts for labour, and for the down-trodden and the oppressed. The writer of a letter, published in the Age of October 3, said—

Now that the spring racing season is approaching, Parliament, which has permitted the Victoria Racing Club the use of a valuable area of the public domain, should see that the employees of the club are paid a fair wage for the heavy duties they have to perform. At last meeting of members it was stated that men engaged at Flemington receive only 5s. a day for working from 8 o'clock in the morning until after 7 o'clock at night. This is disgraceful sweating, and the labour members in the Assembly should express their views on the matter. If the V.R.C. committee, which was allowed to heap up large amounts of money, drink champagne, and indulge in other luxuries, should not Parliament step in and take a hand? No body of men who were given such power should be allowed to sweat their workers, especially those workers who looked to them for casual employment. The Minister of Lands took an interest in this matter. Could he or his Government for one moment justify the autocratic position assumed by the V.R.C. in absolutely refusing to take nominations from Mr. Wren? Was not this discreditable?

Mr. Murray.—I will not give an opinion until I know their reasons.

Mr. HANNAH said that he had been leading up to that point. If the members of the V.R.C. committee were in a good position, why were they afraid to give to the public the reasons that animated them, as custodians of a great reserve, in rejecting Mr. Wren's nominations? From all the inquiries he (Mr. Hannah) had made, a man more honest than Mr. Wren did not stand in shoe-leather. Mr. Wren was reputed to be a most honorable man; and surely if the V.R.C. had good ground for their action, they should not be afraid to come forward and state their objection to this particular owner of race-horses, who was reported to have gone to a large expenditure in producing pure-bred stock. If the Government was sincere in its desire to encourage pure-bred stock, it should be awake to the public interest in this case, and to the privileges which the public should enjoy. In the same issue of the Age, from which he (Mr. Hannah) already had quoted, he found that Mr. James Grice, as chairman of the annual meeting of the V.A.T.C., practically gave the case away when he stated that—

Owing to a falling off in the gate money during the year, it had been found necessary to reduce the stakes, and by that means a saving of between £500 and £600 had been effected.
That meant that people stayed in town and laid their money on horses there, instead of going to the race-course; and this was a point for those honorable members who went on platforms with the clergy, and urged the putting down of gambling. But honorable members should be honest and straightforward, and when they attacked the gambling evil they should not start by lopping off a branch in one direction, and allowing the other branches to flourish. Why should Mr. Wren be attacked and be a straight goer? Doubtless, certain influence had been brought to bear on the V.R.C., who, under that influence, now were using their power. He (Mr. Hannah) trusted that the debate would suffice to shake up the dry-bones on the Government side of the House, and that the Government would now see that in the interests of the public, it had certain rights and privileges to conserve. The Government would not be doing its duty in the interests of the country unless it demanded from the V.R.C. the reasons why that body were riding roughshod over a particular man in the community. If they had acted because Mr. Wren had been guilty of any shady action, the V.R.C. could really have nothing to hide. As custodians of the people's property, they should state their objection to this particular individual as a horse-owner. There were a good many other things in connexion with this matter to which he might allude, but would not refer to at present; but the matter would not stop here. Nothing short of a public inquiry instituted by the Government, into the management of the valuable asset at Flemington, would suffice.

Mr. WATT remarked that to him it was a matter of extreme regret that the question at issue had been introduced in the Assembly. Parliament should not be asked to interfere in a dispute between an individual owner of race-horses and the racing committee. That was practically the effect of the motion. It was true that there were two other questions arising incidentally—one as to whether the V.R.C. had administered their trust properly in the purchasing of land outside their area, which was a point well worthy of consideration, and the other as to the policy, which affected our whole gaming system, of registering book-makers. Running through all the speeches so far made by honorable members, however, was the question as to whether Mr. Wren's entries had been rightly or wrongly refused by the V.R.C. committee. All the other questions raised could be deferred till another time. He (Mr. Watt) knew most of the parties connected with this dispute. He had had the pleasure of meeting Mr. Wren frequently, and had found him to be, as a race-horse owner, as straight as a rush. He (Mr. Watt) also knew the man who trained Mr. Wren's horses, and had quite an admiration for him as a straight and able goer. He (Mr. Watt) also knew a number of members of the Victoria Racing Club, and he did not hold that the constitution of that body was legal or proper. The time had arrived when there should be a racing council to control the sport, instead of allowing any body, however it got its trust, or whatever usurpations had grown upon it, to control racing without a direct mandate from this Parliament, or from the body of racing men generally. His protest to-day was that it was an absurdity, it was dragging Parliament through the mud, to ask it to stop and pause and interfere in a dispute with regard to the entry of certain horses between a horse-owner and the Victoria Racing Club.

Mr. BAILES remarked that the honorable member for Essendon complained that the course of public business was being interrupted by a motion for the adjournment of the House over a question of this kind, but surely the honorable member had not lost sight of the fact that the House would be asked shortly to adjourn over the whole of one Tuesday in order to enable this business, on a more gigantic scale, to be viewed by the members of the House. He had met Mr. Wren frequently, and apart from the fact that Mr. Wren's name was connected with gambling, and that he was mixed up with a tote—as honorable members knew, he (Mr. Bailes) had been a strenuous opponent of the legalization of the totalizator ever since it was first proposed in this House—outside of those things, there was not a cleaner living, more honest man walking about Victoria to-day than the same Mr. Wren. He had no business relations with Mr. Wren whatever, although he understood that a nephew of his had, because he believed that Mr. Wren bought last year's Caulfield Cup winner from his nephew. It very soon leaked out after this motion was proposed that its object was really to discuss the action of the Victoria Racing Club towards Mr. Wren in refusing his nominations. The Victoria Racing Club seemed to have acted
with a great deal of inconsistency towards Mr. Wren. They had accepted some of his nominations, and refused others. If Mr. Wren was an unclean thing, and not fit to run horses, why should he be permitted to run them for certain events and not for others? It must be said that it was absolutely necessary, in the interests of pure racing, that there should be some governing body to exercise power and control in the endeavour to keep it as clean as possible.

Mr. GAUNSON. — The Victoria Racing Club are the wrong people to do it.

Mr. BAILES said he did not want to be an apologist for Mr. Wren, or a champion for the Victoria Racing Club. There must be a body with a great deal of autocratic powers if they were to have any weight attached to their decisions at all, but the trouble was that this body had exceeded the autocratic powers that they ought to be possessed of. If they refused Mr. Wren's entries, or entries by any other man, in common fairness to the man they had a right to say why. It could not be because Mr. Wren was a gambling man that his entries were refused, because he saw in the list of entries the names of men well known as bookmakers. It could not be that he ran his horses on the cross, because it was notorious that he was a straight goer. It was a principle of British law that a man should be proved to be guilty, and should be told what the charges were that were levelled against him, in order that he might have an opportunity to establish his innocence, before he was held to be guilty. We had the extraordinary spectacle of the country being agitated from one end to the other in the anti-gambling crusade, and yet for years past, and even within the last few months, the Government of the day, undoubtedly supported by the House as a whole, legalized gambling on the Flemington Race-course to a very much greater extent than it was practised in any other part of the State. If an unfortunate fellow, too lazy or unable to work, started out on the little operation known to the fancy as "throwing the broads," or more generally known as the three-card trick, he was pounced upon by a zealous policeman, brought before the Courts, and either fined or sent to prison. The man who undertook to pick the card was sure to lose his money.

Mr. MURRAY.—Not always.

Mr. BAILES said he did not know what the honorable gentleman's experience had been, but it was almost an absolute impossibility to pick the card successfully, because if the man who was trying to do so showed that he knew where the card was, the buttoner immediately upset the "joint," there was a cry of police, and no chance to pick the card. But the remote chance that a man had of winning his money by trying to pick the card at that game was at least no smaller than that of a man who tried to pick the winners at some horse races. Very often favorites were dead to the world, but nobody heard of their owners being brought up for gambling and robbing the public like the three-card man was. Recently this House passed a law virtually prohibiting betting at sports meetings. It was now within the power of any committee to prevent any one betting at any sports meeting, such as a foot-racing or bicycle race meeting. Parliament was very energetic and very zealous in its desire to put down betting at small gatherings, but did not seem to be game enough to tackle the great Victoria Racing Club, and all the crowd that followed up racing.

Mr. WATT.—You cannot possibly stop betting at racing.

Mr. BAILES said if Parliament was consistent, it should make an effort now to put betting down, instead of actually giving assistance to enable betting to go on. The Flemington Race-course was a very large and valuable piece of ground, and if it was put to any other use the State could get an immense revenue from it. The State should get a very much larger revenue from it even when it was put to the present purpose. Had the Government any power whatever over the management of the ground?

Mr. GAUNSON.—Yes.

Mr. BAILES said the power consisted only in vetoing any by-law that might be submitted. The Government had no representation whatever on the managing body. Within the last fortnight the Government had appointed five members of this House to act as trustees of the Melbourne Cricket Ground.

Mr. MURRAY.—Is there anything wrong in that?

Mr. BAILES.—Certainly not. He was taking no exception to it, but the Melbourne Cricket Ground was used for a much higher purpose than any horse-racing reserve ever was. There was nothing degrading in cricket, but the most strenuous apologist for horse-racing must admit that there were many degrading things connected with that
To be consistent, the Government should appoint a certain number of members, in this House or out of it, to be on the committee of control of the Victoria Racing Club. The motive that had actuated the Government in taking a similar step towards the Melbourne Cricket Club was simply that complaints had been made as to the autocratic manner in which that committee were exercising their powers. When a large and valuable asset had been parted with for the time being by the State, and the State was deriving little or no revenue from it, this House and the country had as much right to a voice in the management of it as they had in the smaller matter of reserves for recreation purposes. It had been asked why this matter should be brought up in the House, but surely this was the highest Court in the State. He did not know whether Mr. Wren ran one or 50 totes, or whether he ran any—he had no knowledge of the matter, except what he saw in the papers—and he was not here as an apologist or champion of Mr. Wren; but what had been dealt out to Mr. Wren on this occasion might very possibly be dealt out in the future to some other man who did not make himself popular with the powers that be, and surely any man had a right to voice his grievances in Parliament through the representatives of the people. It was not time wasted to throw a little light on the autocratic manner in which injustice was being done to even one, perhaps undeserving, member of the community.

Mr. BOWSER expressed the opinion that Parliament, in discussing this question and criticising the Victoria Racing Club, was very much in the position of the pot calling the kettle black. Parliament, as the supreme authority on this question, had declared that gambling was wrong. Yet it did not exercise the power which resided within itself alone of putting down that wrong. Why? Because it was a representative assembly, and the majority of those whom it represented were in favour of continuing that wrong. While confessing their own paralysis and impotence in the face of this wrong, honorable members were criticising the authority which had come in to make it, in some degree at any rate, respectively conducted, and to see that the practice of gambling, as carried out on the race-courses, was controlled to some extent, and that the race-courses throughout the State were also controlled to some extent. Members were criticising this power, which had come in to do some good at any rate, where they had hypocritically professed to do some things and had actually done none. They were setting themselves up to criticise this authority, which, after all, was exercising some supervision over a flagrant and audacious and impudent violation of the law in this city. What a hypocritical position, therefore, the House was occupying in criticising the only authority that had exercised any supervision or made any attempt to control this wrong! The House stood in the ridiculous position of Mrs. Partington attempting to sweep back the ocean with a broom.

Mr. WARDE.—Will the honorable member show one instance where the Victoria Racing Club are preventing the evil in the city?

Mr. BOWSER said he had stated that the Victoria Racing Club were succeeding to some extent in controlling that which Parliament declared to be wrong, but yet left uncontrolled. The House should rather welcome the intervention of the Victoria Racing Club in exercising, at any rate, some control over the scandalous violation of the law that was going on in our midst, and that the House confessed itself impotent to control.

Mr. SANGSTER said he understood that the adjournment of the House was moved to discuss the question of the Victoria Racing Club and their relations with the public generally, especially with regard to the by-law lately attempted to be made with regard to the fees to be charged to bookmakers. Was that by-law framed in the interests of the public, or of the Victoria Racing Club? It was simply to allow the Victoria Racing Club to charge higher fees to the men who went to the race-course to bet with the public. The Chief Secretary had informed the House that it was no crime to bet on the Flemington Race-course. He did not know whether it was a crime anywhere else or not, but the Victoria Racing Club might turn anybody off that went there to bet unless he was registered. They professed to register bookmakers in the interests of the public, but was it in the interests of the public that the bookmakers should be charged £75 a year for the privilege?

Sir SAMUEL GILLOTT.—It might be.

Mr. SANGSTER said that was just the question. The Government recently thought they would get more revenue by charging a higher fee to poor people that sold tobacco, but the House said that that proposition would have to be discussed first. He thought the object of the Victoria
Racing Club in raising the fees to the bookmakers was to get revenue, and not to benefit the public at all. If they said that, for the sake of the public, they were determined to give the public every satisfaction when they went to the race-course, and that they would license men for a small fee, and give the public a guarantee that those men would pay every penny that they bet with the public, then there would be some reason in it for the public, but as it was at the present time, the Victoria Racing Club were simply charging a few men a large fee, giving them an opportunity to rob the public, if it was robbery, but pushing the poor men out altogether, and giving them no opportunity of acting as bookmakers on the Flemington Race-course. He had no idea that the object of the honorable member for Collingwood in moving the adjournment of the House was to discuss the action of the Victoria Racing Club with regard to Mr. Wren's horses, but he was pleased, at any rate, that mention had been made of their action in purchasing Footscray Hill, because that was a place where many from that side of the river had spent a pleasant day.

Sir Samuel Gillott.—I have been there myself in my young days, when I could not afford to pay.

Mr. Sangster said he had been there himself also, and was delighted with the position. He could see the horses running, and that was all he cared about. He understood that the Chief Secretary submitted the by-laws of the club to the Crown Law officers before they were sanctioned. He did not know whether the club had a right to charge a fee or not to the bookmakers, but if they had, then the matter of the fees they charged required inquiry. Why should the club make it a close corporation for a certain class of bookmakers—men with plenty of money, who were able to pay £75, or £100, or even £200, for if the club could raise the fee to £75, could they raise it as high as they chose? Why should they make it a close borough for one or two men to fleece the public? If the Victoria Racing Club were going to register men, they should make themselves responsible for those they registered, and see that only fair dealing men were registered. No matter how small the fee might be, the public would then be assured that they would get their money if they made a wager. This matter was of more interest to the public even than the action of the Victoria Racing Club in refusing Mr. Wren's entries.

Mr. Boyd said that several honorable members had raised the question as to whether it was wise or unwise that this motion should be brought before the House, and whether the public business should be delayed in discussing a motion of this kind. He was not prepared to discuss that aspect of the case, but he said a fortnight ago, through having been connected with this matter by two public journals, that he had a certain explanation to make with regard to his attitude respecting the inquiry made at the Lands Department. That was not only in connexion with this case, but with regard to the general control which the Government ought to exercise over public lands that were given over to the control of public bodies for the purposes of carrying on any sport. Since that time the Minister of Lands had appointed five members of this House as trustees of the Melbourne Cricket Ground. That ground also was alienated by the Crown for the purposes of sport of a different character, and it had been controlled much in the same way, although perhaps not under an Act of Parliament, by a committee organized by the Melbourne Cricket Club and by trustees appointed by the Crown. The Minister of Lands had seen fit to appoint five members of this House as additional trustees of the Melbourne Cricket Ground, without consulting in any way the committee of the Melbourne Cricket Club or the existing trustees. Now, the V.R.C. held the lands demised by the public to their care for the carrying on of a national sport, and Parliament had a right to see that at least fairness was meted out to every one in the control of that sport. It was never intended that there should be any Star Chamber business about the methods of the club in dealing with public men. The fact that this matter affected a particular owner whose name had been mentioned was a mere incident, and to-morrow it might be some one else. What the public did not like was that action should be taken by a body like the V.R.C. with regard to one particular man without sufficient justification as to their methods. He felt certain that a false step had been made by the committee in the action they had taken. If the committee had said—"We have certain charges to level against this particular owner," and had levelled those charges, and if they had been
justified in doing so, then the public would have upheld the decision of the committee.

Mr. Bromley.—They made no charges.

Mr. Boyd.—No, and that, he understood, was the reason why this motion had been brought before the House. It was the right of Parliament to see that fairness was meted out to every one in the control of a public sport in which the public took so much interest as racing. Then the peculiar argument had been put forward by the honorable member for Wangaratta that, because a tote shop was run in town, therefore the police had not put down, therefore the action of the V.R.C. should be applauded.

Sir Samuel Gillott.—I do not think he referred to that particular tote.

Mr. Boyd said he did not know what tote the honorable member referred to; but the argument was put forward by him that, because the police had been incompetent to put down a tote shop in town, therefore this House should applaud the action of the V.R.C. committee in the roundabout method it had adopted to put down that tote shop. Now, we had on the statute-book of the State clauses against gambling, and it seemed to him (Mr. Boyd) a hollow farce and utter sham to say, as was said generally, that the police of this State were incapable of putting down any gambling shop that might exist in Melbourne. Either the police did not want to put it down, or else the public wanted it to remain.

Mr. J. Cameron (Gippsland East).—Is the law sufficient?

Mr. Boyd said that the Chief Secretary had stated to-night that the law was sufficient. If the statutes that dealt with gambling were to have any public effect at all, then it was the business of the Chief Secretary to see that the Act was not laughed at. The business of the Chief Secretary's Department was to see that gambling was put down, and to maintain the statute law of the country as it ought to be maintained. If there was not sufficient authority he (Mr. Boyd) felt quite satisfied that this House would grant the authority necessary to stamp out gambling. But gambling either on our streets or in houses used for that purpose illegally, and gambling on our race-courses, were, to his mind, one and the same thing. If it was wrong in one case it was wrong in all cases. He did not bet—not on any high moral ground, but simply for the good old Scotch reason, that he might lose, and as he could not afford to lose he thought it wise not to bet.

Mr. Colechin.—That sounds quite Scotch.

Mr. Boyd said that it was quite Scotch. As he had stated, he did not take high moral grounds for not betting.

Sir Alexander Peacock.—Your reasons are splendid.

Mr. Boyd said that his grievance against the attitude of the Victoria Racing Club was this, and it had already been mentioned—that they had used the funds which were set apart under their control to manage the course and erect fences for the benefit of the public, to shut out those of the public who did not interest themselves in races, but who probably had not the means to go elsewhere on race holidays. They probably had not the means to pay their fare to Melbourne, and then back to Flemington to see these races from the flat, where they could go for nothing.

Mr. Prendergast.—They cannot see the races from there.

Mr. Boyd said that they did not want to go on the flat. But there was a natural elevation on the other side of the Saltwater River, and people living in that locality, and people from all over Melbourne who went there, had been able to picnic with their families on that ground, and spend the holiday in that way. But by purchasing that ground and erecting high fences around it the Victoria Racing Club had excluded those of the public who desired to go there, and who did not want to bet with the bookmakers. Those people were practically shut out from viewing the national sport. Whatever view the House might take with regard to Wren and the tote—Wren was supposed to run a tote, but the police had not convicted him of doing so—he (Mr. Boyd) felt certain that Parliament would not say that, when it passed the Act, it intended the Victoria Racing Club committee in the roundabout method it had adopted to put down that tote shop. Now, we had on the statute-book of the State clauses against gambling, and it seemed to him (Mr. Boyd) a hollow farce and utter sham to say, as was said generally, that the police of this State were incapable of putting down any gambling shop that might exist in Melbourne. Either the police did not want to put it down, or else the public wanted it to remain.

Mr. J. Cameron (Gippsland East).—Is the law sufficient?

Mr. Boyd said that the Chief Secretary had stated to-night that the law was sufficient. If the statutes that dealt with gambling were to have any public effect at all, then it was the business of the Chief Secretary to see that the Act was not laughed at. The business of the Chief Secretary's Department was to see that gambling was put down, and to maintain the statute law of the country as it ought to be maintained. If there was not sufficient authority he (Mr. Boyd) felt quite satisfied that this House would grant the authority necessary to stamp out gambling. But gambling either on our streets or in houses used for that purpose illegally, and gambling on our race-courses, were, to his mind, one and the same thing. If it was wrong in one case it was wrong in all cases. He did not bet—not on any high moral ground, but simply for the good old Scotch reason, that he might lose, and as he could not afford to lose he thought it wise not to bet.
powers for dealing with it did not exist, the Chief Secretary should ask for further powers. When there was a body in existence to control the sport, fair play at least should be meted out to every man who raced, and it was evident from the discussion on the subject which had taken place in the newspapers that fair play had not been meted out, because certain nominations of horses had been allowed to stand, while others had been rejected. During the last fortnight, since the matter was first mooted, he had heard in his own constituency all kinds of opinions expressed with regard to the action of the Victoria Racing Club. Some people were strongly on the side of their action. There was the same divergence of views outside of Parliament, and people were at loggerheads about the matter. A particular individual, who was credited with running a “tote,” happened to be the man in this case whose horses were affected, but it was quite possible that tomorrow some other person might be affected, and he felt satisfied that Parliament and the public desired, and, he thought, the Victoria Racing Club desired, that fair play should be meted out to everybody. He thought that the Government ought to accept the suggestion which had been made, and appoint a committee of the House to inquire into the matter, or, if Parliament had not the power to interfere with regard to the acceptance or rejection of nominations of owners, a committee ought to be appointed to inquire whether the action of the Victoria Racing Club, in purchasing the land he had mentioned, was legal, and generally with regard to the appointment of members of this House as trustees of all racing clubs, and any other clubs which controlled sport. There was only one club in connexion with which the Minister of Lands had taken the responsibility of appointing trustees. That club controlled a certain sport. If questions were raised in connexion with it which might affect the public, there should be in Parliament members who were able to give from their place in the House an account of their actions on that body, and explain what had been done.

Mr. Mackinnon.—How would it do to have a Department of Sport and a portfolio?

Mr. Boyd said he did not know that he would go that far. He did not think that that was necessary. He supposed that no charge of any kind had been levelled against the Melbourne Cricket Club. That club had controlled its ground for many years, and yet, without notice or warning, the Minister of Lands, presumably with the consent of his colleagues, last week appointed five members of this House as trustees.

Mr. Hannan.—Four of them from the Government side.

Mr. Boyd said that he believed that some of them were from the Opposition side of the House. But his view was that there ought to be direct representatives of this House on the board of control of all the sporting clubs of this country.

Mr. Murray.—Are you going to appoint them to control the V.R.C.

Mr. Boyd said that that was the Minister’s business.

The Speaker.—I am afraid that I shall have to stop the honorable member, for the fifteen minutes he is allowed have elapsed.

Mr. Anstey remarked that the honorable member for Collingwood moved the adjournment of the House to discuss the relations of the Victoria Racing Club to the public of this country, and in the few words which he addressed to the Chamber, he spoke about the betting carried on on the V.R.C. race-course. If that were the object for which the honorable member moved the adjournment, it would seem to be insufficient. If betting on race-courses was an evil, the real object of the House should be to combat that evil as a whole, and not as it existed in connexion with one institution. He took it that the real object in moving the adjournment was to take into consideration the action of the V.R.C. in connexion with various events that had recently taken place. At any rate, that matter had entered into the discussion, and he (Mr. Anstey) proposed to say a few words on the subject. The honorable member for Essendon stated that that was a subject of no importance, and that it was only an individual grievance, which should not have been ventilated in this Chamber. But at what particular point did individual grievances become of sufficient importance to be discussed in this Chamber? This Parliament gave over
to certain persons, societies, institutions, and municipalities, areas of land for various purposes, such as education, sport, and industry. If an agricultural society invited men who had spent money and time in raising stock to make entries, and these men placed their entries with the society, and the society then turned round and said that all those men's time and money should be wasted, and that they should not be permitted to participate in the prizes, emoluments, and awards, would it not be an act of justice that Parliament should consider such cases as that?

Mr. Watt.—Societies do that dozens of times. They disqualify on the ground.

Sir Alexander Peacock.—After the entry has been accepted.

Mr. Murray.—And after the prizes are awarded.

Mr. A. S. T. B. V. said that there would certainly be no objection to any disqualification after the prizes were awarded. But in any case there would have to be some reasons for doing that. Honorable members could produce no instance where an agricultural society had taken upon itself to prevent any individual from competing for the prizes or emoluments which it offered, so long as that individual complied with the conditions on which the competition of the society was conducted. If any such society refused a person the right to compete, saying that it had nothing against his reputation or conduct, but at the same time absolutely prohibiting him from competing, Parliament should be the first to say that an injury had been inflicted on the man. In such a case as that, Parliament would have no hesitation in taking prompt action in relation to the persons who so abused the trust confided in them. It was not a question of the merits or demerits of an individual. Honorable members should see that this sort of thing did not grow up into a practice, for it might become an iniquity, because the man's judges were his own rivals. Was not that an iniquity? The honorable member for Wanganaratta stated that the Parliament of this country had done nothing to suppress betting, and that if it had the power it had only dealt with the question in a hypocritical way, and that the V.R.C. had done something to suppress the betting evil. Was it true that the V.R.C. had done so? Not in the least. The V.R.C. had suppressed gambling wherever it possibly could, in order that it might gather all the prizes, rewards, and emoluments of the gambling evil to itself. Constituted, as it was, of a particular class, who were banded together wherever their class interests were concerned, whether in trade or commerce, and having common instincts, the V.R.C., he would venture to say, had abused, in every sense, the trust confided in them by the country. They gathered in an enormous sum of money, and yet paid their employé's a miserable wage. They had not even provided people who went on the flat with drinking conveniences. Had those men taken up their attitude on the particular point under consideration from moral grounds? Were they objecting to this individual because of his action as a competitor with them? They admitted that the man's reputation as a racing man was clean. They practically affirmed that there was no question in relation to him as a competitor, but they had asserted practically that they had taken the action they had done because that man was in some way connected with the gambling evil in this city. If the gambling evil was to be put down, there was no way in which Parliament could take more effective action in that direction than by the suppression of betting. That end would not be attained by dealing with one particular criminal, or one particular individual, but by suppressing gambling at its source. The moment gambling disappeared, racing disappeared. In Iowa, in the United States, where the authorities took action for the suppression of gambling, horse-racing disappeared, because, as a sport, it could not exist apart from the impetus of gambling. The only thing that attracted crowds of people to the race-course was the instinct of gambling, and the V.R.C. as an institution was inevitably bound up by the conditions of its existence in stimulating the gambling evil to its utmost, because the greater the gambling the greater the crowd and the greater the proceeds. The institutions that grew up in the city, whether Wren's or Green's, were places where people went to gamble instead of going to the race-course. These people only desired to satisfy their gambling instincts, and went to the most convenient place for that purpose. The V.R.C. did not like to see their money dwindling away because these people, instead of going to their particular hell, went to some other place. It would naturally be thought that the V.R.C. committee would begin to purify their own place before assailing anybody else. Amongst the men connected
with that club were men who had carried on some of the most peculiar practices. There was a Mr. Bowden, and there was the notorious J. B. Clark, who raced his horses anonymously; he suddenly appeared upon the scene with a string of horses, and had been identified with a gambling den. The V.R.C. committee cleared out one man, whilst others were allowed to remain. It was not purity that the V.R.C. committee were looking for, but the suppression of a particular rival in the gambling business. If it was once permitted as a proper thing that this club could exclude competitors without excuse and reason, when would the time come when Parliament considered that it should come to an end? Parliament ought to ask for an inquiry, because no organization or society having the use of Crown lands should be allowed to abuse its rights in regard to any man who obeyed its laws. It was highly essential that Parliament should deal with the evil of gambling in a stringent manner. Action should be taken to deal with all organizations and societies that carried it on, and just as much against the V.R.C. as against any other society or individual.

Sir ALEXANDER PEACOCK said that from the discussion that had taken place he thought the House was entitled to some statement from the Government as to the attitude they intended to take up in the matter. A long discussion had taken place on a most serious question. He took no interest whatever in horse-racing. When much younger he indulged, and that was the best lesson he ever had to turn him against it. The honorable member for Collingwood, in bringing the matter under notice, made a mistake, because, as the Chief Secretary pointed out, the by-laws under which bookmakers had to be registered had to be approved by the Governor in Council, and there was a case now before the Court. Therefore it was unwise to debate that matter now. But the question had assumed a wider scope. It was not so long since he, as a public man, coming from his constituency to Melbourne, was asked to use his influence with the mighty organization known as the V.R.C. He was told that it had assumed a power that it was doubtful it possessed, and that there were to be no races in particular parts of the country. He was asked to make representations to the V.R.C. committee, but refused to do so. The statements made in this discussion concerning Mr. Wren he (Sir Alexander Peacock) knew nothing about. He had never seen Mr. Wren, but it seemed a most extraordinary thing that Mr. Wren was told after a meeting of the V.R.C. committee that there was nothing against him as a racing man. There was a great deal of force in the statements made by honorable members that the matter was worthy of inquiry. The shocking statement to him, if it were true, was that concerning a certain portion of the ground upon which a number of citizens used to spend a pleasant time with their families, because they could not afford to pay for admission to the course at Flemington. The fees paid by the public had been used by the V.R.C. to purchase this piece of ground and shut the public out. If that were true it warranted some statement from the Government. He did not agree with the suggestion that the honorable member for Melbourne had made as to the appointment of a committee. The House was drifting too fast in the direction of appointing committees to inquire into everything. We had a Government who were responsible to the House. Certain statements had been made, and it should not be expected that the Chief Secretary or the Minister of Lands was going to take certain action, but the House ought to have a declaration from the Government that they would promise to look into the matter. After hearing a statement from the Government, members would be able, on the Estimates, to determine whether that statement was satisfactory or not.

Mr. KEOGH said that he was one of a conference of country racing representatives called to Melbourne by the V.R.C. to discuss various racing matters, and, amongst other questions that cropped up was the question of shop betting. The conference adopted a resolution asking the V.R.C. to wait on the Chief Secretary to request him to endeavour as far as possible to put down shop betting.

Mr. GAUNSON.—What was the object—was it to increase betting at Flemington?

Mr. KEOGH said their object was to put down shop betting, and they wanted the Government to do it. They did not ask the V.R.C. to do it. People who owned racehorses and others betted for or against these horses, and it was obvious that they could run them as they liked. He looked upon gambling as an evil, especially when carried on every day in shops. A good deal had been said about the licensing of bookmakers, which might or might not be
legal. But it was well known that before
the licensing system was adopted there were
a great number of Welshers in existence, and
it was in the interest of the public that
the V.R.C. committee licensed book-
makers.
Mr. Wilkins.—And charge £75.
Mr. Keogh said that that might be too
much. There ought to be, as the honorable
member, for Essendon said, some council
that people who were disqualified could
appeal to. There should be representatives
of the V.R.C. and the country racing clubs
on that council. It was not right that the
only appeal should be to the V.R.C.
The motion for the adjournment of the
House was negatived.

MUNICIPAL ENDOWMENT
REDUCTION BILL.
Mr. Bent moved for leave to introduce
a Bill to reduce for one year the munici-
pal endowment.
The motion was agreed to.
The Bill was then brought in, and read
a first time.

AUDIT ACT FURTHER
AMENDMENT BILL.
Mr. Bent moved for leave to introduce
a Bill to further amend the Audit Act 1890.
The motion was agreed to.
The Bill was then brought in, and read
a first time.

WATER ACTS CONSOLIDATION
AND AMENDMENT BILL.
This Bill was returned from the Legisla-
tive Council, with a message intimating
that they had disagreed with the
amendment of the Assembly on the amend-
ment of the Council in clause 4, and in-
sisted on their amendment to omit clause 41.
The message was ordered to be taken
into consideration on Thursday.

VICTORIAN RAILWAYS MOTOR
BILL.
The amendment made by the Legislative
Council in this Bill was taken into con-
sideration.
Mr. Bent said that, at the end of
clause 3, empowering the Commissioners
to construct and use motor carriages, the
Council had inserted the following addition
to the clause:—
but until Parliament shall otherwise decide
no motor carriage or car shall ply for hire in any
street in which a line of tramway is laid or use
such street except for the purpose of crossing
same or for a distance of twenty chains in order
to leave or approach a railway station.
He begged to move—
That the amendment be agreed with.
Mr. Watt expressed the opinion that
the amendment was badly worded. It
provided that no motor car or carriage
should be allowed to use any street in
which a line of tramway was laid except
for the purpose of crossing it. That would
mean practically that no motor car could
come down St. Kilda-road.
Mr. Bent.—That is so.
Mr. Watt said the amendment did not
relate only to cars which were plying for
hire, but would include any motor car what-
ever. If that were so, the amendment was
absurd. It was ridiculous to suggest that
no motor car should be allowed to come
down Collins-street or Bourke-street. It
would be just as reasonable to proclaim an
infected area in the city, and to keep
motor cars out of it. There was another
Bill dealing with motor cars that had been
before the House.
Mr. Prendergast.—And they are in-
sisting on amendments in that, too.
Mr. Watt said he thought that the
other measure was hastily drawn.
The Speaker.—The honorable mem-
ber has no right to discuss another measure
which is not now before us.
Mr. Watt said that was true, but this
Bill was first cousin to the other.
The Speaker.—That does not matter.
There is nothing about first cousins in the
Standing Orders. This is a separate Bill
altogether.
Mr. Watt said that clause 6 of the
Bill stated—
The provisions of any law for the time being
in force relating to motor carriages or cars shall
unless otherwise expressly provided be deemed
and taken to apply to motor carriages or cars
under this Act.
If there was another measure which con-
tained provisions with which honorable
members were familiar, and against the
spirit and purport of the present amend-
ment, surely those provisions should be con-
sidered. He would therefore ask the Go-
v ernment to consider whether the present
proposal from another place was not likely
to exclude the ordinary motor cars from
streets in which the tramways ran.
Mr. Prendergast expressed the
opinion that the amendment sent down by
another place embodied a very dangerous
principle. Practically it meant that no
motor omnibus service could run from the
southern suburbs to the city. It would not be possible to bring them beyond the first junction on which the tramways ran. Furthermore, it would be practically impossible for any overhead lines of trams to be started.

Mr. Bent.—This applies to motor 'buses, not to trams.

Mr. PRENDERGAST said that made no difference. In New York it had been found necessary to have overhead communication, as well as underground.

Mr. Watt. — How does that affect this amendment?

Mr. PRENDERGAST said the effect of the amendment was to prevent motor 'buses being run in streets where the tramway lines were.

Mr. Bent.—That is right. That is the intention.

Mr. PRENDERGAST said the only approaches to the city from the southern suburbs were by means of Prince's-bridge and Queen's-bridge, so that the Tramway Company would be given a practical monopoly in those streets.

Mr. Bent.—You are quite right.

Mr. PRENDERGAST said he wished to prevent that. The Government should be free to act in the interests of its citizens in the future with regard to motor-car services. This amendment had evidently been adopted in order to protect the interests of the Melbourne Tramway and Omnibus Company, without any regard to the interests of the public generally. He would urge the Premier, therefore, to object to the amendment. The Tramway Company had special rights under the existing Act, and their powers would be increased if this amendment were carried in such a way that it could prevent motor cars from competing with them in the future. The amendment was a dangerous one, and would give privileges to a private company beyond those which it already possessed.

Mr. MACKINNON said this was a matter which required very careful consideration before the amendment was agreed to. The Tramway Company claimed—and they fortified that claim with strong legal opinion—that they had practically a monopoly in all districts in which they ran their trams. That claim had been disregarded by this Parliament, but if the House agreed to the present amendment it seemed to him it would fortify the company's claim to a monopoly in a very material way. The claim the company made was to the right to run tramway lines along particular streets.

Mr. Bent.—They say we may run these motor cars along Chapel-street or Toorak-road, and they object to that.

Mr. MACKINNON said that one of the dangers contemplated by the Tramway Company was the development of the motor-car business in such a way as to compete with the present tramways. Now, if the company could get the State itself to refrain from competing in that way they would have a very strong position against any private company which might afterwards propose to do so. He failed to see why Parliament should make this concession, which was obviously intended for the benefit of the Melbourne Tramway and Omnibus Company. Why should the State be debarred from plying for hire in streets along which the tramways ran? Was there any ground for such a proposal? Looked at from the point of view of the public, he thought it would be found that the State was doing a very useful service to the whole of the community in running these motor omnibuses in competition with the trams. At the present time, the Tramway Company had a practical monopoly, so far as tramways were concerned, because it was physically impossible to run other tramway cars over the same streets, but that would not apply to motor omnibuses. In his opinion, it would be an act of great weakness and folly to agree to the present amendment.

Mr. Warde stated that he objected to the amendment proposed by the Legislative Council for the same reasons as those of previous speakers. It seemed to be entirely in the interests of the shareholders of the Melbourne Tramway and Omnibus Company, and there was no reason why motor cars should not be run in competition with the trams. At the present time, the municipalities found it very difficult to obtain permission to run omnibuses or trams in opposition to the Tramway Company. In a debate which took place in this House some few months ago with regard to the powers of the Tramway Company, the view was taken that Parliament was perfectly within its rights in saying that motors might be run in opposition to the company. It was well known that very strong influences were brought to bear in the galleries of both Houses of Parliament whenever questions affecting the Tramway Company were under consideration. The directors of certain companies had been found in direct consultation with members of another place, and evidently one result of
this method of watching the proceedings of Parliament was the insertion of this amendment in the present Bill. Parliament should be left free to act un fettered in this direction, in what it regarded as the public interests. It might be found necessary to run a motor-car service for a considerable distance in different districts in order to decide whether a line of trams was necessary, and in that case it would be necessary to have wider powers than were allowed by this amendment. The Premier had taken great interest in the question of electric trams, and had forced the question to the front with great energy. That being so, it was to be hoped that the honorable gentleman would hold his hand, and refuse to tie the hands of Parliament in the way proposed by another place. The Premier must see the danger of such a proposal. He (Mr. Warde) would oppose the clause, and he hoped the Minister would not ask the House to accept it. If the Minister did ask the House to accept it, he (Mr. Warde) would ask the House to divide on the question.

Mr. WILKINS said he understood that this clause was drafted at the instigation of the various municipalities within whose areas the tram lines ran. At the end of eleven years these trams were to become the property of those municipalities.

Mr. BENT.—You mean part of them; not all of them.

Mr. WILKINS stated that he referred to the whole of the cable system.

Mr. BENT.—But that does not include the properties of the company.

Mr. WILKINS said that, personally, he would be very pleased to see the Government purchase the whole of the existing metropolitan tram service.

Mr. PRENDERGAST.—It will come to that eventually.

Mr. WILKINS remarked that no doubt it eventually would come to that, and the municipalities would, he was sure, be pleased to have it so. Until that time, however, the desire of the municipalities interested was that there should be no motor buses running in the vicinity of the tram-lines. They did not object to have those buses running along William-street, Malvern, or along other streets from which the tram-lines were at a distance; but the conference of the various municipalities held recently in the Melbourne Town Hall was quite unanimous in coming to the conclusion that it would not be in the interests of the municipalities that such motor service should be extended in a way to conflict with the trams. Personally, he had no feeling at all in the matter, but he knew that the Melbourne Tramway Company had very little to do with the getting of the clause drafted. The drafting of the clause was done at the instigation of the Lord Mayor of Melbourne and of the mayors of the other municipalities interested who saw the Premier on several occasions on the subject. The present tramway service was an excellent one, and the only complaint he (Mr. Wilkins) had against the Tramway Company was that it was not as liberal as he would like it to be with its employes.

Mr. COLECHIN said that he disagreed with the statement of the honorable member for Collingwood, with reference to the drafting of the clause. He (Mr. Colechin) was quite satisfied in his own mind that the Tramway Company had influenced people outside and inside the councils, and were the promoters of the amendment. The councils were quite satisfied with the action of the Government in this matter, recognising that the motor buses were to be feeders for the railways, and were not likely to interfere to any serious extent with the service of the Tramway Company. Clause 3, on which this amendment was made, gave certain power. The amendment would take away that power, so that if an official of the Tramway Company held up his hand there would be an action against the Government. The company apparently had the idea that when the Tramways Act was passed it transferred to them the title to roadways, but no reasonable man would try to maintain that view. He hoped the House would not budge an inch in the direction of giving the company power to prevent the Government from taking whatever course it might desire to pursue; and the sooner honorable members looked into the Tramways Act the better it would be for the State.

Mr. LEMMON said that to him it appeared that the new clause would give very valuable power to the company. It was a proposal which would seriously interfere with a proposal of the Williamstown Council to spend £10,000 in the construction of an up-to-date ferry as an inducement to the Government to allow the motor buses to run to and from that place and the city plying for hire. The new clause would render it impossible for those motor buses to ply for hire within the city for the purpose of taking people to Williamstown, as it rendered plying for hire within twenty
chains of any street where there was a tram line illegal. The company, too, were in possession of the most populous of the city streets. This was a very important matter, and the people of Williamstown were showing great indignation at the manner in which they were being treated. The Premier had spoken indignantly of certain individuals having used their influence over another place. The amendment seemed to be the outcome of the influence of those individuals backed by the Melbourne City Council. In the interests of the outlying municipalities the clause should not be allowed to pass.

Mr. IRVINE remarked that he felt a good deal of difficulty about the clause. The question which the House was called upon to decide now was essentially different from that with which the House dealt some two or three months ago, when the proposition was that a certain tram line should be constructed by the Government alongside an existing tramway. At that time, he believed, an opinion was given by a certain gentleman, for whom he had the highest respect, that the proposition was contrary to law. Whether it was so or not he (Mr. Irvine) did not know; but the question honorable members now had to determine was whether they ought to embody in an Act of Parliament what, as the honorable member for Prahran had pointed out, would really be a concession of a right claimed on behalf of the Tramway Company and of the corporations interested in this matter. Honorable members should first of all ascertain whether or not such a right existed, because, if it did not exist, and if there was no monopoly beyond that of having tram lines laid down the streets, then the very important question arose as to whether any circumstances had arisen to warrant honorable members in giving an extension of a monopoly not already given by Act of Parliament. He (Mr. Irvine) had the greatest respect, in some respects, for the management of this important company, and thought that they had carried out their powers as given by Parliament very well indeed. He did not, however, think that it was necessary for Parliament to embody in an Act the acknowledgment of any claim which did not in fact or in reality exist. He was afraid that the clause, if passed, would be taken as an admission that the Tramway Company and the corporations interested in the tram lines were really entitled to a right—which was not a right in fact—or which had not already been bestowed upon them by Parliament. The point made by the honorable member for Williamstown struck him (Mr. Irvine) as being an important illustration of how far the clause might go. That honorable member pointed out that, whilst no tram lines ran to Williamstown, if it were desired to run motor carriages to and from Melbourne and Williamstown, under the clause, these motors would have to stop running at the extremities of the existing tram lines, and would not be able to enter the city. That was a very important illustration of the length Parliament was asked to go. On the other hand, there was a good deal to be said in favour of the view that the State had already allowed tramway lines to be created, and which ought to be conserved. Those interests were vested not merely in the company, which would come to an end in a short time, but also in the municipalities, and to start a wholesale and general competition with the existing tramways would be, to some extent, a breach of the faith in which these trams were constructed, and on which a considerable sum of money was expended.

Mr. MACKINNON.—That would be an unlooked-for development.

Mr. IRVINE said that what he desired to point out was that, whilst he agreed that it would be very imprudent in the Government to establish anything like a general competition with the existing tram lines, the matter was really more one of administration than of legislation. Honorable members did not want to embody in an Act of Parliament a demand or claim which had no real existence in law; and if the clause were left out, and the Premier stated what the intentions of the Government were generally in regard to the matter—that these motor carriages were only intended as feeders for the railways, he (Mr. Irvine) ventured to think that the interests involved, and especially those of the municipalities, would be quite strong enough to prevent any abuse of the power possessed by the Government. Consequently, it might be better if the Government did not accept the amendment, and, instead, simply satisfied the interests which were involved by making a statement as to the intentions of the Government. As he had already said, all this was much more a matter for administration than for legislation, and he was a little afraid of crystallizing in any form an admission of rights which might carry with it more far-reaching results than were contemplated at the present time by those who brought the proposal forward.
Mr. BENT remarked that the honorable member for Prahran had accurately stated the case. The feeling that he personally entertained regarding this matter was well known.

Mr. MACKINNON.—(You did not give in to them over the St. Kilda railway, did you? Mr. BENT.—No fear. However, honorable members knew the pressure in the other part of the world, and there was a fear entertained, or at least it was alleged there that the Government would be likely to run these buses down the Toorak-road, or down Chapel-street, and as the buses were far superior to the trams, it was thought that they would be likely to take away the traffic from the trams. The Government never had any intention to do that at all. They simply intended to run the buses along High-street, and they thought they would do Kew, and the Railways Commissioners thought that the buses would go to Brighton. He (Mr. Bent) did not. When the matter was brought before him the other night, as it was stated that the amendment allowed a distance of twenty chains, and that the buses could go down to the Prahran station, he said that he did not think the House would object to it, but he could see clearly now that the House was of the same opinion as he was, that Parliament gave the Tramway Company certain powers, but not all the powers they claimed. This being the case, he would not attempt to ask the House to agree with the amendment now. He would adopt what the honorable member for Lowan said. It was simply the intention of the Government to go up High-street, and, perhaps, along through Kew, and across from Hawthorn to Malvern. He would like to put in a few more himself.

Mr. WATT.—You might give us an assurance or two about the Essendon system.

Mr. BENT said he was told that Essendon was not getting on very fast.

Mr. WATT.—You wait.

Mr. IRVINE.—If you want to run trams or buses to Williamstown where there is no tramway service, you won't preclude yourself.

Mr. BENT said that if there was a proposition to go to Williamstown—

Mr. McCUTCHEON.—You won't compete with your own railway to Williamstown by running trams or buses, will you?

Mr. BENT.—Nor let anybody else do it. He thought he would take full charge of Williamstown. He was going to give Williamstown a lift one of these odd times.

The motion was negatived, and the amendment was disagreed with.

The Bill was ordered to be returned to the Legislative Council, with a message intimating the decision of the House.

OPIUM BILL.

Mr. MACKEY moved the second reading of this Bill. He said—the objects of this Bill are, I think, plain on its face. They are, in the first place, to extirpate the vice of opium using that is now prevalent among certain people in our community; and secondly to prevent the increase of the vice. It is said by those who know what they are talking of that the vice is increasing among the European section of the community. I am not merely referring to the vice of opium smoking, but to the vice of opium eating and opium injecting. Not merely in this State, but throughout the whole of Australia there is at the present time a movement going on requesting the different State Parliaments to bring in legislation on the lines dealt with in this measure. The Chinese people of Australia have, with others, asked for the passage of this measure into law. So earnest are they that in many cases the great Chinese merchants with hundreds, and in some cases thousands of pounds worth of opium in stock, have agreed that it shall be utterly destroyed, so anxious are they that the vice that is deteriorating so many of their people should be brought to an end. The present Government, at the request of representative Chinese people in this community, with others of the European race, have introduced this measure to Parliament, and now ask Parliament to pass it into law. Chinese, even to-day, told me that if this measure is law for a twelvemonth and is strictly enforced, the vice of opium smoking will be practically extinct in Victoria. For once we effectually prevent men from gratifying the habit they have acquired, that habit will, in a comparatively short time, disappear, and the men who have the habit of opium-using will be the first to thank Parliament for putting temptation out of their way. They are too weak at present, and the habit has too strong a hold upon them for them to get rid of it, but they would be only too pleased if circumstances were so arranged that they could not gratify the habit, and if they were compelled to go through that period of suffering which they must inevitably undergo. I am assured that already since the Government determined to bring in this
measure, Chinese merchants are feeling its effects. They have said that the quantity of opium being sold has already materially decreased, because the opium-users, so I am informed, are already trying to accustom themselves—

Mr. Murray.—To what we call “tapering off.”

Mr. Mackey.—I cannot use more expressive language than the Minister of Lands has just used. The measure is a drastic one, but if we want to bring this vice to an end we must pass a really drastic measure. In submitting this Bill to Parliament we are simply giving the other States a lead, and the passage of this Bill into law will, I am assured, be followed by the adoption in the other States of similar measures. Already in New Zealand, there is a similar law in force, with, I am told, the very best effects. In drafting this Bill with Mr. Ah Kett, a well-known professional man of this city, I have availed myself of the provisions of the New Zealand Act, and cured certain defects where that Act has apparently failed. Hence, I will simply now commend this Bill to the House, as a measure which it might readily pass.

Mr. Prendergast.—This Bill has my entire approval. Recently I endeavoured to introduce an amendment in a Bill to amend the Poisons Act, for the purpose of preventing the evils pointed out by those who had been inquiring into the opium question, and trying in vain to get legislation on the question for some years. To my non-professional eye this Bill seems a very excellent piece of drafting and to compass in very plain language exactly what is desired. The amendment that I have circulated on the Poisons Bill did not go as far as this Bill goes, and, therefore, I gladly withdraw any reference to my amendment, in order to allow the full consideration of the question in the Bill as it is now before the House. There are a great many evils connected with the use of opium, and they must be coped with now if we want to prevent them from going any further. The proper time to deal with the evil is when it is in its infancy. There are very few vested interests involved at present, and those which are involved are held by gentlemen in the community who belong to another race, but who are prepared to abandon them in order to benefit the community. A registered pharmaceutical chemist told me that some few years ago two men, one a Chinese and the other a white man, offered him £500 a year for the use of his name as a registered pharmaceutical chemist to go into business in Little Bourke-street, to enable them to sell this drug, and make a profit out of it. This gentleman, to his credit, declined to deal with them. When offers of this kind are made, we cannot make the penalty too severe, and I see that power is given not only to fine, but also to imprison, if necessary. The effect of that will be to strengthen the Bill in its operation, and to prevent people who would be likely to break the law from making any attempt to do so. The opium evil is a very great danger, even so far as it has gone, to our own race. At one time in Sydney, in one of the opium shops, I saw on one of the opium benches a man and his wife lying head to head with the opium pipe in between them, and a little child about three or four years of age playing close by them. They were smoking the opium and occasionally blowing a whiff in the child’s face to keep it quiet. The same sort of thing takes place here. I knew a man—I believe he has broken off the habit now—who went frequently into the Chinese dens in the Chinese quarter to obtain opium. He went in every night as regularly as he knocked off his work, with the result that he was becoming incapacitated. Those who read in any medical work, or in the British Pharmacopeia, about the effect of opium, will see that all authorities have agreed about the debasing effects of the drug, and its positively harmful effects upon the human system. I am glad to see the Bill introduced, and I hope that all its provisions will be made law. I cannot conceive of any class of persons to whom we could more safely intrust dealing with this drug than registered pharmaceutical chemists, and therefore I would suggest that an amendment should be made in clause 6 of the Bill. That clause provides—

No person shall have in his possession order or disposition opium in any form which though not suitable for smoking may yet be made suitable unless he holds a permit so to do issued by the Chief Secretary.

I would suggest that after the word “unless” the words “being a pharmaceutical chemist” should be inserted. If we restrict possession of opium to pharmaceutical chemists, and require those chemists also to obtain a permit from the Chief Secretary, I think we shall have a perfect guarantee that the drug will not be used for other than lawful and moral purposes. Provision should also be made for refusing a permit, and for cancelling a
permit if the holder is found to be dealing illicitly with the drug. I am a very strong believer that this Bill is very necessary in the interests of the community. The proper time to prevent this drug from getting a hold on the community is when, so to speak, the evil is in its infancy. Dr. Roth, Protector of the Aborigines in Queensland, stated to the Tariff Commission—

The effect of opium on the natives was utter demoralization of them, body and soul; they became so seized with the craving that they sold themselves, children, women, or anything to get it.

Again, in a paper recently read from Mr. C. H. Cheong, he said—

Sir John Cockburn, when Premier of South Australia, informed me that, from his professional experience as a medical man, he knew of large numbers moving in fashionable circles of society who are addicted to it in the form of morphia, and the disastrous effects it has upon them.

I would also like to see some legislation, although I know it cannot be very well introduced into the present Bill, to deal with the use of morphia, and to prevent other preparations of opium from being used which have the same evil and demoralizing effect as opium, although, perhaps, not in so great a degree at first. I am glad to see the Bill introduced, and will give it my support, at the same time asking the Minister to limit the sale of opium to registered pharmaceutical chemists.

Mr. Keogh.—How about wholesale druggists?

Mr. Prendergast.—As far as I know they are all registered pharmaceutical chemists. If not, there is a great danger in allowing any person to sell opium unless he is a registered pharmaceutical chemist. If we find that wholesale druggists have no registered pharmaceutical chemists to dispense their drugs, I think there should be an amendment introduced in the Bill to compel them to do so.

Mr. McCutcheon.—I have much pleasure in supporting the second reading of the Bill. The only amendment I see required, in addition to that recommended by the leader of the Opposition, is in the second part of clause 9, “all opium seized under this section shall, on conviction of the person in whose possession same was found, be forfeited to His Majesty.” I would like the Minister to add to that the words, “and shall be forthwith destroyed.” Forfeited opium should not be sold, but should be destroyed, as they propose doing now with the opium seized under the Commonwealth measure.

Mr. Mackey.—I shall be very glad to accept that suggestion.

Mr. McCutcheon.—I think the Bill is an excellent one indeed, and very well drafted, considering it came generally from laymen outside.

Mr. Gaunson.—This may be a very excellent Bill; but I should have thought, from the remarks that are constantly heard about the Chinese, that it would be considered a devilish good job to let them all smoke opium until they were wiped out of existence.

Mr. McCutcheon.—We want to protect white people.

Mr. Gaunson.—I am pointing out to the Labour Party what a terrible injustice they are doing to themselves by trying to prolong the existence of Chinese. However, I do not propose to discuss the Bill seriously. It has been said that the Bill has been exceedingly well drafted, and therefore I would ask the Minister in charge of it to take a note of the fact that once a permit has been issued by the Chief Secretary, there does not appear to be any power to revoke it.

Mr. Mackey.—I have already made a note of an amendment to provide for that.

Mr. Gaunson.—It is just as well to point out that there are spots on the sun.

Mr. Livingston.—I am absolutely in accord with the object of this Bill, and I think it is a great pity that it was not introduced a very considerable time ago. I see by clause 1 that the measure is to come into operation on the 1st January, 1906. There is one point on which I do not know exactly the position the Government intends to take up. Although it is admitted that opium is a poison and a drug that should certainly be prohibited, I would ask is it absolutely fair that only three months’ notice should be given to those who are now in possession of opium? It is well known that there is a considerable amount of stock in hand, and I would ask is the Government prepared to give anything in the shape of compensation to the holders of that stock at the commencement of the measure?

Mr. McCutcheon.—It can be exported.

Mr. Livingston.—It cannot be exported.

Mr. McCutcheon.—Why?

Mr. Livingston.—It cannot be sent back to Hong Kong; they will not receive it there. No opium will be allowed to be
imported into Hong Kong. Opium is grown in India, sent to Hong Kong, and then is transformed from hard opium into smokable opium by a certain process. The value, with the duty, is stated to be £3 5s. per pound. It is generally understood that a very considerable profit is made out of the sale of opium, but I am informed, on the very best authority, that the importer of opium only makes some 4 per cent., and that the retailer only makes 10 per cent.; but, putting that on one side, it is admitted that there must of necessity be a considerable amount of opium in stock at the present time, and if the whole of that opium is to be seized, condemned, and destroyed, the unfortunate holder cannot protect himself in any shape or form—will have to suffer the whole of the loss. Now, I ask, is that fair? It is admitted that spirituous liquors are also a certain form of poison, but no honorable member, I think, will argue that a Bill should be passed, giving only three months' notice, after which the whole of the stocks of spirituous liquors should be condemned and destroyed without compensation. Under local option we know, where the owners of licensed premises are deprived of their licences, and thus of their mode of earning a livelihood, they are recompensed to a very considerable amount. But here, in the case of Chinese, who have practically no representation in this House, although they are landed with a certain stock of opium on the passing of this Bill, yet there is no attempt, in any shape or form, to propose to recoup them for the loss of whatever amount of this valuable drug they may have in their possession. The trade in opium has been allowed in Victoria for the last thirty or forty years, and, as some of the Chinese are certain to have a quantity of stock which they cannot possibly get rid of in the time before this measure comes into operation, I would ask the Minister if he thinks it is just that the stock should be confiscated and destroyed without the slightest recompense to the holder?

Mr. SMITH.—I think the House is practically unanimously in favour of this measure, and honorable members may also feel strengthened by the fact that even the very victims of opium-smoking are, I might say, praying for the passage of this measure. I make this statement because, a few days ago, I went through the opium dens of Melbourne for the purpose of ascertaining exactly what was taking place. In every one of those dens where I found unfortunate victims—white men and white women—they all stated that they were anxious that this Bill should be passed, and passed as speedily as possible, although they recognised themselves as victims of the opium. They, in other instances, willingly signed the petition that was presented to them for preventing the introduction of opium into the State. The effect that opium has upon them, they say, is not, perhaps, as bad as some people make out, but they recognise that it has, to some extent, an enervating effect, which lasts for a few hours, and that then they must have recourse to it again, either in the shape of smoking, or, if it is not possible for them to get a smoke, they carry the opium about with them, and take it in the form of a pill. The habit has got so far a hold upon them they find it almost impossible, of their own efforts, to put it off. When the question was put to one of them as to how he would get on after the introduction of opium was abolished, he philosophically remarked, "Well, if I get six months, I suppose I would have to do without it, and be brought off the habit in that way."

I think it is in the interests of those unfortunate—who themselves recognise their own weakness—that the House should pass this measure to prohibit the importation of opium, and that it will not fail to do so at this particular juncture. Clause 3 provides that "No person shall smoke opium," and I should like, if possible, to see an addition made to that clause which would deal also with another form of smoking which is creating a vast amount of injury in the community—I refer to cigarette smoking. As far as I understand, there is a proportion of opium in the cigarette, which makes it injurious. Even in the opium dens where I went I could tell the difference between the smoker of opium and the cigarette smoker by reason of the cough I heard in the throats and lungs of those who were confirmed cigarette smokers. I was given to understand that there is a proportion of opium in cigarette tobacco, and I think it would be as well if we amend clause 2 by adding the words "$ or any mixture in which opium forms a part." By doing that, I think we would strike also at an evil which is doing great damage to the youth of our country; and it certainly wants to be stamped out equally with opium. I consider that the one is as bad as the other in its devastating effect on the young in Victoria.

Mr. BEARD.—I am quite in accord with other honorable members who are in favour of this measure, but I think that unless this Bill is followed by some legislation dealing
with morphia and laudanum, the probability is the only effect will be to cause people who are now smoking opium to resort to the other drugs I have mentioned. This Bill deals particularly with the drug opium, as taken into the constitution by smoking. Unless we provide by legislation to prevent the morphia habit, we will have these people, knowing that they will get the same results by injecting morphia or taking laudanum, relieving themselves by resorting to a vice that will have the same effect as the smoking of opium. This should, therefore, be met by legislation.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clause 1 was agreed to.

On clause 2, prohibiting opium smoking,

Mr. LIVINGSTON said the measure should not come into operation on the 1st of January next, as the notice would be insufficient to the holders of this drug.

The CHAIRMAN. — We are now on clause 2. We have passed clause 1, but the honorable member will have an opportunity of dealing with that question on the report.

The clause was agreed to, as were also clauses 3, 4, and 5.

On clause 6, which was as follows:—

No person shall have in his possession order or disposition opium in any form which though not suitable for smoking may yet be made suitable unless he holds a permit so to do issued by the Chief Secretary,

Mr. MACKEY moved—

That the words "being a legally qualified medical practitioner, or a registered pharmaceutical chemist," be inserted after the word "he."

The amendment was agreed to.

Mr. MACKEY moved—

That the words "Chief Secretary" be omitted, with the view of inserting the words "Governor in Council, who may at any time cancel the permit."

The amendment was agreed to, and the clause, as amended, was passed.

Clauses 7 and 8 were agreed to.

On clause 9, which was as follows:—

If any member of the police force has reasonable cause to suspect that there is in any house or premises any opium in contravention of this Act or that opium is being smoked therein, he may without further or other authority than this Act enter and search any such house or premises and seize and carry away any such opium, and arrest all persons therein found offending against this Act.

All opium seized under this section shall on conviction of the person in whose possession the same was found be forfeited to His Majesty,

Mr. MACKEY said he proposed to make the amendment suggested by the honorable member for St. Kilda. He therefore begged to move—

That the words "and shall be forthwith destroyed" be added to the clause.

The amendment was agreed to, and the clause, as amended, was passed.

Clause 10 was agreed to.

The Bill was reported with amendments, and the amendments were adopted.

On the motion of Mr. MACKEY, the Bill was then read a third time.

Mr. LIVINGSTON called attention to clause 1, which provided that the Act should come into operation "on the 1st day of January, 1906," and moved—

That the word "March" be substituted for the word "January."

He said that he moved this amendment to give the holders of stocks in hand an opportunity of disposing of them in some way.

Mr. MACKEY. — They say they do not want time.

Mr. LIVINGSTON said he was speaking from certain information given to him. All that these people desired was to have an opportunity of getting rid of the stock. It was not fair to victimize them by such short notice.

Mr. BEARD said he would be glad to second the amendment. This was one way of compensating these people, and the time limit had been suggested as a means of compensation in regard to public houses.

Mr. BENT.—Will you take February?

Mr. BEARD said that these people ought to have a little time to protect themselves.

Mr. BENT.—They will have four months.

Mr. BEARD said they should have six months.

Mr. LIVINGSTON said he was agreeable to make it February, and he would therefore alter his amendment accordingly.

The amendment, as amended, was agreed to.

The Bill was then ordered to be transmitted to the Legislative Council.

LAND ACTS AMENDMENT BILL.

The House went into Committee for the further consideration of this Bill.

Discussion was resumed on clause 12, providing for the issuing of bee range area licences, and on Mr. Livingston's amendment thereon, as follows:—

That the words "of not less than one penny for each and every acre within one mile of the
site of his apiary, as specified in the licence,” paragraph (c), be omitted, with the view of inserting other words.

Mr. THOMSON said he wished to have “three” inserted instead of “two” in paragraph (a), which provided that only two bee range area licences could be issued to any person, company, or firm. His difficulty was that it was necessary to make the same alteration in clause 7.

The CHAIRMAN.—We cannot go back to clause 7.

Mr. THOMSON said that in paragraph (a) of clause 7 the word “two,” in connexion with licences, was mentioned. He would like to move at the report stage, that “three” should be substituted. That amendment would come in also in paragraph (a) of this clause. He would point out to the Minister that he was entirely with the honorable gentleman in what he desired to achieve by the Bill. He recognised that there was very much of this experimental legislation. What the Minister should do was to assist the bee-farmer and not cripple him, and he knew that the Minister was equally as anxious as he (Mr. Thomson) was to do what was fair.

Mr. MURRAY remarked that he had tried to draft these provisos on the recommendations of the licensees. The power of connexion with licences, (a) would achieve by the Bill. He recognised that there was very much of this experimental legislation. What the Minister should do was to assist the bee-farmer and not cripple him, and he knew that the Minister was equally as anxious as he (Mr. Thomson) was to do what was fair.

Mr. MURRAY moved, in paragraph (a), which provided that—“No person, company, or firm shall hold more than two bee range area licences”—

That the word “corporation” be inserted after the word “company.”

The amendment was agreed to.

Mr. THOMSON moved, in the same paragraph—

That the word “two” be omitted, and the word “three” be inserted in lieu thereof.

The amendment was agreed to.

Mr. MURRAY remarked that paragraph (c) provided that the charge for a bee range area licence should be “not less than 1d. for each and every acre within one mile of the site of his apiary, as specified in the licence.” It would, perhaps, meet the objections of the honorable member for Gippsland South if 1d. was struck out and £d. inserted.

Mr. TOUTCHER.—That would be the minimum.

Mr. MURRAY said that that would be the minimum.

Mr. THOMSON.—Make it the maximum.

Mr. MURRAY said that it would be the minimum. If the right was not worth £d. an acre, it was not worth anything at all. That would mean £4 for the right of grazing bees over 2,100 acres.

Mr. THOMSON observed that some land might not be regarded as worth £d. an acre. It was important that the men should get fair play. He knew that the Minister was equally anxious with himself to do what was fair, but the honorable gentleman should bear in mind that this was a young industry.

Mr. BENT.—If we go too far, I shall have to tell about you.

Mr. THOMSON said that the honorable gentleman could wait until he had gone too far. A number of the men knew very little about this business. In the case of the younger men, it cost them a good deal to get a fair return, and he thought the right was not worth £d. a year. In any rate.

Mr. MURRAY.—They are getting a good deal of protection under this Bill. The land will be worth £4 a year, at any rate.

Mr. THOMSON said that he wanted the men to get a fair return, and he thought it would be as well to make the minimum £d. If the minimum was fixed at that, there would be nothing to prevent a charge of 1d. being made for the better land. In the Grampians it was well known that the bee-keepers had to go back into the mountains with their lives at certain seasons of the year. He would like the honorable member for Gippsland South to insist on £d. as the minimum.

Mr. MURRAY.—No. One halfpenny is a fair thing.

Mr. TOUTCHER said that he thought the Minister had been very generous in his concessions to the honorable members who were representing the districts where this industry was carried on. He (Mr. Toutcher) and others would certainly like to have £d. as the minimum, but still it was a big reduction to make the charge £d. instead of 1d., and, as the honorable member for Dundas
had remarked, this was experimental legislation. He had no doubt that if after some experience of the working of the measure the Minister saw fit to make a reduction in the interests of those who were on poor land, he would do so. He would congratulate the Government on the way in which they had met the requests of those honorable members who were advocating the interests of this industry.

Mr. LIVINGSTON moved, in paragraph (c), fixing the charge per acre for a licence—

That the words "one penny" be omitted, and "one halfpenny" substituted therefor.

The amendment was agreed to, and the clause, as amended, was adopted, as were also clauses 13 and 14.

Mr. KEOGH proposed the following new clause:

In section forty-four sub-section (6) of the Land Act 1901 after the word "timber" there shall be inserted the words "trees except wattle trees."

He said that in sub-section (6) of section 41 of the Land Act, there was a covenant that the lessee would not, during the currency of his lease, ring or destroy or, except for the purposes of fencing or building or domestic use, cut down any timber. Timber had been construed by the Forest Department to mean wattles. A Mr. Le Grand tested that point not very long ago. The Crown Lands Bailiff had seized some wattles which this person had cut down, and Mr. Gaukson, the solicitor for the lessee, contended that wattles, at any rate when they were young, were not timber, and the Judge held that that contention was right.

Mr. MURRAY.—What Judge was that?
Mr. GAUSON.—Judge Chomley.

Mr. KEOGH said that he understood the Judge decided that if the trees had been a little older, they would have become timber.

Mr. MURRAY.—A very silly decision.

Mr. KEOGH said that he thought that the wattles always belonged to the tenant who paid rent.

Mr. MURRAY.—What does he pay the rent for?

Mr. KEOGH.—For the grazing area.

Mr. MURRAY.—For the grass. Why should he cut the wood and take it away?

Mr. KEOGH said that as the man paid the rent, he did not see why he should not have the crop. In the same section which he had quoted it was stated that the lease should contain conditions which were not inconsistent with the provisions of the Act with regard to the planting of trees and artificial grasses. The planting of trees was not prohibited. If the lessee was allowed to plant wattle trees, why should he not have the crop? It was stretching the law rather far to say that the bark of the wattle trees was timber.

Mr. KEAST.—You mean to say that he planted the wattle trees and they would not let him strip the bark?

Mr. KEOGH said that the tenant planted trees, thinned them out, cut the low shoots off, looked after the trees for five years, carted them to a railway station—

Mr. MURRAY.—He did not cart them to the station. He planted the bark, if he did not plant the trees.

Mr. GAUSON.—That is not true. He simply housed them on the land.

Mr. MURRAY.—And very surreptitiously took them away.

Mr. KEOGH said that he was stating what tenants did. The tenant looked after the wattle, cut off the low shoots, paid the rent, and had to comply with the usual covenants about keeping the fences in repair.

Mr. MURRAY.—There is no covenant about keeping fences in repair.

Mr. KEOGH said that he would beg the honorable gentleman's pardon. He thought the Government was quite right in demanding a royalty on timber, such as redgum, stringy-bark, and iron-bark, because that was timber which was already on the ground, but he could not see how the Government could construe timber to mean wattle bark. Section 223 of the Act stated what timber could be cut, and what timber could not be cut, under a perpetual lease. In the present case why should not the Government set out what trees might be cut down, and what trees might not be cut down, upon grazing areas? The Minister of Lands would no doubt say, "Let them convert their leases into wattle areas," but in a wattle area they could not select so much as they could out of grazing areas. In the latter case they could select 640 acres, whereas out of wattle areas they could only select 320 acres. Not only that, but after five years they would have to pay 3d. per acre instead of 1d. per acre.

Mr. EWEN CAMERON (Glenelg).—They are penalized for being industrious.

Mr. KEOGH said that if the Government demanded a royalty for the wattle, it would not pay the selectors to look after them. After all the cost of cultivation and
stripping was paid, the royalty, although it seemed small, might come to 25 per cent.

Mr. KEAST.—I know a man who recently took £2 10s. worth of wattle per acre off 200 acres.

Mr. KEogh said he saw no reason why the holders of grazing areas should not be allowed to take the wattle. Of course, where the trees were already fully grown, they should belong to the Government, and it was only right to charge royalty, but that did not apply to cases where the wattles were grown by the lessees. It was stretching things rather far to construe wattle bark as being timber, and he hoped that the Committee would accept his proposal.

Mr. EWEN CAMERON (Glenelg) said he desired to support the proposal of the honorable member for Gippsland North. He could assure the Minister of Lands that royalty had been collected from those who had planted wattles themselves, and transplanted them out of their own plantations to the grazing areas. These people thought they were quite within their rights in cultivating the wattle, and went to great deal of trouble in doing so. The Forest Department then stepped in and demanded a royalty. It seemed to him very unwise indeed to place any penalty on the occupiers of grazing areas who were desirous of growing wattle. The wattle trees grew well in sheltered areas, where there was a good deal of fern and a great liability to bush fires. As an industry, wattle-growing was precarious enough at any time, and the settler never knew when the result of many years' toil would be swept away before he had an opportunity of reaping the fruits of his labour. Many areas of Crown lands which were now unproductive could be utilized for wattle-growing, and even if the lessees got £10 an acre, the industry would be of great indirect benefit to the State, and especially to the railways. In the interests of the tanning industry especially it was absolutely essential that there should be large supplies of wattle bark at the cheapest possible price. The royalty was felt to be a hardship by those who were growing wattle.

Mr. THOMSON.—They pay full rent.

Mr. MURRAY.—But they do not pay for the wattle bark.

Mr. EWEN CAMERON (Glenelg) said a man might have been taking care of the wattle for ten years.

Mr. MURRAY.—Then why does he not take out a licence?

Mr. EWEN CAMERON (Glenelg) said the Government did not make the conditions liberal enough. If a man was willing enough to cultivate wattle, he should do so without being penalized. The risks of the industry were quite sufficient to discourage him. There were areas of country now lying idle from which the Government did not get a penny, and if people were allowed to grow wattle on that land at a nominal rent it might be possible to carry on the industry successfully. In any case the land was not fit for much else.

Mr. J. CAMERON (Gippsland East) said he trusted that the Government would accept the amendment. The men who took up these grazing areas should be allowed to have any crop that was profitable. The land would only grow one crop at a time, and it was impossible to grow both grass and wattles. A man with 1,280 acres would probably find that a part of the land would grow wattle better than anything else, and another part would grow grass, but if he had to pay royalty on the wattle it would not pay him. He had recently shown the Minister of Lands some blocks of land on the Genoa River, where people were devoting the whole of their time to the growth of wattle on purchased land. One owner had two men working throughout the whole of the year on the wattle, and making a regular business of it. The wattle was a leguminous plant, and improved the soil around it. For that reason it was wise to encourage the growth of wattle instead of grass.

Mr. GAUNSON remarked that this was a subject about which he knew something. The last speaker wanted to know why these lessees should not be permitted to grow wattle as they liked. As a matter of fact, they did so, and the Department had rightly misapprehended the true position. In section 44 of the Land Act 1901, dealing with grazing areas, there was a proviso which he did not think was known to the Department or to the Minister either.

Mr. MURRAY.—I know a good deal about that case where you got that scoundrel off, at any rate.

Mr. GAUNSON said that, so far from being a scoundrel, the person referred to was a hard-working worthy man, towards whom the Department itself was acting in a scoundrelly fashion. In that case, Judge Chomley, who was noted as a remarkably careful Judge, and a thorough lawyer, gave the Government an opportunity of stating
a case for the opinion of the Supreme Court, but, after chewing the cud for a month or two, the Government dropped the question like a hot potato. Section 44 of the Act of 1901 ended as follows:—

And every such lease shall contain such other conditions and provisions not inconsistent with the provisions of this part, and not prohibiting the planting of trees.

This amounted practically to an express provision that the planting of trees was to be encouraged.

Mr. Thomson.—But they are not at liberty to take the trees off.

Mr. Gaukson asked if all this was not illogical? Would any lawyer say that a man was at liberty to plant trees, but was not at liberty to reap the produce? That a man was at liberty to plant an apple tree, but not at liberty to pluck the apples? He who would argue so would be the perfection of a profound ass. In the same way it was said that a man who planted a wattle tree was not at liberty to remove the bark.

Mr. Mackey.—Does the plucking of the apples kill the apple tree?

Mr. Gaukson said it did not.

Mr. Mackey.—But the removal of the bark kills the wattle.

Mr. Gaukson said that apparently the Lands Department was not aware of the provisions which directly encouraged the planting of trees.

Mr. Murray said he desired to be allowed to explain. In the first place he would reply to the first portion of the speech of the honorable member for the Public Officers, in which his (Mr. Murray's) knowledge of the wattle-bark industry was questioned. When the honorable member for the Public Officers was in swaddling clothes, or hardly out of them, he (Mr. Murray) was the grower, if not of wattle trees, of one wattle tree, which became of such magnificent size that it had to be cut down, because it threatened the stability of a neighbouring establishment. There could be no objection to lessees taking the bark off wattle trees they themselves had planted, on the principle that the man who reared the calf had a right to milk the cow. That was a dictum laid down; and no doubt the honorable member for the Public Officers had come across in his extensive course of reading the passage relating to it, in which the great Johnson defended the civil war in America, and which was referred to in that very excellent history of the independence and free-dom of the great golden land of Australia by the late John Dunmore Lang, whose book he (Mr. Murray) would commend to every honorable member. When he (Mr. Murray) was having his very enjoyable trip through eastern Gippsland, accompanied by the honorable member for that district (Mr. James Cameron), and drawn by a magnificent team of horses, very skilfully handled by the honorable member for Gippsland East himself, and had all the great undeveloped resources of that terra incognita pointed out by the driver himself, with the botanical, auriferous, geological, timber, and other characteristics of the country emphasized—which characteristics for the main part existed only in the imagination of the driver, and were not to his (Mr. Murray's) eyes realities—there was one thing specially worthy of note, which the driver directed his attention to, and that was the wattle culture by grazing area lessees, and it was pointed out how well it would be to encourage these lessees to look after the wattle. He (Mr. Murray) expressed the opinion that the man who attended carefully to the wattle, lopping the lower branches, and developing the bark which became a great commercial commodity, was worthy of consideration. The East Gippslander certainly knew something about wattle bark, and was an adept in the annexation of bark which, perhaps, did not legally belong to him. But, seriously, he (Mr. Murray) had no great objection to the amendment. After all, a very small sum in royalty was involved; and the man who did attend to the culture of the wattle tree had, to a large extent, established a right to the profits derivable from the sale of the bark. He (Mr. Murray) was afraid that that would hardly be the object or effect of the clause if it were accepted. A man might take up a piece of land under a grazing lease, on which land there might be a considerable amount of wattle already grown, and fit for stripping. The man would take up that land ostensibly for grazing purposes, paying for it only 1/- per acre for the grass, and under his grazing right would strip the wattle. Wherever access was given, especially in Gippsland East, the bark was stripped from the very butt to the very top of the wattle-trees. When the Gippslander was done with the stripping of a wattle tree of its bark the unfortunate tree was not left a feather to fly with, but was left as bare and naked as men were when they were born. There were, of course, exceptional cases; and it had to be acknowledged that the amount of royalty involved was
only small. The grazing area lessee, too, had always the first offer of the bark, and if he was prepared to give what the Forest Department required as a satisfactory price for the bark, which his own care to some extent had produced, he had priority in obtaining the privilege of stripping the bark. But it was hardly worth while further occupying the attention of the Committee over this point. He (Mr. Murray) did not see any way in which he could mete out exact justice to the State and to the lessees; and this was indeed a matter to which he was, to a large extent, indifferent, as no great interest was involved. He, therefore, would not offer any strenuous opposition to the acceptance of the new clause.

Mr. THOMSON said he desired to know if the Minister accepted the new clause?

Mr. MURRAY.—I offer no strenuous opposition to the acceptance of it.

Mr. THOMSON remarked that there was some reason why the new clause should be accepted.

Mr. MURRAY.—I think the Committee is in the humour to accept it at this moment.

Mr. THOMSON desired to remark that the Premier had pointed out—

Sir ALEXANDER PEACOCK.—Now, we got on splendidly when you were away last week.

Mr. THOMSON observed that the Premier had said the wattle tree was good for honey, and, that being so, it had to be recognised that one of the greatest difficulties the bee-farmer had to contend with was fire. If he were burned out, the country he was in would be no good to him for two or three seasons, but, if he were allowed to plant and harvest wattles, he would see to it, as far as he could, that the country was thoroughly protected against fire. He (Mr. Thomson) was surprised that members of the Opposition had not supported the new clause. If there was a country industry those members should support more than others: it was that of wattle-growing, for, when wattle bark became plentiful and cheap, it meant an increase in the tanning trade. It was surprising that the honorable member for Collingwood had not risen to support the new clause; however, as the Minister had said that he would not strenuously oppose it, the probability was that it would be carried. It was only fair that the men who had gone to the trouble and expense of putting in wattle plants should have the bark free.

Mr. PRENDERGAST said that he desired to oppose the new clause. When a combination between the Western District squatter and the Collins-street farmer took place, something obviously was wrong. The land in question was to be let at rd. per acre per annum for grazing purposes, and some of it contained wattle. A great number of people in the State were gaining their living by stripping wattle, and, under the proposal now being discussed, many of those people might be deprived of their means of livelihood by men who obtained the land at a small rental for grazing purposes. It would also be the case that much of the land available would be taken up at grazing rates for the purpose of exploiting the wattle growing on it.

Mr. EWEN CAMERON (Glenelg).—I do not like to be rude; but it is a pity that you do not know something concerning what you are talking about.

Mr. PRENDERGAST said that he was speaking in the interests of men who had appealed to him in this matter; moreover, the Minister himself had, in the first instance, opposed the present proposal, and now gave it only a half-hearted support. The Minister’s former opposition to it was based on the same argument which he (Mr. Prendergast) used, and it was founded on knowledge obtained from the officers of his Department. The Minister, as he himself had acknowledged, was now only going in for peace and quietness; but he knew that the amendment was not in the interests of the wattle-strippers, and would not yield more revenue. If the position were maintained as it existed at the present time, it would enable a number of men to make a living at wattle bark stripping. He was opposed to the new clause, because he believed it would interfere with the chances of wattle bark strippers to get a living. Earlier in the evening the Minister declared that he was opposed to it for the same reason.

Mr. MURRAY.—Oh, no.

Mr. PRENDERGAST.—Had the Minister withdrawn his opposition to the new clause?

Mr. MURRAY.—Yes.

Mr. PRENDERGAST said the Minister should have made up his mind in the first place what he was going to do.

Mr. MURRAY.—Did you listen to the speeches from the corner behind you, and can you still maintain your opposition in face of them?

Mr. PRENDERGAST said the reason the Minister had given for withdrawing
his opposition to the new clause was a remarkably poor one. The Minister had the administration of this Act in his hands.

Mr. Murray.—Not of this part.

Mr. Prendergast said he would like to know who else administered this part?

An Honorable Member.—The Forest Department.

Mr. Prendergast said the officers of the Lands Department had the administration of this new clause would interfere with the possibility of their getting a living, some honorable members had said that, so far as it went, it would not interfere with them.

Mr. Keogh.—This does not interfere with the pastoral areas. It only refers to grazing areas.

Mr. Prendergast said that it was possible for any area in this country to become a grazing area to-day. He desired to call attention to the wisdom of the honorable member who sat in the corner referred to by the Minister of Lands. So far, Hounard this session had mostly been filled with quotations by that honorable member from legal decisions by other people somewhere else, and with a lot of useless rubbish uttered by the honorable member. Evidently the Minister opposed the new clause in the first place through information conveyed to him, but now he was altering his mind to suit a number of his supporters without an exact knowledge of the evil effects of his action.

Mr. Murray remarked that he must resent the last accusation of the leader of the Opposition, as it was utterly unfair. The honorable member was entirely wrong about the new clause depriving the strippers of employment. If anything, it would rather increase their chances of getting wattle bark to strip. What did weigh with him on the fullest reflection was that it was an encouragement to the holders of grazing area leases to preserve the wattle. If they did not get any inducement to do so they would take no care of the wattle, they would allow the fire to get into it, and it would be destroyed. Whether they would be legally entitled to use the bark or not was another question. As they had no encouragement now to preserve the wattle, they allowed the bark and the trees to be destroyed, and, as had been pointed out by honorable members who had a much more intimate and wider knowledge of the subject than either the leader of the Oppo-
legally qualified medical practitioner, or patent or proprietary medicines, or photographic materials, and so on, did not require the precaution mentioned in the proviso. The object of this Bill is simply to restore the old construction of the Act.

Mr. BOYD.—The Minister has quoted a case, and has explained to the House that the Bill is required for the purpose of rectifying a case decided at law. It seems to me that the Bill carries more in its contents than what the Minister has explained. I think its provisions go a long way further, and before the House passes such an important measure it ought to know the reason for the latter part of clause 3. I have not read the Bill right through. Clause 3 goes on to say—

but no medicines for external application containing poison shall by virtue of this section be sold or delivered unless the bottle or other vessel wrapper or cover box or case immediately containing such poison bears the word "poison" printed conspicuously thereon, together with the name and address of the seller thereof.

As far as any ordinary citizen who buys medicine is concerned, when he sees "poison" on the bottle, he generally takes it to mean that that medicine should not be drunk. I think we will destroy the effect of the word "poison," or rather the general fear that people have of taking medicine containing poison, if we are to have medicines or lotions for external application labelled "poison."

Mr. WATT.—They contain poison.

Mr. BOYD.—Most patent medicines contain poison in doses that are not likely to do any injury. If every medicine that contains poison is to be labelled "poison" this Bill will have the effect of very largely damaging the sale of patent medicines.

Mr. MACKEY.—That was required until this decision.

Mr. BOYD.—The object of this clause is that the word "poison" should be in large red letters, as it is labelled on medicine containing poison.

Mr. MACKEY.—It must be printed conspicuously.

Mr. BOYD.—We know what that means; the word "poison" is labelled in conspicuous red letters. Before the clause is passed, a much better explanation should be given by the Minister in charge, for the effect of the clause will be to destroy the importance of the word "poison." I suppose we cannot get any further explanation until the Bill goes into Committee.

Mr. GAUNSON.—When a Bill is brought in to rectify some anomaly caused by a legal decision six years old, surely there is no occasion to rush it at a breakneck pace at this hour of the night. The Bill is full of technical terms that nine-tenths of the members will not read, and when they do will not pretend to understand. Let me call attention, for instance, to paragraph (b) of clause 3, which paragraph states—

in the form of homeopathic medicine unless in the crude state, mother tincture, or of a greater strength than the third decimal potency.

I recommend that to the honorable member for North Melbourne. I hold in my hand a document forwarded to me, signed by a Mr. Hearne. I presume that other honorable members have also received it. A great many members must have heard of Hearne's Bronchitis Cure. His letter is headed "W. G. Hearne, proprietor and manufacturer of Hearne's medicines. Head office, Geelong, Victoria; August 10, 1905." That is not so long ago. The letter commences:—"Dear sir,—I regret very much that it should be necessary. " Do honorable members know that this Bill comes from the Council? I intend to look up the debates now.

Mr. BENT.—Let us have the second reading.

Mr. GAUNSON.—Will you report progress?

Mr. BENT.—Let us get into Committee.

Mr. GAUNSON.—Well, pro forma. The Premier surely does not desire to make any progress with this hybrid bastard Bill.

Mr. PRENDERGAST.—I want to complain of a side-note in the Bill that does not give us an opportunity of being able to judge what is meant without looking up sections in Acts of Parliament. We find that the side-note to clause 2 is "Repeal of s. 14 of No. 1125." I have complained several times in connexion with Bills brought before the House that the side-noting does not give anybody an idea of what the clause provides for. Why should not the provision be quoted, so as to let honorable members see without any trouble the subject-matter of the law which is being amended?

Mr. MACKEY.—The marginal note in the Principal Act is incorrect.

Mr. PRENDERGAST.—Cannot a new marginal note be put in so as to let honorable members understand what the provision is? Honorable members spend a lot of time and trouble unnecessarily in order to find out what the Bill they are dealing with is intended to accomplish. This
Mr. PRENDERGAST.—Another set of regulations also appears. I only mention this to show what may occur. In the months of July and August the Mines Department published regulations with regard to mining leases. There was something over 100 pages, to judge by the bulk of them. One lot appeared in July and another lot followed a fortnight afterwards. There was an immense body of regulations.

Mr. McLEOD.—There was a clerical error in the first lot.

Mr. PRENDERGAST.—The greatest care should be taken to see that the regulations are kept within the four corners of the Act. It is within the knowledge of every legal gentleman, inside and outside of Parliament, that a great number of the regulations, when they come before the Supreme Court, prove to be ultra vires. In fact, there are very few instances indeed of regulations, when they come before the court, being sustained. There are so many provisions for the making of regulations on new principles altogether. Judging from the voluminous regulations which come before the Governor in Council, the Governor in Council must have more time to deal with these matters than Parliament itself has. It would be better, in the interests of the community, that all the principles embodied in the regulations should be in the Acts of Parliament under which the regulations are made, so that people who read the Acts would have an idea of what the law is. Only last week there were many pages of regulations in regard to factories legislation published in the Government Gazette.

Sir SAMUEL GILLOTT.—We could not have sections of the Act for all those matters.

Mr. PRENDERGAST.—They are very important, no doubt, but it is of more importance that those who are engaged in these occupations, and who desire to know what the law is, should be able to ascertain that from the Acts. As it is at present, they hardly know what the law is on these subjects, because the greater portion of the law is contained in regulations, some of them of a very drastic character, with regard to forms of application and modes of procedure.

Sir SAMUEL GILLOTT.—These regulations under the Factories Act are in consequence of the consolidation. All the regulations under the old Act have been renewed, and they are now to be found all in one Gazette.

Mr. PRENDERGAST.—The greatest care should be taken to see that the regulations are kept within the four corners of the Act. It is within the knowledge of every legal gentleman, inside and outside of Parliament, that a great number of the regulations, when they come before the Supreme Court, prove to be ultra vires. In fact, there are very few instances indeed of regulations, when they come before the court, being sustained. There are so many provisions for the making of regulations on new principles altogether. Judging from the voluminous regulations which come before the Governor in Council, the Governor in Council must have more time to deal with these matters than Parliament itself has. It would be better, in the interests of the community, that all the principles embodied in the regulations should be in the Acts of Parliament under which the regulations are made, so that people who read the Acts would have an idea of what the law is. Only last week there were many pages of regulations in regard to factories legislation published in the Government Gazette.

Mr. PRENDERGAST.—We could not have sections of the Act for all those matters.
that it seems that we legislate on the principle of one portion of the Act being passed by Parliament, and that the rest of the law, which we are in too much of a hurry to deal with, shall be contained in regulations. Regulations are supposed to deal with detail matters, but under the system that is in force we find regulations creating new crimes and offences which were never intended by Parliament. I have nothing further to say on this measure. I do not understand its application very well. I would suggest that in Committee we should make an amendment in clause 5 with regard to the regulations, and that an amendment should also be made in clause 4 with regard to the quantity of cyanide of potassium which may be sold under this Bill.

The motion was agreed to.

The Bill was then read a second time, and committed.

On clause 1—"Short title and construction,"

Mr. PRENDERGAST said that it was provided here that this Act was to be read and construed as one with the Poisons Act 1890. Should it not be provided that it should be construed also with Act 1469?

Mr. MACKEY remarked that that was covered in the clause, for it was provided that "the said Act and any Act amending the same and this Act may be cited together as the Poisons Acts." That included Act 1469.

Clause 1 was agreed to, as were also clauses 2 and 3.

Progress was then reported.

The House adjourned at ten minutes to eleven o'clock.

LEGISLATIVE ASSEMBLY.

Wednesday, October 18, 1905.

The Speaker took the chair at half-past four o'clock p.m.

STATE PENSIONERS.

Mr. FAIRBAIRN asked the Premier if he would inform the House how many Victorian State pensioners were non-resident in Australia, and what was the total amount of their annual pensions?

Mr. BENT.—The number of State pensioners (public service, teachers, railways, and police) who are resident in Australia is 3,163, and the amount payable is £322,411 annually, including votes and special appropriations. The number of non-resident pensioners is 61, and the annual amount payable to them is £13,069. The total number of pensioners is 3,164, and the total sum payable is £335,480.

GOVERNMENT COLD STORAGE WORKS.

Mr. ROBERTSON asked the Minister of Agriculture if it was true that he had been approached by the proprietors of private freezing works to raise the charges for freezing at the Government Cold Storage Works; if so, did he intend to accede to the request?

Mr. SWINBURNE.—I have had a conference with the proprietors of private freezing works with reference to rates charged, but no definite proposals were made. It is not my intention to do anything that will prejudice the management of the Government Cool Stores.

STRATHKELLAR ESTATE.

Mr. PRENDERGAST asked the Premier if he would state the valuation lately placed upon the Strathkellar Estate when it was valued for the purposes of probate, together with the name of the valuer?

Mr. BENT.—The answer is—

The freehold lands known as Strathkellar and Croxton (including two township allotments and a detached block of land adjoining the railway line), comprising 13,867 acres 3 roods and 39½ perches, was passed for probate on 5th October, 1900, at £65,481 8s. 8d. This was the value at the date of testator's death on 2nd August, 1900.

Date of valuation, 10th September, 1900. The valuation was made by Mr. Thomas Cumming on behalf of the executors and of this office, and discloses the details:—"Strath­kellar," 10,352a. 3r. 15p., value £49,199 15s. rd.; "Croxton," 3,510a. or. 24½p., value £15,795 13s. 9d.; the other lands mentioned above, £480; total, £65,481 8s. 8d. No other valuation was made.

(Sgd.) Thos. Proctor Whittaker.
Master-in-Equity.

BLACKSMITHS AT LUXATIC ASYLUMS.

Mr. A. A. BILLSON (Opens) asked the Chief Secretary if he would inform the House—

1. Is it a fact that a temporary hand has been employed for nearly twelve months as blacksmith at Yarra Bend Lunatic Asylum, receiving £13 per month?
2. Are there not competent blacksmiths on the permanent staff receiving only £8 per month?
3. Is it just to such men who have had to pass test examinations to be blocked in their promotion by employing temporary hands in this way?

Sir SAMUEL GILLOTT.—My replies are—
1. Yes, but he does not receive any allowances.
2. I believe there are permanent attendants at the asylums receiving about the salaries mentioned—they may be a little under or a little over—together with allowances of quarters, rations, fuel, light, and water, &c., who have assisted in the blacksmiths' shops and have followed the occupation of blacksmith prior to their appointment.
3. I am not aware that any examination has ever been held to test the competency of any such attendants as blacksmiths—

I do not know whether that is what the honorable member will be good enough to put in the form of a question.

Mr. A. A. BILLSON (Ovens).—Other examinations.

Sir SAMUEL GILLOTT.—The other examinations consist of examination practically in the three R's. The reply continues—

nor can men who join the service as attendants claim as a matter of right an appointment to positions on the artisans' staff, but of course they can apply therefor, the selection being vested in the Inspector-General. I might add that authority has been given already for appointment of blacksmiths at Ararat and Beechworth, and the filling of such positions is now under consideration.

RAILWAY DEPARTMENT.

WAGES OF LABOURERS—PURCHASE OF CRANK AXLES.

Mr. SOLLY asked the Minister of Railways if he would inform the House by whose authority the minimum rate of wages for labourers employed in the construction of locomotive engines had been altered, so as to read 6s., instead of 6s. 6d., as originally shown in the printed list of conditions.

Mr. BENT.—I was informed that the Commissioners are on tour to-day, and if the honorable member will be good enough to ask this question next week, I shall feel obliged. The same thing will apply to the next question on the notice-paper in the name of the honorable member for Williamstown with reference to the purchase of crank axles. Although that question should be put in the form of a motion for a return I will not raise that point on this occasion, and when the Commissioners come back I will give the information.
business on the notice-paper” in the motion were the usual form.

Sir ALEXANDER PEACOCK.—Yes.

The motion was agreed to.

Mr. BENT moved—

That the House, at its rising, adjourn until to-morrow at four o’clock.

The motion was agreed to.

LAND ACTS AMENDMENT BILL.

The House went into Committee for the further consideration of this Bill.

Discussion was resumed on the following new clause proposed by Mr. Keogh:—

In section forty-four sub-section (6) of the Land Act 1901 after the word “timber” there shall be inserted the words “trees except wattle trees.”

Mr. PRENDERGAST said that since the Bill was last before the Committee he had given further attention to the new clause proposed by the honorable member for Gippsland North, and was still of opinion that those lessees who intended to strip wattle bark should take out a licence enabling them to do so, and pay royalty for the bark. That was the case at the present time, and there was no reason why it should be changed. At the same time, he acknowledged that the proposal now made would be an experiment, and he did not wish to push his opposition too far. He was afraid the clause, if adopted, would have the effect of throwing men out of work.

Mr. THOMSON.—It would have the very opposite effect.

Mr. PRENDERGAST said that lessees would have the privilege of stripping wattle bark for the same rental as was paid for grazing, and they would not be obliged to take out a licence to strip.

Mr. THOMSON.—Quite right, too.

Mr. PRENDERGAST said that if this were done it would reduce the public revenue.

Mr. KEOGH.—It is the payment of royalty they object to—not the taking out of a licence.

Mr. PRENDERGAST said it was provided by section 44 of the Act of 1901 that lessees were not to have the right to ring timber or to strip the bark. This new clause would give them power to do that without any payment to the State. Not only that, but it would prevent other people from obtaining licences to strip wattle bark on those lands. At the present time, where the holders of grazing areas did not think it necessary or profitable to strip the bark, licences were taken out by other people who did the work. Under this clause the lessees would be able to make what terms they liked with the wattle bark strippers. He quite agreed that the lessees of these lands should not be unduly harassed, but, at the same time, the State should not forfeit the income now derived from wattle-stripping. If a man had the use of a block of land for grazing purposes he should not have the additional right to strip wattle bark on that land without paying something for it.

Mr. THOMSON said it seemed to him that the leader of the Opposition had got thoroughly tangled up with regard to this matter.

Mr. BENT.—He is converted now.

Mr. THOMSON said he was glad the leader of the Opposition had changed his mind to a certain extent.

Mr. PRENDERGAST.—I have not changed it one inch.

Mr. THOMSON said he must contradict the honorable member when he said that this clause would have the effect of throwing men out of employment. He (Mr. Thomson) believed it would be the means of giving more employment. If these lessees were allowed to cultivate the wattle, many of them would go in for it more thoroughly. The man who cultivated wattle trees very seldom did the stripping himself. He usually employed outsiders.

Sir ALEXANDER PEACOCK.—Won’t he “farm” it out?

Mr. THOMSON said it would not matter if he did. It would mean the employment of extra labour.

Sir ALEXANDER PEACOCK.—But the State will lose the money.

Mr. THOMSON said he did not consider that when a man took up a piece of land he should be harassed on every side. It was generally hard enough for him to struggle along without having these extra royalties to pay.

The clause was agreed to.

The Bill was then reported with amendments, and the amendments were adopted.

Mr. THOMSON drew attention to paragraph (a) of clause 7, providing, inter alia—

No person, company, or firm shall hold more than two bee farm licences.

He begged to move—

That the word “two” be struck out, and “three” inserted.

The amendment was agreed to.
Mr. BENT moved—
That the Bill be now read a third time.

Mr. PRENDERGAST said that there was some proposition to be made in connexion with the charge of 1d. per acre. He regarded that charge as rather high.

Mr. THOMSON.—That was settled last night.

Mr. PRENDERGAST.—What was the rent decided on?

Mr. BEARD.—A halfpenny.

Mr. KEogh said that clause ro stated—

The licensee of a bee farm site is hereby declared to be entitled without payment to a right of ingress egress and regress for himself and his family and his agents and workmen with or without horses or vehicles over and across any land held under any grazing area lease or pastoral lease or grazing licence between any such bee farm site and any public road or track.

By this clause, the licensee could pull down a man’s fence and enter the land at any place. It ought to be provided that he should enter through a gate.

Mr. Bent.—I will ask the Attorney-General about it.

Mr. Keogh said he did not believe the Attorney-General knew any more about it than the Premier did. He would rather trust the Premier.

Mr. PRENDERGAST.—The licensee should have the right to erect a gate.

Mr. KEogh said he should have something.

Mr. PRENDERGAST.—If that is done by regulation, it will be all right.

The motion was agreed to.

The Bill was then read a third time, and ordered to be transmitted to the Legislative Council.

Sir ALEXANDER PEACOCK said there was a misapprehension, because a definite promise had been made in regard to clause 6. It was most extraordinary that nothing had been said about clause 6, although members had been waiting to deal with it.

Mr. Bent.—That was referred to by the honorable member for North Melbourne.

Sir ALEXANDER PEACOCK said that members could not approve of the business being conducted in this manner.

Mr. Bent.—Is not this the amendment on the table?

Sir ALEXANDER PEACOCK said he had not seen it. The principal debate on this Bill took place on clause 6, and the Minister of Lands promised that he would re-draft the clause, and have the re-drafted clause circulated. Members had been waiting to deal with it.

The SPEAKER.—Order! I cannot hear my own voice. What is the cause of complaint?

Sir ALEXANDER PEACOCK said that members had been waiting to deal with clause 6, as the Minister of Lands had promised definitely and distinctly that a re-drafted clause would be circulated and that members would have an opportunity of dealing with it. He had mentioned the matter a few moments ago, and the Premier had held up his hand and said, “Yes.” Members were given to understand that the Bill was to be recommitted to deal with that clause. It appeared now that the honorable member for Dundas had seen a copy of the re-drafted clause. This was a travesty on legislation. A clause had been passed that nearly every member was opposed to.

Mr. BENT said that the honorable member for Allandale was under a misapprehension. The clause he (Mr. Bent) had in his hand was circulated, and he moved it. It was not his business to take clauses round to members, and there was no travesty at all. He got up and stated that the amendment had been carried.

Mr. PRENDERGAST said that the only clause that had been carried was clause A, and that had nothing to do with clause 6 at all. He was absent from the House for a brief period last night at a conference, and he was under the impression that clause 6 had been dealt with during his absence. That was the reason he had not referred to it to-day. The clause had not been dealt with, and it was a distinct breach of faith. He honored the Premier would not permit the Bill to leave the House before this matter was dealt with.

Mr. GRAHAM remarked that a distinct promise had been given by the Minister of Lands that clause 6 would be recommitted. He (Mr. Graham) had expected that when the Bill was reported it would be recommitted for the consideration of new clause 6.

Mr. J. CAMERON (Gippsland East) said that he had had a clause drafted to substitute for clause 6.

Mr. LIVINGSTON said that he could confirm the statement of honorable members as to the promise made by the Minister of Lands.

Mr. BENT said there need not be any words if there had been a misapprehension. He would ask the Speaker to afford an opportunity to members to consider clause 6.
The Clerk had informed him that the new clause was circulated last night.

Mr. THOMSON.—Circulated yesterday.

Mr. BENT.—Then where was the justification for the complaint about travesty? He begged to move—

That the order of the House for transmitting the Bill to the Legislative Council be rescinded.

The SPEAKER.—There has evidently been a misunderstanding. The question is "That the order for transmitting the Bill to the Legislative Council be rescinded."

The order for transmitting the Bill to the Legislative Council was rescinded.

The SPEAKER.—The Bill has been read a third time and cannot be recommitted now, but an amendment can be taken.

Mr. PRENDERGAST said he would suggest that the Premier should adjourn the matter.

Mr. BENT.—I will not; I know all about it.

Mr. PRENDERGAST said he would like to know if the Premier was aware of what members wanted?

Mr. BENT.—Yes, I know just as much about it as those who are talking about it. I have had the mistake corrected, but I will not adjourn the Bill.

Mr. PRENDERGAST said that the Premier did not seem to know anything about it, because he had stated that the clause had been passed. There was no necessity to deal with it now, because the Upper House had adjourned for a fortnight. It was purely cussedness on the part of the Premier.

Mr. GRAY moved—

That clause 6 be omitted.

He said that it appeared to be the intention of the Minister of Lands to put new obligations on people who took up land in the future. Considering that nearly all the land of any value had been selected, and that people who were now seeking for land were being driven on to the poor lands in the confines of the State, there was no justification for compelling them to pay interest at the rate of 4½ per cent. on the unpaid instalments of purchase money. He believed it was the Act of 1904 that imposed a fine in the shape of 5 per cent. interest on arrears of rents. If clause 6 were passed, people who held land, and who got into arrears with their rents or instalments, would have a burden of 9½ per cent. interest placed upon them. Time after time members had been told that there was a desire on the part of the present Government to settle the people on the land, but it appeared to him that this proposal would not have that effect. It would really make the labours of settlers much heavier than they were. It would be pretty hard on them to be compelled to pay interest on their unpaid instalments. In many cases, it required a great deal of labour to bring land under cultivation, and many years elapsed before the cultivators of the soil could get any return for their labour at all. He failed to see how the Minister was justified in asking Parliament to pass a clause like the one submitted. It appeared to him (Mr. Gray) that it would not be fair at all to those who were at present seeking land.

Mr. LIVINGSTON seconded the motion.

Mr. BENT said that the honorable member for Swan Hill had not stated the case fairly. The clause provided principally for cases such as those of the land at Korumburra. The practice was that the Lands Department might say that land was worth £10 an acre without interest, whilst the result was that it came down to £4 an acre. That was surely an Irish way of doing business. The Government had to pay interest on the money. He (Mr. Bent) disagreed with the statement that there was no good land in the State, and would assert that there was plenty, and that it was not unfair to ask those who took it up to pay 4 per cent. interest. How many men were there who on land that they had taken up still owed £2,000, £1,500, or £1,000, as the case might be? And these men, instead of paying their debts, were buying adjoining allotments. However, as the leader of the Opposition had stated that he had not had an opportunity of considering the new sub-clause, he (Mr. Bent) had not the slightest objection to a postponement. He would not allow the leader of the Opposition and his friends an opportunity of saying that they had not had a fair show of considering this matter. Therefore, he (Mr. Bent) was willing, though most reluctantly, to have the debate adjourned until to-morrow. He begged to move—

That the debate be adjourned.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until next day.
PURE FOOD BILL (No. 2).

The debate (adjourned from September 26) on Mr. McLeod's motion for the second reading of this Bill was resumed.

Mr. BENT.—With regard to this Pure Food Bill, I have been informed that the main provisions are all right, but there are some technical questions to be determined, and I am informed that some of the business men outside are desirous of rendering assistance to this House. The Melbourne and Metropolitan Board of Works Bill, and various Bills in England of a similar character, have been at this stage referred to Select Committees. I would ask this House for permission to refer this Bill to a Select Committee to enable us to obtain the requisite evidence. This will be better than having amendments proposed and thrashed out in the Chamber. I will ask for a small committee, and will propose the names of Mr. Prendergast, Mr. Elmslie, Sir Alexander Peacock, Mr. Wilkins, Mr. Boyd, Mr. Mackinnon, Mr. Watt, Mr. Fairbairn, Mr. McCutcheon, Mr. Holden, Mr. Bowser, and Mr. McLeod. I am allowed by the Standing Orders to move for the appointment of twelve members, and now, if the House will permit me, I ask for the second reading of the Bill to be passed, and that the measure shall then be referred to the committee I have indicated. This I consider will facilitate business. This Pure Food Bill is not a party measure, and it has been pointed out to me by business men in town that it would be a good thing to have it submitted to a Select Committee.

Mr. HANNAH.—Pointed out to you by men outside this House?

Mr. BENT.—By men inside and outside the House. I thought I was talking to intelligent men inside the House, and I have selected a number of men on the Opposition side, including Mr. Prendergast, Mr. Elmslie, Mr. Wilkins, and Mr. Mackinnon.

Mr. BROMLEY.—Is not this abrogating the duties of Parliament?

Mr. BENT.—No; the Standing Orders provide for it. I hope that the committee which I propose will report on the Bill in less than a fortnight. If we went on to discuss the Bill now, it would take two or three nights, and that would be a waste of time, which I desire to save. I am offering a proper solution of the present situation for the purpose of conserving time, and I am only following on the lines adopted in the case of the Melbourne and Metropolitan Board of Works Bill. I think that even at this stage it would not be unwise to send the Milk Supervision Bill to a Select Committee. When amendments are moved in Committee of the House, nine or ten gentlemen generally speak on them. Is it not a better course in the case of a Bill of this kind to have it referred to a Select Committee?

Mr. BROMLEY.—What is to prevent me moving amendments on any Bill afterwards?

Mr. BENT.—Nothing at all. I am simply asking for courtesy from the House. I am not forcing my proposition upon the House.

Mr. MACKINNON.—Surely this is a question of policy for the Government to decide. Is it for the Government to abrogate its power?

Mr. BENT.—Don't you trouble your head about that. The Government will not abrogate anything. Do not alarm yourself about anything of that kind. The House will not only have permission to deal with the Bill afterwards, but to tackle every line of it. My proposition is simply made in order to deal with the Bill in a business way. Our policy is all right, there is no mistake about that.

Mr. WARDE.—I would point out to the Premier that if the Bill is not in accordance with the desires of the Government, it should be withdrawn before its second reading, and submitted to a Select Committee, and that then it should come before the House. It is a very vicious principle that after a Minister has introduced a Bill and made his second-reading speech upon it, the measure is to be submitted to a Select Committee for the purpose of submitting a report upon it to Parliament.

The SPEAKER.—The motion for the appointing of a committee cannot be moved until the Bill has been read a second time.

Mr. PRENDERGAST.—I would point out that this is an extraordinary procedure, and one which has never been adopted before in connexion with any other Bill under the consideration of this House.

Mr. BENT.—I know exactly what to do. Of course, before the appointment of a Select Committee, the second reading of the measure would have to be agreed to. I know, also, that if the House does not allow me to do what I propose I cannot help it. I do not want to ask for this committee unless the House is agreed to have the second reading pro forma.
Mr. PRENDERGAST.—I do not intend to agree to the second reading of this Bill being taken *pro forma*. That is being proposed by the Minister, as he states, for the purpose of shortening discussion, but I do not believe that it will shorten discussion if we refer the measure to a committee, because I would not allow myself to be bound by the decision of the majority of any committee when I have a public duty to perform in this Parliament. It is of the greatest importance that there should be publicity of discussion, for publicity of discussion may be in the interest of the people generally.

The SPEAKER.—I do not think the honorable member is in order in discussing that. The question is that the Pure Food Bill be read a second time.

Mr. TOUTCHER.—Do I understand that it is intended that this Bill should go through without discussion?

Mr. BENT.—It is before honorable members, and they can do as they like. I only asked that the Bill should be read a second time *pro forma* and referred to a Select Committee.

Mr. TOUTCHER.—If the second reading was carried, it would not bind us with regard to the appointment of the committee until that is decided by the House?

Mr. BENT.—No.

Mr. PRENDERGAST.—I have looked forward with a great deal of pleasure to this class of legislation. I think it necessary that restrictive legislation of this kind should be passed for the purpose of protecting people, and seeing that they get pure food, and that they do not have to consume adulterated substances. This Bill is a step in the right direction, but only one of the steps it is necessary to take for the purpose of ascertaining that whatever may be sold in the shape of clothes or anything else shall be true to the name under which it is sold. I cannot for the life of me see how such legislation as this is going to affect the commercial interests of anybody. The Bill is certainly going to deprive some people of the right of selling to other people substances which are inferior in quality, or which are adulterated to resemble substances which are pure and sometimes sold at the price of the pure article to the public, who may not be a judge of the purity of the article when it is sold to them, and who are consequently taken down, because they think it is the pure article they are buying. I have a great many minor amendments to propose in this Bill. A number of them have been proved to me to be necessary, but with regard to the great prime principles of the Bill I am a solid believer in the measure, and believe that it is essential that legislation such as this should be passed. For one or two reasons which have come under my notice, I think that a measure of this kind cannot be too drastic in the public interest. I will give one illustration. There is a quantity of chocolate lollies placed on the market, and sold at something like 1d. per lb. cheaper than the ordinary chocolate manufactured in Melbourne. This cheaper chocolate has been proved on analysis to consist, not of deleterious substances so far as poison is concerned, but of inferior material, without nutriment, and positively objectionable if a quantity is taken into children's stomachs. I shall show honorable members how it is done. The cocoa which is imported here, and out of which chocolate is manufactured, is made out of the bean, in which there is a certain amount of nutriment. The cheaper chocolate sticks of lollies which are placed on the market are composed of the ground-up husks, and this cheap material is sweetened. It has a black, messy look, different from the ordinary rich brown colour of the pure chocolate. The inferior material is sweetened to resemble the chocolate which is made in Melbourne, and it is sold at somewhat less per dozen than the pure article. Unscrupulous vendors can be found who will take this because it is cheaper, and without making any inquiry as to the quality of the article. In this way those who are making the pure article, such as MacRobertson and other great confectioners, are deprived of their business. The pure article cannot go into consumption, because it cannot be sold at the same price as the inferior article, and in this way dishonest people are able to sell substances which are deleterious to some extent to be consumed as a sweetmeat. The same thing holds good in connexion with a great number of articles. We find that the base of a number of articles which are sold is bad. The Bill does not go far enough in the direction of securing purity. With regard to clause 28, providing that certain substances shall be prohibited for use in beer, why should we not compel a brewer to come under the clause providing for the inspection of material? Clause 28 provides that no person shall sell in any licensed premises any beer which contains more than the 100th part of a grain of arsenic per imperial gallon, and so on. That clause should provide that no person shall sell in any licensed
premises or from any brewery articles of the kind mentioned in the clause. The regulations made under the measure would prescribe the use of certain articles. The honorable member for Richmond, to whom I do not want to give a cheap business advertisement, sells as pure an article as any man in the trade. That honorable member, I believe, endeavours to be an honest vendor of material, and I will say the same with respect to the honorable member for Ovens. I will give him credit for being the same in connexion with the material which he sells. But it is only the other day that we had an analysis made of materials which were used by certain firms in Melbourne, and, as honorable members know, out of forty-five samples which were taken, only one or two were found to be pure articles. A number of them were not deleterious, but they were inferior to the article they were supposed to be when they were put on the market. A number of the articles were absolutely unfit for human consumption, and positively injurious. There were a number of articles which were supposed to contain certain substances, but which did not contain those substances. Two or three years ago, if one entered the private offices of some of the firms which manufactured soft drinks, one would find that the places looked more like chemists' shops, for the shelves contained glass bottles, with essences of a very strong character, which were used for the purpose of imitating fruit that should be used in the making of many soft drinks. Then with regard to lime-juice. We have lime-juice, so called, which is not juice, and which never saw any limes. It is not composed of any substance that came from fruit at all, the base of it being a mineral acid. The honorable member for Goulburn Valley, last year or the year before, proposed legislation for the purpose of securing pure chaff. It was found—and those who buy chaff know it—that there was an immense amount of adulteration in that simple article, straw, dirt, and sand being shovelled up and sold to the public as chaff.

Mr. Keogh.—Straw is not a bad thing to put in chaff.

Mr. PRENDERGAST.—It is if the seller gets a superior price, the hay price, for it. A great number of the articles used in the community to-day are positively injurious, and nobody will welcome with greater avidity than myself the proposition in the Bill to form a Food Standards Committee. It would be difficult to prescribe a standard for all classes of foods in the Bill. It would be much easier to have a Food Standards Committee appointed to decide upon the standard of the articles which may be sold. The articles could be sold at that standard, and all the regulations made under the powers of this Bill could be made to apply to them. If an attempt were made to regulate the standard of food in the Bill, it would necessitate the introduction of a great many clauses, and make the measure too voluminous. With regard to the constitution of the committee proposed here, I do not see the force of recognising, by Act of Parliament, certain bodies which exist outside, and giving them a standing in connexion with this legislation, such as the Chamber of Manufactures and the Chamber of Commerce. What we want to be assured of is that the question of food standards will be dealt with by men of capacity, and with a knowledge of what they have to do. If people were appointed simply because of their acquaintance with the trade, it might result in the standard being fixed so as to protect the privileges of manufacturers without the fullest regard to the health of the public. This Bill is essentially one for Committee. Every clause of this Bill has a bearing more or less on every other clause, and the prime principle around which the whole of the Bill revolves is the provisions in connexion with the Food Standards Committee.

I support the second reading of the measure, in the hope that it will go through Committee, and through the House, in a satisfactory form. If it takes a few hours or a few days, or even a few weeks, it will be time well spent, for it will be legislation of a kind desired by the people of the State, and in the interests of everybody in the community. It will not destroy the trade of any honest person, but it will protect every honest dealer who is now often taken down by being supplied with a substance inferior to what he thinks he is buying for sale to the public. I was assured by a large draper that he might any day be liable to be fined for selling some adulterated article which he had purchased, thinking it was genuine, and which had the look and feel of the genuine article. He said that he felt frightened with regard to the quality of some of the articles he bought under the impression that they were pure, as it was only by chemical tests that their real composition could be understood. He said that he was frightened that a man might come into his shop and take up cer-
tain articles and declare him to be subject to a fine or other penalty, while he may not be able, although using his judgment as far as he can, to tell whether he has been taken down by those who are selling the article to him. The appointment of a Food Standards Committee and the application of a chemical test to discover the quality and value of any article sold, will be one of the wisest things introduced into legislation. I strongly support the Bill in the hope that it may rapidly become law.

Mr. G. H. BENNETT (Richmond).—There are one or two clauses in this Bill that I think will have to be altered in Committee, or otherwise it will do great injustice to some of the brewers and manufacturers. For instance, according to one clause brewers are not supposed to keep certain articles, but we know that two or three of the breweries have very large laboratories for many purposes. For instance, there is a Mr. de Bavay, of the staff of one large brewery, who, we all must admit, is one of the greatest scientists here, and has assisted the Government officials upon many occasions in connexion with analyses. That gentleman has many of the articles mentioned in one of these clauses, but he does not keep them for the sake of putting them into the beer. The mention of certain articles in that clause suggests that whoever drafted it must have been connected with the trade before the flood. There is a certain article mentioned there that no brewer has ever dreamt of using for the last fifty years. It is one of those articles that is always mentioned by anybody who is writing about the brewing trade, but we all know it has not been used for many years. There is no necessity to mention these articles that used to be used in the old days.

Mr. MACKINNON.—Does that refer to *coccus indicus*?

Mr. G. H. BENNETT (Richmond).—Yes, that has not been used for many years. Some of the breweries here do a very large export trade, which I am certain neither this nor any other Government would desire to do away with. They do a very large trade with Queensland, and it is well known that they must put in a small quantity of preservatives for the beer to keep in that warm climate. If they did not do so they would simply have to do away with the trade. In Queensland the Queensland brewers are allowed to use some twenty-four grains of a certain article.

Mr. COLECHIN.—Is that specially for the kanaka?

Mr. G. H. BENNETT (Richmond).—It is specially for the warm climate; kanakas do not drink beer. I am quite certain that the Minister in charge of the Bill would not like our breweries to lose that trade, which is a very large one. The Government of Queensland also allow a certain percentage of preservatives in connexion with my own business in that State.

Mr. McLEOD.—I have arranged to provide for export distinctions, since the honorable member has mentioned it.

Mr. G. H. BENNETT (Richmond).—One of the principal maltsters here tells me that if the Bill is passed as it is now drafted it will simply ruin their trade, as they could not conduct their business. I am quite certain that the Minister would not like the measure to have that effect. This is a letter that was sent to me by a large firm of maltsters—

The main point seems to us to be that no standard should be laid down by the Bill, as for instance clause No. 28, but that all standards should be fixed by the Standard Committee as per clauses Nos. 37 and 38, as the case of clause 28, we think it would be quite impracticable and lead to very great hardship as the amount of the substances therein mentioned should be fixed from expert evidence given on behalf of the manufacturers and traders, in conjunction with the Health authorities' views. It seems to us hardly fair that the Health authorities should lay down standards without giving the manufacturers and traders an opportunity of stating their case. In most of the other clauses we read it that the committee will have the power of fixing the standards; but would the committee have the power of over-riding the definite statement in clause No. 28, or would they be bound to prosecute under that clause?

This means that the Food Standards Committee fixes the standard in relation to other trades according to other clauses in the Bill, but the Bill itself makes a definite provision in connexion with beer and that sort of thing. The maltsters want a standard to be fixed by the committee, and that, I think, would be far better. Surely the maltsters, having had large experience, would be the best men to lay their case, and their grievances, before the Food Standards Committee, who could then fix a standard, instead of the Bill laying down a standard beforehand. Clause 28 says—

No person shall sell in any licensed premises any beer which contains more than one hundredth part of a grain of arsenic per imperial gallon.

But I am told by the different maltsters that it is a fact that in the preparation of malt
there is a certain percentage of arsenic gets into the malt, created by certain fumes from the coke. They say that in the first place it will be pretty nearly impossible for an analyst to estimate the quantity, and what the maltsters want is that clause 28 should be altered so that the standard should be regulated by the committee that the Bill proposes to create. That I think is only fair. In connexion with my own trade the leader of the Opposition was very kind in mentioning my name, but I am only one manufacturer, and I am quite certain that the majority of those in the trade wish to give a good and proper article. But in connexion with lime-juice, for instance, one brand, which is well known all over the world—a recognised brand in connexion with lime-juice—could not be brought here without some preservative. There has to be a preservative used in connexion with the raw lime-juice that we get here to prevent second fermentation. As a practical man, I say there are certain articles in connexion with my trade that we must use some preservative with, and surely it is far better to put in a small quantity of preservative that will not injure any child or man than to have an article sent to the public that will ferment. We all say that we can manufacture raspberry vinegar, for instance, properly and pure, and so long as it is in the bottle it is all right, but the trouble begins after the cork is out, and it is allowed to stand for one or two hours. We know that with all these cordials the publican opens the bottle, and then it stands on the shelf for perhaps two or three weeks afterwards. After a few days, unless it is very strong, it will ferment.

Mr. PRENDERGAST.—You want an invention that will take some of the article out of the bottle without letting the air in.

Mr. G. H. BENNETT (Richmond).—We say, as practical men, that we cannot. We have gone to the expense of getting reports from four or five of our leading doctors, and a gentleman like Dr. Springthorpe has given us a report in which he says that from his experience, he considers that the Government would be doing no harm in allowing, in our trade, a certain percentage of preservatives. I have heard it stated in this House in connexion with our trade, and with butter and that sort of thing, that there should be no preservatives at all. So far as our trade is concerned we are quite willing, and are only too thankful, to see this Bill brought forward, because we say we can manufacture a good article, and so long as we are allowed to go before the proposed Food Standards Committee and state our case, I am quite certain as a practical man that they will allow us to use a certain proportion of preservative that will do no injury to the public, and enable us to keep a good sound article. As president of our own particular trade, I can say that we hail with delight this Bill, because it will be far better for the fair manufacturers—the men that want to give a good article. I have an amendment relating to the trade that I will move at the proper time. In connexion with that trade we all know that in making any cordial or article of that kind it is highly necessary that the water should be filtered. There are, however, certain people manufacturing these articles that do not filter the water. Not only that, but in one case that I know of the horse is stabled within 3 feet of where the stuff—lemonade—is manufactured. This Bill will not do away with that sort of thing.

Mr. PRENDERGAST.—They cut down prices and wages, and you blame the factory legislation for it.

Mr. G. H. BENNETT (Richmond).—They do cut down wages. The man bottling the stuff in that case gets 10s. a week and his keep, whereas I have to give my man two guineas a week. I say that is very unfair, and the article is made in an insanitary place. The horse is stabled within 3 or 4 feet of the machine.

Mr. Colechin.—You don’t mean a sausage machine?

Mr. G. H. BENNETT (Richmond).—No, nor a sausage head like our honorable friend. As a manufacturer, I am pleased that this Bill has been brought forward, because it will put all fair manufacturers on a proper footing, but it does not go far enough in connexion with my own trade in the case I have mentioned, and I hope that when I move the amendment I have indicated, we shall not only have those places brought under supervision, but we shall also have lemonade and other articles made in proper premises. If that is done, I am quite certain that no manufacturer who is turning out a good article need have any fear of any of the officers coming to his place.

Mr. LEVIEK.—This Bill is essentially one for consideration in Committee, but I think we are all entirely in favour of the policy which it is supposed to embody, namely, to secure a supply of wholesome food for the people. If we are to judge
from the remarks of those who have already spoken, and who understand something about the matter, the measure is based on fairly sound and proper lines. There is one matter, however, which I think is worthy of attention. We do not desire that a measure of this kind should injure our export trade in any way. It has been pointed out to me that if this Bill is passed as it now stands, it will be an offence for any person to have in his possession certain ingredients which are now used largely in a manufactured article, not only here, but in other parts of Australia. I can foresee that a great deal of hardship and trouble will arise to manufacturers if they are adjudged guilty of an offence for having these ingredients in their possession. Therefore, I hope that in Committee that part of the Bill will be so altered as to remove every restriction that is at all unreasonable, so as to allow these manufacturers to use certain ingredients which are not prohibited in other parts of Australia. I can foresee that a great deal of hardship and trouble will arise to manufacturers if they are adjudged guilty of an offence for having these ingredients in their possession. Therefore, I hope that in Committee that part of the Bill will be so altered as to remove every restriction that is at all unreasonable, so as to allow these manufacturers to use certain ingredients which they have done in the past, provided that they give an assurance that the manufactured article will be used purely for export. I think it is to be regretted that the proposal which the Premier submitted in a friendly way, and not in any party spirit—because this is not a party question—should have been rejected, namely, to refer the Bill to a Select Committee.

Sir Alexander Peacock.—Did you ever hear of such a proposal as to pass the second reading of a Bill, and then refer it to a Select Committee to determine whether it should be passed or not?

Mr. LEVIEN.—I merely state that I think it was a pity we did not accept the Premier’s proposal.

Mr. MACKINNON.—A pity from a Government point of view.

Mr. LEVIEN.—I am glad to say that in this reformed House the party spirit has almost entirely disappeared on many more subjects than was possible under the old condition of affairs, especially in view of the fact that we no longer have to deal with Customs duties. I say again it is a pity that the proposal of the Premier was not accepted, for, whereas this Bill may now occupy two or three nights, it would have been very rapidly disposed of, and I think in a very much better form than is likely to be the case in this House, if it had been dealt with by a committee.

Mr. WARDE.—Should it not have been submitted to a committee before it was brought before the House at all?

Mr. LEVIEN.—I say it is a pity that honorable members objected to the Premier’s proposal.

Mr. MACKINNON.—Then you think it is a faulty measure?

Mr. LEVIEN.—I think it could be improved. All I wish to do is to facilitate public business. The provision to which I have referred is quite wrong in principle, and whatever regulations Ministers may propose to lessen the trouble that will ensue, I am afraid that a good deal of injury will be done to our export trade, unless the Bill is materially amended in that direction.

Mr. MACKINNON.—I congratulate the Ministry on their action in tackling this subject, and in bringing in a measure of this nature. The chief difficulty in dealing with the preservation of the health of the people, so far as food is concerned, has always seemed to me to resolve itself into a matter of administration, and undoubtedly in Victoria we have got rather behindhand in our legislation on this subject. It is perfectly obvious to any one who has followed the manner in which our municipalities have dealt with the question of food inspection, that one often finds, side by side with a municipality in which the law is carried out with a considerable degree of ability and energy, another municipality next door which is a great deal more lax about the matter. So far as the policy of the Bill is concerned—and I agree that it has a distinct policy—an effort is made to bring the whole of our administration in this matter into a more uniform scheme. For that reason there do undoubtedly appear, throughout the Bill, greater interferences by the authorities as to adulteration than we are acquainted with under the present law. I think that this will be found to be a wise policy. As I have said, we find the law well administered in some places, but in other places, where there are strong local influences opposed to a strict administration, there is much greater laxity. That will always be so, unless a stricter control is exercised by some central authority. Obviously, there are many reasons for this. A strict administration of the law as to adulteration, would affect the rentals, for instance, in particular districts. Take two districts which are almost equally accessible to the public. If you have inspectors in one district con-
stantly endeavouring to keep up the standard of food supplied to the public, it would undoubtedly affect rentals in that district, because it would drive traders to adjoining districts, where the administration is not so strict. The tendency on the part of the public undoubtedly is to obtain a cheaper article. People will go to a neighbouring street in order to get cheaper food, and the public generally are very careless as to the quality of the food they buy. As a rule, if it is a choice between a pure article at a big price, and an impure article at a lower price, the impure article will get the preference.

Mr. Warde.—Perhaps that is for want of means to purchase the other article.

Mr. Mackinnon.—That is no doubt the result of keen competition. The effects of using impure food are not so readily discerned as the effects of buying inferior clothing, where deterioration takes place very rapidly, and can be seen at once. I quite admit that there are things in the Bill which will require modification, but as for the Premier's proposal to refer the measure to a committee of this House, I cannot conceive any reason for such a proposition after the Government have deliberated so long on this particular measure, and after they have made it one of the leading planks of their programme. Surely the Bill is not so ill-considered in its details that, on the first challenge or opposition from certain quarters, Ministers are prepared to throw it over and allow it to be relegated to a committee. I do not call that worthy treatment of a question which is, to a large extent, of a non-party character. I believe that with the assistance of members on all sides of the House who take an interest in this problem—and all of us do—it will be found that we can get through it quite as expeditiously as we could do if we referred it to a committee with power to take evidence from those who prepared the Bill, and I doubt very much whether any saving of time would be effected by the adoption of the opposite course. I can see that some of the proposals in the Bill will be stoutly contested. The honorable member for Richmond, for instance, has evidently strong opposition to offer on certain matters, and there are other honorable members of large experience whose opinions will necessarily demand a certain amount of attention. At the same time, I have gone carefully through the Bill and compared it with English legislation, and I think it is a measure of great importance, which will have a distinctly beneficial effect. One point which we ought never to forget in connexion with Bills of this kind is the moral effect of such legislation. English-speaking people are not so much accustomed to matters of this sort being managed by a central authority as are the people in some other countries, but it is undoubtedly that legislation which is framed to cure evils of this kind, even if it may not in a particular case accomplish all that is required, has a general moral effect on the community which is productive of nothing but good. The Minister of Mines, in introducing the Bill in a very excellent speech, referred to something that was said by John Bright. We know that John Bright, and all the great school of thinkers with whom he was associated, objected to interference by central authorities. But the time has gone past for that objection, and I venture to think that if any one will take the trouble to read Herbert Spencer's Essay on the Morals of Trade, he will find in that a complete justification for a measure that is now before the Commonwealth Parliament—I refer to the Commerce Bill. In that measure will be found, to a very large extent, the remedies for those evils which Herbert Spencer pointed out 40 years ago—evils which exist at the present day. I think that the discussion which will take place on the Bill now before us, by fixing public attention on various malpractices which go on under a system of severe competition, will do a great amount of good, and for that reason I think it is well that the whole subject should be discussed in the full House rather than by a committee. I have very much pleasure in supporting the Bill, and I will do everything I can to help the Minister in charge to improve it. On the whole, with certain reservations, it is a very fair and honest attempt to solve what most Governments have found a very difficult problem.

Mr. Coles.—This Bill is one of the most important that could be brought before the House. The public have for years been asking for a Bill of this kind, and we know that the late Dr. Gresswell strove year in and year out to secure pure food for the people. For some considerable time the municipal councils have taken upon themselves under the Local Government Act to look into the question of food supply. It very often happens that a local inspector is called upon to interfere in connexion with some very influential people, and this work does not turn out to be of the easiest char-
acter for such a man. When I was a member of a council with which I was connected for many years, a report was made to me in connexion with the chocolate that the leader of the Opposition spoke about; it was sold at 2d. or 3d. a pound cheaper than the ordinary chocolate. I took the trouble to get some of the chocolate and submitted it to a man who was an authority on such articles. He assured me that there was positively no trace of chocolate in the article, that it was common sugar and not clean, and was coloured with burnt sugar to give it the appearance of chocolate. It was said to be of such an inferior character as to be dangerous to the health of children. I submitted the matter to the inspector who is now inspector to the same council, and he cautioned the grocer who was selling the chocolate. The grocer said he bought it because it was cheap in order to compete with other grocers. He then withdrew the stuff from his window. That goes to show the necessity for something being done by this House. A man who desires to sell a wholesome article is, under present circumstances, compelled to sell an inferior one; but with a measure of this character the position will be altered. The public are asking for such a Bill as this, and Dr. Norris, I am sure, following on the lines of Dr. Gresswell, is prepared to assist in every way. For want of such a measure as this the farmers suffer to a large extent. About two years ago a lorry loaded with stuff could be seen going up Bourke-street to a certain firm; it was drawn by two horses, though, apparently, the load was heavy enough for half-a-dozen horses. The load consisted of the husks taken from oatmeal, and it was an article not fit for food. It was carted to a place not three miles from here, mixed with hay, chaff, and straw, and sold as food for the poor horses that work about Melbourne. That has been going on up to within twelve months ago. That stuff was being mixed and sold about Melbourne to the detriment of the farmers who are prepared to supply good chaff, and many of whom are in want of customers. Then, as to the fruit used in making jam, we know that good jam is produced at Fern Tree Gully and other places. The market has been flooded with such stuff as that mentioned by the honorable member for Richmond, which is being sent throughout the Commonwealth, and with only a trace of raspberry or fruit in it. Some of it contains salicylic acid, which causes indigestion. It is absolutely necessary that a Bill of this character should be passed to assist the fruit-grower, the farmer, the honest manufacturer, and the honest shopkeeper, who will, with such a measure in existence, be prepared to sell only wholesome articles. I hope when the measure is put into operation that the officials will not have some little shopkeeper fined, but will ascertain where that man obtained the article. The man who produced the article should be cautioned, but if, after being cautioned he continues producing an unwholesome article, then the whole of his apparatus should be seized and carried away, as is done in America and Germany. With the amendments suggested, I am satisfied that the Bill will do a large amount of good in the community. As to beer, I am satisfied that the articles specified in the Bill may be used without the knowledge of the honorable member for Richmond; I am satisfied that the medical officers would not have specified these articles unless they knew they were used. It is quite possible that some brewers unknown to the honorable member for Richmond may be using these articles. Sugar beer becomes more dangerous the longer it is kept, and the acids used to preserve it are injurious to many constitutions. If it is a fact that brewed sugar is dangerous, let us have beer made from malt and hops, the same as in Germany, though that country can ship anything they like to Australia. In England, years ago, a brewer on one occasion was fined for having two pounds of sugar in his brewery. If they consider sugar deleterious in England, how is it that we are told that the people here will not drink anything but sugar beer? The farmers would be delighted if the brewers were compelled to make their beer from malt and hops.

Mr. Boyd.—Do you prefer sugar or malt beer?

Mr. COLECHIN.—I believe malt beer is preferable. The brewers will tell you that Foster's beer and Victoria Lager beer are as good as beers brewed anywhere.

Mr. Watt.—Are you a teetotaller?

Mr. COLECHIN.—I am not. We do not want to import sugar to make beer when we have sufficient grain grown here to produce twenty times as much beer as we require.

Mr. Ward.—What do you think of German beer?

Mr. COLECHIN.—They say that in Germany they can use horses' hoofs to make it, so long as they export it. In Victoria
we produce a very inferior article as well as a good article. You can get a quart bottle of tomato sauce retail for 4½d., and you will have to pay the same price for a pint bottle of tomato sauce, which is of better quality. On account of the cutting that is going on, an inferior article is being sold to innocent people. The Board of Public Health has prevented inferior jam from being made here. It was found that in many instances turnips were used instead of fruit. Now, as a rule, the jam that is sold by the retailers is of a wholesome quality, and is made from fruit. The wool and cotton goods imported here are to a large extent, adulterated, but in Ballarat, Geelong, Castlemaine, and Melbourne the very best quality of dress material is now made, but it was not made until this year. The dining-room and the kitchen suffer to a large extent from the want of a Bill of this character. Many people when they go to buy lime-juice think that when they buy a bottle in the shop they are getting the best, but very often they pay the highest price for the worst article. A friend of mine went into a chemist’s shop and bought a bottle of lime-juice. He found out afterwards that there was something wrong with one of his children, and called in a doctor—I think it was Dr. Hewlett—who said that the lime-juice was nothing but acetic acid or tartaric acid and water. There is an attraction in the price. It is impossible to keep some of the most wholesome foods without preservatives, and, as I have already said, there is an attraction in a low price, and consequently mothers frequently go for the cheaper article. They do this innocently, and not knowing that they could, with two or three lemons, produce a healthy beverage. That healthy beverage, however, would not keep. If mothers bought, say, raspberries, plums, apples, &c., and boiled them, they could make the best drink possible for children, but it would not keep, and consequently, instead of using the best possible drink, they go for an article which is adulterated with some preservatives which make it unwholesome. I wish to put myself right with the honorable member for Richmond. When I mentioned the words “sausage machine,” I was referring to a complaint made some years ago about a certain place where a sausage machine was close up to a stable, and outside the stable was a tub where the horses drank, and in this tub loaves of bread were soaked, and then taken into the house, which was only a yard or two away, and used with the condiments, preservatives, and meat, all being chopped up and made into sausages. In that case an inspector stepped in, and the place was closed up, the occupier having to move to better premises. Within the last week or two an honorable member of another place had presented to him a list of provisions ordered for Government House, showing all the different kinds of meat required for the people residing there, and it finished up with so many pounds of servants’ sausages. This was for the establishment of the Governor-General of Australia. Now, if servants’ sausages are of the kind I have spoken of just now, I think that if the Governor-General’s salary is not quite large enough to provide proper sausages for his servants—sausages as good as are provided for the people at Government House who are not servants—representatives in another place should take steps to see that, at any rate, the sausages for Government House servants are more wholesome than those I have described.

Mr. WATT.—I intend to vote for the second reading of this Bill, as I believe that it is a necessary measure. I have been surprised, however, at its being brought on this afternoon. It is about time the Government started to have some degree of continuity with regard to the business on the notice-paper.

Mr. MACKINNON.—You are the cause of its being brought on now.

Mr. WATT.—I am dealing with the position of the Pure Food Bill as compared with that of the Milk Supervision Bill. Honorable members know how difficult the job is of turning one’s mind from one Bill to another.

Mr. BENT.—The honorable gentleman in charge of the Milk Supervision Bill has been asked to attend a gathering of the municipalities to-night.

Mr. WATT.—That means that the business of this House is subordinated to a dinner of the local governing bodies. My complaint is that unless they know that an important Bill of this kind is coming on, honorable members cannot be expected to deal with a mass of matters which have accumulated around it. I have been deluged with information with respect to the English and Continental legislation, and with respect to our own existing Act on this subject, and this Bill as it is put has to be read and construed with our own existing law. I have not had leisure to compare it thoroughly with the existing English.

Mr. Coleschin.
WATT.—He did mention that law. I have, however, been able to see, after a rough survey, that there are many contradictory principles in this Bill, when you look at the provisions of the existing legislation with which it has to be related. There are a number of things which I could mention with regard to which it would be very hard to read and construe the Bill as being in harmony with the sections of the Act of 1890. I do not propose to deal in detail with the measure now, because I do not feel qualified to say whether the apparent contradictions are real or not. What I plead for now is time for consideration. The speech which the honorable member for Geelong has just delivered shows that he knows very little of legislation, but a good deal about the commodities which this Bill will embrace. The familiarity with fruit and sausages which the honorable member for Geelong displayed was something that honorable members generally were unacquainted with. I was glad that the honorable member for Geelong went into an explanation of the component parts of food and drink.

An HONORABLE MEMBER.—He did not say anything about cordials.

Mr. WATT.—He did mention that acetic acid was a component part of limes juice purchased at chemists' shops, and that the salient property of that acid was heat. I remember, however, that acetic acid has frequently been applied in cases of fever, with the object of cooling the temperature of the patient. I would suggest that the honorable member for Geelong might with profit experiment with some of those acids, in order that he might afterwards be able to speak from his own experiences instead of giving the House information that is not reliable. I do not desire to delay the passage of the Bill at this stage, but merely to intimate the unwise of proceeding further than the second-reading stage of it to-night. I do not think that even the honorable member for Richmond feels qualified to discuss all the clauses of this Bill with that degree of interest and attention which the measure demands. In addition to the fact that we have not had time to study the legislation in other parts of the world on this subject, we have not even had time to analyze the paragraphs and letters on it in our own newspapers. Prominent amongst the matters published on this subject was a letter in the Argus of the 10th of this month, signed by three gentlemen of the University of Melbourne, and dealing trenchantly with some of the problems that are dealt with in this Bill. Another matter is that certain provisions are to be inserted with regard to preservatives. In the Milk Supervision Bill there are some dangerous provisions with regard to permits to use preservatives, such as boric acid, although we have information as to the eminent risk that there is in allowing that sort of thing to be continued in Victoria. Yet I do not see any provision prohibiting the use of boric acid in this measure, although medical men have shown the urgency that there is for legislation absolutely prohibiting the use of boric acid as a preservative in any article of food. Any attempt to add boric acid to food ought to be prohibited by statute. As far back as 1898 we find the Argus of 2nd March of that year reporting a statement which was made by the late Dr. Gresswell as to the influence of boric acid in articles of food. Dr. Gresswell said that "the use of boracic acid in milk should be prohibited absolutely by law, because milk forms the staple food of all infants who are not breast-fed."

Mr. Bromley.—Have you taken the opinion of Chambers' Encyclopædia and of the Encyclopædia Britannica on the subject?

Mr. WATT.—I have not. I am given to understand, from a paragraph which appeared in the Flemington Spectator, of 5th March of this year, that the present Chairman of the Board of Public Health concurs in the statement made by Dr. Gresswell. I have it reported here in a case which was heard at Flemington.

Mr. Prendergast.—Three doctors appeared on the other side.

Mr. WATT.—That may be so, but we must regard the opinions of the persons whom the State has placed in authority as test opinions for the guidance of this House.

Mr. Mackinnon.—The Food Standards Committee will deal with that.

Mr. WATT.—But I want to know what provision the Government propose to make in regard to this growing practice.

Mr. McLeod.—The Food Standards Committee will prescribe in regard to that.

Mr. WATT.—If the Bill only provided that a Food Standards Committee of experience and character should be appointed, that would be the only thing we should now have to settle; but we have here a Bill dealing with certain articles of food, and
containing two other clauses that should not be in the Bill. Those are clauses 26 and 27. Clause 26 contains certain prohibitions with regard to toys, and, so far as I know, toys are not articles of food.

Mr. Mackinnon.—That means the toys which are outside articles of foods.

Mr. Watt.—Clause 26, dealing with that, is a drag-net clause, which includes wall-papers, toys, and other articles which wrap up food. I never saw toys wrapping up food.

Mr. Mackinnon.—Yes, in the case of chocolate creams.

Mr. Watt.—One cannot call those articles toys.

Mr. Mackinnon.—The bulk of them are only toys.

Mr. Watt.—I do not know exactly what the clause means, but I notice that a person will not be allowed to paint with arsenic paint any toy which a child uses.

Mr. Duffus.—Children suck them.

Mr. Watt.—Toys are not food, and they cannot properly be placed in a Bill dealing entirely with food. Clause 27 deals with inhibitions placed on certain textile fabrics. Those are not food, although I have known an honorable member to "chew the rag." That is a term which is drawn from the prize-ring, and which you, Mr. Speaker, will readily understand. But, for all that, I never heard that this particular occupation was indulged in for the purposes of nutrition. I have always understood that it was used to describe one's mortification or despair. I have again been drawn off the question. I do not desire to detain honorable members long, but, since the honorable member for Carlton has asked for information, I desire to give him the results of certain experiments which are described in a very valuable paper published by the United States Department of Agriculture, and signed by Dr. H. W. Wiley, Chief of the Bureau of Chemistry. The writer there deals with the effects of the use of borax and boric acid in various experiments which were made, and which were conducted with the object of showing how admixtures of these articles of food may affect the people who use them, whether in small quantities for a long time, or in large quantities for a brief time. Dr. Wiley says—

The administration of boric acid to the amount of four or five grammes per day, or boric equivalent thereto, continued for some time, results in most cases in loss of appetite and inability to perform work of any kind. In many cases a person becomes ill and unfit for duty. Four grammes per day may be regarded then as the limit of exhibition beyond which the normal man may not go. The administration of three grammes per day produced the same symptoms in less many cases, and it appeared that a majority of the men under observation were able to take three grammes a day for a somewhat protracted period and still perform their duties. They generally felt injurious effects from the dose, however, and it is certain that the normal man could not long continue to receive three grammes per day. In many cases the same results, though less marked, followed the administration of borax to the extent of two grammes, and even of one gramme per day, although the illness following the administration of borax and boric acid in those proportions may be explained in some cases by other causes, chiefly grippe. The administration of borax and boric acid to the extent of one-half gramme per day yielded results markedly different from those obtained with larger quantities of the preservatives. This experiment, Series V., conducted as it was for a period of fifty days, was a rather severe test, and it appeared that in some instances a somewhat unfavorable result attended its use. On the whole the results show that one-half gramme per day is too much for a normal man to receive regularly. On the other hand, it is evident that the normal man can receive one-half gramme per day of boric acid, or of borax expressed in terms of boric acid, for a limited period of time without much danger of impairment of health. It is, of course, not to be denied that both borax and boric acid are recognised as valuable remedies in medicine. There are certain diseases in which these remedies are regularly prescribed both for internal and external use. The value which they possess in these cases does not seem to have any relation to their use in the healthy organism except when properly prescribed as prophylactics. The fact that any remedy is useful in disease does not appear to logically warrant its use at any other time. It appears, therefore, that both boric acid and borax, when continuously administered in small doses for a short period, given in large quantities for a short period, create disturbances of appetite, of digestion, and of health.

Mr. Bromley.—Have you any opinions on the other side?

Mr. Watt.—I was not able to gather them, and I have not used this with the object of convincing the honorable member, but with the object of showing that, when a gentleman of such eminent responsibility and authority gives emphatic opinions to the head of his Department for communication to the people of the United States, we should look very carefully into the problem before we do anything hastily. If boric acid is dangerous, it should be expressly prohibited in this Bill, and it should not be left to the vagaries of any Food Standards Committee to decide with regard to its use in milk and other articles of food.
Mr. PRENDERGAST.—The English people have now altered the standard, and allow a certain proportion in butter. I am opposed to it myself.

Mr. WATT.—I have heard gentlemen associated with the butter trade, who are themselves chemists and in charge of factories, say down the dictum that boric acid is not dangerous in butter if properly administered. But the whole thing should be investigated. That is an argument why the House should pause, and should understand whether this preservative is deleterious in any article of food, and if it is deleterious the House should not leave that question to any committee to deal with.

An Honorable Member.—A Food Standards Committee would be the best to deal with that.

Mr. WATT.—But if we have a negligent committee, boric acid may be used to the detriment of the health of the community, and that is what this Bill is expressly designed to prevent. These are only desultory cases which have occurred to my mind in a hasty survey of the Bill. Clause 28 deals with adulterants in beer, to which reference was made by the honorable member for Richmond. According to this Bill one may use a certain proportion of arsenic, but one cannot use copper. I am told that it is utterly impossible to produce beer without some element of copper getting into it.

Mr. A. A. BILLSON (Ovens).—From the material of the utensils.

Mr. WATT.—There must be a certain quantity of copper extracted from the utensils in the process of making beer.

Mr. PRENDERGAST.—The same thing would occur in making jam.

Mr. WATT.—Let us understand two contradictory things which we have here in connexion with the Bill. The first is that you prohibit any element of copper getting into the beer, and make it penal if copper should be there; and the other contradictory thing is that you recognise a thing as absolutely a poison which is nothing like as dangerous as another substance which is to be permitted to be used in small quantities. Any man with a chemical education will understand that arsenic is more dangerous to human life than copper is. Any analytical chemist will tell you that. With regard to the question of boric acid, I have been informed that although in England the latest enactment provides that a certain percentage of boric acid may be allowed in butter, it is rigidly prohibited in milk, and this I think has already been decided in our own Courts on existing legislation.

Mr. ROBERTSON.—Are you sure of that?

Mr. WATT.—I am sure.

Mr. ROBERTSON.—According to my information, it is not so.

Mr. WATT.—Honorable members, as the Bill proceeds through the Committee stage, will be in a better position to satisfy themselves on this and some other important questions. However, I have here a report of a case in which a man who was accused of putting boric acid into milk, and was convicted before magistrates, appealed to the County Court. He was accused of selling, to the prejudice of the purchaser, milk containing boric acid in the proportion of 35 grains to the gallon. The defendant appealed against the magistrates’ decision, chiefly on the ground that the boric acid was not prejudicial to the purchaser. Judge Chronley heard the appeal, and the report says—

He found (1) that the defendant did sell, to the prejudice of the purchaser, milk which was not in substance or quality the article demanded of him by such purchaser; (2) that the matter or ingredient, to wit, boric acid, which had been added was injurious to health; this was after an extensive trial, in which medical evidence was offered—and (3) that such matter or ingredient was not required for the production or preparation of such milk as an article of commerce in a state fit for carriage or consumption.

That, I understand, is the latest decision in Victoria, and the case was decided in accordance with our existing law—the Health Act 1890.

Mr. GAUNSON.—That is not a Court decision which would carry any weight.

Mr. WATT.—I do not know what weight the honorable member may attach to our County Court decisions, but I am not endeavouring to convey to his mind, as a legal practitioner, that this decision should carry weight, but to show that hitherto Victoria, according to the County Court decisions, has prohibited the use of boric acid in milk, and for a good reason, namely, that it is injurious to human health and to human life.

Mr. ROBERTSON.—That was not the result of Dr. Wiley’s experiments in America.

Mr. WATT.—I am afraid the honorable member was not present when I read the results of Dr. Wiley’s experiments.

Mr. ROBERTSON.—I have them here.

Mr. GAUNSON.—What is the name of the case that you quoted?
Mr. WATT.—The case I referred to was that of a dairyman named O’Donnell, who appealed against a decision of a magistrates’ court at Flemington on the 3rd March, 1903. I do not desire to carry further the arguments of Dr. Wiley, but I may say to the honorable member for Bulla that what may be regarded as the most extensive and protracted experiments that have been conducted in modern times with regard to all kinds of possible tests of boracic acid, and its influence on human life, are summed up in the concluding passages of Dr. Wiley’s remarks, where he says—

It appears, therefore, that both boracic acid and borax, when continuously administered in small doses for a long period, or when given in large quantities for a short period, create disturbances of appetite, of digestion, and of health.

However, I do not know that medical testimony or expert evidence is conclusive on one side in this question, but all I do produce these remarks for is to show that we have strong medical testimony to prove that some authorities regard it as extremely detrimental to appetite and health to use these substances. I do not suppose the chief of the Bureau of Chemistry for the United States of America—an exceedingly active department—can be described in any other terms than as an eminent specialist and high authority, into whose care the United States people have confided matters of this kind, and, I think, to produce his testimony after extensive experiments ought to be sufficient to make the Minister do something further in the Bill than he has attempted to do; that is to say, if we are going to legislate with regard to certain articles that are prohibited or disallowed, we should do it with regard to those which are most notoriously detrimental to human life and health.

Mr. ROBERTSON.—Then you are not in favour of that board?

Mr. WATT.—I am in favour of the board, but I shall endeavour to show the honorable member afterwards why I think we are trying to tie the hands of the board in attempting to impose upon them conditions in regard to certain articles of food, and leaving them free on certain others. I will ask the Minister to turn to clause 15, which, it appears to me, will seriously hamper retail trade in Melbourne and in any of the business centres in Victoria. It says—

There shall be legibly and durably printed stencilled impressed or marked on every package of any article of food packed or enclosed for sale a label or statement indicating the net weight or true measure or volume of the contents thereof and the name and address of the vendor or maker thereof or the agent therefor or of the owner of rights of manufacture; and no person shall sell in a package any article of food unless such a label of statement is printed stencilled impressed or marked on such package as required by this section.

Mr. A. A. BILLSON (Ovens).—Package means bottle.

Mr. WATT.—I do not think it does.

Mr. A. A. BILLSON (Ovens).—It says so. It embraces everything which encloses an article.

Mr. WATT.—Turning to the definition of “package,” I see it includes every means by which goods for carriage or for sale may be cased, covered, enclosed, contained, or packed. That may include a bottle, and probably would, according to that definition, and that may impose upon gentlemen who manufacture and distribute liquids for consumption a very hard burden, but that was not the point that I was endeavouring to make. In the case of the retail grocer, from the smallest grocer in our suburbs to the largest vendors, such as Moran and Cato, we know the practice for getting stuff up for order. It is a common practice to weigh out probably a few hundred weight of sugar into 2, 3, and 4 lb. bags, and have them there ready for delivery when the customer calls. I suppose, according to the definition in clause 3, the bag which contains that sugar would be held to be a package within the meaning of the Act. It is in common parlance, and probably would be in legal phraseology; but surely it is absurd to think that it has to have impressed or marked, stencilled, or printed legibly upon it the volume, net weight, and true character of the contents. Why, all you want to do, so far as is necessary to protect the consumer, is to demand the weight of the article, and to see that the consumer gets the net weight that the package purports to contain.

Mr. HANNAH.—Is that all that it is necessary to know?

Mr. WATT.—I am speaking now of the question of volume—of net weight. Of course, the other clauses deal with the question of the character of the food. If it is impure sugar, or an impure article of any kind, it comes within the meaning of other clauses, but with regard to the weight, having to stencil it upon the surface of every package of that kind will impose upon retail traders a very great disability, which will be no benefit to the consumer at all.
It may involve extra labour, and thus benefit the working classes to some extent, but surely no one wants to impose upon traders disabilities which are not going to be beneficial in any way to the consumer, whom this measure is designed to protect.

Mr. Graham.—This is intended for sealed packages.

Mr. Watt.—Then the clause should say so, but the honorable member for Goulburn Valley will realize that a much wider meaning will be given to the clause. I will, therefore, ask the Minister, at the proper stage in Committee, to note the desirability, and provide for it, of giving a more elastic interpretation to the term “package,” so that bags of that kind will not have to be stamped or stencilled with the character and the volume of the contents. I wish to turn now to clauses 23 and 28. Clause 28 prescribes the maximum quantity of arsenic that is to be allowed in connexion with the putting-up of beer. Paragraph (a) of clause 23 is in direct conflict with that clause. Clause 23 begins—

For the purposes of the Health Acts an article of food or substance or compound shall be deemed adulterated or falsely described—

(a) when it contains or is mixed with or diluted with any substance in any quantity or in any proportion which diminishes or tends to diminish in any manner its food value or nutritive properties as compared with such article in a pure or normal state and in an undeteriorated or sound condition.

That is to say, if you get beer which contains this one-hundredth part of a grain of arsenic per imperial gallon, as the maximum quantity allowed under clause 28, no one can hold that that beer is pure under clause 23. Therefore, a prosecution might lie under clause 23 when the manufacturer of that beer had express allowance under clause 28 to put this maximum quantity of arsenic in. The Minister will, therefore, sec that there is a probability of a miscarriage in connexion with prosecutions of that character, and he ought to give his attention to it.

Mr. A. A. Billson (Ovens).—Do not put it that way. No brewer puts arsenic into the beer. It gets there accidentally.

Mr. Watt.—I should not have said that the brewer is allowed to put in the arsenic. I know he does not deliberately do it, but it is a component that is to be found on analysis in beer. It tends to diminish its food properties.
for the defendants, the Crown has not to pay the costs of the particular individual who has been thus persecuted.

Mr. Harris.—The Crown ought to pay.

Mr. Watt.—Of course the Crown should pay. Why should we, in matters of this kind, alter the whole character of our legal procedure in the courts with regard to the awarding of costs? I understand, although I am not intimately acquainted with the legal profession, and I am very thankful for it—my experience has been limited in that respect—that when a man loses a case he pays the cost, talking in general phraseology.

Mr. McGregor.—He pays when he wins, too.

Mr. Watt.—Sometimes; but when he wins through a prosecution that ought never to have taken place and is utterly groundless, surely the Crown should not endeavour to free itself from the payment of the costs of the prosecution. I trust the Minister will note that, too, as a matter for contentious discussion later on.

Mr. Gaunson.—It does something more than that. It not only says that the defendant has to pay his own costs but that he shall pay the costs of the unsuccessful prosecution.

Mr. Watt.—That is exactly what I am saying. If a case has some ground, I do not want to see the Crown pay the whole of the costs of the prosecution, but where our own tribunals, established to hear prosecutions of this kind, determine that the prosecution is groundless, then the person prosecuted should not be further loaded with the expenses of his prosecution.

Mr. McLeod.—It is taken from the English Act.

Mr. Watt.—Yes, but with a limitation. There are certain governing conditions in the English Act which are not admitted in this Bill, and which should be, giving the defendant some safeguard against undue persecution. Clause 33 has matter contained in it which demands the attention of honorable members. It says—

No article of food which is adulterated or falsely described, or which is packed or enclosed for sale in any manner contrary to any provisions of the Health Acts shall be stored or sold.

What is going to happen to my friend, the honorable member for Melbourne, who stores any quantity of goods, hardly ever knows their character, does not know anything about them, except that there are so many packages. If an inspector, under the warrants given him under this Act, descends upon that store, and finds adulterated goods which this man is not dealing in at all, and has only accommodated his client with in storing, is the honorable member, or any man engaged in a similar business, to be liable for the contents of those packages?

Mr. A. A. Billson (Ovens).—And fined £50.

Mr. Watt.—Of course, he will be under this Bill; but surely no honorable member will vote for a provision of that kind, punishing innocent men. If you like to put upon men who store things, as all merchants do, more or less, for their own customers and clients, certain obligations to find out what the contents are, that is another matter; but the Government do not propose in this Bill, so far as I am able to ascertain, to put upon them that obligation at all. They simply say, "If we descend upon your store and seize the goods under the provisions of this Act, and find any of those goods contrary to the provisions of this Act, and in direct violation of them, you yourself, as storero, will be liable." That is a provision that is too bald, and I think must be altered. The last paragraph of clause 38 deals with the power of the board and the Food Standards Committee to make certain regulations, and appears to me to contain as much as the whole of the rest of the Bill. In a measure of this kind we are accustomed to give a good deal of latitude to the authorities appointed to administer the law, but I do not know of any measure in which such wide powers are given as are proposed under this clause. It says that, in addition to a number of other things, the board, on the recommendation of the Food Standards Committee, shall make regulations generally—

for carrying out the provisions of this Act and for securing the cleanliness, freedom from contamination and adulteration of any article of food, and for securing the cleanliness of receptacles, places, and vehicles used for the manufacture, preparation, storage, packing, carriage, or delivery of any article of food.

We might just as well wipe out the whole of the rest of the Bill with the exception of clause 37 constituting the board, pass the preamble and clauses 37 and 38, and the board would then have all the powers which are given in the rest of the measure. I think it is necessary to limit the power of the board in some respects, in order to take care that it does not go outside the provisions of the law. Now I wish to read
for the information of the Minister an appeal that has been made by three learned gentlemen from the University as to the character of the Bill we are now discussing.

Mr. ROBERTSON.—Very good comment, too.

Mr. WATT.—This letter is valuable, because one of these gentlemen will be a member of the Food Standards Committee. He and his colleagues wrote to the Argus on the 10th of this month the following letter, and I think honorable members will pardon me if I read it in full—

**PURE FOOD BILL.**

TO THE EDITOR OF THE "ARGUS."

Sir,—Will you permit us to make use of your columns in order to draw the attention of the National legislature to what strikes us as a fault in the Pure Food Bill which is approaching its second reading in the Legislative Assembly.

Section 37 of the Bill provides for the appointment by the Governor in Council of a Food Standards Committee (consisting of the Chairman of the Board of Public Health, the Professors of Chemistry and Physiology in the University, the Director of Agriculture, the Medical Officer of Health for Melbourne, the Presidents of the Victorian Chamber of Manufactures and the Melbourne Chamber of Commerce, and one other member recommended by the Board of Public Health. The functions of this committee, as defined in section 38, are to draw up specific regulations as to standards of purity to which manufacturers and vendors of articles of food must conform, and as to analytical methods to be employed in their examination. The constitution of the committee affords some guarantee that the prescribed standards will be determined with care after full scientific inquiry, and that both the health of the consumer and the legitimate interests of the manufacturer will receive proper consideration.

But it appears to us that some of the earlier provisions of the Bill are inconsistent with the spirit of sections 37 and 38, and that, unless they are considerably modified, the Food Standards Committee will find its hands tied in a manner not desirable. For in sections 23 to 30 the Bill itself seeks to enact precise and, in some cases, extremely drastic rules as to purity of food, and wine; and these regulations are not at all necessarily what will command themselves to the Food Standards Committee. As one instance, we may mention that by section 28 beer may contain arsenic up to one hundredth of a grain per gallon, but may not contain "any" lead or copper—an unscientific distinction in favour of the more poisonous poison, and a rule which, literally interpreted, cannot be enforced. As another instance, section 24 prescribes the exact maximum quantities of chlorides, sulphates, and sulphites which may be permitted in wine.

Our contention is that all such matters should be left to the Food Standards Committee to regulate from time to time in accordance with the best and most recent scientific information, and after full consideration of the practical requirements of manufacture; and that Parliament, when creating such a committee, should not hamper it by simultaneously creating statutory chemical standards.—We are, &c.,

ORME MASSON.
W. A. OSBORNE.
JAMES JAMESON.

The University, 9th October.

Surely, Mr. Speaker, there is truth in every line of that letter.

Mr. HARRIS.—If they are worth appointing, the members of the Food Standards Committee should have wide powers.

Mr. WATT.—Precisely.

Mr. COLECHIN.—Is that the Mr. Osborne of the brick combine?

Mr. WATT.—No, I understand it is Professor Osborne. I do not know what office he holds at the University.

Sir ALEXANDER PEACOCK.—A very capable man.

Mr. WATT.—I understand that he is a competent officer. In my opinion, some of the clauses in the Bill could be cut right out if we are to ask the new committee to fix any standards whatever. Let us as ignorant laymen—because that is what we are—refrain from establishing standards which in a short while may be found to be at direct variance with what these men may consider to be proper standards for the purpose. For instance, under clause 28 a standard is fixed as to the quantity of arsenic which may be used, and the committee may find this to be altogether unworkable. Then again the committee may desire to adopt a standard which would allow a small but unavoidable percentage of copper in beer, instead of copper being prohibited altogether. I intended to deal with some of the arguments of the honorable member for Geelong, but I think I have already taken up sufficient time. I want, however, to ask the Ministry to allow the Bill to stand over for another week before it gets into Committee. This is a measure which will take weeks to thresh out.

An HONORABLE MEMBER.—Is that the reason why the Government put your name on the proposed Select Committee?

Mr. WATT.—I did not know that there was to be a Select Committee, but I heard during the refreshment hour that a committee was suggested by the Premier, and that the suggestion was scouted in this Chamber. This is the most important Bill we have had before us this session. The question of preventing the adulteration of foods is one that is attracting increasing...
attention in all civilized countries, and the more we read of the domestic legislation of countries like Germany, the United States of America, and of England itself, the more we find that the attention of legislators is being turned to this problem in all its aspects.

An Honorable Member.—And we are years behind.

Mr. Watt.—That is true, and it will be true even if the Bill becomes law. I find that the Food and Drugs Act which was passed in England in 1899 is far in advance of this measure in many of its provisions. Therefore we should not hurry the passage of this Bill in an imperfect form. Rather than do that, it would be much better to hang it up for a year. We must do all we can to protect the consumer of articles of food, but, at the same time, we must recognise that there rests upon us an equal obligation to see that no undue restrictions are placed upon trade or commerce either in its wholesale or retail form. I do not know what the intentions of the Minister of Health may be. I trust he will be reasonable. There is one thing I regret, and that is that he has not had time to bring before this House a tabulated statement showing the nature of the legislation that has been adopted in other countries with regard to the adulteration of food. Honorable members are left to search for that information themselves. I have some documents from America and some from England, as well as extracts from the laws of Germany, and I suppose other honorable members have something of the same kind. But it was the practice, I think, of the late Government in regard to at least one important measure, to instruct two or three officers to investigate the legislation passed elsewhere in order that the result of their inquiries might be placed before honorable members. That course should have been followed in this case, and it is not too late to do it now. I hope the Minister will see fit to give the House the fullest information, because this cannot be considered as a party Bill. Every honorable member is equally interested in it.

Mr. Harris.—If there was ever a non-party measure, it is this one.

Mr. Watt.—Yes, I do not know any Bill that could be more truly so described. I hope the Minister will recognise that this criticism is offered in the best of good faith and not with the object of obstructing the Bill, or of delaying the termination of the session.

Mr. A. A. Billson (Ovens).—I desire to say a word or two upon this Bill before it reaches the Committee stage. I fully recognise that any one who rises in this Chamber to criticise the Bill at all adversely may be charged with having sympathy with those people who practise adulteration. Now, at the outset, I may say that I regard with marked repugnance any one who practises adulteration in any form. But when we come to view the matter in all its aspects, I think it will be found that there is hardly any necessity for this Bill at all. In clause 1 we are told that the Bill is to be read in conjunction with the Health Act of 1890. When I refer to that Act I find that it consists of a large number of sections, 30 or 40 of which are devoted exclusively to the adulteration of food. Clause 28 of the Bill provides for the framing of regulations which will empower the board to deal with any particular matter included within the scope of the measure. Now it seems to me that, instead of doing this, we might just as well have had regulations framed to enable the present board to deal with the particular matters referred to in the Bill now before us. The present Health Act was framed expressly for the purpose of dealing with the health of the people and the purity of the food sold to the public. We know that for a long time the cry on all sides has been that we have too much legislation, and that the State is over legislated for. It appears to me that when Bills of this character are brought down which overlap other existing measures, we only add to this cry of over-legislation. The proposal to establish a board which is to bring into existence proper standards of pure food appears to be an excellent one in itself, but I do not see any reason why that work could not have been performed in connexion with the present Board of Public Health. The functions of that board might easily have been enlarged, and power might have been given to the board to appoint experts to assist it. Honorable members have, I dare say, already received a circular issued by one of our well-known analysts, Mr. Frederic Dunn, and I am sure we all recognise that it is of great value. There is no doubt whatever that the Bill requires great consideration, and I quite agree with the honorable member for Essendon that it should not be rushed through. It deals with matters of far-reaching importance and which need ample time for their consideration, and in all their aspects, before legislation of this character is passed into
law. I also recognise that this is a Bill upon which long second-reading speeches should not be made; but I would like just to refer to one or two clauses. Clause 4, for instance, appears to me to be of the most Russian-like character. It seems to extend the provisions of section 52 of the Principal Act, and it empowers the entering into any "premises at any shop, factory, eating-house, licensed house, or any place or premises, or elsewhere." Now I take it that using words of that character simply means that the power is given to enter any man's private house. The clause is of a most drastic character, and should not be in the Bill.

Mr. J. CAMERON (Gippsland East).—This clause will enable the police to get into Wren's tote.

Mr. A. A. BILLSON (Ovens).—Clauses 9, 10, 11, and 12 appear to be most objectionable. They give power for the examination of the books of any manufacturer, and for taking notes. This provision is unwise, exceedingly drastic, and unnecessary. It is absurd, as provided by clause 30, to ask manufacturers to have all the articles they purchase analyzed. That burden is to be placed on the man, and also the burden of proving whether the articles are pure or not. I am in hearty concurrence with the remarks of the honorable member for Essendon with regard to the provision that in any prosecution, even if the defendant wins the case he has to bear all the costs. Some reference has been made to beer and cordials. I think the honorable member for Geelong dwelt at considerable length upon the impurities of cordials, but I venture to say that he knows nothing about them. It is highly desirable, before any member gets up to speak upon such subjects, for him to serve his apprenticeship, and learn how cordials are made. Then he would be able to give some expert evidence as to the manner in which they are made. The honorable member wishes to make out that all these articles are deleterious. I can speak on behalf of the trade, or, at any rate, the respectable portion of the trade, and as far as I know there is no necessity for any man to use any material of an inferior quality. All the best essences, oils, and ingredients that are procurable are now procurable at such low prices that it is absurd to talk about inferior ingredients being used. I cannot understand why beer is specially picked out for reference in this Bill as if beer was manufactured from the articles mentioned in clause 28. I have been in the trade all my life, and I never heard of such things being used.

Mr. McLEOD.—What about the analysis of beers in Melbourne?

Mr. A. A. BILLSON (Ovens).—What was proved?

Mr. McLEOD.—That they were adulterated up to the hilt.

Mr. A. A. BILLSON (Ovens).—I would like the Minister to place the report on the table of the House.

Sir ALEXANDER PEACOCK.—Place the beers on the table.

Mr. A. A. BILLSON (Ovens).—There would be a general rush for them. I am at a loss to understand why such articles as arsenic, cocculus indicus, and picric acid are mentioned. What are they used for? I have been in the trade all my life, and I do not know what they are used for. The Minister must have some enemy at his elbow who desires to emphasize this for the sake of prejudicing. Some slight reference was made by the honorable member for Essendon to the matter of penalties which appear to be of a most drastic character. A person is liable to be fined £50 for a second offence, and to be imprisoned for three months. The Minister should incorporate the principle of hanging.

Mr. WARDE.—Would you give the man a certificate of merit for the second offence?

Mr. A. A. BILLSON (Ovens).—No. As to the committee to be appointed to fix a standard of pure products, it may be interesting to the House to learn what is done in connexion with this matter in America. I do not think I have heard America mentioned to-night, though some speakers have referred to France and Germany. In America they have a scientific station for pure products, and I have here the January issue of their journal, in which they give some instances of the manner in which they approach this subject. It may be interesting to honorable members to learn what they do, and I will take milk as an illustration. They start out by defining it—

Milk (whole milk) is the lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving.

That is the definition, and then they declare what the standard is—

Standard milk is milk containing not less than 12 per cent. of total solids and not less than 8.5 per cent. of solids not fat, nor less than 3.25 per cent. of milk fat.
They also define blended milk, skimmed milk, standard skimmed milk, butter milk, pasteurized milk, sterilized milk, and so on.

Mr. GAUNISON.—Is that in a statute?

Mr. A. A. BILLSON (Ovens).—This is carried out by a department. I am only quoting from this journal to show what kind of work is before the committee that will be appointed under this Bill, and to urge the necessity for the greatest care being exercised in the appointment of that committee. Let me take one other illustration. Here is glucose, to which reference has been made in the press, and which has been referred to as a most injurious article, used in the manufacture of confectionery or beer. This committee lays this down—

Glucose, mixing glucose, or confectioners' glucose is a thick syrupy substance obtained by incompletely hydrolysing starch, or a starch-containing substance, decolourising and evaporating the product. It is found in various degrees of concentration, ranging from 41 to 45 degrees Beaumé.

Then the standard fixed is this—

Standard glucose, mixing glucose, or confectioners' glucose is a colourless glucose, varying in density between 41 and 45 degrees Beaumé, at a temperature of 100 degrees Fahrenheit (37.7 deg. C.). It conforms in density, within these limits, to the degree Beaumé it is claimed to show, and for a density of 41 degrees Beaumé contains not more than 21 per cent. of water, and for a density of 45 degrees Beaumé not more than 14 per cent. It contains on a basis of 47 degrees Beaumé not more than 1 per cent. of ash, consisting chiefly of chlorides and sulphates of lime and soda.

That is the kind of thing that will have to be done by the Standard Committee here, and manufacturers will have to see, when they are purchasing any ingredients, that all the quantities specified in this particular standard are complied with, otherwise they will be liable to prosecution. This work contains a great many of these definitions, and it would be very interesting to read them all if I had time. I have given these two illustrations for the purpose of emphasizing the necessity of exercising the very greatest care in dealing with this Bill, and the very greatest care in the appointment of the committee that will have to deal with so important a subject. Reference has been made to-night to the opinions expressed by Mr. Wiley, of America. It has been declared that boracic acid, or borax, is an ingredient that should not be added to butter at all. I find in this journal that there is a conflict of opinion regarding the purity of certain articles, and I think it is Mr. Wiley who says—

If I were going, for instance, to the North Pole—which I hope I may never do—or any other long journey, where access to foods would be cut off, it might be safer to use chemical preservatives in the foods which were taken along than to trust to other sources.

And he also says—

Again, when certain foods must of necessity be transferred long distances, as, for instance, when butter is sent from Australia to England, it may be better that it should contain borax than that it should reach its destination in a rancid form.

In the appointment of this committee, we must consider, if we are going to lay down hard-and-fast rules to prohibit the use of preservatives, that we may have the spectacle of ruining the greatest industry in the State, because the great output is the export of the product to England. Here we have a man engaged in a scientific bureau laying it down that it may be desirable to add borax to butter shipped to England. As to saccharose and saccharin, which are classed as sugar made from tar, and which are largely used as a substitute for cane sugar, writing on this matter, I think it is Professor Martens who says—

It is a very difficult task to study the effects of the various food-stuffs upon the human organism, and to note the changes through which our victuals pass in the course of their way through the body. Of course it is comparatively easy to ascertain whether or not a certain substance is harmful, yet it is extremely difficult to determine in products of a doubtful nature the quantity which suffices to cause permanent injury to the health and well-being of man. Some individuals can tolerate doses of poisons, which, in others, would cause a serious disturbance in the life functions, or even death. We need only recall the cases of the well-known arsenic eaters and of the morphino maniacs who ingest daily quantities of poisons which would certainly kill any normal person. We may also mention the alkaloids—the group of vegetable poisons present in tea, coffee, and tobacco—which in one case are beneficially, animating and stimulating the life functions, while in another even the smallest dose causes heart trouble, difficult breathing, and a disturbed digestion. Of course a healthy person will always be able to stand more than a sick one, but habit plays here a very important role.

He goes on to say—

As to the physiological effects of saccharin opinions still differ.

As I do not wish to occupy any more of the time, I shall only repeat what I have already stated, that this is one of the most important, if not the most important, Bills that we have had this session. I see no necessity for rushing it, and I hope that
every consideration will be given to it by every member of the House.

At this stage, the time for giving precedence to other than Government business having arrived, the debate was adjourned until the following day.

WIDOWS AND YOUNG CHILDREN MAINTENANCE BILL.

Mr. MACKINNON moved the second reading of this Bill. He said—This measure is one which I think—and I believe my opinion is shared of the people. The passing of such a measure has been too long delayed. Shortly put, the object of the Bill is to prevent a man who has means willing such means away among strangers in such a manner that his wife and his young children are left without proper and adequate means of support. I do not propose to refer to a number of cases which I have, in order to illustrate that this is an occurrence which does take place in our midst. I suppose everybody knows some cases in which men have exercised their testamentary capacity so as to do the grossest injustice to those left behind them, and not only to those who have a natural right to look to them for support, but also to the general community who have to support those left behind in the absence of means left for them by those who were naturally bound to support them. One of the first cases of this kind I came across was one which struck me very much indeed. It was that of a lady who had been married for some years, and between her and her husband some difficulty arose. Neither party, perhaps, was very much to blame, but both had rather violent tempers. A separation took place, and the lady, without acting on legal advice, accepted £1 per week, and was obliged to maintain herself on that amount, and by what she could earn by a very hard struggle indeed. The husband died without leaving her any support at all, but leaving a fortune, out of which she could obtain nothing whatever. That is a sample of a class of cases which do not come into Court, but which should not be allowed to exist amongst us. The law at the present time is that, whilst a man is alive, if he fails to support his wife and young children he can be taken before a justice, and an order can be made against him for their support. It is a law which, I believe, in its present form, is distinctly Australian. It was originally passed, in the early years of Queen Victoria’s reign, in New South Wales by the local council, where, as the preamble recited, many husbands were in the habit of deserting their wives and leaving them without support. We in Victoria adopted that law when we became an independent State. At a very early stage of that enactment it was decided by the Full Court that maintenance orders were entirely of a personal nature, and that when a person died his estate would not be liable to meet the payments. That is the position now with regard to the wife and children of a man who dies leaving money behind him, without having made provision for them, and there is no means of legally obtaining any maintenance for those who have a natural right to look to the estate of the deceased for support. If a man dies without making a will, under a law which has been in force for many years, both here and in England, his property is practically divided between his wife and family in well-recognised proportions; but if the deceased has made a will he may have, in that document, willed away everything from his wife and family, leaving his wife and family dependent upon the bounty of strangers or institutions, or absolutely destitute. That I consider to be a thing which should be remedied, and to remedy it is the object of this Bill. As to the scheme of this Bill, it is proposed, in clause 3, in all cases in which a will and codicil have been made, to give to a Judge of the Supreme Court discretion to say whether the family left can support themselves or not. If the family could not support themselves the Judge would be able to order that they should have means of support out of the estate of the deceased husband. Now, some criticism, no doubt, will be levelled at this point. It will be asked how is a Judge to say what is adequate support or proper maintenance for the wife and family of a deceased person under such circumstances. In order to meet that criticism, I would draw the attention of the House to this fact, that, under our present law, a function of that same sort is constantly being discharged by our Supreme Court. For instance, under the Marriage Act of 1800 the Court has to consider very frequently indeed, in cases of divorce, what is a proper maintenance or alimony for a divorced woman, and the Courts in England, and here too, no doubt, go so far as to allow alimony for
women who have been divorced from the party to blame, the principle being that nobody should be allowed to starve; and we have it recognised in other laws that the Court may be asked to decide what is an adequate maintenance for infants. So, then, the principle of the Court being asked to decide under given circumstances as to what would be a suitable provision for those whom a testator has neglected to provide for in his will is by no means new to the functions of the Supreme Court, and I should imagine that our Courts, in coming to deal with this measure, will have no great difficulty in arranging rules which will guide them in determining how each particular case should be dealt with. They will take into consideration the state of things mentioned in the Bill, and will, no doubt, build up gradually, in dealing with succeeding cases, a practice which will be just as well recognised as a great part of the functions of the Court is recognised now in legal circles. That, then, is the principle of clause 3, and, of course, the point I have mentioned is a very important part of that clause. I would like to draw attention to some of the other points in the Bill, in the hope of meeting objections which may be raised. The clauses succeeding clause 3, until we come to clause 8, are merely of a machinery character, but they have been drafted with as much care as could be given to a rather difficult piece of work, and I think that they carry out the scheme of the Bill. Paragraph (b) of clause 7 is to enable the Court to take into consideration the fact that during the life-time of a deceased person the widow or children may have had some provision made for them, or may have had some means of support from some other source. For instance, the wife may have had a separate estate of her own, and may have been a quite well-to-do woman. The paragraph I have referred to provides that—

Whether a widow or children or any of them are entitled to independent means, whether secured by any covenant, settlement, transfer, or other provision made by the deceased person during his life or derived from any other source whatever the Court shall have regard thereto. Of course, there might be the case of a man who had married a wealthy wife, who eventually died, in which case the question would arise as to whether the husband should not be able to go to Court and claim maintenance. I am bound to say that logically the claim of such a husband would probably be sound. But at present I do not intend to move in that direction. At present what I ask honorable members to do is to recognise the principle of this Bill, which is that it should be impossible for a husband dying and leaving adequate means to leave that means in such a way that those who are entitled to look to him for support, those whom he may have brought into the world, and his widow, who, perhaps, has given the best years of her life in contributing to the size or bulk of the family possessions, would have no support from the deceased's estate. The wife and family should get some support out of the family belongings.

Sir SAMUEL GILLOTT.—And the converse of that proposition should apply.

Mr. MACKINNON.—I say that those who marry rich wives can be left to look after themselves.

Mr. WARDE.—Supposing a woman loses her portion of her husband's estate by speculation.

Mr. MACKINNON.—I will discuss that point when we get to the clauses in Committee, but I would take it that she would not lose any means of support she was entitled to. I suppose the point is whether, if a husband during his life supplied his wife with a considerable fortune, which she gambled away, she would be able to come on his estate for support. The answer is that the Court would take into consideration the capacity of the woman for handling property, and would take care that she would not have the handling of money.

Mr. J. CAMERON (Gippsland East).—Is there any power to appoint trustees?

Mr. MACKINNON.—Yes, the Court can make any order in regard to that.

Mr. GAUNSON.—The applicant need not necessarily be the widow.

Mr. MACKINNON.—No; it may be somebody on behalf of the children, and an application might be made on the widow's behalf. In clause 8 there is provision for dealing with unworthy applicants. One of the objections to this Bill will be that there may be the case of a son or a daughter who has quarrelled with the father being given by it an opportunity of starting litigation in connexion with the deceased's estate. That is a risk which, it seems, an estate should not properly be exposed to. I consider that the first sub-clause of this clause will prevent any unworthy person from stirring up litigation, because there will be trouble about the costs. The chance of any unworthy person doing any harm, if the Court administers this Act as I am
sure the Court will, is very much diminished indeed.

Mr. COLECHIN.—They would be able to go on until that is proved.

Mr. MACKINNON.—But the solicitor would get no costs out of the estate, and the estate, therefore, would be absolutely protected, and no speculative action would be taken under the circumstances.

Mr. WARDE.—The age of eighteen is a pretty good bar.

Mr. MACKINNON.—It has been suggested that sons of 14 or 15 years of age who have been offensive to their father may have an opportunity of giving trouble later on, but in the second clause there is a provision which gives the Court power to impose any conditions it thinks necessary. One condition which may, or may not, be imposed, is one which is often placed in wills where the husband leaves the property to his wife during widowhood, the provision to cease when she remARRies. There is a further provision to which I want to draw attention, because it may be used as argument against the Bill generally—a provision preventing any one from pledging his claim on the estate for the purpose of continuing acts of gross injustice. not only to the people who are disappointed or)

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Mr. MACKINNON.—In very many families the sons are kept quite healthy up until that is prostate. However, I do not propose to provide for those cases. I shall be perfectly satisfied if we meet the evils which this Bill is intended to meet. Another objection, and a strong objection, which I have heard taken to this Bill is this—and we may as well state it quite plainly. It is the objection of those who say that the Bill is an attack on the absolute right of testamentary capacity. I recognise that there will be a very strong feeling that this is an attack on the power of testamentary capacity—the power of men to dispose of their property as they wish. My own personal views about that, and I think they are largely shared by many people, are these: However valuable the power of testamentary capacity may be—and it is undoubtedly one that is suited to the plutocratic and aristocratic conditions of English life—I have very considerable sympathy with those limitations on this right which obtain in other countries on the Continent of Europe, and in the country with which many of us are associated more or less, Scotland, where that capacity is absolutely limited. There is no doubt a strong feeling here—as strong as in England—that this right of full testamentary capacity has become, not only part of our British law, but almost a part of British social morality; and I know that in bringing this Bill forward I shall have to encounter a very strong prejudice. But I am sure the feeling of honorable members of this House, and generally of the people throughout Australia, must be that it is wrong that that great principle should be used for the purpose of upholding and continuing acts of gross injustice, not only to the people who are disappointed or
defrauded by the whimsical or wicked action of a testator, but also to the whole community, who, in the ultimate resort, have to support the people who should have been supported by the person who had money to leave for that purpose. For that reason I regard this encroachment on the power of absolute testamentary capacity as one which is justifiable in all the circumstances of the case. After all, this power of absolute disposal of property is one which, although it has existed for a long time, is not justified by the usages of civilized nations. Take the case of Scotland, which is, perhaps, familiar to some honorable members. In Scotland the law actually at present is to this effect. In the case of what is called movable property in Scotland, or what we call personal property, when a man dies one-third goes to the children. That is called the "legitim." Another third goes to the widow, which is called the "jus relictæ"; and the remaining third is called "dead's part." Over that the testator has the right of disposal. So, with regard to Scotland, the power to dispose of personality is limited to one-third of that property, and a man cannot divest himself of his personality in such a way as to dis­appoint his children.

Mr. J. Cameron (Gippsland East).—If his wife has been married 30 years she can claim half, if there are no children.

Mr. Mackinnon.—I only know generally the law of Scotland. I do not know any of the intricate details.

Mr. Watt.—The laws are different from those in Victoria.

Mr. Mackinnon.—Whatever may be said about that, in character and in other respects, the people of Scotland are people to be proud of.

Mr. Colechin.—Do you agree with the Nebraska law, where a man cannot transfer property without his wife's consent?

Mr. Mackinnon.—That is an important limitation. As an effect of that law in Scotland, we do not find any very wild conduct on the part of children in Scotland, and that is rather a significant fact. I know that one objection which will be taken by some critics to this Bill is that the young Australian is quite independent enough as it is, and that if he knows that until he is eighteen years of age his father's estate will be under the obligation of providing for him in some way, or if not, that he will be able to take the case to Court to get provision, he will assume a very independent attitude towards his father. I do not think there is much in that.

Mr. Colechin.—To what age is this maintenance to exist?

Mr. Mackinnon.—That is left entirely with the Court, but the application must be made before the child is eighteen years of age in the case of a man, or 21 years of age in the case of a female.

Sir Samuel Gillott.—The maintenance may go on until 40.

Mr. Mackinnon.—The Court will have discretion with regard to that.

Sir Samuel Gillott.—It may be whilst the father is living.

Mr. Mackinnon.—It might be just that that should be done in some cases, for the child might be an idiot or helpless in some way, and I think it right that that provision should extend.

Sir Samuel Gillott.—The female may be married.

Mr. Mackinnon.—Each case will be considered on its merits by the Court, in arriving at a decision in regard to the particular provision which should be made. Another objection which I have heard, and one which is pressed with considerable vigour, is that if you make it absolutely necessary that provision should be available for the wife, you will expose old men to the risk of becoming the sport of adventurresses, for women will marry old men because they are absolutely certain that when the old men die they will obtain a suitable support out of their estates. The view that I take of that is that if a woman is clever enough to marry an old gentleman for money, she is generally clever enough to take care that nearly everything is left to her before the thing is finished. But how about the con­verse case—the case of the man? I think there is a friend of mine here, an honorable member of this House, who knows of a case where an old man wheedles a girl into marrying him, telling her that he is very well off. Not having proper legal advice, she gets no settlement from him, and when he has married her, he proposes to throw her off and let her do what she can for herself.

Mr. Gaunson.—I have never heard of a lady being wheeled by an old man.

Mr. Mackinnon.—Some old men are so fascinating that very little wheedling on their part leads to fatal results. Those are some of the objections which are made to
this Bill. They are principally that this is a somewhat revolutionary measure. For myself, I think it is a mere act of common justice. It is not a measure which affects the very rich. In the case of the very rich, there is generally great care taken on the part of family lawyers that adequate settlements and provision are made, not only for the wife, but for the children, before the marriage takes place. This is intended for the case of middling and smaller fortunes, where gross injustice is sometimes undoubtedly practised. I notice that in New Zealand, the Court has been trying cases under their Act, which is almost similar to this, though the spirit of this is somewhat more limited, and I wrote to an eminent authority with regard to the success of their measure. In his reply to my letter, after narrating the circumstances under which the New Zealand Act was passed, he says—

You are aware of its provisions. It is "The Testator's Family Maintenance Act 1896," No. 20, page 58 of our statutes of 1900. It has worked well, and there has been no suggestion from any one that it ought to be repealed or altered. A great number of orders have been made under it in all parts of New Zealand, and by different Judges, and the universal opinion is that it is a beneficial and necessary piece of legislation. I hope you may be able to have a similar statute placed on your Victorian statute-book.

That is the experience of a gentleman who has watched the New Zealand Act, and is competent to give an opinion on its working. And now, Mr. Speaker, I commend this Bill to the kindly attention of this House. I am sure that honorable members must be in sympathy with it. They will hear, perhaps, some technical objections to the working of it. Well, all those points have received careful and full consideration. I have had criticisms from all classes of lawyers here and from a great many people who have administered estates and who are acquainted with the practical working of trusteeships and the working out of wills in Victoria. And, although many of them offer criticisms to the general principle of the Bill, namely, that it interferes with a man's absolute right to dispose of his property as he may, yet the general opinion is that the Bill, if it is passed into an Act, will work fairly satisfactorily. It is extremely difficult to make such a measure without fault or flaw, but, at the same time, I think it is as near a workable Bill as it is possible to get under the circumstances. I have every confidence that the measure will, in practice, be found to give great relief. It may not affect a great many cases. Those cases that come under one's notice in ordinary life do not come into Court. They may, perhaps, come into Court under newer and more encouraging circumstances. But that the Bill will give a great deal of substantial relief, I feel certain from my own experience of cases that have come under my own direct personal notice. Therefore, I have much pleasure in asking the House to agree to the second reading of the Bill. If the House does this, and the Bill is passed into law, I believe it will confer a lasting benefit on a number of suffering people whose claims do not receive as much attention as they might receive if they had greater influence, and were able to make their voices more loudly heard throughout the land. I believe that if this House does accept the Bill they will, at any rate, be fulfilling one-half of what St. James calls "pure religion undefiled"—they will be "visiting the fatherless and widows in their affliction." I have very much pleasure in moving the second reading of the Bill.

Mr. BOYD.—I have very great pleasure in supporting the Bill so ably introduced by the honorable member for Prahran. His speech has been so complete and exhaustive that the measure requires very few words of mine to commend it to the House. The principal objection which he anticipates will be urged against this Bill is the interference with the principle of the right of bequest, but I do not think, at this stage of our history, that that is a matter that ought to trouble the House very seriously. You first of all interfere, by all kinds of legislation, with the right of a man to earn money and with his right to keep it when he has got it, and, surely then you are not going very far beyond the general principle in saying how he should dispose of it when he is dying. By your Factories Act you prevent him from earning more money than you consider he ought to—or, at least, by unfair methods.

Mr. Elmslie.—This is beautiful.

Mr. BOYD.—I am talking of the employer. You say that he should not, at the expense of his workmen, make undue profits. Therefore, you are interfering with his right of earning money. You impose an income tax, which takes from him some of what he earns, and you go further and say that if any of us are unfortunate enough to have any relatives who happen to be old-age pensioners, we have got to contribute towards their support, and
they need not necessarily be our own parents. The honorable member for Prahran has mentioned the fact that the Scotch law prevents a husband from disposing of more than one-third of his property when he has a wife and children, and, I suppose, considering that that nation is in the van of progress, its example is not a bad one to follow. The great number of cases that would come before the Courts under this Bill, where a Judge has got the sole power of examining into the facts, and verifying statements that are made to him, will be most genuine cases, in which this measure will afford a relief, whereas, at the present time, there is no means of giving succour to those people who happen to be left in a state of poverty through the breadwinner leaving his money away from his wife and children. As the honorable member for Prahran very ably pointed out, most of us who happen to have wives and families are very largely assisted in the earning of our income by them. I suppose that, among the farming community of this country particularly, the majority of farmers possess what they own very largely through the assistance which is afforded to them by a wife and children, and, as the law compels them during their existence to support their wives and children, surely it is not asking anything unreasonable to say that when they are going they shall not through any machinations, which have taken place before the end, be enabled to leave away from the legitimate claimants the amount which they are entitled to. I feel that the speech made by the honorable member for Prahran, and the illustrations he quoted of the workings of this law in New Zealand, render unnecessary any further remarks from me.

Mr. Warde.—Did you use that argument in favour of women’s suffrage?

Mr. Boyd.—We are not discussing women’s suffrage, but women’s sufferings. I can assure the honorable member that when this Bill was before the House last year, letters were received by the honorable member for Prahran and myself describing some very hard cases indeed in which children had been left absolutely destitute. The father had been a good husband and a good father until such time as he had married again, and the second wife had practically induced him to will her the whole of his money, leaving his children destitute.

Mr. Gaunson.—Hard cases make bad law.

Mr. Boyd.—The only opposition that may be expected in this Chamber to the Bill is from the honorable member representing the Public Officers, and I would ask him not to parade his eloquence tonight unless he means to criticise the Bill for some purpose that may be beneficial, and not merely to destroy a measure that will have the effect of giving relief to those who are least able to help themselves.

Mr. Ewen Cameron (Glenelg).—I congratulate the honorable member for Prahran on having introduced this Bill, and I can only express surprise that the barbarities which have been allowed to exist in connexion with “The dead man’s grip” have been permitted to continue so long. There is one omission that I notice in connexion with the Bill, and that is that it does not provide for rendering null and void that scandalous provision which is very often inserted in wills, that the widow of a testator shall not marry again, except under penalty of losing either part or the whole of the money left to her.

Mr. Gaunson.—Hear hear. Stick to the women.

Mr. Ewen Cameron (Glenelg).—That is a scandalous provision, which some testators put in their wills. They wish to keep their wives tied to them, although they are themselves in their graves. It is, I repeat, a scandalous condition of things, and there should be a provision inserted in this Bill whereby any such testamentary proviso would be null and void. Further than that, not only would I prevent willing away from the widow and children without proper reasons, but I would also prevent the third generation business on the part of the testator—that is, leaving to the grandchildren instead of leaving direct to the children—leaving to generations unborn—for the purpose of tying up property.

Mr. Watt.—And prevent entail, too.

Mr. Ewen Cameron (Glenelg).—And prevent entail too. I consider that the freer the distribution of property, and the more direct you can make it, the better for the public interests. However, my object in rising was to point out to the honorable member for Prahran that I think it would be advisable to include such a provision as I have mentioned, to do away with the penalty that is sometimes inflicted on widows in the event of their marrying again.
Mr. WARDE.—I desire to compliment the honorable member for Prahran on introducing a Bill of this character. I have thought for many years past that some measure of this kind has been required in our community. I think one must have felt frequently, when reading disputed will cases in which a large amount of money has gone to the legal profession, that it was a great pity that in such cases, where widows and young children have been entirely dispossessed by the act of the person making the will, means sufficient to have provided for their support until they could earn their own livelihood should disappear in fighting those cases, the claimants remaining, unfortunately, altogether unprovided for. I agree with the honorable member for Prahran that there will be certain difficulties in connexion with this Bill, but there are difficulties in connexion with all Bills of this character. We know that very strong efforts have been made before to prevent this measure from being brought to fruition. While the Bill in itself is a very good one, I do not think that the honorable member has made sufficiently clear paragraph (b) of clause 7, which I asked him to explain when he was on his feet, and to which I shall again draw his attention in Committee. I do not intend to take up any length of time now to prevent the honorable member from getting into Committee, because I am so much in sympathy with his Bill that I desire to see him get it through to-night if possible. There are, however, cases for which he must provide. I have known cases where people after living in union for years have disagreed, and have separated with an equal division of the property. In one case that I have particularly in my mind nearly £10,000 was divided equally between two persons. The woman invested her share after her own desires, and lost the whole of her money. I desire to know if paragraph (b) of clause 7 will prevent that woman from coming into Court and claiming again a share of the property after she had an equal distribution when they separated. The honorable member might see that provision is made to protect the estate of the husband against being depleted, perhaps, by law expenses in cases of that particular character.

Mr. Mc Gregor.—Who has the better right to it?

Mr. WARDE.—There may be numbers of others, but I think the honorable member must admit that if a husband divides £10,000 in equal parts, and his wife willfully speculates and does away with her half, she should not have a further claim upon the balance of his estate.

Mr. Mc Gregor.—The Court will decide that.

Mr. WARDE.—The Court can decide it, but possibly £2,000 of that other £5,000 may be wasted in fighting the question, even if the Court refuses to give some relief to the woman on her application. Provision should be made for a case of that kind. On the other hand, I do not know whether the honorable member has considered another phase of this question affecting our social life. It is well known that in some instances men have entanglements of different characters, and it has been known through the history of our law courts that men during their life-time have been compelled to pay maintenance orders. This fact is unfortunate, and is perhaps to be regretted, but it is not a bit of use for us, as men of the world, to blink the fact that sometimes married men, too, have had maintenance orders made against them for illegitimate children. No man possessing property should at his death be enabled to defeat the responsibility which the laws of the country impose upon him during his life-time, and if he has any estate whatsoever, all those legal charges which he is compelled to contribute for the support and maintenance of children up to a certain age should undoubtedly follow the estate of a deceased person if there is sufficient left to carry out those obligations. I should have been pleased to see a provision in the Bill to meet cases of that kind, but I do not want to hamper the measure with anything that the honorable member for Prahran might think might lead to its defeat. I know that he will probably have a difficulty in another place in getting a Bill of this character through. But if we are going to do justice to the female section of the community in particular, who are debarred the right of expressing their own views by their votes, by the action of our Parliament, we have a right to see, at all events, that no injustice is done when these particular cases are brought under review. I am a thorough believer in the desire to do justice to these people. I think the ages of 18 years in the case of a male, and 21 years in the case of a female, which the honorable member has fixed upon, are very fair ages at which it may be said that those persons ought to be able to maintain themselves. I was rather surprised to hear the
Mr. Perring:—I commend the press of the country, and I think the result would be in the vast majority of cases that provision would be made by the person himself, as he would far rather make provision for his wife and children himself, when he knew that the law courts of the country, with the assistance of lawyers, would be compelled to give them relief later on. If I have one thing to congratulate the honorable member upon, it is that this Bill, while it will give that relief which these people ought to receive, I think, be the means of eventually stopping litigation, because when men recognize that responsibilities contracted in life follow the estate after they have passed away, they will do the honest thing in life, because they know that if they do not the courts will rectify their injustice later on.

Mr. TOUTCHER.—As women have no direct representation in this House, a very fitting opportunity now presents itself for honorable members who have taken the view that women should not have direct representation, to give them some representation to-night in the measure which has been put forward by the honorable member for Prahran, to whom, with other honorable members, I offer my congratulations. The present relation of woman to man places her in the position of a dependent, for the husband, seized of the knowledge that he can will away from his wife all that to which she has, perhaps, equally contributed, and in some cases far more than equally contributed, may put her in the position of an absolute dependent, while he can exercise strong and coercive measures over her during the whole course of their married life. The Chief Secretary, who is leading for the Government to-night, is one who has shown his sympathy towards women's suffrage. I believe that every time that measure has been before the House, he has been one of its champions, and now I trust that he will give his hearty support to this measure, which goes a long way towards meeting a long-felt want in this community, and which has met with the eulogy and commendation of the press of the country, and of the people most concerned. Even if there are in it any provisions that may appear to his mind a little bit inimical to the welfare of the people of the State, I trust that the honorable gentleman will not offer any factious opposition to it, but that we shall be able to make such a measure of it that this Assembly, at any rate, will be able to do its share towards placing it upon the statute-book, and I trust that it will meet also with the approval of another place.

Mr. J. CAMERON (Gippsland East).—Like other honorable members, I wish to congratulate the honorable member for Prahran on bringing in this Bill. There is only one point that appears to have been omitted. The Bill fixes the age of 18 years for male children and 21 years for female children, but I think some provision should be made for children who are weakly or delicate in some way—who are, in fact, invalids. If a provision of that sort were inserted, I should heartily support the Bill.

Mr. KEOGH.—With other honorable members, I join in congratulating the honorable member for Prahran on introducing this measure. I am sure that every member in the House agrees with its objects, but, with the honorable member for Glenelg. I think its sponsor might have put a clause in the Bill to provide that widows should be allowed to marry—

Mr. WATT.—You cannot stop them.

Mr. KEOGH.—And still inherit property. It seems to me a monstrous thing that a dead man should be able to control the actions of living persons. I see that by clause 2, male children of eighteen years and females of 21 years are expected to provide for themselves. They do not come under the Bill, but I do not see why they should not. It very often happens that a young man helps his father a great deal, and assists him to accumulate a fortune. He very often stops in the shop helping his father up to the age of 25 or 30, or over. I know a case where a father left nearly the whole of his property—some 13,000 acres, worth perhaps £20 an acre—to his eldest son. He certainly left some also to the other brothers, but not a great deal. In this case, I believe the eldest son acted properly and did help his brothers, but at the same time, I think the honorable member for Prahran will see that what the father did in that case is not a proper thing to do, and that the other sons should certainly have had a fair share of the property. I know that in some cases the father does what to him appears right
in leaving the property to those of his sons who he thinks have deserved it. In other cases he leaves it to sons who he thinks are regular "holy Joe's," but after the old man goes, they behave in such a way that if he could only know what was going on, he would kick the lid off his coffin. I hope the honorable member for Prahran will strike out the limitation of age in clause 2, and let any member of a family, no matter what his or her age is, apply to the Court if he or she considers the will unjust.

Mr. GAUNSON.—I rise for the purpose of offering, not opposition to this Bill, but reasonable and fair criticism upon it. There has been a good deal of discussion upon the subject of the right of the man to dispose of his property by will as he chooses, at all events, from the time of Henry VIII. to the date of these presents. That was the time when, if my memory serves me, the right to will lands was first given. I asked the honorable and learned member in charge of the Bill if he would include husbands in it, but he treated that question rather cavalierly, and, on the whole, was inclined to deride it. Now, the honorable and learned member derives his inspiration from New Zealand, and I find that the husband is included in the New Zealand Act. The honorable and learned member was remarkably facetious about the old man who wheedled the young woman, but have we never heard of the young woman who wheedled the old man? Upon my honour, if there is any class I have the greatest contempt for, it is the young woman who marries an old man May who weds December. Out upon providing for such outcasts as these practically are, who do not deserve a moment's sympathy from thinking men. Now, let us get a little to close quarters. The honorable member for Stawell was great. He spread himself. He said, regarding the fact that we do not directly represent the women, that now is the time for us to show our chivalry by proposing to do something for them. No Bill of this character has ever been passed by any Legislature in the British Dominions. But we, in our pride and knowledge—because we know everything under the sun—are going to allow women to govern this country. Yes, they are to be triumphant, and are to wear the breeches in future. There is no mistake about that.

Mr. COLECHIN.—They have had it in New Zealand.

Mr. GAUNSON.—No, they have not had it there. I have sent for that book, and I will show that the honorable member knows nothing about it.

Mr. COLECHIN.—It is about the fortioth book you have had to-night.

Mr. GAUNSON.—I have taken notes of these matters, and am not attempting to read the references in full. I have noted cases from the Law Times report, and have found where the same cases are reported elsewhere. I intend, later on, to say a few words upon the Pure Food Bill, and I have ammunition for two or three months in advance. Now, something has been said about the widows—that a man should not be allowed, by his will, to debar his widow from marrying again, by saying that if she does so she must forfeit what she gets under the will. Well, if you want an incentive to unchastity, you cannot have a better one than to allow a testator to make a condition of that kind. It is a direct incentive to misconduct on the part of women. I like to speak plainly, and I quite agree that provisions of that kind in a will are pernicious, and ought to be put a stop to. By the way, I have never heard of a woman making a will and saying that if her husband should marry again he should forfeit his fortune. My honorable friend the Chief Secretary has had large experience in the preparation of wills, but I do not know whether he ever heard of such a case.

Sir SAMUEL GILLOTT.—I never saw one.

Mr. GAUNSON.—There is one other subject which, although not cognate, bears in a direct way on this question. We are proposing to interfere with a right which a man has to make a will as he pleases. He may have good reasons for refusing to provide for particular members of his family. His sons may not have acted well towards him, or his wife may have not acted well, and the testator acts according to his lights. But I quite agree with the comment of Coke, in the reign of Queen Elizabeth, that we ought not to allow any man, upon whom the grip of death has already fastened, to make a will at the last gasp. I quite sympathize with the view that where a man dies without a will, and trusts to the law to distribute his property, and as the law, under these circumstances, distributes so much to the widow, where there are no children, and so much less to the widow where there are children, it would be fair in principle to say that a husband should not be at liberty, by his will, to change the
destination which the law provides in a case where there is no will at all. It seems to me that, looking at the matter all round, the Judge has to form a judgment. Probably a lot of worthless women, who have misbehaved themselves grossly, would get the benefit of such a provision. Well, let them do so, and let God judge them. But there will be many worthy women, and many worthy children, who will get the benefit of this legislation if it becomes law, and I do not want to intervene. At the same time, I wish to call attention to the fact that this Bill is limited to young children. That is not the case in New Zealand. Take the case of a man who has a crippled daughter, say, 25 years of age, and that he hates her for her deformity. Why should he not be compelled to make provision for that woman, who may be unable to earn her own livelihood? In the same way a young man, over eighteen years of age, may be a cripple from his birth, and may need to be provided for. That is not done by this Bill. Is that liberal legislation? I call it utterly damnable, and not worthy of being talked about in any decent society. Of course there are women who ruin men wholesale. There are worthless women as well as worthless men. But let us put the saddle on the right horse, and not talk so much rot and fustian about chivalry, and all that sort of thing. Let us get down to bed rock. In New Zealand, on the 9th October, 1900, an Act was passed dealing with this subject. It consists of five sections. It has been said that the Bill now before us is substantially the same as the New Zealand Act. I say it is not. First of all, the New Zealand Act provides for the husband. If an old woman wheedles a young man, the poor miserable male creature should be provided for by the wealthy old fowl. Suppose the husband is a cripple, and has a wealthy wife who has made him a cripple. Is the old fowl to get off without being compelled to provide for her husband in case of her death? Why should she? The New Zealand Act contains the following proviso—

Provided that the Court may attach such conditions to the order made as it shall think fit, or may refuse to make an order in favour of any person whose character or conduct is such as in the opinion of the Court to disentitle him or her to the benefit of the order under this section. The Court means the Supreme Court or any Judge thereof and in the case of deceased Maoris the Native Land Court.

Then provision is made that application to the Court must be made within six months of the granting of probate. That provision is copied in this Bill. But the point I want to make is that this New Zealand Act contains no limitation about the age of the children. I would ask the Chief Secretary to take a note of that fact.

Sir SAMUEL GILLOTT.—I see that it is so.

Mr. GAUNSON.—I believe there is an opinion held by some people that the passing of this Bill into an Act of Parliament would be the greatest boon ever conferred on the legal profession, because then they would have magnificent estates to carve. Honorable members know that lawyers are generally reputed to get the oyster, and give the client the shells. Certainly the Chief Secretary has a pretty good wicket on this occasion, but I hope he will remember that the New Zealand legislation is the groundwork of this part of the Bill. By the way, I do not think there is any other civilized country where such legislation can be found.

An HONORABLE MEMBER.—Does it not exist in Scotland?

Mr. GAUNSON.—No. In Scotland they agree with St. Paul that the testament speaks from the death of the testator. St. Paul was lawyer enough for that. He was a pretty good all-round fighting man. I would like to know what civilized country there is that has adopted this? In Scotland we have been told, with a fine display of learning, that the children get one-third and the widow gets one-third. Suppose the case of a man who gives all his money to the Melbourne Hospital, or some other charity; he may have reasons for disposing of the wife, and he may be doubtful whether the children are his to begin with.

Sir SAMUEL GILLOTT.—I must compliment the honorable member for Prahran on the very clear exposition of the Bill he gave in moving the second reading. There is no doubt whatever that this Bill is a revolution on the right of male testators to dispose of their property.

Mr. TOUTCHER.—It is evolution.

Sir SAMUEL GILLOTT.—The Bill is open to the objection that the provision intended to be made is to be applicable in the case of widows only. There is no provision made in the case where there may be a very wealthy woman, and I have known such instances in my practice; cases are not infrequent in this country where a will has been made whereby the husband who is in poor circumstances has been left to get along the best way he could, while his wife’s property has been disposed of.
by her under her undoubted right of willing it to whom she pleases. It would have been well for the honorable member to have followed the New Zealand model as regards the persons who should be benefited by testamentary disposition. I also know from practice, not in one case, but in many, that where maintenance orders have been made in favour of illegitimate children these orders have become null and void by reason of the death of the defendant. Powerless as she is, the mother, to a certain extent injured in character, and having perhaps a child to support, is left without even the protection of the small amount that is awarded under those orders, which come to an end suddenly by reason of the death of the defendant. I think this is a matter which calls for relief through legislation that will have to be passed in order that we may, at all events, repair whatever injury or loss may be occasioned by the death of the defendant, to the extent of the means that the man may leave. One grave objection, so far as I can see, and it will be run for all it is worth, will be the costs that will be incurred in having matters of this kind decided by the Courts. There are many cases, and we meet them in practice, where unruly, disobedient, wilful sons give their parents, and the father particularly, any amount of trouble and sorrow. I do not think the limitation of eighteen years of age should apply to a son any more than to a daughter. There are many cases where the father has for good and sufficient reasons deprived some of his children of the benefits that they otherwise would have obtained. I say that litigation will be promoted by these people, and even speculative litigation, and the honorable member for Prahran is not correct in saying that these cases may not be taken up for speculative purposes. I know that these speculative actions are carried on very largely in this community.

Mr. Watt.—The men who take them up should be struck off the roll.

Sir Samuel GILLOTT.—So they should; but there is nothing in our law, so far as I know, to prevent these men from taking up these speculative cases.

Mr. Ward.—At the age of eighteen they should not cause their father very much trouble.

Sir Samuel GILLOTT.—I do not see why the son at eighteen should be deprived of the right of making application for maintenance, whereas a daughter, who may be married and have a husband to maintain her, is to have three years longer to make application.

Mr. Warde.—The inference is that the son should be able to maintain himself at eighteen.

Sir Samuel GILLOTT.—I understand by the Bill that the maintenance is not to cease at eighteen or twenty-one, and that that is only to be the limit at which the person can be an applicant. It is increasing the obligation on parents far beyond what was ever known in the history of English law. It means that a father has to keep his children during the term of their natural life.

Mr. Gaunson.—Should he not have to keep his illegitimate children?

Sir Samuel GILLOTT.—Certainly. A father is not now bound to maintain his children above the age of sixteen. He may own half the State, but he is not bound to maintain them after they have arrived at the age of sixteen. That is the law at present. By this Bill it is intended that the testator's estate is to be made liable for the maintenance of his children during the term of their natural lives. What portion of his estate will he be at liberty to devise in favour of any other object? As I understand the honorable member for Prahran, the cases to which he referred only occur in connexion with small estates, so that the whole estate will be exhausted by this liability to the children.

Mr. Mackinnon.—Surely it is his primary liability to support those he brings into the world.

Sir Samuel GILLOTT.—Not for the term of their natural lives.

Mr. Mackinnon.—But that is not the proposal of the Bill.

Sir Samuel GILLOTT.—Where is there any clause in the Bill that limits the liability to any term? There is none whatever. When I interjected, asking the honorable member, he said there was no limitation.

Mr. Mackinnon.—I said that in some cases the Court would probably take the view that they should give more. For instance, in the case of a child that was absolutely helpless, the Court might say that that child never could support himself.

Sir Samuel GILLOTT.—The honorable member proposes to enable a daughter to apply up to the age of 21 for maintenance. And when is the maintenance to cease? That is making an application for maintenance beyond the term.
under the law against the father whilst he is alive. The whole principle of the Bill is that an estate shall be so divided amongst the widow and children that it will be a provision for the widow during the rest of her life and for the children, not while they are infants, but as long as they live. That is the object of the Bill.

Mr. MACKINNON.—No; it is not.

Sir SAMUEL GILLOTT.—I understood that the honorable member meant that in the case of a man dying without children, one half was to go to the widow, and the other half to the next-of-kin, and that if he had a child or children one-third was to go to the widow and two-thirds to the child or children. The whole object of the Bill is to give the Court power to control a person's estate irrespective of what that person may know when he is making his testamentary disposition.

Mr. GAUNSON.—Supposing the widow married a wealthy man afterwards?

Sir SAMUEL GILLOTT.—The provision is to continue. According to the statement of the honorable member for Prahran, these applications may be made in New Zealand by the children even up to the age of forty. What does that mean? That is for their maintenance during the term of their natural lives. If there was a limitation for the maintenance to stop at the age of twenty-one, I could understand it. This Bill will create a great amount of litigation and a great amount of difficulty in connexion with deceased estates, unless they are very large. A very large proportion of the cases in which testators leave widows and children will find their way into the Courts, to the benefit of the gentlemen of the long robe, and also of the lower branch of the profession. We have had sufficient experience in this country of the large number of cases in which these wills are the subject of contests in the Courts. In a great many cases, one-half, or, at all events, a very large amount, of a man's estate is expended in the litigation that takes place when there is a dispute; and contested will cases are getting very common here. I say that this Bill ought to be drafted on the clearest possible lines. Although it follows the New Zealand Act, I call attention to the fact that the New Zealand Act has been in force for but a very short time, and we have not yet had time to see how it works.

Mr. MACKINNON.—We have had a judicial opinion on it by a Judge of the Supreme Court of New Zealand.

Sir SAMUEL GILLOTT.—That might be, but if we had statistics showing how the law worked in New Zealand, we would be able to judge for ourselves. At the same time, I am not one who cares to follow legislation that has been passed for the first time, or simply because a Colony like New Zealand has passed an Act in this direction two or three years ago. I am not prepared to slavishly follow the legislation of New Zealand. All the legislation we have to consider should be brought forward on grounds that appeal to our common sense and our reason; and one of the last things that any legislative body should do is to interfere with the undoubted right, which has existed among Britons for nearly 800 years, of a man or woman being able to leave their property by testamentary disposition, as he or she might think fit.

Mr. LEVIEN.—It appears to me now that the legislation proposed in this Bill, introduced so ably by the honorable member for Prahran, goes certainly very much farther than I gathered from the honorable member's second-reading speech. If the scope of the measure went no further than to place on the estate of a deceased person all the obligations that attached to that person while alive, it would be a very excellent measure. From the observations of the honorable gentleman who has just resumed his seat, however, I find that the Bill goes very much farther—that, indeed, it goes too far, and that it would lead to endless litigation. I am sure that the honorable member for Prahran would have a unanimous House with him if he limited the measure to the extent I have indicated. We have, it is true, the experience of New Zealand, but, as the honorable member himself has pointed out, that experience has been of a very limited character. So far as I can affect the measure in Committee, I will endeavour to have it confined to this, that, notwithstanding any will a man may make, his estate shall be liable for all that he would be liable for were he still alive.

Mr. MACKINNON.—I am afraid that the learned Chief Secretary has emphasized features which do not exist in the Bill at all. The plain reading of this Bill, and I defy any member to get any other reading out of it, is that provision is to be made for the widow and children, and
“children” is defined distinctly in the Bill as being people under a certain age. The Chief Secretary has asked if the maintenance is to be made for life? What was in my mind was this, and I think it would be in the mind of the Court, that if a particular infant on whose behalf an application is made was one who never could work, the Court might, considering all the circumstances of the case, very reasonably say that it would give a larger allowance for such a case; but the object of the Bill generally is that it should provide for the maintenance of widows and children who are under age. With regard to a widow, the Court has absolute power to make it a condition that if she marries again the maintenance shall cease. The Court has full power to say whether the allowance shall be during widowhood, or shall last for all time. As to the provision relating to children, I am perfectly clear that it will be interpreted as a provision for children under a certain age, and not as a provision for children during the whole of their lives. If the intention was that it should be otherwise, there would be no occasion for a limitation in the definition of “children” at all. A great deal has been said about the difference between this Bill and the New Zealand Act. In New Zealand, the legislation on this subject is based on the Destitute Persons Act, and is mixed up to a large extent with that Act; but, as a matter of fact, the two measures are cognate with each other. I have left out husbands deliberately, as I think that cases of husbands with rich wives are extremely uncommon, and such husbands can well look after themselves; and if it is ever found that there is any great grievance in cases of that sort, the matter can be afterwards attended to. The reason why I have not extended the provision with regard to children so as to enable a son of 50 or 60 years of age to take part in his father’s estate is to provide against such a case as that of a claim being made by a man who might have quarrelled with his father after an unhappy life, and who, at the termination of the old man’s career, might enter on litigation. All that this Bill seeks to do is to provide that the ordinary support of a wife and children shall be continued after they become widow and orphans for reasonable periods after the man’s death. This will be a very modest instalment of justice, and I shall be very much surprised if the House rejects a measure which provides for what every man must feel is a just and fair claim on the estates of deceased persons.

Mr. GRAV.—I think that the honorable member for Prahran deserves the thanks of the House for having introduced this measure. It has been quite clear to me for a number of years back that a measure of this kind has become necessary, so that provision may be made for the widow and children of a deceased person who fails to provide for them out of the estate he leaves, and so throws them on the State. I do not know why it is, but we have had many cases of men who have accumulated riches with the aid of a wife who worked so hard that she was really entitled to the credit of half the income earned, and who have left their widows and children unprovided for. Honorable members will remember a case in England of a fairly wealthy man whose wife and family lived with him in a state equal to his own, and who, when he died, to the surprise of his relatives and friends, left his whole estate of £30,000 to Queen Victoria, his widow and children being then thrown on the world to fight their own way. Then there was the case of a man in Tasmania who, under similar circumstances, left all his means to the Roman Catholic Church, and there was the greatest difficulty on the part of the widow to get some recompense from the executors. Again, there was the case, two or three years ago, of a man who became infatuated with the Salvation Army, and willed his whole estate to that army, leaving no provision for his wife and children at all. Cases like these have caused the honorable member for Prahran to bring in his Bill; and I feel that the Chief Secretary, notwithstanding what he has said, has not properly read the Bill, especially with regard to its provision as to the definition of “children.” As I read it, I distinctly understand that “children” will not include any male person who is over 18 years of age, nor any female over 21 years. Children must be under those ages before the Bill can apply to them. In any case, I intend to assist the honorable member for Prahran in his endeavour to have this measure passed into law.

The motion was agreed to.

The Bill was then read a second time, and committed.

On clause 1, which was as follows—

This Act may for all purposes be cited as the Widows and Young Children Maintenance Act 1905,
Mr. GAUNSON moved—
That the word "young" be omitted.
He said that, for the reasons he had already stated, it was undesirable to have the word "young" included. If it were retained it would mean that children over certain ages would be thrown on the world without receiving any maintenance, and he would not consent to that.

Mr. KEOGH said he thought the honorable member for Prahran should accept the amendment, as there were many children above the age of 21 years who could not earn their living being crippled or otherwise incapacitated. A father should not have the power to will away his estate altogether but he could not see how any amendment, as proposed, would raise for the purpose of defeating the Bill in another place.

Mr. GAUNSON stated that he desired to call the attention of the Chairman to the disorderly remarks of the honorable member, who stated that this amendment was merely for the purpose of defeating the measure in another place. That was an imputation of improper motives.

The CHAIRMAN. — The honorable member for Flemington is out of order in making a statement like that, because it is imputing motives, but I know the honorable member will withdraw.

Mr. WARDE remarked that if any honorable member felt aggrieved, he had great pleasure in withdrawing the remark. He supposed he should have thought it, and not have said it.

Mr. GAUNSON remarked that he did not care what the honorable member might have thought. The honorable member might think anything he liked, whether wrong or right. He (Mr. Gaunson) did not think the amendment was merely a side issue raised for the purpose of defeating the Bill in another place.

Mr. GAUNSON stated that he desired to call the attention of the Chairman to the disorderly remarks of the honorable member, who stated that this amendment was merely for the purpose of defeating the measure in another place. That was an imputation of improper motives.

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Mr. WARDE remarked that if any honorable member felt aggrieved, he had great pleasure in withdrawing the remark. He supposed he should have thought it, and not have said it.

Mr. GAUNSON remarked that he did not care what the honorable member might have thought. The honorable member might think anything he liked, whether wrong or right. He (Mr. Gaunson) did not care a damn. The honorable member, however, was not at liberty to talk in that way about the motives of honorable members. When he (Mr. Gaunson) talked about the motives of honorable members, he did not attribute improper motives, otherwise he was called to order. The honorable member who had introduced this Bill had done it under the guise or the disguise that it was a copy, or a substantial copy, of the New Zealand Act, which the honorable member had told this Chamber had worked well in New Zealand. But in the New Zealand Act there was no such limitation as the honorable member tried to impose on the Chamber in this Bill. It was not what the honorable member intended, but what this Assembly intended, and it was for the Assembly to decide whether this was to be for the maintenance of merely young children. What was the meaning of "young children" under this Bill? He understood that it was to be a lad who was not above eighteen years of age, or a woman who was not above 21. He understood that these were to be young children according to the honorable member’s definition. Why in the name of fortune should the honorable member put in such a limit when in the New Zealand Act there was no such limitation.

Mr. Boyd.—Do you want to be included in the Bill yourself?
Mr. GAUNSON said that he did not, but if this Bill were made retrospective, the honorable member who introduced this Bill would have to dub up a considerable portion of his property to his brother. His (Mr. Gaunson's) father had been dead 54 years, and he had had to earn his living from that time to this. Thank God! he had never been spoon fed. The New Zealand law did not limit the maintenance to young children but gave it to the widow and the children, no matter what their age. After all, when a person became 65 years of age, he could go for the old-age pension. Why should not the estate of the deceased father pay towards the support of the child, even although the child was an old man, rather than that the child should be foisted on the charity of the people of this State. He must not be told what was not true—that this Bill was founded on the New Zealand law. That was an untrue statement, because the New Zealand law did not limit the age of the children. He could not understand how honorable members on the Opposition side of the House could say that this was founded on the New Zealand law, they not having read the New Zealand law, and knowing no more about it than his boots.

Mr. ELMSLIE.—Who said that?

Mr. GAUNSON.—Not the honorable member; he had not the sense to say it. He (Mr. Gaunson) did not care a dump whether his argument went home or not. He knew that he was now on thoroughly safe ground, and he hoped that no attention would be paid to the maunderings of the honorable member who represented the Railways Service, and whom he had just heard interjecting something. The honorable member had no right to interject. If the (Mr. Gaunson) described the honorable member's remarks as 'maunderings,' it was because the honorable member had no right to interject with remarks which were not pertinent, and which could only be impertinent. He (Mr. Gaunson) would stand by his guns. It was not the New Zealand law that honorable members were being asked to pass. He had read the New Zealand law to honorable members, and any honorable member was at liberty to get the law and read it for himself. To all intents and purposes this Bill was a mere subterfuge, if it was represented as repeating the New Zealand law. Honorable members should not lay the flattering allusion to their souls that they were repeating the New Zealand Act, when they ought to know that this Bill was not the New Zealand law. It was only misleading the Chamber to say that it was the New Zealand law. Honorable members were told that the New Zealand law had acted very well, and then they had been given a high judicial opinion on that—the opinion of one of the Judges in New Zealand. Who were these Judges? He paid no attention to the language of a Judge, unless he agreed with it, even if it was cried out from the house tops.

Mr. BROMLEY.—What is the New Zealand law?

Mr. GAUNSON said that the honorable member for Carlton was not in the Chamber when he read out the provision of the New Zealand law, and, as it was a short quotation, he would read it again to show what the New Zealand law was.

Mr. MACKINNON said that he rose to a point of order. He desired to know whether it would not be tedious repetition if the honorable member read as he proposed to do?

Mr. GAUNSON said that on the point of order he would point out that it could not be tedious repetition to quote the language of the law to justify the statement that this was not the New Zealand law.

Mr. MACKINNON.—The honorable member had already quoted that.

Mr. GAUNSON said that he was asked, and he supposed honestly asked, for information by the honorable member for Carlton, and on that he proposed to read out the provision of the New Zealand law. Where was the impropriety in that?

Mr. BROMLEY stated that the honorable member for the Public Officers made so many allusions to the New Zealand Act that he had asked the honorable member, in all honesty, and without any knowledge that he had previously read the Act to the House, if he would read the provision he was referring to. If the honorable member had already done so, he (Mr. Bromley) would be very pleased to read the Act for himself, but not knowing that the honorable member had done that, he had asked him in all honesty to quote the New Zealand Act. Honorable members could not always be in the Chamber.

Mr. GRAY remarked that he would like to know, before the Chairman delivered his ruling, whether, if honorable members were absent and not attending to their duties, the honorable member for the Public Officers would be supposed to read that quotation.
from the New Zealand Act for each honorable member as he came in from the corri-
dors?

The CHAIRMAN.—The amendment before the Chair is the omission of the word "young," and I understand that the honorable member for the Public Officers was about to read from the New Zealand Act to show why that word should be omitted.

Mr. BOYD stated that the Chairman's ruling was surely not on the point raised by the honorable member for Prahran. The question was with regard to tedious repetition.

The CHAIRMAN.—I could not say that it was altogether tedious repetition. The honorable member for the Public Officers has spoken before in reference to the New Zealand Act, but I understand that he was about to show why this amendment should be made, and that that is why he was going to quote from the New Zealand Act.

Mr. GAUNSON said that the honorable member for Prahran thought that this was a very fine Bill. He (Mr. Gaunson) had no objection to the honorable member fathering the Bill, provided it was made retrospective, and that those who had gobbled up property would have to give part of it back, because, if it would be honest to do it at first, it would be honest to do it now. He (Mr. Gaunson) wanted to show that his contention that this provision was not to be found in the New Zealand Act was true, and how could he do that better than by quoting the wording of the law itself? The New Zealand Act set out that when a person died leaving a widow, and without making proper provision for the support of the wife, or the children, or the husband, as the case might be, then an order for that provision might be made by the Court. There was no such word as "young" in that Act. What was the use of the honorable member telling him that this was founded on the New Zealand Act? That was misleading this Chamber. Honorable members had no right, while he was speaking the truth, to be groaning on the Opposition side of the House. If an honorable member wanted to challenge what he said, let him read the New Zealand Act, and point out where he (Mr. Gaunson) was wrong.

Mr. A. A. BILLSON (Ovens).—Why should we not frame our own Bill?

Mr. GAUNSON said that was not the point. Members were told, as a reason for passing this Bill, that the New Zealand Act had worked well, and should not be departed from.

Mr. A. A. BILLSON (Ovens).—We are going to improve on it.

Mr. GAUNSON said he would like to see the improvements that the honorable member would suggest in the Bill, and he would welcome, with especial cordiality, any improvements that might be made by the honorable member for the Railways Officers (Mr. Hannah).

The CHAIRMAN.—This part of the honorable member's discussion has really nothing to do with the question of the omission of the word "young."

Mr. GAUNSON said he intended to go to a vote at the earliest moment. If he stood alone the vote would not be taken, but he would make members on this (the Opposition) side cross to the other side of the House.

Mr. McCUTCHEON stated that he purposely refrained from speaking on the second reading of the Bill, because he knew that time was precious in a matter of this sort. He could not help noticing the injustice that would be done by the Bill if the word "young" was left in. He had before his mind a case of young children, who were perfectly healthy, and whose only misfortune was that they were left in poverty by the eccentric act of their father, who could have left them money, but had willed it away from them. Still, boys and girls of that kind, blessed by nature with a healthy body and a healthy mind, would be looked after by somebody, even if it was only the State, until they grew up; but what would happen in the case of an unfortunate invalid, perhaps incapacitated for life, who was cut by a cruel or eccentric, revengeful or jealous father out of his will? What hope had that invalid of ever being anything but a pauper all his or her life?

Mr. ELMSLIE.—This Bill will not place them in any worse position than they are in now.

Mr. McCUTCHEON said that the honorable member for Prahran proposed not to provide for the children after the ages of 18 and 21 years respectively, and made no distinction between the invalid or incapacitated child and the healthy child.

Mr. WARDE.—Neither has any protection now at all.

Mr. McCUTCHEON said he wanted to give them protection under this Bill.

Mr. MACKINNON.—You take care of them, and I will look after this lot.
Mr. McCUTCHEON said the honorable member proposed to stop the provision by law for these children, notwithstanding their physical condition, at the ages specified. But that provision should not be stopped, in the case of a father who had means sufficient to leave them something to support them, who had taken the responsibility of bringing them into the world, but who nevertheless willed his property away from them, and made them paupers for life. The Committee should not lend itself to that, when, by the omission of the word “young,” and one or two other alterations in the Bill, could provide for such cases. He appealed to the honorable member for Prahran, who was as kind-hearted as anybody in the House, from what he knew of him, not to oppose the amendment, but to endeavour to incorporate in the Bill provision which could easily be made for such cases as those he had mentioned. The Bill was now in the hands of the Committee, and could be easily shaped at this stage. But if it was passed now, and something was afterwards found to be wanting, it would be very hard to get it in. He appealed to the honorable member to make provision for children under the ages specified under ordinary circumstances, but provision for life, if they were physically incapacitated, or until the Court was satisfied that they were able to earn their living.

Mr. FIMSLIE remarked that personally he would have preferred to see this Bill go much further than it did, but at the same time he was very pleased to take some measure in the direction of a very desirable reform. That was why he proposed to give his hearty support to most of the clauses in the Bill, and he trusted the honorable member for Prahran would not agree to the excision of the word “young.” In this discussion the Committee seemed to be mixing up two issues. The Bill was to provide for the maintenance of the widows and young children of deceased persons, but a good deal of the debate had centred around the final distribution of a man’s property. If the Bill proposed to take that into consideration, then he could understand the attitude taken up by those who advocated that the widow and all the children, irrespective of their ages, should be provided for. Many of those children had assisted their father in obtaining the property. Seeing, however, that the object of the Bill was clearly to provide for young children, and to save the State from having to support them, he hoped the honorable member for Prahran would stick to the word “young,” and that the Bill would be carried in that form.

Mr. FAIRBAIRN expressed the hope that the honorable member for Prahran would see his way to omit the word “young.”

Mr. MACKINNON.—Why should I? Give me a good reason. I ask you for one because you are sensible.

Mr. FAIRBAIRN said he would give a good reason. He was very much in favour of the Bill, and would like to assist the honorable member to put it on the statute-book. He had known several cases where young men worked on with their father, and it was tacitly understood that the family property was to be theirs after their father’s death. Very often, through carelessness, or perhaps because the father wanted to make his peace with the next world at the expense of the family, he cut them out of his will, and left the property to charity, leaving these unfortunate people, who really had his promise, in some instances, that they would share in the property, and who had actually trusted their father, practically without any means. In cases of that sort, the Bill should provide that the Court, if they could bring evidence to support their claim, should have power to see that they got some portion of the estate.

Mr. WATT.—That will mean endless litigation.

Mr. FAIRBAIRN said even endless litigation was probably better than the present state of things.

Mr. WARDE.—This Bill is to provide for the maintenance of widows and young children, not for disputes of that character.

Mr. FAIRBAIRN said he understood that the honorable member for Prahran had in his mind the proper distribution of the effects of the estate. If that was not so, the proposal in the Bill was a very narrow interpretation, and might be made a little broader, so that no injustice would be done. If the word “young” were struck out he thought the measure would go through very quickly.

Mr. WATT expressed the hope that the amendment would not be accepted. It was idle to attempt in this Bill to remedy all the testamentary defects of the past. All that could be done was to deal with one urgent matter. If an effort were made to provide for children of all ages, and to open up the whole question of the disposition of property, the Bill would be over-
loaded, and it would be impossible to carry it into law this session. The only point that might be considered was in regard to invalided children. In a case where a child was permanently incapacitated, the Court might have power to deal specially with the age limit. Any proposal, however, to give power to a Judge to override the expressed intentions of a testator should be very carefully considered before it was adopted.

Mr. McCUTCHEON said he agreed with the honorable member for Prahran that the ages of 18 years and 21 years respectively should be the limit where the children were in ordinary health. It was only in cases of physical or mental incapacity that he thought further provision might be made.

Mr. CARLISLE said he was cordially in favour of the Bill, but he would like to see the amendment of the honorable member for the Public Service accepted.

Mr. Watt.—How would that apply to the case of the prodigal son?

Mr. CARLISLE said he saw no reason why the money should go to strangers simply because there had been a misunderstanding in the family.

Mr. MACKINNON stated that he could not accept the amendment. The scheme of the Bill had already been explained. The honorable member for the Public Service had said a great deal about the New Zealand Act. As a matter of fact, this Bill was a reproduction of the New Zealand Act in spirit, and he defied the honorable member to say that it was anything else. It was true that, in certain directions, this Bill did not go so far as the New Zealand measure; that was because of the difficulty of carrying legislation in this country. It was well known that the difficulty of carrying measures of this kind was greater in Victoria than in any other place if certain interests were affected. For that reason he (Mr. Mackinnon) wished to go slowly. He thanked honorable members for their suggestions, but was quite content to let the Bill go as it stood. He quite admitted the contention that a number of young farmers lived with the old people for many years, and helped to build up the family estate, and yet found themselves cut off from participation in the estate. These were unfortunate cases, but it was impossible to deal with them in this Bill. If any such amendments were attempted, the Bill could not possibly pass this session. Therefore, he was reluctantly compelled to adhere to the measure as at present drafted.

Sir SAMUEL GILLOTT said that since he spoke on the second reading of the Bill he had looked at the New Zealand Act, and found that the language of that Act was practically the same as clause 3 in this Bill. In New Zealand the limitation was not confined to the maintenance and support of children until they attained the age of 21 years.

Mr. MACKINNON.—No; because there is no definition.

Sir SAMUEL GILLOTT said the New Zealand Act used the word "children." The honorable member for Prahran should make it clear in clause 3 that the provision in favour of children was to be limited, until they reached the age of 18 years in the case of males, and 21 years in the case of females. It was quite true that if the word "young" was struck out, something more than a doubt would arise as to the meaning of the clause.

Mr. KEOGH remarked that if the honorable member in charge of the Bill was unable to consider the case of the boys, he might consider the case of the old maids. Some girls got married, but some were left on the shelf.

Mr. J. CAMERON (Gippsland East).—Have you been studying old maids lately?

Mr. KEOGH said that the honorable member studied them constantly. He (Mr. Keogh) was about to say, when the honorable member for Gippsland East made a most unseemly interjection, that the honorable member for Prahran should take into consideration the position of ladies above the age of twenty-one. He knew a case where the father of a family of girls, all above the age of twenty-one, had left his money in another direction altogether. The girls had no money left to them; they had been brought up in the lap of luxury, and never had to earn their living. They were entitled to a share in their father's property. He trusted that the word "young" would be struck out.

Mr. BENT said he thought he could see clearly that there was not much work to be done. Was it not time to adjourn?

Mr. Watt.—Let us try a few clauses.

Mr. BENT said that he wanted to vote for the Bill, but he was about to suggest that the honorable member for Prahran should adjourn its further consideration until the 15th of November, when he might get the Bill through.
Mr. Mackinnon.—I am afraid that night is engaged.

Mr. Watt.—How the honorable member for the Public Officers will sweat himself on that night!

Mr. Bent said he fancied that if the honorable member for Prahran adjourned the further consideration of the Bill until the 15th November he might get it through, and he (Mr. Bent) wanted it to be passed; he wished to vote with the honorable member for Prahran.

Mr. Hannah.—We will sit on.

Mr. Bent said he made this request in a honé fáce manner, because he would vote for the Bill.

Mr. Gaunson said that the honorable and learned member for Prahran stated that he regarded the matter in respect to children, so far as New Zealand was concerned, as a very small matter. He (Mr. Gaunson) regarded it as the very gist of the Bill. He maintained that there was no honest reason for confining the maintenance of a boy to the time when he was only eighteen years of age, or of a girl to the time when she was only twenty-one. It was not so in New Zealand, and what could be the reason for it? The honorable member for Benalla asked very truly, “Who can be entitled to the property more than the children?” Why should the proposal be limited to those ages? He begged to move—

That progress be reported.

The motion for reporting progress was negatived.

The Committee divided on the question that the word “young,” proposed to be omitted, stand part of the clause—

Ayes ... ... ... 31
Noes ... ... ... 6

Majority against the amendment ... ... 25

The clause was agreed to.

Discussion took place on clause 2, which was as follows:

In this Act the word “court” means the Supreme Court or a Judge thereof, and the word “children” does not include a person who is a male over eighteen years of age, or being a female who is over twenty-one years of age.

Mr. Gaunson said that he had consented not to have a division on his motion that progress be reported, having been informed by the honorable member for Stawell that the honorable member for Prahran would himself move that progress be reported. Yet a division had taken place in the teeth of that agreement. He (Mr. Gaunson) did not intend to be misled any more, and he now desired to oppose clause 2. He intended to move—

That the following words be omitted from the clause:—“and the word ‘children’ does not include any person being a male who is over eighteen years of age, or being a female who is over twenty-one years of age.”

The Chief Secretary had spoken very severely with regard to that part of the clause. Unfortunately, he was not now in the Chamber. He (Mr. Gaunson) did not believe in persons fighting and then running away.

Mr. Gray.—He went after you started to talk.

Mr. Gaunson said that was not a correct statement.

Mr. Bent.—He told me that as he had been in the House all night he wanted to go out and have a smoke.

Mr. Gaunson said that was another matter, but, all the same, the honorable member for Swan Hill had chosen to say what was not correct in stating that as soon as he (Mr. Gaunson) had got up to speak, the Chief Secretary had left the Chamber. The honorable member for Swan Hill was old enough to know better than to make incorrect statements of that kind.

Mr. Colechin rose to a point of order. He asked whether the honorable member for the Public Officers was in order in discussing the division which had just been taken?

The CHAIRMAN.—The honorable member for the Public Officers is proposing an amendment.
Mr. GAUNSON said he would like the Chairman to inform him where the honorable member for Geelong had been to lately.

Mr. COLECHIN.—Not to the bar.

Mr. GAUNSON.—Bah.

The CHAIRMAN.—I would ask the honorable member for the Public Officers to proceed to speak to his amendment.

Mr. MACKINNON.—I have had no agreement with the honorable member for the Public Officers.

Mr. GAUNSON said that he would make no agreement with the honorable member for Prahran, and he would tell the honorable member straight out.

An HONORABLE MEMBER.—Keep to the clause.

Mr. GAUNSON said that he was justified in commenting upon the action of the honorable member for Prahran in turning round—

Mr. MACKINNON said that he would like to make a personal explanation, although he did not know that it was quite worth while. The honorable member for the Public Officers had accused him of a breach of agreement. He (Mr. Mackinnon) knew nothing of this agreement, the honorable member for Stawell unfortunately having told him nothing about it.

Mr. TOUTCHER.—I had not time.

Mr. MACKINNON said that the honorable member for Stawell had no time to tell him, but he (Mr. Mackinnon) hoped that the Chamber would understand that he had made no such arrangement, and that he knew of no such arrangement. With regard to any comments from the honorable member for the Public Officers, he would treat them with the contempt they deserved.

Mr. TOUTCHER remarked that when a division was called for, in order to save time he went to the honorable member for the Public Officers. Previous to that, he (Mr. Toutcher) had had a conversation with the honorable member for Prahran as to whether he was agreeable to the adjournment, because it was understood that another matter was to come on this evening, and he did not desire to keep the House or the Premier late. He (Mr. Toutcher) said that he would try to induce the honorable member for Prahran to consent to the adjournment of the question if the honorable member for the Public Officers would allow his amendment to go without division. Before he had had time to communicate with the honorable member for Prahran the question was put, and of course, as the division was being taken, there was nothing to do but divide. That was how it occurred. He was very sorry that the honorable member for the Public Officers had been misled by the conversation.

Mr. GAUNSON remarked that under the disguise of a personal explanation the honorable member for Prahran had insulted him by saying that, as for the remarks of the honorable member for the Public Officers, he would treat them with the utmost contempt.

Mr. MACKINNON.—With the contempt they deserve.

Mr. HANNAH.—Quite right, too.

Mr. GAUNSON said that he would take this opportunity of saying that he heartily and honestly reciprocated, and he could tell the honorable member for Prahran that he did not want to know him in any shape or capacity. He (Mr. Gaunson) was perfectly entitled to comment upon an insult which had been offered to him.

Mr. G. H. BENNETT (Richmond).—You brought it on yourself by your own remark.

Mr. GAUNSON said that he held that the honorable member for Prahran had misled the Chamber.

Mr. BOYD.—Nobody thinks so but yourself.

The CHAIRMAN.—This line of conduct must cease. It is not the right thing at all. We want to get through with our business. I will ask the honorable member for the Public Officers to be good enough to deal with his amendment in clause 2.

Mr. GAUNSON said that the honorable member for Prahran had misled the House because—

The CHAIRMAN.—I would ask the honorable member to deal with his amendment.

Mr. GAUNSON said that he would ask why he should be told not to do what was not disorderly? Why should he not say what he had said if it was correct? The honorable member for Prahran told the Chamber that this Bill was substantially a copy of the New Zealand legislation, and he (Mr. Gaunson) contended that it was not. The honorable member for Prahran further said that he had a letter from a high judicial authority, or something to that effect, stating that the Act had worked well in New Zealand. What had worked well? The New Zealand law. But he (Mr. Gaunson) had pointed out that this was not the law in New Zealand. Was that correctly or incorrectly leading the House? From his (Mr. Gaunson's) point of view,
it was misleading the House, and he was entitled to hold that view, and, holding that view, he was entitled to give it expression. But he did not say “wilfully.”

Mr. HANNAH.—You are wasting time.

Mr. GAUNSON said that he must stand to his rights. He was pointing out that this was not the New Zealand legislation.

The CHAIRMAN.—These interjections must cease, because it is utterly impossible for the honorable member to deal with his amendment if interjections are continually fired at him.

Mr. BOYD.—He is encouraging them.

The CHAIRMAN.—Interjections are coming from all round the House, and I hope they will cease.

Mr. GAUNSON said that he was pointing out that it was impossible to accept this Bill as being founded on the lines of the New Zealand legislation, or any way approaching that. He begged to move—

That the words “and the word ‘children’ does not include any person being a male who is over eighteen years of age, or being a female who is over twenty-one years of age,” be omitted.

The amendment was negatived without a division, and the clause was agreed to.

Progress was then reported.

ADJOURNMENT.

VICTORIA RACING CLUB.—SEPARATE REPRESENTATION.

Mr. BENT moved—

That the House do now adjourn.

Mr. PRENDERGAST said that in connexion with the question of the Victoria Racing Club, which was discussed the previous day, he would like to ask the Premier whether he had considered what attitude the Government intended to adopt with respect to the relationship of the Victoria Racing Club to the public?

Mr. BENT stated that he had informed the honorable member for Collingwood, who proposed the motion for adjournment on this subject the previous day, that he (Mr. Bent) intended to bring the matter before the Cabinet on Friday. When the Cabinet had considered the matter, he would be prepared to give an answer on the subject.

Mr. HANNAH said he desired to ask the Premier, in connexion with a definite promise which he received from the honorable gentleman on 5th September, with regard to giving him an opportunity of proceeding with the consideration of the question of separate representation, when the Premier intended to give him that opportunity?

Mr. BENT.—I do not intend to give you a chance at all, if I can help it.

Mr. HANNAH said he was asking the Premier a simple question.

Mr. BENT.—I decline to answer. Give notice of your question, and I will answer it. I do not believe in being pulled up by questions on the motion for the adjournment of the House.

Mr. HANNAH said that as the Premier gave him a definite promise, he thought he had a right to ask the Premier when he intended to fulfil that promise.

Mr. BENT.—There is a proper time for asking questions.

The SPEAKER.—I do not think the honorable member has a right to ask any question without notice. He can debate a matter on the motion for the adjournment of the House, but he has not a right to ask a question with the expectation of being answered.

The motion was agreed to.

The House adjourned at twenty-five minutes past eleven o’clock.

LEGISLATIVE ASSEMBLY.

Thursday, October 19, 1905.

The SPEAKER took the chair at half-past four o’clock p.m.

RAILWAY DEPARTMENT.

INFORMATION RESPECTING CONTRACTS.

Mr. LEMMON moved—

That there be laid before this House a return showing the names and the addresses of the places of business of the successful tenderers for the contracts of the Railway Department from August, 1903, to July, 1904, inclusive, and the value of such contracts; also, the names of the trades directly employed in the fulfilment of such contracts.

He said that he understood that this was on the unopposed list.

The motion was agreed to.

VENTILATION OF GRIEVANCES.

ST. KILDA CEMETERY TRUSTEES.—TOBACCO INDUSTRY.—CIRCULATION OF THE GOVERNMENT GAZETTE.—MELBOURNE GENERAL CEMETERY.—THE UNEMPLOYED—TIMBER NEAR TELEGRAPH LINES.

On the Order of the Day for the House to resolve itself into Committee of Supply, Mr. ELMSLIE remarked that on Tuesday last the honorable member for Richmond had a question on the notice-paper
with regard to the trustees of the St. Kilda Cemetery, and he (Mr. Elmslie) understood that the reply of the Minister of Public Health to one of the questions was that a warrant had been issued for the arrest of the late secretary of that body. As a matter of fact, up to mid-day yesterday no warrant had been issued. At the same time he did not charge the Minister in any shape or form with an intention to mislead the House, but owing to the extraordinary position, which he (Mr. Elmslie) would deal with later, he felt that some influence that ought not to be in operation was at work to mislead the Minister and other people. For some years past a constituent of his (Mr. Elmslie's) who was occupied in the business of a monumental mason, had been approaching him in reference to what this person considered was a case of gross mismanagement by the trustees of the St. Kilda Cemetery, and he (Mr. Elmslie) and others had attended numerous deputations, and had had promises made to them by the various Ministers whom they waited upon. It was only when they approached the present Minister of Public Health and Dr. Norris that any steps had been taken, and those steps, in his (Mr. Elmslie's) opinion, resulted in the charges that had been made from time to time being proved. He did not want to criticise the gentlemen who composed that trust. He did not want to take advantage of his position in Parliament to do that, but he did feel that from the evidence that had been placed in his possession, the management of those gentlemen, either through carelessness or through being hoodwinked by an officer in whom they placed every confidence, had not been at all satisfactory. He had certain evidence which was placed in his possession, and which he would have liked to give to the Minister of Public Health. He was sorry that the Minister of Public Health was not present, because he had told that honorable gentleman that he intended to bring that evidence up, but there had evidently been some misunderstanding so far as the date on which this was to be done was concerned. He (Mr. Elmslie) did not want to discuss what the late secretary had done, for he understood that the late secretary would have to answer in another place for his misdeeds; but he wanted to show if he possibly could that something ought to be done by the Government to arouse the present trustees to a proper sense of their duty.

If the trustees were not ready to carry out their public functions, they ought to be removed and other people placed in their positions. He had certain written statements in his hand, many of which he had verified himself, so he was not making the whole of these charges on hearsay. He had implicit trust and confidence in the gentleman, Mr. Tope, who had been fighting this thing so long, and he, therefore, had no hesitation whatever in placing this matter before the House, feeling that the statements were accurate and true in every respect. Mr. Tope stated—

That the Trustees did pay for a large amount of materials, such as bricks, cement, paint, &c., which was used by the secretary's wife's firm without their paying for same, and that they allowed the said firm to be kept supplied with tools that were paid for by the Trustees, and that the said firm have still in their possession valuable property belonging to the cemetery.

There was a firm of monumental masons who supplied these things that were used in the cemetery, and the business of this firm was owned by the wife of the late Secretary to the St. Kilda Trust. The charges laid against the late secretary in that respect were that he used the cemetery material, and that he also used the time which he ought to have devoted to carrying out the duties for which he was paid in touting and soliciting business for this particular firm, and using his influence in the position in which he was placed in order that trade might go to his wife. It was stated further—

That the Trustees paid the secretary's wife's firm £50 for plants which are still lying at the cemetery, and are not worth 50s.

That the Trustees allowed their secretary to grant to the cemetery employes and a number of his friends graves for which they paid nothing, and then persuaded them to transfer said graves to a monument firm owned by the secretary's wife for £1, the price of the ground to the public being £6 6s.

In connexion with that the following proclamation appeared in the Government Gazette of 28th April, 1899:

Now therefore His Excellency the Governor of Victoria, by and with the advice of the Executive Council thereof, doth by this Order direct that all burials in such cemetery shall be discontinued, except in allotments or land the right of burial in which has already been purchased from the trustees of such cemetery or shall be so purchased before the 31st day of December, 1900.

In order to escape from that proclamation issued by the Government to discontinue burial in that cemetery the trustees made over to one of their number certain portions of land which had been since known

Mr. Elmslie.
as Wimpole's Reserves, and the selling of land for graves had been going on ever since in defiance of the order issued by the Government. One of the methods followed had been to issue certificates to employés of the cemetery, or rather grants of land to them there, in order to hoodwink and defeat the intentions of the Government. The Health Department had been told over and over again, on dozens of occasions, to his (Mr. Elmslie's) own certain knowledge during the last three years, about what was going on in the St. Kilda Cemetery, and the attention of the trustees also had been called to the matter. What had made him (Mr. Elmslie) pay particular attention to this matter was a circular which had been issued by a gentleman, in which a charge had been made against the secretary of the cemetery, that he had been misusing the funds of the trust. The gentleman referred to made a straight-out charge that this was being done, and urged that the secretary should be called upon to answer for his misdeeds. He (Mr. Elmslie) did not want to go into this matter too far, but it seemed an extraordinary thing to him that after repeated acts of pressure the Government had sent to the St. Kilda Cemetery an officer who had made inquiries, and it had been announced in the public press that the secretary had disappeared. This was five or six weeks ago, and the secretary was said to have been guilty of embezzlement, and yet for those five or six weeks up till yesterday no warrant had been issued for the secretary's arrest. He (Mr. Elmslie) did not desire to impute motives to any one in connexion with this case, but it seemed to him that extraordinary pressure had been brought to bear to prevent that secretary from being placed before the court to stand his trial. It seemed that there was such influence exercised by the trustees as was sufficient to block every inquiry made. Influence in the other direction had been brought to bear on the trustees, but they would take no notice, and the thing had gone on until hundreds and hundreds of pounds had been embezzled, and there were other serious misdemeanours in addition. He trusted that the Government would take steps to at once call upon the trustees to furnish a report, and to inform the House why they had neglected their duty, more especially after their attention had been drawn to the deficiences. He (Mr. Elmslie) must pay the Minister of Public Health the compliment of saying that no other Minister had taken the interest in this matter which he had done. Had it not been for the action which the Minister of Public Health had taken this thing would not have been exposed up to the present time.

Mr. BENT said that he regretted the Minister of Public Health was absent, he having been asked to go with the Governor-General, and could not refuse that invitation. The Minister of Public Health, however, had made a promise in connexion with this matter, and he was a gentleman who always kept his promises.

Mr. LEMMON.-Has he done so with regard to the Melbourne Cemetery?

Mr. BENT said that the Minister of Public Health always kept his promises, or if he did not he (Mr. Bent) tried to help him to do so. If the honorable member for Albert Park would leave this matter over till Tuesday he would find that everything would be right.

Mr. ELMSLIE.-All right.

Mr. BEARD said that he had noticed in the Journal of Agriculture of this month an article on tobacco culture, and reading the Age the other day, he had seen that a number of tobacco-growers in this State were being discouraged.

Mr. BENT.-That cannot be. On the contrary, I referred to the tobacco industry in my Budget speech in an encouraging way.

Mr. BEARD remarked that what he wished to point out was that whilst the Government appeared to be making every effort to encourage the tobacco industry their endeavours would be seemingly of no avail unless some action was taken to deal with the ring which was controlling the tobacco industry in this State. In the article to which he had referred it was said that the tobacco-growers were practically guaranteed for leaf grown up to a standard, and that they would get something like 8d. per lb. for it. The growers, however, found, after gathering in their crops, that 2½d. a lb. was all that they received, and it was stated that this was largely due to the fact that there was only one buyer of tobacco in this State, and he was the agent for the tobacco combine. He (Mr. Beard) desired that the Minister of Agriculture would make inquiries to see if that statement was correct, and if it was found to be correct, and seeing that the Government was not prepared to take over the tobacco monopoly, or any other monopoly, such as the brick combine, that at
any rate he would consider the advisability of bringing in legislation for the purpose of seeing that such an important industry as that of tobacco-growing would not be killed in its inception. According to the article he had read, tobacco could be grown here of a very good quality, and with a little more practical experience on the part of the growers, it would compare favorably with the tobacco grown in any other country. On behalf of the producers, he wished to say that it was a shame that such a promising industry should be now in a bad way owing only to the fact that there was no possibility of disposing of a good article because the buying was limited to the purchases of one large company. If the Government could not see its way to take over the tobacco industry, it should at least bring in legislation that would counteract the influence of the combine, and be in the interests of the tobacco-growers.

Mr. WATT said that he desired to ask the attention of the Premier to the manner in which the Government Gazette was circulated at the present time. It would be within the memory of the Premier that amongst the economies practised in recent years was the discontinuance of the sending of the Government Gazette to certain country and metropolitan newspapers. He (Mr. Watt) thought that that was a false economy.

Mr. BENT.—Bring that up on the Estimates.

Mr. WATT remarked that it would be far better to serve out the Gazette to the press again, in order that more publicity might be given to the advertisements in its dark pages.

Mr. McCUTCHEON said he understood that the honorable member for Albert Park had made charges against the trustees of the St. Kilda Cemetery. He (Mr. McCutcheon) knew nothing whatever of those charges. He had not even heard of them before. He, however, did know some of the trustees of the St. Kilda Cemetery, and could say that as far as he knew those gentlemen they were incapable of doing anything in dereliction of their duty. When charges of the kind referred to were made, there should be a proper inquiry, and he hoped that an opportunity would be taken by the Minister concerned to have them investigated.

Mr. HANNAH stated that he had some knowledge of the matter brought under attention by the honorable member for Albert Park. Some three years ago, it was brought prominently before the Trades Hall Council, and a deputation from that council waited on the Minister of Public Health with regard to the subject. The whole of the charges now made were then stated in the presence of the trustees of the cemetery, and the same charges had been once or twice brought under the notice of the present Minister of Public Health. The trouble had been going on for some time. He wanted to draw the attention of the Government not only to the St. Kilda Cemetery, but to the Melbourne General Cemetery. It was positively a disgrace and a scandal that the Melbourne General Cemetery was allowed to conduct its business under the authority of the Minister of Health as it was now doing. On two occasions last session he brought this matter forward by asking a question and by speaking in the House, and stated that the way in which the trustees of the Melbourne General Cemetery overreached their trust was disgraceful. It seemed to him that not only the St. Kilda Cemetery and the Melbourne General Cemetery trustees, but the trustees of other cemeteries were allowed to overreach the trust reposed in them. The Government ought to take some cognizance of these facts, and not allow a body of men to act as they were doing, notwithstanding that the honorable member for St. Kilda had stated that these gentlemen were reputable citizens and business men. The time was opportune to have an inquiry into the way our cemeteries generally were conducted. It had been difficult to bring this matter to a head until this incident of the secretary of the St. Kilda Cemetery having levanted occurred. It was a public disgrace and a scandal on the authorities in power that they would not pay sufficient attention to these matters, and probe them for themselves. Now that the matter had been brought before the House, the Government should not lose any time in dealing with it, and should not simply give a promise, but should see that the matter would be immediately attended to in the interests of the public. He had one other matter to refer to—namely, the lack of interest that seemed to characterize the present Government in respect to the unemployed. When speaking on the Address-in-Reply, he was prepared to give the Government credit for attempting to deal with the unemployed question in a practical manner. He then said that he was watching with great
earnestness the move that the Government was taking with respect to the matter, because the Premier stated that it had been remitted to the Minister of Lands and the Minister of Agriculture, and that members were going to have something put before them of a practical nature, so that this question of unemployment would not be recurring year after year as the seasons came and went. The Minister of Lands stated that not 24 hours would be allowed to go over his head before the Government dealt with the matter in a practical manner, and the Minister of Agriculture said that he would give the question his closest attention. He (Mr. Hannah) had been waiting anxiously to see these promises fulfilled. The close of another session was now approaching, and the Government appeared to be dealing with the matter just as previous Governments had dealt with it. He had given careful attention to the question, and had devoted a great deal of labour to it. He happened to be in the position of having brought into being the Royal Commission in connexion with unemployment. Upon that body there were men representing all shades of public opinion and politics. Certain recommendations were made by the Commission, and the McLean Government, of which the honorable member for Essendon was a member, threw those recommendations practically into the waste-paper basket. It was the duty of the Government, in view of the conditions that were operating not only in the metropolitan area, but, to his knowledge, throughout the length and breadth of the country, to take prompt action. The honorable member for Essendon and the Premier might think that this was a joking matter, but they should not trifle with a question that concerned the interests of men, women, and children who did not know where to get the next loaf of bread. Those honorable members might think that the question should be trifled with, but he trusted that members were sent to the House to look after the interests of men who were not as favorably situated as some honorable members on the Government side of the House. He had been anxiously waiting in the belief that the Government was going to give the House an opportunity of dealing with the question in a practical manner before the session closed. It seemed to him that the promise of the Government had only been another stop-gap, and that the cry from the platform that the Government was dealing with that question in a practical manner was merely a cry. The unemployed question would, in a more severe form, be brought before members before long. He had been in some of the large towns of the country, and he found that the condition of things was disgraceful. When young able-bodied men were found who had no opportunity of earning a decent livelihood, the Government, having a sympathetic House, should certainly do something. Honorable members would recollect that the Premier, to whom he (Mr. Hannah) listened at Brighton and in this House, had stated that he was going to astonish the natives this year.

Mr. Watt.—So he is.

Mr. HANNAH said that the Premier stated that he was going to grapple with the question as no other Premier or Government had done. Were members going to allow this serious question to be dealt with merely by statements from the platform? He trusted that he had been sent into this House to do serious business in the interests of those who required some voice raised on their behalf. In a large proportion of our trades there were hundreds of men out of employment, and some of them were being driven out of the State as a result largely of the inaction of the present Government in not pushing on with the closer settlement policy. Members were told by the Premier that when "the fair-haired girl" was put on her feet, she would make things flourish and wonders would take place. How many men had been put on the land as the result of the closer settlement policy? Twelve months had elapsed since the measure was passed, and nothing was being done. The present Government were reclining in their cushioned seats and simply wasting time.

Mr. Watt.—Yarra-bank!

Mr. HANNAH said that whilst the honorable member interjected "Yarra-bank!" he (Mr. Hannah) might say that he had heard men speak there whose shoe strings the honorable member was not worthy to loose. He (Mr. Hannah) had heard there some of the cream of the intelligentsia of this country, some of the leading students of political economy, and some of the best men in Australia. He could therefore say that able men had gone out under the blue canopy of the heavens, and given to the people of Australia, and particularly people like the honorable member for Essendon, some thoughts and some aspirations which would at least lead them to a higher pinnacle of fame.
Mr. Watt.—Ha, ha!

Mr. HANNAH said he was afraid that the honorable member for Essendon was down so low, particularly in connexion with the Moonee Ponds Creek, that he would never get to the higher pinnacle. He (Mr. Hannah) desired to bring under the attention of the serious members of the House, like the honorable member for Ballarat East and others, the necessity for action in connexion with the unemployed. Those members knew perfectly well that there were hundreds of men out of employment, and hundreds of men who at the present time knew not where to get the next meal. Men were being driven out of the country who desired to remain here, and it was time the Government did something by way of providing for those who could not get a day's employment. He trusted therefore that the Premier would see the necessity of dealing with the matter, and that the Government would give to the House a practical demonstration of their sincerity in regard to the statements made from the platform.

Mr. THOMSON said he had listened to the remarks of the honorable member who had just spoken, and he could tell the honorable member that he (Mr. Thomson) was perfectly serious in connexion with the placing of the people on the land. He had expected that the honorable member would have said something as to how the difficulty should be solved.

Mr. HANNAH.—Let the Government come down with a measure.

Mr. THOMSON said the Government were doing all they could to push matters forward in connexion with the board that dealt with these properties, in order that settlement might be brought about as quickly as possible; but it was impossible to purchase property one day and settle people on it the next.

Mr. HANNAH.—Some of these properties have been purchased for months past.

Mr. MACKINNON.—Yes, and some of the owners of this land have wanted to sell it for years past.

Mr. THOMSON said that he agreed that that was true in some cases, but was the honorable member himself prepared to leave his own property at a few hours' notice? Perhaps the board had not done all that might have been expected of them, but they had gone a long way towards solving the problem. As time went on it would probably be found that these delays would not occur. It was necessary to do a great deal to some of these lands before they were ready for the settlers. In the case of some of the properties which had been recently purchased, the owners had to get rid of their stock, surveys had to be made, and the interests of tenants had to be considered. When the honorable member for the Railways Service spoke of the unemployed, he might have given the House some suggestion as to how the difficulty should be dealt with.

Mr. HANNAH.—Is this the time to do that? Would it not be better to wait until we have a Bill before us?

Mr. THOMSON said it was always time to do a good thing. If the honorable member could make any practical suggestion that would help to keep people employed, he (Mr. Thomson) would be the first to assist him. There was one matter he desired to bring under the notice of the Premier as Minister of Railways, and that was a difficulty that had arisen in some of the country districts in connexion with the telephone system. The Federal Government were doing all they could to increase telephonic facilities, and even in some of the moderate-sized townships in the country exchanges had been established, so that the surrounding townships were connected on the telephone. A difficulty arose, however, in connexion with post-offices at railway stations, because the Railways Commissioners objected to the introduction of telephones and to the alteration that was necessary from the ordinary telegraphic service to the telephones. Something was necessary to enable this difficulty to be overcome, so that those townships which had no post-office except at the railway station might receive the same consideration with regard to telephonic communication as other localities. At some of these railway stations telephones were employed for special purposes, but they were not connected with the various exchanges. The matter was one that the State Government could deal with, and he hoped that some concession would be made by the Railway Department.

Mr. BOYD said he desired to say a few words in reply to the honorable member for Albert Park concerning the St. Kilda Cemetery, and also in reply to the speech of the honorable member representing the Railways Officers. It was about ten years since an agitation for the closing of the Melbourne General Cemetery was brought to a climax, with the result that a cemetery was established at Spring Vale. This cemetery
had now been opened for three years and a-half, and on the 31st March last year an Order in Council was passed absolutely closing the Melbourne Cemetery from that date. In spite of that order, it was still possible to buy land in the Melbourne Cemetery, just as though the Order in Council had never been passed.

Mr. Warde.—From whom?

Mr. Boyd said it could be purchased from the undertakers.

Mr. Prendergast.—You cannot buy land from the trustees.

Mr. Boyd said the trustees sold a quantity of land to the undertakers in order to defeat the Order in Council. The honorable member representing the Railways Service raised a question last year as to whether these sales should be permitted to continue, and a promise was then given that the matter would be looked into by the Health Department, and that some steps would be taken to prevent the practice. In spite of that, the sales were going on today just as before. As one of the Government representatives on the cemetery trust at Spring Vale, he might be allowed to say that the trustees there had incurred liabilities on the promise that the Order in Council with reference to the closing of the Melbourne Cemetery would be carried into effect. A liability to the extent of £15,000 in debentures had been incurred, and that money was being rapidly absorbed. Very little revenue was being received from the Spring Vale site, because the other trustees were defeating the Order in Council. If this sort of thing went on, the trustees at Spring Vale would shortly be obliged to come to the Government and ask it to take over their responsibilities and meet the debenture-holders, or else to advance money with which to carry on the cemetery. If the Order in Council had been complied with — in reference not only to the Melbourne Cemetery, but also to the St. Kilda Cemetery — there would have been sufficient business to justify the expense which the trustees at Spring Vale had gone to. He thought the time had arrived when steps should be taken to prevent the re-sale of the large number of graves that were bought by the undertakers, and offered to the public at increased prices. These graves were being sold at a profit at a time when the persons buying them were not in a position to exercise ordinary business care. When a householder was confronted with a death in his family, the business arrangements were generally left in the hands of the undertaker, whose advice was accepted, and then these graves were sold by the undertakers at a profit. Surely that was never intended by the State, because, after all, the trustees of all these cemeteries were appointed by the Government, and could be removed at any time. They were responsible to the Health Department for the proper discharge of their duties, and no body of trustees should be allowed to think that the interest they had in managing a particular block of ground was of such importance as to justify them in taking steps to defeat an Order in Council.

Mr. Warde.—But if you remove the trustees, would not the ground continue to be sold just the same?

Mr. Boyd said that was so, but if the honorable member occupied the position of the Minister of Health he would soon find a way of preventing any one from defeating an Order in Council.

Mr. Warde.—Would you prohibit any more burials there in the vacant ground?

Mr. Boyd said he would not, but he would prevent burials on ground that was not properly sold to the people who purchased before the 30th March, 1904.

Mr. Wilkins.—Many poor people could not buy the land beforehand.

Mr. Boyd said that the people who wished to obtain graves in the Melbourne Cemetery had now to pay an increased price to the undertakers. If he had his way he would prohibit any transfer being made of these allotments, except in the ease of relatives. He would prevent any such thing from occurring as had occurred in the case of the St. Kilda Cemetery, where he understood that Mr. F. Wimpole owned about 380 graves.

Mr. Elmslie.—More than that.

Mr. Boyd said that ever since the Order in Council was passed for the closing of the St. Kilda Cemetery these graves had been re-sold to the public.

Mr. Elmslie.—And they are tearing up the footpaths to do it.

Mr. Boyd said the Premier made an inspection of the Melbourne General Cemetery, and marked off the ground that the trustees were to be permitted to sell. The regulations provided that the trustees should not allow any burials to take place within 40 feet of the fence, but it was found that burials had taken place within 6 or 8 feet of the street. Surely this was injurious to the health of the community. The Premier himself said that the footpaths were
being torn up, and even some of the plantations were being destroyed to make room for more graves.

Mr. J. W. Billson (Fitzroy)—Is it possible for a person to purchase more than one grave in the Spring Vale Cemetery?

Mr. Boyd.—Yes.

Mr. J. W. Billson (Fitzroy)—To any amount?

Mr. Boyd said he did not know. Where there was sufficient land, nobody was likely to purchase more than he actually wanted. There could only be an inducement to buy more ground than a man wanted, if there was a chance of holding it for speculative purposes. A person could buy more than one grave at this cemetery, but no one was going to be such an ass as to buy more than he actually wanted, when somebody else, instead of having to come to him, could go next to him and buy all the ground he wanted. The inducement to buy more ground than a man actually wanted for his own family purposes could only be to hold it for speculation, and surely, when burial grounds were provided by the Government, no opportunity or facility should be given to any one to buy that ground, and hold it against the public for speculative purposes.

Mr. Warde.—It is to be hoped that you will see that the same stand is taken in connexion with the Spring Vale cemetery.

Mr. Boyd said this speculative laying of ground never took place in the early days of a cemetery, and was not likely to take place for the next 150 years at Spring Vale. Speculation was taking place in a cemetery in the centre of a huge population, and it ought to be stopped. It could very easily be stopped if the Government prevented the transfer of ground except in the case of relatives transferring to one another. At the instance of the Speaker, a Bill was passed through this House the year before last, making cremation legal in this community. Since then accommodation had had to be provided at Spring Vale for the carrying out of that Act. The trustees had to provide a scratch cremation, which was not in the best interests of the community. As there was a surplus in the Treasury to-day, the Treasurer ought to provide a sum of money to establish a proper crematorium. Five hundred pounds would give an up-to-date one. Parliament had established the principle, and passed an Act, and the development of health ideas would make it more widely availed of.

Mr. Prendergast.—What use have the Melbourne Cemetery trustees for all the money they have got there?

Mr. Boyd.—No use at all.

Mr. Prendergast.—It ought to be taken from them, as it is for public purposes.

Mr. Boyd said that was a matter that lay entirely with the Treasurer. No legislation was required. The Government had the power to step in at any time and say to the body of trustees, "We want that money."

Mr. Bent.—Will you give me the name of the legal gentleman who says we can take that money?

Mr. Boyd.—Yes, my own.

Mr. Bent.—The law does not permit me to take your opinion on that question.

Mr. Boyd said the Premier recently gave a very learned discourse on an important matter, and when asked who his eminent legal authority was, replied, himself. He (Mr. Boyd) was quite satisfied, as one who had had to administer the Cemeteries Act, and who had gone into it, and taken legal advice for the guidance of the trustees, that the Treasurer had the power to take the money if he so desired. In fact the Act said so in plain English.

Mr. Bent (to Sir Samuel Gillott).—Sir Samuel, what do you say to that?

Sir Samuel Gillott.—I should like time to consider it.

Mr. Boyd said he was quite satisfied that if the Treasurer wanted to find a large sum of money, he could find it if he only took the opinion of the Solicitor-General or the Chief Secretary on the point. Parliament had placed an Act on the statute-book, saying that cremation was a proper and fit thing to be carried out in this community. A time might come when an epidemic might break out, and when it would be necessary, in the interests of health, that a crematorium should be in existence, and when the Treasurer had the money, and had yet to dispose of it, it would be a reasonable thing for the honorable gentleman to see that a proper crematorium was erected in a place already provided by the trustees. He would ask the Premier to consider that question when providing for the distribution of his next surplus.

Mr. J. Cameron (Gippsland East) remarked that when the Commonwealth took over the telegraph lines, the whole of the lines in East Gippsland were cleared of timber at considerable expense to the State.
He found now, however, that the Federal authorities were merely cutting a narrow line under the wires, and young trees were growing up around the wires to the height of 30 or 40 feet. As the State handed over these lines in perfect order and condition, they ought to be kept in that order. Some day these trees would be blown over and interfere with the wires. This was a very serious matter to his district, because the people there were promised a line in the first place so that they might get information as to the rain gauges in the high country in New South Wales, in order that, if necessary, they might be able to shift their stock. If, however, the present state of things was allowed to go on, the trees would be blown down, and communication would perhaps be interrupted at the very time when the people in his district wanted it most. He desired the Premier to take notice of this matter.

Mr. J. W. BILLSON (Fitzroy) stated that a lot of misunderstanding had occurred in connexion with the question of the Melbourne General Cemetery, and many unpleasant reflections had been cast upon the undertakers. He doubted very much whether the honorable members who were complaining would have acted very differently if they had been in the position of the undertakers.

Mr. BOYD.—Do you justify their action?

Mr. J. W. BILLSON (Fitzroy).—In the circumstances, yes, undoubtedly. The circumstances were that the present Premier marked off the land that should be sold, and a date was fixed up to which any person who desired a grave could purchase it in the Melbourne General Cemetery. The graves were not being taken up very briskly, and a number were likely to be left on the hands of the trustees, and be unused. The undertakers saw that this would curtail their business in the Melbourne General Cemetery, and would mean a loss to them. They purchased a large number of graves. Would the honorable member for Melbourne, if he was in that business, if he saw the possibility of making a profit, or of conducting his business longer than would otherwise be possible if he did not purchase graves, and also of getting a monopoly, abstain from doing so? He had heard the honorable member defend that kind of business times out of number when he was not directly interested in stopping it. If the honorable member was really in earnest in preventing undertakers, or any other persons, from speculating in graves, he should condemn it in the Spring Vale Cemetery, of which he was a trustee. The honorable member said that it was not necessary, because it would be 150 years before there was a scarcity of graves at Spring Vale, and an inducement from a business point of view to speculate in them. That was not true, because in every cemetery there were what were termed desirable and undesirable sites. Persons wishing to buy a site for a deceased relative would take the best they could get in the highest and driest position. If the undertakers liked to go to the Spring Vale Cemetery and purchase the best sites there, they would immediately do the very thing that the honorable member for Melbourne said could not happen for the next 150 years. Now, while there was no difficulty, and no interests to knock up against, and no one to injure, the honorable member, if he was in earnest, should get the trustees of the Spring Vale Cemetery to make such provision as would obviate the necessity of a complaint later on. No more graves had been purchased in the Melbourne General Cemetery by reason of the action of the undertakers than would have been purchased had the people who desired to be buried there been in possession of the necessary money to take up all the graves that were offered up to March, 1904. The undertakers had a meeting on this question, and they desired that the Government should take the land from them at the same price as they purchased it at, if only the Government would agree to certain terms. The terms were, speaking from memory, that the undertakers who desired to bury there should be allowed to purchase graves, or that their clients should be allowed to do so whenever that was necessary, and at no other time. A fairer proposition than that he did not think could come from any body of men. They were willing to give up the whole of these profits which they might make. Some of them were not making much profit, while others were making a big profit. What they desired to do was to prevent any one undertaker purchasing the whole of the ground and thereby securing a monopoly in the Melbourne General Cemetery. The positions in which burying was now going on were fixed by the Government. When he (Mr. Billson) was speaking on this subject on the last
occasion it was before the House, the Premier said—

Each place where they can be allowed to bury is marked out. I did that.

If the Premier did that, surely the honorable gentleman was responsible, and honorable members should not blame the undertakers for what had been done by the responsible Ministers of the Crown.

An Honorable Member.—Nobody is blaming the undertakers.

Mr. J. W. Billson (Fitzroy) said that the honorable member for Melbourne was blaming the undertakers for purchasing graves, and condemned the system altogether, and at the same time he adopted no means of preventing a similar system growing up where he had the responsibility.

Mr. Boyd.—It is quite unnecessary.

Mr. J. W. Billson (Fitzroy) said that the honorable member for Melbourne would like to prevent the undertakers from selling the graves which they were now in possession of. If that honorable member had purchased anything according to law, he could imagine that honorable member attacking any honorable member on the Opposition side of the House who proposed to take away his private property. What a grand speech the honorable member would make then against confiscation, and how the honorable member would ridicule those on the Opposition side of the House in trying to take something from a man who had obtained it by an honorable and lawful investment.

Mr. Warde.—He is as bad as the V.R.C. He wants to shut one place up to get the boodle himself.

Mr. J. W. Billson (Fitzroy) said that he did not want to continue this further, but he held that the blame, if there was blame on any one, should be placed on the proper shoulders—on the shoulders of the Government, who permitted the land to be sold which the undertakers had purchased in the open market. The undertakers only purchased it when everybody else had had an opportunity to do the same, but had failed to avail themselves of the opportunity.

Mr. Wilkins expressed the opinion that it was unfair on the part of the honorable member for Melbourne to attack the undertakers in the way he had done. He (Mr. Wilkins) had some knowledge of what had been done in the Melbourne Cemetery. The undertaker with whom he did business in connexion with his family told him, when the cemetery was about to be closed, that he had better acquire a piece of land, and he (Mr. Wilkins) procured a piece of land 8 feet by 4 feet, for which he paid £6 10s. He was told that to-day that number was worth £10. There were a number of other people who had obtained land in the cemetery in a similar way. Before the cemetery was closed one could get a 4-ft. grave for £4.16s. The alteration that had been made was that a 3-ft. grave was to be bought now for £4. Of course the honorable member for Melbourne was desirous of getting business to Spring Vale, but when the Spring Vale Cemetery was proclaimed for burial purposes it was never intended that the poor people in the northern suburbs should be forced to go there, and it was very unfair that such a thing should be proposed, because it would prevent hundreds of poor unfortunate people from visiting the graves of their deceased relatives. Scarceiy a Sunday passed without some member of his family being driven to the Melbourne Cemetery, and he therefore had opportunities of knowing that there were thousands of poor unfortunate people who visited the graves of their departed relatives on that day, but they would not be able to do so if they had to go to Spring Vale. So long as there was a foot of land for burial purposes at the Melbourne General Cemetery, it should be utilized. He would challenge the honorable member for Melbourne to prove a single instance of an undertaker making 5 or 6 per cent. on his outlay in connexion with these matters.

Mr. Watt.—That is only a fair return.

Mr. Wilkins said that it was only a fair return. It was not fair to attack men in the way these men had been attacked unless it could be shown that there were any of the men in that line of business who had acted unfairly to any of their clients; and if that could be shown their names should be given, so that the public would know what kind of people they were dealing with. But those of the undertakers whom he knew had, to his knowledge, been of very great assistance to a number of poor people in Collingwood, who had got the graves at an increase of 5s., and had been given time to pay their indebtedness to the undertakers. The undertakers whom he knew had advised all their clients to secure land, and they had secured land for those who could not secure it for themselves. One honorable member said that he knew of several instances where
the undertakers had imposed upon persons who required land for burial purposes; but he (Mr. Wilkins) did not know of one solitary instance of that. He hoped that until there were some better means of conveying relatives to Spring Vale, no extreme action would be taken by the Government to interfere with the legitimate business that was being carried on at present.

Mr. BENT stated that, in the usual way, the honorable member for the Railways Service (Mr. Hannah) had made allegations with regard to the unemployed, but the honorable member never made any suggestion as to what should be done. For that honorable member’s information, he could say that more than three weeks ago the Government asked the officers to prepare the Bill, and the Government could not do more than that. The House knew the policy of the Government, and the Government were prepared, before the close of this session, to do as he had stated. The Government were doing their best. With regard to the unemployed, officers of the Department. It was carried out. The only exception they made was in the case of the general cemetery. In this connexion the footpath. He then went through the allotments, and the allotments were marked off. The Government did not care who bought the allotments. When the allotments were suitable for interment, they were marked off, and if it could be shown that any allotment had been altered, or any footpath had been taken up, he would see that the order of the Governor in Council was carried out. The only exception they made was in the case of the grave of the late Mr. Duncan Gillies. In view of that deceased gentleman’s public life and public work, one reserve was allowed to be used for that purpose. That was the only case he knew of. It was stated that the plan which he (Mr. Bent) marked off had been interfered with, but he had been assured that there had not been the slightest interference in cases where the land was suitable for graves, and it was only limited in one respect, to which there could be no objection. With regard to the money, there was £70,000 in the hands of cemetery trustees.

Mr. Boyne.—Will you allow me to read these provisions from the Cemeteries Act 1890—

34. The Governor in Council upon examination of the said accounts statements suggestions and estimates shall direct the manner in which the balance of moneys in the hands of such trustees shall be appropriated; and shall if any sum so lent or advanced as aforesaid be unappropriated determine the proportion (if any) to be applied in payment of such sum and the amount to be expended in the laying out or improvement of such cemetery in the ensuing year.

35. Every such direction shall be published in the Government Gazette, and thereupon the trustees shall pay such proportion as aforesaid into the consolidated revenue for the public uses of Victoria...

Mr. BENT said that he could only tell the honorable member that he had been looking about, and he had taken all the necessary steps. He (Mr. Bent) wanted to see what money there was in the hands of cemetery trustees, and what particular trustees had got it. He thought that the Melbourne Cemetery trustees had about £30,000 or £40,000. He was looking around in order to discover the facts, but one could not do everything in a day. He was satisfied that there was at least a sum of 70,000 sovereigns in the hands of the various trustees. He had, however, also to recognise the fact that it required a lot of money to keep the Melbourne Cemetery in a decent state of repair. If the money in hand was being used for keeping the cemeteries in repair, he would not touch it. One of the things he disliked was what had occurred in connexion with the old Melbourne Cemetery, near the market, where the remains of old pioneers had been disturbed.

Mr. Wilkins.—You can scarcely find where a particular grave is there.

Mr. BENT said that it was because he desired to see the cemeteries kept in a proper way that he had not so far touched any of the money in the hands of the trustees. With regard to the Spring Vale area, it should never have been selected as a site for a cemetery. It was originally called “Knipe’s job.” It should never have been set apart for a cemetery. However, that had been done, and honorable members must accept the position. With regard to the Melbourne General Cemetery he had agreed to allow land marked off to be used, and 40 feet was cut off so that the gruesome sight in the neighbourhood of Macpherson-street might be obliterated.

Mr. J. W. Billson (Fitzroy).—March 3, 1904, was the time fixed. after which date no allotment could be sold by the trustees.

Mr. BENT said that he did not care so long as only the land marked out was used for burials. The officers of health went round with him and saw that the land referred to was suitable. In this connexion
it was said that people of the northern suburbs werecurring about looking for land suitable for cemetery purposes. As to the proclamation, he did not care whether it was made on 3rd March or any other date so long as the land set apart for more burials was suitable, and in a healthy position.  

As to other points raised he would ask honorable members not to be too sure about the surplus which he had predicted. There were too many applications for it already, and he thought that it might be a good thing to keep it in stock. With regard to what the honorable member for Gippsland East had said, he (Mr. Bent) would make a note of it, and as to remarks by the honorable member for the Railways Service (Mr. Hannah) they were too pessimistic. How many of the unemployed did he (Mr. Hannah) represent? Why all the people that he represented were employed on the railways.  

Mr. Hannah.—Some of them will soon be among the unemployed. A good many of them were discharged a few weeks ago.  

Mr. Bent remarked that in any case the honorable member for the Railways Service (Mr. Hannah) only represented permanent employees. He (Mr. Bent) thought that he had now pretty well answered everything, and hoped that he had done so satisfactorily.  

The motion that the Speaker do now leave the chair was then negatived.  

LAND ACTS AMENDMENT BILL.  

The consideration of amendments proposed after the third reading of this Bill was continued.  

The debate on Mr. Gray's motion for the omission of clause 6 (adjourned from the previous day) was resumed.  

Mr. Gray said that since the Bill was discussed the previous night he hadascertained from the Premier, and also from the Minister of Lands, that it was not the intention of the Government to make this clause press heavily on the people who took up the poorer class of land, and that it was only for the purpose of securing a payment of interest on instalments for land of special value. These lands of special value, he understood, were small in area, and there were not many of them, and the clause would enable such lands to be acquired by a suitable class of people, instead of the Government being compelled to dispose of them by auction. If the clause were amended so that it would not apply to lands generally, but only to lands exceeding £5 per acre in value, it would meet the views of many members representing country constituencies. He (Mr. Gray) was informed that the lands which would be affected by the clause ran from £8 to £12 per acre in value. He begged to move—  

That the following words be added to the clause, "This section shall only apply to lands classified at a higher value than £5 per acre."  

The Speaker.—The honorable member has proposed a motion to omit clause 6 altogether. Having now proposed an amendment on that clause, the honorable member will have to withdraw his motion for its omission.  

Mr. Gray said that he would withdraw his motion for the omission of the clause.  

The motion for the omission of the clause was then withdrawn.  

Mr. Bent said that he could but repeat the statement which he made the other night with regard to clause 6, and honorable members should now be familiar with the matter. One morning an application was made to him for money to make a road at Korumburra. On inquiring the reason for the demand, he found that the Coal Creek Company had a lease of several hundreds of acres of land, worth something like £10 per acre, and that just at that particular time the lessees were expecting to renew their tenure, but he (Mr. Bent), recognising the value of the land, refused to give a renewal, and now, having that land to dispose of, and not being desirous of putting it up for auction, a new arrangement was proposed, and it was contained in section 6 of the Bill. That section was a very necessary addition to the Land Act. It gave the Minister the option between selling land at auction, with the possibility of the big man buying, and the parting with the land at a fair market price to selected purchasers. Sale by auction carried 4 per cent. interest. Clause 6 of the Bill provided for 4½ per cent. interest. Conditional purchase lands, such as swamp lands and perpetual leases, carried 4½ per cent. The clause in question need only be applied where the land had a special value, such as in the case of the Korumburra land, which was held back, pending the passing of this legislation. At present, when the value was fixed, the amount was divided into forty half-yearly instalments, carrying no interest, except when instalments were one year in arrear. Thus each £1 only represented 12s. 6d. on an actuarial basis. The proposed clause was
similar to closer settlement conditions as regarded interest charge, but the Closer Settlement Act entailed residence and other conditions, which, in cases such as the Korumburra land, it might not be desirable to apply. All that the Government proposed was to let desirable settlers have the special lands in question at a fair price, and pay interest on deferred instalments of the purchase money; and the prospective settlers did not object to that. As to the amendment moved by the honorable member for Swan Hill, he (Mr. Bent) was prepared to accept it if the honorable member would make the value of land mentioned in it £3 instead of £5 per acre.

Mr. GRAY said that he was agreeable to alter his amendment in accordance with the suggestion made by the Premier.

The amendment was amended accordingly by the substitution of "£3" for "£5."

Mr. PRENDERGAST remarked that one of the reasons which the Minister had for holding back clause 6, was because honorable members wanted to find out the meaning of what they had regarded as the cloudy terms in which the clause had been framed. The clause said—

Notwithstanding anything contained in the Lands Acts after the value of any land selected or taken up under a licence or lease, containing conditions for payment of purchase money, by instalments, extending over any term, has been determined, the Minister may direct that a condition be inserted in the licence or lease providing that until the final instalment of purchase money is paid to the Crown interest at the rate of £4 10s. per cent. per annum shall be charged to and paid by the licensees or lessees on such portion of the licence-fees, rent, or purchase money as for the time being remains unpaid.

That seemed, at a first glance, to imply that the Minister, if he so desired, might apply the clause to any land selected in the past. The honorable gentleman said that he was doubtful of that when he read the clause to the House.

Mr. BENT.—It is for the future.

Mr. PRENDERGAST said that that should be made clear.

Mr. WATT.—The Minister has proposed an amendment to that effect.

Mr. PRENDERGAST said that the two clauses could not be read together. The one that gave the extreme power would be the one taken by a court of law to be followed. The Premier stated that it was not to apply to any land disposed of already, but he (Mr. Prendergast) would like the honorary Minister, who was a legal man, to look into the matter, and, if he found it necessary, to have an amendment introduced in the Upper House. As to land of a less value than £3, according to the statement placed on the table by the Premier, that was only intended to apply in one instance.

Mr. BENT.—Oh, no! To that and similar lands. There is also McLeod's morass.

Mr. PRENDERGAST said it was, therefore, intended to apply to any lands.

Mr. BENT.—Yes.

Mr. PRENDERGAST said he would not say that the principle was wrong, for he believed that those who bought land should pay a fair value for it, and the money should be of as much value to the State as to any one else. It was only to encourage settlement that he wished land to be disposed of at a reasonable rate. In the past, the State allowed deferred payments without interest, but now it was intended to charge the full value of the land by imposing 4½ per cent. interest on the unpaid balance of the purchase-money. That rate of interest would secure the full value, and it might be reduced, for the payment of interest was a drag on a man who purchased land at £10 or £15 an acre. That man would have to pay his instalments with interest.

Mr. BENT.—They have to pay £4 15s. under the Crédit Foncier.

Mr. PRENDERGAST said that that was after the land had been cleared, and the Savings Banks Commissioners did not lend on land that had a lien on it. The State had not charged interest in the past, but now it was proposed, not only to charge interest, but to go to the other extreme, and charge a high rate of interest. If a man borrowed £30 or £40 on the security of his land from the Savings Banks Commissioners, he would have to pay interest on it.

Mr. THOMSON.—What is the difference between owing money to the Savings Banks Commissioners and the Government?

Mr. PRENDERGAST said that if a man owed £40 to the Government under the old Act, he had to pay no interest on it, but if he borrowed £40 from the Savings Banks Commissioners, he would have to pay interest on it. He wanted to know exactly how this new principle was to be extended. The Premier had promised to limit its operation.

Mr. BENT.—I have agreed to an amendment.
Mr. PRENDERGAST said it would be better to apply the principle generally than to allow the Minister to apply it in some cases and not in others, because the same reason would exist for applying it in every case. It was proposed to apply it very definitely in the case of land at Korumburra, and in the case of McLeod's morass. It was a very important amendment of our Land Act. Those who dealt in land would find that this principle would increase the price. As he had before stated, the man who could pay cash down for his land would not have to pay any interest, and he would have an advantage over the man who could not afford to pay cash down, because the latter would have to pay interest on the unpaid balance. It was that idea that led him to oppose the clause in the first instance.

Mr. MACKINNON.—Surely you are overlooking the fact that the man who pays cash will not be getting interest for his money.

Mr. PRENDERGAST said that if the man who could pay cash for the land made use of it, he would be getting interest on the money. In a few years time, the land would pay interest, and, perhaps, higher interest on the money than the man would get for it in other ways. The man who could not afford to pay cash would have the onus placed on him of paying interest from the start, and he would have to pay this interest when he could least afford to do so. The argument used originally in favour of the deferred payment system was that it was necessary to apply it in order to settle people with some permanency on the land.

Mr. THOMSON.—Was that not right?

Mr. PRENDERGAST said he was afraid the honorable member did not understand him. He (Mr. Prendergast) believed in that policy. If our population was being reduced, and people were leaving the land, there must be some cause for it. If we wished to keep the people on the land, the State would have to give them land under such conditions that they would be able to make it reproductive before the payments became due.

Mr. THOMSON.—Give them the remainder of the Crown lands for nothing.

Mr. PRENDERGAST said that in Canada they gave 160 acres of land for nothing, as the Premier had pointed out the other evening. The State's asset was not the actual value of the land from the selling point of view, but its producing power through the people who were settled on it. Whilst it was not inequitable to charge people the full value of the land, it appeared to him that the State had to consider something else, and that was how much the people could afford to pay for the land consonant with making a living upon it. If there were deferred payments for the first two years, the clause would not press so heavily.

Mr. J. CAMERON (Gippsland East) remarked that when the Bill was previously before honorable members the Premier referred to a difficulty that might occur in selling land by auction. His (Mr. Cameron's) own experience was that when a piece of special land was put up for sale either by the Government or by private owners it was bought either by people in the township for speculative purposes or by adjoining land-owners. These men had the horses and implements necessary to work the land, and in every case they could afford to give more than the land was worth to an outsider. The object he had in view was to meet cases of this kind. He referred only to lands that were sold for more than £1 an acre. Something more definite was needed than was contained in the clause. The trouble was to enable the purchaser of land to tide over the first two or three years.

Mr. BENT.—In the case of McLeod's morass there are twenty men after each allotment, and why should we not make them pay? They are getting the land at half its value.

Mr. J. CAMERON (Gippsland East) said he could mention at least twenty men in Bairnsdale who had small properties there, but were obliged to go out of the district part of the year in order to secure work. If those men were given £200 worth of land apiece close to the township they would be able to reside permanently in the place.

Mr. BENT.—You told me that we would be able to sell the land after we had prepared it for settlement.

Mr. J. CAMERON (Gippsland East) said he thought that the amendment he had himself suggested would be an improvement.

The SPEAKER.—The honorable member must confine himself to the amendment before the Chair.

Mr. LIVINGSTON observed that clause 6 appeared to him to be very indefinite, and he would like to have some further explanation from the Premier with regard to it. The Minister of Lands had not
given any definite information as to what the effect of the clause would be.

Mr. BENT.—It is my own clause, and is intended to deal with the Korumburra and Morass land.

Mr. LIVINGSTON said that some time ago, when 20,000 or 30,000 acres was thrown open in the Mount Fatigue country in South Gippsland, the then Minister of Lands (Mr. Taverner) introduced a Bill containing a clause very similar to this, providing that the land should be loaded to the extent of £3 an acre in special areas. He (Mr. Livingston) objected to that proposal at the time, but nevertheless it was carried out. When the land came to be allotted by the various Land Boards it was taken up at £2 and £3 an acre.

Mr. BENT.—And they got forty years to pay it in without paying interest.

Mr. LIVINGSTON said the object of the Government was to settle the people on the land. Mr. Taverner loaded the land up to £3 per acre.

Mr. BENT.—What is the use of saying that he loaded it up to £3 per acre when they won't pay 30s. for it?

Mr. LIVINGSTON said it was distinctly understood that that land was to be loaded for railway purposes, but Mr. Taverner took the power to load it for revenue purposes.

Mr. BENT.—But it brings in no revenue.

Mr. LIVINGSTON said that was so, because such strong objection was raised to loading the land. In some cases it was not worth 15s., and when a board was appointed to value it at its real worth they reduced it to 25s., 20s., and 15s. So far as he could see, this clause would operate in precisely the same direction. The Premier would admit that the clause as it stood would permit the land to be loaded.

Mr. BENT.—Yes, if it is worth over £3 an acre.

Mr. LIVINGSTON said he would like to know who was to value it?

Mr. BENT. I do not know. I am not going to do it.

Mr. LIVINGSTON said that if the officers of the Department were to value it they would load the land as they did previously. If the land was loaded up to £3 an acre it would not be just. It was difficult enough for a person to make a living out of the land without any loading of that kind, but the competition for the land was so keen that people would be found ready to take it up even if it were loaded.

Mr. BENT.—Yes, and if it were sold as private land it would be worth £4 an acre.

Mr. LIVINGSTON said that if interest was to be charged on the unpaid instalments there would be no encouragement to any person to come to Victoria in order to settle on the land. It would be the worst possible advertisement to let it be known in the home country that emigrants would have to pay this money for the land, and then pay 4½ per cent. interest. He had understood that this clause was only to apply to certain lands of a special kind, such as reserves that were being thrown open for selection.

Mr. BENT.—There are thousands of acres we are improving and spending money upon.

Mr. LIVINGSTON said that in cases of that kind he would support the Government proposal, but it should not apply to ordinary Crown lands upon which no Government money had been spent. Then came the vital question as to who was to assess the value of the land.

Mr. BENT.—The Minister does it.

Mr. LIVINGSTON said that in that case exactly the same trouble would arise as before.

Mr. BENT.—Then you had better appoint another valuer. Let Mr. Cumming value this land as he did the other.

Mr. LIVINGSTON said if the land was to be valued by the officers of the Department, and if the value was to be reduced by the Classification Board afterwards, he could not see any use in going on with the clause at all. In fact, it would be much better if the honorable member for Swan Hill adhered to his previous proposal, and if the clause was struck out altogether. This would be much better than to allow ordinary Crown lands to be loaded up to £3.

Mr. THOMSON.—Where are there any ordinary Crown lands worth £3 an acre?

Mr. LIVINGSTON said the officers of the Department could say the land was worth £3, and that would end it.

Mr. MCBRIDE expressed the opinion that the honorable member for Swan Hill would be quite right to stick to his original proposal to strike out the clause altogether, until honorable members knew exactly what was meant by it. He strongly objected to interest being charged on ordinary selected land. After all that had been said about settling the people on the land the Government and the Lands Department did all they could to block people from getting allotments. First of all, they were told
that there might be mining objections, and then they were met by forest objections. The Government said they intended to assist the people in getting on the land and next moment they proposed to charge interest. The view taken by the Premier might be all right from a Treasury point of view, but the honorable gentleman did not appear to think it was his business to keep the people on the land.

Mr. Bent.—The present system is to charge so much an acre, and then to give them forty years' time to pay it in without interest.

Mr. McBride said the case mentioned by the Premier was very exceptional. The clause did not show that the Government were going to do that. They were making this clause apply to all lands, and unless they could show what lands it was to apply to, he would certainly support the contention of the honorable member for Swan Hill that the clause should be struck out.

Mr. Bent.—We would look well bringing in a schedule of lands.

An Honorable Member.—The honorable member for Swan Hill has withdrawn his proposal to strike out the clause.

Mr. McBride said then, if he was in order, he would move that the clause be struck out. It was claimed that the Department only charged 4½ per cent. interest, but he knew that in certain cases as much as 30 per cent. and 40 per cent. interest was charged. If some unfortunate selector got behind a couple of days in the payment of his interest, he was asked to pay interest, not for a year, but for eighteen months. This was not right, and no money lender in the whole of Melbourne would be allowed to do that sort of thing. He hoped the Premier would take a note of the matter, and see that, if people did fall a little behind in their interest, they were only asked to pay interest on the money that was due, and not be penalized to the extent of interest for an extra six months. If he was in order, he would move that the clause be struck out.

The Speaker.—The honorable member will not be in order in doing so, because there is an amendment before the Chair which must be dealt with first.

Mr. McBride said then he would move for the omission of the clause afterwards.

Mr. Robertson remarked that the clause, with the amendment, was in accordance with business principles. Where there were good Crown lands available for settlement, it was quite right that they should be let out on somewhat similar terms to the closer settlement policy. Some of this land might be situated close to country townships.

Mr. Livingston.—It is not reserved land.

Mr. Robertson said the clause might apply to some of the police paddocks. It was intended to apply, at any rate, to the better class of Crown lands—the class that could be brought into immediate profit, and not land that had to be cleared first. The clause, with the amendment, now fairly gave the Government the power necessary to promote settlement around country centres on proper business terms, and in harmony with the Closer Settlement Act. The only fault he had to find with the clause was that it did not prescribe residential conditions with regard to these good Crown lands similar to those which the Closer Settlement Act prescribed in regard to land purchased by the State from private owners.

Mr. Bent.—You cannot reside on some of this land.

Mr. Robertson said he saw the difficulty, but the clause, at any rate, ought to be so modelled as to give the Minister power to put in these residential conditions in cases where the land could be resided upon. If these conditions were not put in the land might be dumbed.

Mr. Graham.—You never hear of any dumming now. The days of dumming are gone by.

Mr. Robertson said a great number of people who had farms in the southern part of Victoria had sold out their holdings at a fairly enhanced value, and had then taken up land in the northern districts at £1 an acre. Some of those farms might be worth £8 an acre now, and if these people could get cheaper land, and further back, they would probably do the same thing again—sell out, and go further back.

Mr. Graham.—That is not dumming.

Mr. Robertson said it was speculative, at any rate, and the effect was the same as that of dumming, because the land went into a great deal bigger holdings. In some cases in his own electorate as many as six farms had been bought up, and were now in the ownership of one man.

Mr. Warde.—That is the tendency all over Victoria.

Mr. Robertson said he was not conversant with the particular land at Korumburra to which this clause applied. In
any part, however, where residential conditions could be complied with, the very object of the Government in promoting settlement in the country districts would be defeated unless the clause gave power to the Minister to insert residential conditions where they could be complied with.

Mr. THOMSON observed that this clause applied only to certain lands that would be reclaimed by the Government, and lands which were at the present time held under certain conditions as reserves. If he thought the clause was to apply to the general lands of the State, he would oppose it; but he did not think so, so he was going to support the clause. He did not see very much use in the £3 margin proposed by the honorable member for Swan Hill, because the very fact that the poorer lands were left out of the operation of the clause made that margin unnecessary. There was no doubt that there was, at the present time, a number of reserves, such as the police paddocks mentioned by the honorable member for Bulla, and a number of marshy spots that might be reclaimed by the Government, and sold at a great deal more than the ordinary lands of the State. He agreed with the leader of the Opposition with regard to the cheapening of land. He was glad to see that the honorable member was gradually becoming a Liberal with regard to the land laws of the State. He was sorry the honorable member got so astray the other night on the wattle question, but with a little more schooling the honorable member would have a thorough grasp of the land laws. As the honorable member said, it was not from the price that the State got for the land that the State expected to benefit; it was from the produce that was won from that land. He would prefer to see the whole of the lands of the State given away to the people at the present time under certain conditions. Canada had been doing that for a great number of years. The Government there went further, and gave to the man who had successfully cultivated a certain area, another 200 acres at 5s. an acre. So here, if a man had shown that he was a bonâ fide selector, the State should give him a certain larger area, so that he could shift his family on to it as they grew up.

Mr. WARDE.—You can get plenty of land here at 5s. an acre now.

Mr. THOMSON said the honorable member would not get very fat on the land that he could buy here at 5s. an acre. The honorable member would find that the land the Canadian Government gave to successful settlers in the case he had indicated for 5s. an acre was really worth £5 or £6 an acre.

The amendment was agreed to.

Mr. LIVINGSTON moved—

That the following words be added to clause 6—

Provided that notwithstanding anything in any Land Act it shall be permitted to issue a lease, if the selector shall have been in possession of such land for a period of three years, and shall have resided on such land or within five miles for a period of two years and nine months, and further provided that improvements, as already set out, shall have been made.

Mr. BENT.—Will you circulate that next week? I have not seen it yet.

Mr. LIVINGSTON said the object of his amendment was this: Selectors going on to land at the present time had very great difficulty in financing themselves. The licence lien or the lien on improvements was practically useless especially in Gippsland, or in forest country, because the improvements were really not tangible security. A bush fire came along, and swept the whole of the improvements out of existence, or the scrub was neglected to be cut for six or twelve months, and the improvements then became dead; they were useless. Consequently nobody or very few people indeed, unless it was only as a matter of friendship, cared to advance money on any of these improvements. A number of very hard cases had been brought before him lately, and one especially which he might mention. A man had a block of land in the hill country, and last season he was burnt out by one of the bush fires. He had not obtained his lease, and he had to look for assistance entirely to the storekeeper, or to some local money lender—a lender upon the good character of the man, because, as regarded his security, it was practically nil. It was said, of course, that such an amendment would create dummying, but he thought honorable members would admit that the days of dummying were past. Land was far too valuable to risk any person dummying it. This was a bonâ fide attempt to secure to the selector, who was generally a hard-working man, and one who had not a great amount of money, an opportunity of being able to give to a reputable financial institution, such as a bank, some security whereby he could carry on his improvements, and get his money at a reasonable rate of interest, thus providing himself with the means of living in a decent,
honorable, and honest way, and enabling him to procure cattle, instead of his being, as at present, forced into the hands of money lenders. He (Mr. Livingston) did not think he was asking anything too much in proposing this amendment, but he would even go this far, if it would meet the objections of any other honorable member of the House, namely, that the lease should be granted at the end of three years, so that the selector could get his accommodation, but that he should not be allowed to transfer the lease under six years.

Mr. BENT said that, as he had informed the honorable member outside the Chamber, he could not accept an amendment of this kind at all in the present Bill. The whole question of the land was being taken into consideration by the Cabinet, and the Government proposed to introduce a Land Bill next session in which such a proposal as this could be dealt with. He could not, however, accept it in this particular Bill, because it was really for a special purpose. He did not want to raise any point of order, but he was sure the honorable member would agree now to hold over his proposal after the promise which he (Mr. Bent) had made.

Mr. GRAHAM stated that he thoroughly sympathized with the remarks of the honorable member for Gippsland South. He knew of many cases in which the honorable member's proposal would be of great benefit. He would, however, ask the honorable member in the face of what the Premier had stated to withdraw his amendment, and not force it to a division. At the same time he was with the honorable member in all that he had stated. He knew it to be a positive fact that very many of our best selectors who were hard-working, but poor men, had been driven off the land at the end of three years simply through being starved out. The first three years was the worst time for the selector on the land. He (Mr. Graham) knew this not only from his own experience, but also from that of his neighbours. When they went on the land thirty years ago they had to cart their produce forty miles to a railway station, and they found that the first three years was the hardest time. If there were some means of getting a little assistance—for instance, giving them a lease at the end of three years—it would keep very many selectors on the land who now had to leave it. However, in the face of the Premier's statement that he intended to bring in a Land Bill dealing with the whole subject next session, he would ask the honorable member not to press his amendment at present.

Mr. KEOGH said that he also would ask the honorable member, in view of the promise of the Premier, to withdraw his amendment. Nevertheless, he must say that he was in hearty sympathy with the honorable member, because he knew many people in Gippsland who were in straightened circumstances, and to whom it would be the greatest boon to get a little money. They could not get that money from the Government, and they could not get it from any institution unless they had some security to offer.

Mr. MACKINNON remarked that he did not exactly know what stage the discussion had reached, but he understood that it was open to an honorable member to say a word about clause 6 generally. It was a very curiously drawn clause, and he might quite misunderstand it; but as he understood it, the clause proposed that they should get away from the principle which had prevailed hitherto of not including interest as one of the obligations of persons settling on the land, and should now begin a new system, as far as the Lands Office proper was concerned, of charging interest at the rate of 4½ per cent. If this was put forward as a business-like proposal, he could only say that it was throwing dust in the eyes of the people, as far as this aspect was concerned. People who made the allegation that this was a business-like proceeding did not appreciate what business meant, because the thing was really as broad as it was long. Whether they charged a certain amount for the land, including therein its value as interest or did not, any one who purchased the land, of course, took into consideration, in fixing the price that he gave, whatever system was adopted.

Mr. BENT.—Do you mean to say that land which is worth £8 an acre would then be worth £15 an acre?

Mr. MACKINNON said he did not exactly understand the interjection of the Premier. He had had a good deal to do with land transactions, and he believed he had been quite as successful in carrying them out as the Premier.

Mr. BENT.—I have dealt with 500 to your one.

Mr. MACKINNON said he had carried out subdivision of land, and had carried it out successfully, and he ventured to say that if he had had the free hand
of the Government in dealing with the subdivision of land—this might seem an egotistical statement, but it was one which could be made by many others, as well as himself—he would have carried it out much more successfully than the Government had done. This, however, was by the way. It was as broad as it was long, because if a man was charged a fair price on the understanding that he was not to pay interest, then, if he had to pay interest, the Government would have to charge him less.

Mr. Mackey.—We have no authority to do that. If land is worth £2 an acre, we have no authority to charge £4 and revert the interest.

Mr. Mackinnon said that the interest was taken into consideration in fixing the price of the land.

Mr. Mackey.—It cannot be done.

Mr. Mackinnon said that he would like to know why it could not be done?

Mr. Mackey.—Under the Bill it will be.

Mr. Bent.—The honorable member knows nothing about it.

Mr. Mackinnon said that he wanted a little enlightenment. The Government were introducing a new system with regard to the sale of this land. If the Government were going to sell land and charge interest in the future, they must in fairness to the purchasers now charge them a smaller price. If a man had not to pay interest, he would undertake at some future date to pay a larger price. Every man who had figured it out took into consideration the subject of interest. If a man had no interest to pay, he would undertake to pay more money at a future time, and if he had interest to pay he would pay less as purchase money for the land. That was the difficulty which he (Mr. Mackinnon) would like to have explained. Assuming that what he was told was true—that this made no difference—the Government were still introducing a new system which must involve considerable difficulties, because, if the payments were progressive payments, the Government would, after each payment, have to compute what the interest on the balance was, for the purpose of letting the man know what was his interest charge. Everybody who sold land on long terms with these progressive payments knew what a troublesome thing that was. He would like to have it clearly explained what difference this made, except that it had the appearance of adopting an ordinary business principle in the Lands Department, which, he would admit, obtained outside. But the State had adopted another system. If land was sold at a proper price, the result would be the same in the end.

Sir Samuel Gillott.—We charge the man a fair value for the land, and then deferred payments are allowed, and we charge interest.

Mr. Mackinnon said that that was one system, but he was assuming that the land was sold under the ordinary terms, at a reasonable price, such as other people were prepared to give for it. The State was not giving away land. If a man had to pay interest on the unpaid portion of the purchase money, the State could not charge him as large a price as if he had not to do that.

Mr. Mackey.—If the officer is told to fix the value of the land, and he fixes it at £1 an acre, and it is sold at that without interest, the land is in fact sold for 12s. 6d. an acre.

Mr. Mackinnon said that it came to this then, that the Government proposed to sell land at a bigger price.

Mr. Bent remarked that it was not as the honorable member for Prahran put it. He (Mr. Bent) had already given a case. Honorable members knew of the case of the land at Korumburra, consisting of about 800 acres, which was held on mining lease. That land was going to be handed over to the company, but he had found that it was possible to get it for closer settlement. The question then arose of the officer valuing the land. The officer said:—"I will have to make it £15 an acre under the law as we have it now." It was not a business law at all, and had not been brought in by a business man either. If this land was offered for £15, all the country would say that it was not worth that; but if it was sold for £8 or £9 an acre, with interest, that would be a fair thing. Under the 40 years' lease system, the man who paid for the land in 40 years would only pay the same amount for it as the man who bought it and paid for it in four years. Was that business?

Mr. Mackinnon.—They are both business.

Mr. Bent said that if the price was fixed at £15 an acre in view of the fact that no interest had to be paid, then all the people would grumble and say that the land was not worth that. But the man who bought it at that price would, at the
end of 40 years, only have paid £15. If land which was worth £10 an acre was sold for £15 an acre, to be paid over 40 years without interest, everybody would say that that was not business, but if the price was fixed at £10, and the purchaser had to pay 4½ per cent. interest, that would be business. The honorable member for Prahran spoke about long terms. In the case of any land sold by private individuals on long terms, there was a charge of so much per cent. per annum for interest. The Government held that it was better to put the true value on the land. There were a number of men down there, and the Government officer stated that if the land was put up by auction, the poor men could not touch it. With regard to this clause, the officer of the Department stated—

It gives the Minister the option between selling land at auction, with the possibility of the "big men" buying, and the parting with the land at a fair price to selected purchasers.

The selectors were the men who had improved the value of this land, and instead of putting it up at auction against them, he would sell it to them, and charge them a fair rate. That was all that this Bill provided should be done. (Mr. Bent) would contend that that was a fair business way of dealing with the land, and every one would admit that it was the proper thing to do. The policy of the Government was that, as the selectors had improved this land, they should have a fair show of getting it.

Mr. McBRIEDE stated that he still thought that this clause should not be in the Bill, unless there was also a provision specifying what land it was to apply to. The Premier always stated that the clause applied to certain land, and that he wanted to benefit the selectors, and yet the clause would apply to the whole of the State. The Chamber had accepted the amendment of the honorable member for Swan Hill, making the minimum value of the land the clause was to apply to £3 per acre. The clause, to that extent, was better than it was before.

Mr. BENT.—We have agreed to that.

Mr. McBRIEDE said that the Premier had not gone as far as he ought to have gone. The honorable gentleman should let the Chamber know to what land this clause would apply.

The SPEAKER.—I must, at this stage, ask the honorable member to confine himself to the amendment before the Chair. After the third reading it is most undesir-
Mr. BENT.—I did not say the Crédit Foncier, but the Savings Bank, which is a different thing altogether.

Mr. ANSTEY said he would draw attention to a typical case which had been brought under his notice. A man lodged an application for land on 23rd January, 1899. He attended the Land Board on 7th March, 1899. The Land Board recommended his application. On 28th April, 1899, he received a letter from the Department requesting him to pay survey fees amounting to £8 19s., which were paid.

Six months later, on 1st November, 1899, the applicant wrote to the Department asking what they were going to do. The Department replied that the surveyor had been called upon to expedite matters. He (the applicant) heard nothing more about this business until 16th August, 1900, when he got a letter saying that he could have a licence on payment of £6 18s. 6d., rent being charged from June, 1899. Thus this applicant was not allowed to enter into possession—was unable to get on the land—until nearly two years after his date of application, and after the recommendation by the Land Board. He, however, went on the land, although, owing to the death of his wife and the expenses connected therewith, he was delayed in taking possession. Having taken possession, he cut and cleared a site for a house, and his orphans being boarded out at a cost of £1 per week, he put in four months on the land, and spent £80 in maintenance and wages for men who assisted in cutting scrub, and in doing other work. Eventually his money was exhausted, and he had to seek for work, with the object of making money, and having another try to establish himself successfully on the land. This man's experiences had been like that of thousands in this country. He was unable to comply with the residence conditions, but eventually he built a house on the land and kept cattle. He had, however, fallen into arrears owing to the conditions imposed, and was now not able to get his lease for a period of two years. The possibility, therefore, was that this man, after all he had done, would be driven from the land. That was a state of affairs which should be remedied, or prevented by the Government. Only the giving of leases to such men would enable them to cope with their difficulties. When a man had been, say, six months on the land, and had put upon it effective improvements, there should be no reason why, under an Amend-
ing Land Bill, he should not get advances in proportion to the value of his improvements, so as to enable him to remain permanently on the land.

Mr. LIVINGSTON.—A gift of the land would be a good deal better.

Mr. ANSTEY remarked that if it was a necessity that before settlers could get money they should get a negotiable possession of the land it would simply mean that lands would be mortgaged to agents or money lenders. On this point then he would assert that whatever private people could do could be done by the community, and there would in that case be a greater security. The State could advance money at cheaper rates, and on better terms, than private individuals or firms to persons who had got their leases, and could advance it, too, on improvements to men in the early stages of their rural career. The settler he had already referred to made a letter the following statement:—

The position now is that I have a wife and four young children to maintain, and through losing some of my cattle, owing to the severe winter in these parts, I am unable to carry on without leaving home and seeking work elsewhere, which means, apart from family discomfort, that the land will be deteriorating during my enforced absence, as newly cleared land requires constant attention for several years to keep the bracken and undergrowth in check. I ask the authorities to reconsider my case, and, having proved me to be a genuine selector, ask them to administer the law in its spirit (rather than the stern letter), the intentions of which, I take it, should be to settle people on the land and keep them there.

This individual looked for a remedy, and could see no other but the getting of his lease.

Mr. GRAY.—But your party has always insisted on residence as a condition.

Mr. ANSTEY remarked that the interjection was not correct. What the Labour Party did distinctly say was that the community should give a man who went on the land every assistance to enable him to remain on the land. If the conditions of settlement were such as would prevent men remaining on the land, then our land laws should be regarded as ineffective. The object or policy of our land legislation was to say to people—“There is the land, take it and settle on it.” But more than that was required. It was necessary to regard it as a duty of the community to take every possible means to assist in retaining the settlers on the land. The present position, however, was this: that the first thing a settler found it necessary to do was to get possession, and the second that he should mortgage his land to some individual or institution, and thereafter he was no longer a tenant of the Crown, but a person subject to the mortgagees or the agents, and, instead of paying rent to the Crown, was slaving his life out for the money lender. This had been illustrated by life on the McIntyre and other village settlements, where men had built their little homes, but having no lease of their land could not offer any proper legal security for the money they needed to carry on with. A most effective land policy would be for the State to advance money on the bona fide improvements carried out by the settlers. He hoped that would be the line of policy the Premier would adopt in his promised amending Bill of next session.

Mr. LIVINGSTON said that he was pleased at the amendment having brought about such a hearty discussion, and at having the assurance of the Premier that he would bring in an Amending Land Bill next session. He hoped that the Minister of Lands, in submitting the amending Bill, would take into serious consideration the question as to the term of residence on lands. Having had a distinct assurance from the Premier as to the intentions of the Government he (Mr. Livingston) would withdraw his amendent.

Mr. BENT.—I am very much obliged to the honorable member for doing so.

The amendment was withdrawn.

Mr. McBRIDE moved—
That clause 6 be omitted.

He said that his reasons for this amendment had been explained on former occasions. To have the whole of the Crown lands of the State brought under the clause would be absolutely wrong.

Mr. BENT.—You have my assurance that it will not be so, and that I will bring in a Bill on proper lines next session.

The amendment was negatived, and the Bill was ordered to be transmitted to the Legislative Council.

AUDIT ACT FURTHER AMENDMENT BILL.

Mr. BENT moved the second reading of this Bill. He said—I move the second reading of this measure in accordance with the recommendation of the Committee of Public Accounts. It is merely a measure to alter the date of audit from August to July. It is an alteration that has been proposed by the Committee and adopted by the Government.
Mr. MACKEY seconded the motion.

Mr. PRENDERGAST.—Is it intended that this new date shall apply also to the Railway Department? We have already made the accountant of the Railway Department responsible to the Auditor-General or at least the Government has declared its intention of doing so. That would be a very proper thing to do. I do not understand why a great trading Department like that of the railways cannot find it convenient to do the same with its accounts as is done with the accounts of other Departments.

Mr. WATT.—This measure applies to the Railway Department.

Mr. BENT.—Yes, as the Chairman of the Committee of Public Accounts (Mr. Beazley) can state.

Mr. BEAZLEY.—I am very pleased that the Premier has introduced this Bill. The measure is one which has been very strongly recommended by the Committee of Public Accounts. The feeling of that committee was that the year should end on 30th June, but we found that, in the Railway Department in particular, it was impossible to get the accounts closed by the 30th of June. I have always contended myself that what can be done elsewhere can be done in the Government service, and accounts are closed elsewhere on 30th June. This is so in the accounts of the Commonwealth. In Queensland, in New South Wales, and in South Australia they do very much better than we do in this direction. It seems to me that the various Departments, knowing that the accounts close on the 31st August, make no hurry to pay them, and the result was that there was an amount of £400,000 which was spent between the end of June and the end of August. Personally, I am of opinion that the time will come when we will have the accounts closed on the 30th June. This proposal is a step in the right direction. The Public Accounts Committee felt, and I think the evidence given, especially by Mr. Hudson, of the Railway Department, went to show that it would be wise to name the date mentioned in the Bill. As to the point raised by the leader of the Opposition, that the auditor of the Railway Department should be made a public officer under the Auditor-General, that seems to the Public Accounts Committee to be a very important point. Although the auditor of the Railway Department is made a separate officer, his salary is paid by the Railway Department. The Public Accounts Committee have no idea of imputing any improper acts to the Railway Department; no such thought occurred to them; but it is open to any man to feel that his reward and payment depend on his services. It may happen some day that the auditor may feel that, if he reported adversely, it might not be in his favour. I am not saying that such a thing has occurred, and, in fact, I am confident that it has not, but, still, we want the auditor to have a free hand. I have felt, in regard to the few companies with which I am connected, that the auditor should have a free hand, and be able to report without fear. The auditor of the Railway accounts should have the same feeling in reporting to Parliament—he should feel that he could do his work thoroughly and properly, and have no fear of the result. The Public Accounts Committee, therefore urged that the auditor of the Railway Department should be under the Auditor-General, who should have complete control over him, and over the whole service. I hope the Bill will be passed.

The motion was agreed to.

The Bill was then read a second time, and passed through its remaining stages.

MUNICIPAL ENDOWMENT REDUCTION BILL.

Mr. BENT moved the second reading of this Bill. He said: This Bill provides for the same amount as we had last year. I observe that, at a meeting yesterday, it was asked that the amount of the subsidy should be increased to £100,000 for this year. I wish to draw the attention of the House to the following statement that I made in the Budget:—

Honorable members who think this endowment should not be reduced should remember the many concessions that have been made to the municipalities through the votes of the Public Works Department, and by the various Surplus Revenue Acts. These, shortly stated, amount to grants for roads, &c., under Acts 1904 and 1905, £76,000; under Act 1906, £33,000; and under vote of the Public Works for Roads and Bridges, £6,000. If I add to this the equivalent for the year on account of Licensing Act, £62,000, we get a total disbursement of £213,000. Another concession that has been made to them is some £12,000 per annum under the Unaided Roads and Water Frontages Act (in addition to some £30,000 to be raised under that Act, which will be expended by the Crown in the construction and maintenance of roads. I think that shows very clearly that the Government and the House have provided pretty well for the municipalities.

Mr. PRENDERGAST.—The promise was made last year, when this question was
considered, that the amount of subsidy to be paid should be taken into consideration in connexion with the valuation adopted, and the rates struck in each shire. I would like to know whether the Premier intends to carry out anything in connexion with that idea now?

Mr. BENT.—I have the Classification Bill on the stocks.

Mr. PRENDERGAST. — There is a great demand, on the part of the shires, for a Classification Bill. I wish that the valuation of the shires, and the rate they strike, shall be taken into consideration before they receive any subsidy at all. The opinion was expressed at the Municipal Conference that it was not correct to say that the valuations of the shires were very low. It is not correct to say that they are low in all the shires, but it is correct to say that in some of the shires the valuation is very little more than half of what it ought to be. Ample evidence of this can be obtained by any one by referring to the annual report of the Savings Banks Commissioners, which shows the valuations placed on the land by the Commissioners for loaning money, and the valuations placed on the land by the shires. The business done by the Commissioners is done upon a solid basis; they have undervalued to a small extent for the purposes of loaning money, and that is perfectly reasonable; but, still, their valuations are not nearly as low as those in some of the shires. It was stated at the Conference that the shire councils had nothing to do with the valuations made. It may be true that they do not attempt to influence the valuator, who is sworn to do his duty, but the fact remains that, where the State has transactions in land before the Closer Settlement Act was passed, it had to pay more than double the price that the land was valued at on the shire books.

Mr. THOMSON. — That does not prove anything.

Mr. PRENDERGAST. — It proves either that the State paid too much for the land, or that the shires undervalued it very considerably. We are led to believe from the prices asked of the would-be purchasers of land that the valuations of the shires are considerably below the true value of the land. This does not occur in every instance. A great number of the shires are valued to the full amount, and we know that in some of the poorer districts of the State, as the members for Gippsland can say, the rate struck in a number of instances amounts to 1s. 6d. in the £1. At the same time, shires in a better position are striking rates of 1s. and 1s. 3d. Is it fair in paying over the subsidy merely to take into consideration the classification of a shire according to the present unfair classification—is it fair to take the classification alone into consideration without considering the rate struck and the valuation placed on the land? If that is done, then there is no incentive to these shires to value their lands properly. If a shire with a small rate and a low valuation obtains the same proportion of the subsidy as one with a high rate and a just valuation, it is not fair. Another step will have to be taken too. Valuators who do not do their duty properly will have to be prosecuted. These valuators will have to be placed in a position of having to declare why they valued the land at a certain amount, and if they cannot prove that the valuation is fair, seeing that they are sworn, they should be placed on their trial for not doing their duty according to their oath. I hope some steps will be taken in this direction. It only requires that action should be taken in one instance to bring about proper valuations generally. The amount of £50,000 that it is proposed to pay in the shape of a subsidy, in conjunction with the amounts mentioned by the Premier, does not seem to be an unreasonable amount to pay this year. The present method of paying the money to the shires is not satisfactory to them nor to the State. Surplus Revenue Bills have been a great mistake in connexion with the payment of money. Some settled policy will have to be adopted to inaugurate a system of payment that will be satisfactory to the shires, to Parliament, and to the country. There seems to me to be a necessity for the introduction of a policy that will place the making of the main roads in the hands of the Government, and relieve the shires from expenditure on them unless under certain conditions. The keynote of the Municipal Conference has been the question of the subsidy. The members of that body do not seem to consider the question from the same point of view as Parliament does. A definite policy is required, and that policy should be to assist those who need it most, and who are prepared to meet their own necessities in a proper manner—to give them sufficient to enable them to carry out works in their own interest, and in the interest of the development of the State. The State should make the main roads, and should assist in the
making of new roads in new districts, so that these roads may be placed in the hands of the shires in such a state that the upkeep will not be a heavy task, and the traffic may be carried on. The municipal subsidy has been as high as £400,000 per annum. For some years previous to that period, and ever since, large annual payments have been made for bridge and road making to very many of the shires. In spite of that, the policy has always been to ask for more. Whenever it is proposed to give a grant of this kind, the policy of the country people has always been to apply for something more than we are prepared to give. The reason of that is that our policy towards the municipalities has never been properly defined. They have constantly come to us, cap in hand, and although the men themselves declare that they are not Socialists, they are always wanting State assistance of some kind or other. All I ask is that a more definite policy should be adopted in future instead of this perfunctory way of distributing the money, which is not satisfactory either to the municipalities or to any one else.

Mr. THOMSON.—I do not agree with the leader of the Opposition in all the remarks he has made. There may be shires that are undervalued, but I fail to see how the honorable member is going to arrive at what he calls a correct valuation. He says the Government should take action to prosecute a valuer who does not give the correct value. I believe the honorable member had a question on the notice-paper yesterday as to the Strathkellar property. That property was valued at £4 ro. per acre for probate duty. It has been let for some years at an annual rental of less than 5s. When you take off 9d. per acre for land tax it brings it down to a capital value of less than £4 10s. per acre. Does the leader of the Opposition think the valuer should be prosecuted for giving a low valuation, seeing that the property was bought afterwards by the Government for £7 5s.?

Mr. PRENDERGAST.—I did not say anything about that case.

Mr. THOMSON.—No, but I give it as an instance. A great deal of the land in various parts of Victoria has been put to new uses during the last few years, and instead of being devoted to grazing, it has been converted into dairying lands. Not only that, but the increased use of chemical manures has made it possible for the land to produce a great deal more than it did a few years ago. Under these conditions land in many localities is bringing in a much larger return than it did formerly. But if a land-owner is prepared to show his books, and the returns he has obtained from the land, and if these figures bear out the valuation, you cannot possibly tax him for what the land might have yielded under other circumstances.

Mr. J. CAMERON (Gippsland East).—He might not have put the land to the best use.

Mr. THOMSON.—I quite agree with the remarks of the leader of the Opposition as to the distribution of the money dealt with in the Surplus Revenue Act.

Mr. BENT.—You may not be troubled with any surplus next year.

Mr. THOMSON.—No, that is the unfortunate part of it. We have at present a run of fat years, and the Government are throwing the money about without any reference to the lean years that may be coming. I do not wish to say anything detrimental to the Government.

Mr. BENT.—No, you only say we are slinging money about.

Mr. THOMSON.—The money is being spent with a free hand in certain localities. It would be far more satisfactory if the Government increased the endowment to the shires and allowed them to distribute the money.

Mr. BENT.—I think it would be better to have a deficiency next time, and to see how that will go.

Mr. THOMSON.—We have had no money better expended in Victoria than the money spent by the municipal councils. I maintain that if their endowment was increased the money would still be well spent. Of course there are some cases in which the expenditure cannot be undertaken by the councils. If we are to have a few fat years I should like to see something stored away for the lean years that are to come, but when there is a certain amount of money to be distributed everybody wants a share of it. As soon as a surplus is announced applications come in from all quarters for grants in aid of libraries, gardens, and everything else, so that when bad years come round again additional taxes have to be put on to square the ledger.

Mr. BENT.—Are you aware that we have paid £350,000 off our debts?

Mr. THOMSON.—Yes. I feel proud of the Premier on that account, and I compliment him.

Mr. BEAZLEY.—I desire to support the contention of the leader of the Opposi-
tion when he states that the Government should do something in regard to municipal valuations. I think it is time that the Law Department took some action in that direction. It is a generally-admitted fact that valuations in some shires are lower than they ought to be. Perhaps it is the same in some of the towns as well.

Mr. J. CAMERON (Gippsland East).—Say "municipalities."

Mr. BEAZLEY.—Yes, in some of the other municipalities. I have heard it advocated in some of the suburbs of Melbourne that the rates should be kept down in order to reduce the amount payable to the Melbourne and Metropolitan Board of Works. I can quite understand sworn valuers going on year after year undervaluing the property, and no one taking any action because they all get the benefit of it. It is not to the interest of the ratepayers to appeal against the valuations on the ground that they are too low. In some cases I understand that no fresh valuation is made for two or three years, and the values must change in that time. If the municipalities will not take action themselves, I think it would be a fair thing to ask the Law Department to see that the valuers are true to the oaths they take to give a fair and proper valuation. I notice by the report of the Municipal Conference yesterday that the question was discussed whether it was better to have a high valuation with low rates or a low valuation with high rates. That shows that the municipalities know very well that low valuations exist, and low valuations are not right.

I think some one should see that these valuers carry out their duties faithfully. So far as the payment of this sum of money is concerned, I understand the argument is used—and it is a just one. too—that there are thousands of acres of land on which Government money has been spent, and that it is a heavy tax on the municipalities to keep in repair the roads that are needed to carry the through traffic. Under these circumstances, I think it is only right that the Government should give some help in making these roads, instead of adopting this haphazard method of distributing the subsidy, which really defeats the object we have in view. The object is to give the greatest amount of help to the poorest municipalities, but by improper valuations the vote may be diverted to improper objects. It is highly desirable, I think, that men who swear to do their duty in the valuation of municipal property should be required to carry out that duty, not only in the interests of the State, but of the public generally. Financial companies and other people who lend money on the land are guided to a large extent by the local valuation, as well as by the valuation they make themselves. Of course, there is one advantage, viz., that if they accept valuations that are too low, they do not overland, but such valuations are, at all events, misleading. This is a matter which, in my opinion, might well be looked into.

Mr. GRAHAM.—I regret that the necessities of the Treasurer compel him again to bring in this Bill to keep the municipal vote down to £50,000. Last year there was a promise that the reduction would be only for one year, and we all agreed to it then, but when the Budget statement was made, I could see from the statement of the Treasurer that we would have to face some such Bill as this.

Mr. BENT.—You are getting more than £100,000.

Mr. GRAHAM.—The Premier, in making his statement, read out an item of over £90,000, which is paid to the municipalities as a licensing equivalent. If that money were divided fairly among the municipalities, I would not say a word. Some of the shires I represent would gladly give up the endowment altogether if they got a proper licensing equivalent, but they do not get it. The money is given to other districts which do not require it. The city of Melbourne and other large centres get enormous sums out of the licensing fees, and they do not really need it.

Mr. PRENDERGAST.—The city of Melbourne gets about £14,000.

Mr. BENT.—And now that North Melbourne is included they will get much more.

Mr. GRAHAM.—Many of our country districts get no licensing equivalent at all. There is one matter which I would like the Premier to consider in any amending Bill of this kind, and that is, that the Railway Department should be compelled to assist in keeping up the main roads leading to railway stations. It is all very well for the Railways Commissioners to show a big surplus, but some of the municipalities have to keep up the roads for the sake of foreign traffic to the different railway stations, and they do not get a red cent from the Department to assist them in doing so. The Department will not even carry the gravel for them at a
reduced rate. Many years ago when our present Premier was Minister of Railways in the O'Loghlin Government, he was the first Minister to recognise the necessity of assisting the shires in making these roads, and he allowed the gravel to be carried at a very low rate—just at cost price. If that were done now it would be a very great boon to the shires, and they would be able to keep the roads leading to the railway stations in decent order. The Railways Commissioners say, "We are here to run the railways on commercial lines, and we will not give a shilling towards these roads." The consequence is that the municipalities are compelled to keep the roads that feed the railways, and while they find the money the Railways Commissioners get the credit of bringing out a surplus at the end of the year. I think something should be done in the near future to put this matter right, and the Premier would do well to provide, in some future amending Bill, that the Railway Department should pay a fair share of the cost of keeping up these roads. I recognise, of course, that the Premier cannot do other than ask for this Bill to pass, and I am not going to raise any objection to it, although some of our shires are crying out that the amount should be £100,000 this year.

Mr. COLECHIN.—We have to recognise that this Bill is a necessity at the present time. I also recognise that the Premier's proposal to the deputations from certain shire councils was justified in the circumstances when he said that their rates were very much too low in many cases. If he had found the particular shires which were most to blame—for some of them are not to blame, and I think the councils are entitled to our best thanks when they do their best, as some do—had the honorable gentleman been able to pick out those that had failed to do their duty, it would have been an excellent thing, but I am afraid that his statement that no shire, with a rate of 1s. or below it, would stand very much chance of consideration, will be rather a temptation to many of them to try to work points to get lower valuations, so as to be able to put higher rates on. In this way they will not be really getting in any more money, but it will be a pretext for them to justify themselves in approaching the Minister of Public Works and the Premier again, and asking for sums of money. I hope the affair will be watched by the Government Auditor or some other responsible official, to see that this kind of trick is not carried on. On the question of the unemployed, it will be a good thing if the Government will take into consideration the many shires which are run by large land-owners, and see if, in times of stress, the unemployed could not be sent up to help to make those roads leading to railway stations, and where a tremendous traffic is done at certain times of the year. Of course, in the districts where unemployed are already to be found, I do not want to see truck-loads of unemployed sent up from the large centres. In districts such as those of Bendigo, Geelong, or Ballarat, there are large numbers of men able to do the work quite as well as men who are sent up.

Mr. WATT.—You said just now that you would send men up. That is another back­down.

Mr. COLECHIN.—If I ever do as much backing-down as the honorable member for Essendon, I shall deserve to be castigated as he has been. If I did even half as much I should not deserve to sit in this House. We know very well that the honorable member interrupts every one, and that nobody but himself in the House has got any sense. I do not wish to attack him, but I shall have to do so if he does not stop interjecting.

The SPEAKER.—Never mind the honorable member for Essendon. It will be better if the honorable member will address himself to the question before the Chair.

Mr. COLECHIN.—We know that very often these shires carry out work which has, in the past, merely raised the value of unimproved and uncultivated land that has not done much good for the country. There are very many shires throughout Victoria where there is not metal fit to repair roads with. They use rotten metal, which is almost useless for the purpose. If, in places not very far away from these shires, where there is splendid metal, the unemployed could be set to break the metal, and send it on to the shires that needed it, where the men in the district could then be employed at repairing the roads, the Government would do a great deal better with their money than by handing out thousands of pounds to some of these shires, and not knowing how it is spent. If that is looked into it will be a grand thing for the Government to do, and save a great deal of trouble, while it will give a great deal of work to deserving people.
Mr. J. CAMERON (Gippsland East).—I am quite sure the orthodox thing would be to say that the municipal subsidy should be raised to £100,000, and it may be a dreadful heresy for me to say that it should not be. What should be done is that the roads of the State should be classified, and money allocated by the Government, according to the circumstances of each road. There are some roads that have to bear a very heavy through traffic. There are long lines of road that run through Government land, and these have to be made and maintained by poor shires. There ought to be direct votes for roads of that kind, and, in fact, they ought to be nationalized right away. If the Government, instead of increasing the municipal subsidy to £100,000, would take in hand the task of classifying the roads, and give grants through their own Departments to the particular roads that need them, it would give greater satisfaction. It has been mentioned that the unemployed might be used in road repairing, but I can tell the honorable member for Geelong that there is a better way. There is a great deal of timber land in different parts of the State, and if the Government would cut it up into reasonable sized blocks, and grub and clear 20 or 30 acres, and put the men on them, giving them a start in that way, it would be much better than employing them at making roads. The various shires can employ men in their own districts, and this would be better than sending men up from Melbourne and elsewhere. I hope the Government will take the step I have indicated, because it is an injustice to expect shires to maintain roads that run through a great deal of land which is held, not in the interests of the different shires, but in the interests of the State, such as forest reserves. In my own electorate, there are many thousands of acres of land held by the Government in the interest of the State. I was travelling with one of the officers of the Public Works Department the other day, when we met an old driver of mine, who told us that he was carting 70 feet piles, 16 inches across at the small end. Honorable members can imagine what effect those would have on the roads, with, perhaps, two or three of them on one waggon. No road in the world could stand that strain. The Government should take over and maintain the roads that run through that forest country. If they do that they can cut the subsidy down to what they like, because a great many shires in the State do not deserve one penny.

Mr. WARDE.—I am very sorry that this question of the municipal endowment comes up for consideration year after year. Most honorable members are aware that ever since the abolition of tolls it has been a serious question for municipalities in many parts of Victoria, particularly in sparsely populated parts, as to how they are to get revenue sufficient to give their people means of access even to the main roads. I believe that when the tolls were abolished a promise was made that a substitute in some shape or form would be given to the municipalities to replace the revenue they thus lost. From that day to this, however, no effort has been made to legislate properly in connexion with the matter. We cannot very well object to the £90,000 odd which the Premier has mentioned to-night going to subsidize the shires, seeing that no substitute has been proposed for the large revenue that was taken away from them with the abolition of the toll system, although I do not think that the licensing fees themselves can be justly claimed in lieu thereof by the municipalities, who render no services in return for them. I rather think that the suggestion made to-night that the main roads of the State should be taken over by the Government and kept in order is the most feasible proposition that can come before the House. Not only are the residents in the various cities, boroughs, and shires throughout the State interested in the traffic along these roads, but the citizens of Melbourne themselves have as great an interest in proper means of transportation. Still, that does not for a moment justify the action of some of the councils which have never determined to have proper valuations. It has been pointed out that in some instances shires have had proper valuations and reasonable rates, but other shires have had very low valuations and very low rates. I think the honorable member for Abbotsford, in answer to an interjection, said that even the municipalities around Melbourne which rightly do not come under the operation of this Bill—do not rate up to the full value. It must be recognised, however, that the system by which the metropolitan municipalities raise their rates of itself gives a fair and correct valuation of the property. We may except, perhaps, in the case of the city of Melbourne, an instance mentioned by the Chief Secretary during the discussion.
of the Bill relating to the rating on the unimproved value introduced by the honorable member for Warrenheip. The honorable gentleman mentioned the case of a very valuable piece of land in the city, which had on it a very ramshackle building, for which only a small rental was received. Of course, the rental was taken as the return from the property, and the valuation was fixed by the valuer accordingly. This was a case—perhaps an isolated one—where the system gave an improper and low valuation, because very valuable land remained under a very poor tenement. But the vast majority of the properties in the metropolis are rated fairly by the mode of valuation, which is a very simple one, but which cannot in the main be carried out in the shires. In the metropolis the valuer asks for the rental of the property, and that rental must, to all intents and purposes, fix the return from the land, so that if a man is getting 8 or 10 per cent. for his property, it is valued at an 8 or 10 per cent. return upon it for municipal purposes. If the owner is only receiving 4 per cent. on his property it is valued at 5 per cent., because the Local Government Act provides that it shall not be less than 5 per cent. on the capital value. The Local Government Act, however, does not say that it shall not be as much more as the return from the property amounts to. Consequently, it may be said that municipal valuations in the metropolis are on the high side, because in the main, while properties are let, the return will be nearer 7 per cent. than 5. In the different shires and boroughs throughout the State, however, the properties are in the main owned by those who reside on them, and no rental is paid. The shire valuer then has immediately to set himself to work to fix the capital value of the property, and he may then estimate it on the bare amount set out in the Local Government Act. In the shires to-day the valuer has a heavy responsibility to the ratepayers, because they are actually the owners, as well as the ratepayers, and if he errs upon the side of high valuations they, through their council, can make it very uncomfortable for him, and take from him his means of livelihood, and, perhaps, put some one more compe lant in his stead. In the metropolis, on the other hand, the valuer is not to the same extent under the control of the council, because his valuation is made upon the rental received, and to a person who objected that his property had been overvalued he could point to the rental as conclusive evidence of the return from the property for the time being. At the same time, the valuer is protected from any influence by the council. I do not say that this system can be generally adopted in the country districts, because most persons there are rather the owners of their properties than tenant farmers. With regard to the distribution of the money dealt with by this Bill, the proper system is for the Government to construct the main roads throughout the State, and maintain them in a proper state of repair. Then the municipal endowment should cease entirely to those shires which are in a position to construct and maintain the subsidiary roads. I would only have an exception made in the case of those sparsely populated, very poor shires, with, perhaps, a large territory of land that is not suitable for cultivation purposes, such as we know in various portions of the State. In those cases assistance ought to be given provided the Treasurer was satisfied that there was a reasonable rate based on a reasonable valuation. In other words, while I desire to render all the assistance possible to give settlers in these portions of the State good facilities for carrying their produce to railway stations, I think that an axiom should be laid down by this House that no assistance should be received from the State by any shires until they have shown an earnest desire to shoulder their own burden instead of asking the general community to carry it for them.

Mr. KEogh.—I am sorry that the Treasurer has found it necessary to again bring in a Bill to decrease the municipal subsidy. When this was done first I thought it was only for one year, but this Bill appears to be like the Factories Act, the Income Tax Act, and other tentative measures that are going to stay.

Mr. BENT.—If you will let me withdraw all the grants I will pay the £100,000.

Mr. KEogh.—What is the use of talking about "letting" the Premier do anything? The honorable gentleman takes his own course. With regard to the distribution of the subsidy it appears to me to be always distributed in a very foolish way. Some shires collect a great deal of money, and they get a great deal, because the money is given on the amount collected, while other shires that collect very little get very little. I shall be very glad when the Government have time, if they can see their way to bring in a Reclassification Bill.
The question is not to inspect the gin'n.

Mr. KEOGH.—It may not be popular, but surely some of the shires will have to, and can afford to, make all their own roads.

Mr. BENT.—I am quite ready. I am not afraid.

Mr. KEOGH.—The question is not whether the Premier is afraid, but whether he is going to do it. We not only want reclassification of shires, but I would also like to see the system of ridings done away with altogether. In the Bairnsdale shire, for instance, the east riding is very hilly and poor country, sparsely populated, and it gets very little money. Some of the other ridings are very well off, but they will not give the east riding a penny. If ridings were done away with the richer portions of the shire could help the other portions, and, in fact, they would be obliged to do so. I do not believe in the system of ridings at all. I think it would be a good plan, as suggested by the honorable member for Gippsland East, to have particular roads specified for which the grant was to be given. The Public Works Department could send out inspectors—it would not take very many—to inspect the works that were proposed to be done by the various shires, the grant to be given according to where the money was really needed. I do not believe in giving money to shires that have already got plenty of money to carry out their works.

Mr. BENT.—What about the road in the McAllister Valley?

Mr. KEOGH.—No doubt, I waited on the Premier to-day, and asked for some money in connexion with a road in the McAllister Valley. That road leads from the Heyfield station along the McAllister Valley for a distance of 24 miles, where the country is altogether undeveloped and there are some 200,000 acres of good land there.

Mr. ANSTY.—And how many men hold it?

Mr. KEOGH.—About 35,000 acres have been leased out, but the balance of the land belongs to the Crown.

Mr. BENT.—At a penny an acre per annum.

Mr. KEOGH.—I am sorry to say that it was this Government which let it at a penny an acre.

Mr. BENT.—So am I.

Mr. KEOGH.—There are about 150,000 acres more, and, if you only make a road, you can dispose of it at much more than a penny per acre.

Mr. WARDE.—One man told me that that was twice as much as it was worth.

Mr. KEOGH.—That shows that he is a very poor judge.

Mr. WARDE.—He is on it.

Mr. KEOGH.—Then that shows that he rather likes it. For my part, I do not think the Government could spend money better than on roads leading to railway stations and opening up the country. Nothing would develop the land better than that. There are a great many shires, especially in Gippsland, where there is very little gravel or metal. The Warragul shire, for instance, has been alluded to. There they have tremendous trouble in making roads, as the land is of a clayey nature. Horses bog in the so-called roads, and a great many teams are employed in drawing heavy timber to the railway station. The Railway Department gets the whole of the benefit of that, and I think the least it might do is to carry the metal and gravel for making roads at a cheaper rate. If the Railway Department carried metal at a low rate on the line, it would be of great assistance to the shire.

Mr. EWEN CAMERON (Glencil).—This Bill for the reduction of the endowment seems to have become a “hardy annual.” I have very little to say about it, except that I think the endowment has never seemed to be distributed on any sane principle. No effort has been made for many years to put the distribution of the municipal endowment on a sound principle. Previous to the Irvine Government coming into power, the Peacock Government had a Bill prepared by the Public Works Department for the reclassification of the shires, and I believe it also provided for a reclassification of the ridings.

Mr. BENT.—Did you ever see it?

Mr. EWEN CAMERON (Glencil).—No, but I heard a good deal about it, and I heard sufficient to learn that it was not likely to pass this House. It was said that it would be very unpopular with many members, inasmuch as a great many of the shires that were then getting something would get nothing. There are a great many shires getting something that ought to get nothing, while there are some that are not getting nearly enough. Those shires which have large areas of Crown lands, and which are making roads, really improving the Government’s estate, ought to have some consideration. Many of the shires,
for instance, like those in Gippsland, have to spend their money in making roads towards lands which are thus improved in value by their exertions, but from which they obtain no revenue. In the far west, in the Portland shire, the east riding is a wealthy one, and consists of rich land, while the west and south ridings comprise principally Crown lands. Whatever endowment is given to the shire is equally gobbled up by the rich east riding with the other two poor ridings, a thing which is altogether wrong in principle. Councillors for the east riding, however, take good care to have as large a portion of the endowment as those of the poorer ridings. In this way rich portions of the shire obtain the benefit of an endowment which they would not otherwise get. My contention always has been that, whatever distribution there is of Government money to shires towards making roads should be according to the interest the Government have in the particular locality, just as if they were the private owners of property, and were being rated themselves. That is the principle which should govern whatever grants are made. Where the Government have no large interest, where it is all private property, where there is no direct benefit to the Government to be derived by spending Government money, there should be no endowment, and it is only in those cases where there are large areas of Crown lands that I think the State should come in just as any other land-owner and contribute its quota towards making the roads there. Until we get a classification of the shires fixed on a better basis than exists now, the present system of distributing the endowment is merely a farce.

Mr. GRAY.—I think it is a pity that the Premier did not adopt one of the two courses that were open to him, instead of reducing the endowment. That was either to have allowed the subsidy to remain at £100,000 a year, or else to have introduced a Reclassification of Shires Bill, which, I think, saw the light of day last session. There has been a great deal said with regard to the valuation of many of the municipalities. I cannot speak generally of the valuation, but in respect to the remarks which fell from the honorable member for Flemington, I may say that, as far as the valuation of the shires that I represent is concerned, the honorable member could buy one-half the country's side if he liked to purchase it at the shire valuation. As to the remarks which fell from the honorable member for Gippsland East, I could have said before the honorable member spoke that he was quite satisfied that there was no occasion to increase the subsidy to £100,000 a year. He would be a very poor student of events who would not come to this conclusion, because one would only have to go back a few weeks and search the records of this House to find divers very weighty reasons why the honorable member was satisfied with the present conditions of things. As for the Treasurer's statement of the large sums that have been given to the municipalities, he mentioned among them the licence-fees equivalent. I do not want to deal with that matter, because the honorable member for Goulburn Valley has already pointed out that the municipalities which ought to have received that money have not received it, but the large towns like Ballarat, Geelong, and others have received the larger proportion of the money. The Premier also enlarged the other night on the great advantages that were going to be derived from giving the municipalities the money they were going to receive under the Unused Roads Act that was passed in 1903. I would point out that if any one chooses to look at the results of the allocation of the money accruing under the Unused Roads Act, he will find that it is all the wealthy shires that are getting the money, and also shires, to a great extent, that make a very low rate.

Mr. BENT.—We do not know where £30,000 of the money is going yet.

Mr. GRAY.—I know, at all events, where some of it is to go, and I will quote a few of the shires that are situated in fairly rich country, and contrast them with Mallee shires that are about the poorest in the State. We find on page 66 of the Finance papers distributed by the Treasurer that the Ararat shire, with an area of 1,556 square miles, and making a rate of 1s. in the £1, receiving a total revenue of £5,052, will, under the Unused Roads Act receive £588. The Mildura shire, with an area of 4,564 square miles—about three times the area of the Ararat shire—which strikes a rate of 1s. 6d. in the £1, and has a total revenue of £2,149, will receive from the Unused Roads Fund, which the Premier enlarged so much on the other night, the munificent sum of 4s. 3d.

Mr. BENT.—I did not enlarge on what the Mildura shire will receive.

Mr. GRAY.—I am pointing out the municipalities that are going to benefit from...
the closed roads. Now, we will take a shire in the Western District—the Wannon shire. That shire has 750 square miles, strikes a rate of 1s. in the £1, and has a revenue of £3,739, and it will get from those closed roads £6,515. Contrast that with the Karkaroco shire, a Mallee shire entirely. It has 497 square miles, has a rate of 1s. 6d. in the £1, with a revenue of £3,788, and it will receive from the closed roads just nothing. Next, I take the Birchip shire, which has 572 square miles, and strikes a rate of 1s. in the £1, and has a revenue of £1,339. This shire will also receive nothing from the closed roads. Mortlake, with an area of 915 square miles, a rate of 1s., and revenue of £4,816, receives from the Unused Roads Act £402. Borung, a Mallee shire, with an area of 1,075 square miles, a rate of 1s. 6d., and a revenue of £3,150, receives from the Unused Roads Act nothing—not a cent.

Then we come to Dimboola, another Mallee shire, with an area of 3,553 square miles, a rate of 1s. 6d., and a revenue of £2,043, and it receives from the Unused Roads Act £1 8s. 6d.

Mr. BENT.—Who says that?

Mr. GRAY.—The Premier does, in one of the official papers.

Mr. BENT.—That merely shows what is under the Act. There is an amount of £30,000 to be divided by the Governor in Council. That only shows what revenue is derived according to law. Does that state that these places ever had a closed road?

Mr. GRAY.—This is an estimate of your Department showing what the shires will receive from the Unused Roads Act. Of course, there is other money which is received from rivers and water frontages, but what rivers and water frontages are there in the Mallee?

Mr. MACKEY.—It shows what revenue will be derived, not from the shires, but altogether.

Mr. GRAY.—I understand that this is what is allocated to the shires.

Mr. BENT.—It is not allocated at all, and it does not say so.

Mr. GRAY.—This is headed “Unused roads and water frontages,” and states, “Half amount received from roads to be expended by council.”

Mr. MACKEY.—That is under the Unused Roads Act.

Mr. GRAY.—I am only quoting half the amount.

Mr. MACKEY.—You say that certain shires will receive nothing.

Mr. GRAY.—How can they receive anything when there is nothing here? Now, we will take five of the shires in the Western District. There is Dundas shire, which has struck a rate of 1s. That shire, I am told, is very wealthy. Then there are Hampden shire, with a rate of 1s.; Wannon shire, with a rate of 1s.; Ararat shire, with a rate of 1s.; and Mortlake shire, with a rate of 1s. Their total area is 5,624 square miles, and they receive from the Unused Roads Act £2,456.

Mr. ARGYLL.—They pay it themselves.

Mr. GRAY.—The Premier has told us the benefit the municipalities are going to derive from the Unused Roads Act, and I say, so far as the Mallee country is concerned, the shires there will not derive anything from it at all, and that is why the municipal subsidy is not satisfactory.

Mr. BENT.—That paper shows, under the Unused Roads and Water Frontages Act, the total amount derived from each place, and it shows that under the law one-half will go to those shires, in addition to the amount which is to be divided by the Governor in Council. Mildura, and those other places will be taken into consideration when the amount is dealt with. Therefore, I claim that £42,000 goes to the shires.

Mr. GRAY.—That might cause me to say less.

Mr. MACKEY.—A very substantial promise.

Mr. GRAY.—This shows that five shires in the Western District, which strike a rate of 1s., receive a total of £2,456 from the Unused Roads and Water Frontages Act, whilst five Mallee shires, four of them with a rate of 1s. 6d., and one only with a rate of 1s., receive under that Act only £1 12s. 9d. In addition to that, the area of those five Mallee shires is 10,261 square miles, as against 5,624 square miles in the other five shires, and the five Mallee shires, as a consequence, have about twice the mileage of roads to make and maintain. I consider that the Mallee shires are more entitled to assistance than many of the shires which receive large sums of money through the present system of allocating the municipal subsidy. I am satisfied that the £30,000 of the subsidy would be sufficient for the assistance of the shires that deserve it, and they would get it if we had a reclassification of the shires under which those which had been receiving the muni-
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Mr. ANSTY.—If I have overlooked that fact it only shows on what an unsatisfactory basis the distribution of public moneys is placed, when a public man cannot see what the distribution is at the first glance.

Mr. BENT.—Some people say that this is money to improve private land all through.

Mr. ANSTY.—So far as Hampden is concerned, the money spent there is for improving private land. The honorable member for Gippsland East could have told the House how scores and scores of miles of road in his part of the State are only through Crown lands. From Bruthen to Buchan, for about 30 miles probably there is only one piece of private land, and yet the people have to maintain the road right through. There are thousands of places throughout the districts which have a large amount of Crown lands where the Government will have to open up the territory for the settlement of people. If there is any place where the Government should spend large sums of money out of this vote it is in those districts which the Crown has to depend upon for the settlement of its people. So far as this £50,000 is concerned, or in the case of the distribution of other sums, it would be a sound and sane policy to follow to provide that so far as the privately-owned lands in the Western District are concerned, where the ratepayers are widely distributed, and where there are long roads, with the additional advantage of railway facilities, the subsidy should absolutely cease; and the distribution of the money should be in those places to which the Crown must look for the settlement of the people. One of the greatest difficulties that selectors have to cope with is in connexion with their roads and road maintenance. I believe that certain roads in those districts should be practically nationalized, and the great bulk of the moneys which the State has to expend should not be expended on territories with railroads and splendid roads, but in assisting those shires which have not these facilities, and where future settlement must take place. When the Government bring in a Bill for the reclassification of the shires it should be based on one of two policies. The grant should either be for the main roads in out-of-the-way places, or else the whole of the assistance should be granted to the poorest districts, or the districts to which we must look for the future settlement of the people of this country.

cipal subsidy for 40 years were struck out. Their roads were made and metallled with stone taken from alongside the roads, whereas in the Northern District it is impossible to get metal without carting it very long distances, and they at present get nothing from the Unused Roads and Water Frontages Act at all. I noticed in the Argus of yesterday, I think it was, a report of a deputation introduced by the honorable member for Borung, which waited on the Minister of Public Works, and asked for some assistance for that shire, and the Minister pointed out that the only money available at that time was something like £800. If the whole of that money had been divided amongst the five Mallee shires I have referred to, which have a population of 21,820, it would merely have amounted to the price of a long beer for each individual. If the whole of that £800, which is available for distribution was divided amongst the shires in the northern area it would only come to about 18s. per square mile. I hope that next session the Premier will have enough backbone to come down with a Reclassification Bill. If he does he will receive the assistance of nearly all the honorable members who are anxious to see the municipal subsidy placed on a more satisfactory basis.

Mr. ANSTY.—I have no desire to take up much time or to raise the question of rating at all. But it seems to me, as the honorable member for Swan Hill has pointed out, that there should be a readjustment in the distribution of the municipal subsidy. While we were discussing the Land Acts Amendment Bill the Minister promised that an amending Bill would be introduced. The main thing to consider is the settlement of the people on the land, and the distribution of the municipal subsidy has an important bearing on that policy. The honorable member for Swan Hill has given certain illustrations, and amongst the shires, he mentioned one with a rate of 18s., which draws £2,500 in the shape of subsidy. In the eastern portions of the State, Orbost and Tambo, with twice the area pay a rate of 18s. 6d., and the total they receive is £646.

Mr. J. CAMERON (Gippsland East).—Three times the area.

Mr. ANSTY.—So that with three times the area they derive less than onethird of what is derived by one shire in the western portion of the State.

Mr. BENT.—You forget to look at the special grants in that place.
Mr. CARLISLE.—A good deal has been said on the question of reducing Government subsidies, and some speakers have introduced the question of the low valuation of shires. I do not think there are many shires valued so low as honorable members make out. In the district which I represent the largest of the shires had a revaluation, and they put up the valuations to such an extent that a good many appeals were sustained against them. They then raised their rate to 1s. 3d., and still experience a great difficulty in carrying on. Yarrawonga, which is only a township of about 1 mile square, is expected by the Government to maintain a bridge across the Murray about 30 chains long; it is called an approach—and a road to the railway station, over which about 150,000 bags of wheat and a lot of wool and stock are taken to the railways. This imposes a heavy tax on the people. It was proposed to have a revaluation. About two meetings ago the officers reported that a revaluation was required to equalize the values, but it was stated that the revaluation would reduce the total valuation. I tried to persuade them to put the rate up and not to bother with the revaluation, but they decided to have the revaluation, which cost £10 or £12. The result of the revaluation on the whole will be a reduction in the aggregate valuation, and they will have to put the rate up, as under the revaluation, which will cost what I have stated, they will get a smaller amount of money. That proves that the valuation there was too high. Of course the revaluation has not been made yet, but it is an absolute certainty that when made it will result in a reduction in the total valuation. I think some honorable members have tried to make capital out of that. I am endeavouring to steal some of the thunder which the Premier is charged with. The honorable gentleman is rather mistaken with regard to the revaluation, because he thought the valuation would be raised, whereas instead of that it will be lowered.

Mr. BENT.—We want the £50,000. I do not want any thunder to-night.

Mr. CARLISLE.—The shire of Tun-gamah has to pay £600 in interest to the Railways Commissioners on account of the tramway, although the tramway receipts show a credit balance of over £1,000. Besides that, the cartage of firewood, which constitutes a large part of the traffic to the tramway, whilst being of no benefit to the district, because there is nothing in the firewood trade except the wages, cuts up the roads, and thus entails more expense on the shire; and it is this very shire which has to pay interest on the construction of the tramway to the amount of £600 a year, although there is a profit to the Railways Commissioners of £1,000 a year. That, perhaps, may be regarded as a fair distribution!

Mr. BENT.—We have found a soft municipality at last!

Mr. CARLISLE.—I think that the shires are justly entitled to an increase in the subsidy, because all the surplus revenue that we have had has been mainly drawn from taxation, charges on the country districts through the railways, and in other ways. The freight for the carriage of wheat, for instance, has been increased, whilst facilities for conveyance have been greatly reduced.

An Honourable Member.—Why, there is a sum of £20,000 on the Estimates now as an allowance to the Railway Department for the carrying of grain.

Mr. CARLISLE.—The rates have been raised all the same.

Mr. BENT.—I will have to rise to a point of order. Why does the honorable member want to speak about grain rates at the present time?

Mr. CARLISLE.—Again, another burden is to be placed upon the country districts in the shape of the expenses that will be entailed by the Milk Supervision Act, under which, too, there will be additions made to the already overmanned Civil Service. I could go on speaking for an hour in this vein—

The SPEAKER.—The honorable member must not go on for an hour unless he speaks to the question before the House.

Mr. CARLISLE—I bow to the Speaker's ruling. However, I think that this year we ought to have for the municipalities the £70,000 indicated by the Treasurer when he introduced the Surplus Revenue Bill. He almost promised us that he would ask his colleagues to raise the subsidy to £70,000. Of course, he at the same time suggested a condition, and that was that there should be a reclassification of shires, but a Bill for that purpose has not yet been introduced. All the same, I think that we were justified in looking forward to having for the municipalities a sum of £70,000, and I do think that the shires should have more consideration shown to them than they are getting. Special grants are nothing but a trouble to honorable members. We get the promises,
but we do not always get the grants. The Premier promised me £500 for certain of my shires out of the surplus revenue, but I do not find that amount in the Surplus Revenue Bill; and one portion of the £500 was to have been for the shire of Tungamah, which I have reason to submit for hire in the municipal subsidy.

Mr. CRAVEN.—In common with other members, I regret the necessity of having to submit for another year to a reduction in the municipal subsidy. Many of the shires in the North-Eastern District have great difficulties to cope with. We have there long leading lines of road, the making of which has been very costly, and the rates from some portions of the shires there are not worth talking about. Unless these shires get Government assistance from time to time, they cannot possibly maintain their roads. In travelling through the Gippsland and north-eastern portions of Victoria, I noticed that roads made in the ordinary way by grading, and making excavations and embankments, are useless to travel over in bad weather. They will not last unless they are metalled, and the metalling of them is one of the difficulties which the shires have to face, inasmuch as they are not able to levy rates sufficient to pay for metalling. My own view is that if the Railways Standing Committee, in dealing with districts of that character with regard to railway extensions, had the power to recommend the making of roads instead of railways, it would assist matters materially. That committee ought to have the power to make a recommendation with regard to roads if they cannot see their way to recommend the construction of a railway, and this would be a very legitimate way of dealing with cases of that character. In many cases a metalled road would be more advantageous to a district than a cock-spur railway line. With regard to the point about the shilling rate, I would say that so long as a district puts on an honest valuation on its property a shilling rate is a very fair one indeed. I know that in my own part of the country the shire valuations are pretty high, and make the rates equal to about 2s. in the £1. In the city the residents have many more advantages than those possessed by people in the country. The city is closely packed with ratepaying properties, whereas in the sparsely-populated districts in the country the ratepaying properties are very few and far apart, and nearly the whole of the burden of the taxation falls upon the people resident in the more populated parts. Thus the incidence of taxation falls very unfairly indeed.

Mr. TOUTCHER.—I desire to say a few words on this question. It is the desire of the municipalities that I have the honour to represent that the vote of £100,000 should not be diminished by 50 per cent. I know very well that many of the shires have to contend against very great difficulties. There was a project put forward to-day by the Premier, or suggested by Mr. Brown, a member of another Chamber, with regard to the making of cheap railways on the basis of the Hungarian system.

Mr. BENT.—And a very good scheme it is too.

Mr. TOUTCHER.—It would go a long way towards helping many of the municipalities in the outlying parts of the State. At the same time, I feel that there is a great deal of justification for honorable members in advocating the claims of the municipalities in respect to the municipal subsidy. Seeing, however, that the Government have been very generous towards the municipalities, in giving votes under the Surplus Revenue Bill, I feel that I cannot press the Government to increase the subsidy on the present occasion. So far as the municipalities in my own district are concerned, the Government have given fair and practical assistance, although there are still other wants that have to be met. It is only a fair thing that the municipalities should make some little sacrifice in view of all the money given to them under the Surplus Revenue Bills. I, therefore, feel rather inclined to assist the Government than to vote against them on this occasion. I trust, however, that on the next occasion the Government will be able to make up the other £50,000, especially after the splendid rains we have been having. I am of opinion that the Government have assisted the municipalities in a very practical manner, but on the next occasion, I hope to see £50,000 added to the subsidy instead of being deducted, and that the amount will then be £150,000.

Mr. BEARD.—I think that this debate has brought out clearly the fact that there is a necessity for having a reclassification of the shires. It appears to me that the deserving shires are not getting as much as the shires that are undeserving. The Government should take into consideration immediately the desirability of introducing a Reclassification of Shires Bill. It is not
a fair thing that shires having certain influence should get more than they are entitled to, nor that the subsidy should be distributed indiscriminately. We should have such a reclassification as would enable the shires to know exactly what they would get from the Government, and they should not be kept dependent on grants given under a Surplus Revenue Bill.

Mr. FORREST.—I should have very much liked the Premier to have increased the municipal subsidy this year from £50,000, to £100,000. The shires are deserving of and entitled to Government aid. I have the honour to represent one shire—

Mr. BENT.—It is a tip-topper, that one of yours.

Mr. FORREST.—Some honorable members appear to be desirous of taking money away from the shires which have proved themselves capable of managing their own affairs successfully, and of giving it to shires that do not pay their way. I can instance with some pride the case of the Colac shire. It is a shire that has a lot to do, and it has rated itself accordingly. Last year one rating reached 1s. 7d. in the £1, and another 1s. 6d. This year a notice has been issued for a 1s. 3d. rate. They find that a 1s. rate is not sufficient to maintain the roads.

Mr. BENT.—These 90-feet poppet heads come from the honorable member's district.

Mr. FORREST.—Yes, and 100-feet poppet heads, and the carting of them interferes with the roads. In my district we have not only to make new roads, but to keep the old roads in repair. The Colac shire has good roads, but they are getting damaged by the traffic, and a 1s. rate is not sufficient to keep them in repair. I hope the Premier will increase the subsidy.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clause 1 was agreed to.

On clause 2, providing for the reduction of the municipal endowment to £50,000,

Mr. PRENDERGAST said he wanted to say a word or two in connexion with the valuations. The honorable member for Swan Hill had referred to the valuation of the Castle Donnington shire. In that shire there were 3,041 acres, which were valued by the shire at 37 per cent. below the valuation of the Savings Banks Commissioners. In the Yarrawonga shire 3,655 acres of land were valued by the shire at 22 per cent. below the valuation of the Savings Bank Commissioners.

Mr. CARLISLE.—That is not in the central riding.

Mr. PRENDERGAST said it was in the shire, at any rate. There were 3,655 acres, valued by the Commissioners at £17,000, and by the shire at £14,800.

Mr. CARLISLE.—Whose land was it?

Mr. PRENDERGAST said he could not say, but it was undervalued 22 per cent. It was evident that there was room for a little reform in these shires. The Premier should make some statement in connexion with the matter of valuations.

Mr. ROBERTSON.—What do you quote these valuations from?

Mr. PRENDERGAST.—From the Savings Banks Commissioners' report for the year ending June, 1904.

Mr. GRAY.—In the Castle Donnington shire you can have three square miles of land for less than the shire valuation.

Mr. PRENDERGAST said the instance he had given was a typical one. He wanted to know when the Closed Roads Fund was to be distributed?

Mr. BENT.—As soon as it is collected.

Mr. PRENDERGAST said it had been stated that it would be some years before it would be distributed.

Mr. BENT.—It will be distributed this year.

Mr. PRENDERGAST said it was satisfactory to learn that, and the money should be allocated as soon as possible.

Mr. TOUTCHER remarked that some time ago when a similar measure to this was before the House he advocated that Government valuators should be appointed. He firmly believed that until that was done we would never have proper valuations. The valuators were appointed by the local bodies, and they were necessarily subject to local influence.

Mr. PRENDERGAST.—There should be a Valuators Act.

Mr. TOUTCHER said that the present system was very unfair. There were some boroughs and shires that made fair valuations, and, in fact, pretty well up to the market value of the land, whilst others valued the land below the market value and gained an advantage to the detriment of the honest councils.

Mr. GRAY.—Is Ararat one of the honest councils?

Mr. TOUTCHER.—Yes. He was glad that the honorable member had interjected. In the return obtained by the honorable
member for Melbourne, it was shown that there was only a difference of 6d. or a shilling at most between the Ararat shire valuation and the valuation of the Savings Banks Commissioners. That was in striking contrast to the valuations of many other shires. The only way to place the matter on a proper footing was to have the valuers appointed by the Government, and to allocate the fund on a just and proper basis.

Mr. PRENDERGAST observed that of 127 shires, 45 were valued at over the amount placed on the land by the Savings Banks Commissioners, and 82 were undervalued. The Savings Banks Commissioners valued 837,907 acres at £2,865,529.

Mr. GRAY.—For the whole State?

Mr. PRENDERGAST.—For 127 shires and boroughs.

Mr. GRAY.—How many acres are there in the State altogether?

Mr. PRENDERGAST said there were a great many that were not fit for settlement. The shires valuation for the same area was £2,645,136, or an undervaluation of £220,393.

Mr. GRAY.—That is useless as a comparison.

Mr. PRENDERGAST said it seemed to be a very satisfactory valuation from the Savings Banks Commissioners' point of view, because they had perfect security.

Mr. GRAY.—They take the best land.

Mr. PRENDERGAST said that there were a great many people who were not borrowing at all, and they had better land. It was safe to assume that this valuation was not far from being an average. The shire of Ararat was also slightly undervalued. There was an area of 12,794 acres in that shire which the Savings Banks Commissioners valued at £31,510, whilst the shire valuation was £29,764, or a difference of £1,756, something like 5 or 6 per cent.

Mr. TOUTCHER.—That must be for a different year.

Mr. CARLISLE said he did not regard the valuations of the Savings Banks Commissioners as at all reliable for a comparison. The Commissioners lent up to only about two-thirds of the value. He knew something about their valuers, and he did not think they knew very much about land.

The clause was agreed to.

The Bill was reported without amendments, and the report was adopted.

On the motion of Mr. BENT, the Bill was then read a third time.

**INCOME TAX.**

The House having gone into Committee of Ways and Means,

Mr. BENT moved—

That the rates of the duties of income tax which shall, pursuant to the Income Tax Acts, be charged, levied, collected, and paid for the use of His Majesty in aid of the Consolidated Revenue for the year ending on the thirty-first day of December, One thousand nine hundred and six, are hereby declared to be as follows (that is to say)—

(a) On all income derived by any person (not being a company) from personal exertion—

- for every pound sterling of the taxable amount thereof up to Five hundred pounds, Threepence;
- for every pound sterling of the taxable amount thereof over Five hundred pounds and up to One thousand pounds, Fourpence;
- for every pound sterling of the taxable amount thereof over One thousand pounds, and up to One thousand five hundred pounds, Fivence;
- for every pound sterling of the taxable amount thereof over One thousand five hundred pounds, Sixpence;

(b) On all income derived by any person (not being a company) from the produce of property—

- for every pound sterling of the taxable amount thereof up to Five hundred pounds, Sixpence;
- for every pound sterling of the taxable amount thereof over Five hundred pounds, and up to One thousand pounds, Eightpence;
- for every pound sterling of the taxable amount thereof over One thousand pounds, and up to One thousand five hundred pounds, Tenpence;
- for every pound sterling of the taxable amount thereof over One thousand five hundred pounds, Twelvence;

Provided that a person (not being a company) whose income during the year immediately preceding the year of assessment did not exceed One hundred and fifty-six pounds shall not be liable to tax.

(c) On all income of any company liable to tax (not being a life assurance company) for every pound sterling of the taxable amount thereof, Sevenpence;

(d) On all income of any company which carries on in Victoria the business of life assurance for every pound sterling of the taxable amount thereof, Eightpence.

He said that this was the resolution fixing the rates of income tax, and was the same in every respect as that of last year.

Mr. PRENDERGAST said he noticed that it was proposed to allow deductions in the case of life assurance societies and certain other companies, but no reduction was proposed in the case of the most deserving of these societies, viz., provident societies.

Mr. BENT.—We can discuss that when the Bill comes before us.
The motion was agreed to, and the resolution was reported to the House and adopted.

Authority having been given to Mr. Bent and Sir Samuel Gillott to introduce a Bill to carry out the resolution,

Mr. BENT brought up a Bill "to declare the rates of income tax for the year ending on the 31st day of December, 1906," and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

POISONS ACT FURTHER AMENDMENT BILL.

The House went into Committee for the further consideration of this Bill.

On clause 4, providing that the Poisons Act 1890 should not apply to the sale of certain articles,

Mr. PRENDERGAST said this clause provided that the Principal Act should not apply to the sale of cyanide of potassium to be used for mining purposes "if sold in quantities of not less than 56 lbs." He saw no reason why such a large quantity should be specified, because it might be desirable to allow much smaller quantities to be used.

Mr. Bent.—Make it 28 lbs.

Mr. PRENDERGAST said he would accept the Premier's suggestion, and therefore begged to move—

That "56" be struck out and "28" inserted.

Mr. McBRIDE remarked that this amendment would be absolutely useless. Cyanide of potassium was never used for mining purposes in such small quantities as 28 lbs.; it was used by the ton. Where it was used for battery plates, half a pound would suffice for six months.

Mr. PRENDERGAST said he was assured that the operations of small cyaniders would be facilitated in some of the country districts if this amendment were made.

The amendment was agreed to, and the clause, as amended, was passed.

On clause 5, providing for the making of regulations,

Mr. PRENDERGAST said this clause provided that the Governor in Council might make certain regulations "on the request of the Pharmacy Board of Victoria." There seemed no reason why these regulations should not be made on the request of any competent authority. He therefore begged to move—

That the words "on the request of the Pharmacy Board of Victoria" be struck out.

The amendment was agreed to, and the clause, as amended, was adopted.

Mr. ARGYLE proposed the following new clause:

A. (1) Any person who satisfies a police magistrate that he is a bona fide dealer in photographic materials, and is a fit and proper person to sell cyanide of potassium for photographic purposes, shall be entitled to receive from such police magistrate a certificate that he is satisfied as aforesaid.

(2) The said or any police magistrate may at any time, on the application of any person authorized in that behalf by the Chief Secretary, by the Chief Commissioner of Police, or by the Pharmacy Board of Victoria, cancel such certificate, after notice in writing to the holder thereof to show cause against such cancellation. Such notice shall be given either personally, or in such other manner as a police magistrate may direct.

(3) So long as such certificate continues in full force and uncancelled, the person named therein may sell cyanide of potassium for photographic purposes only, provided that sub-sections (2) to (6) inclusive of the last preceding section shall apply to every such sale.

(4) Every police magistrate who grants or cancels a certificate shall give to the Pharmacy Board of Victoria notice thereof, stating the name and address of the person to whom a certificate has been granted, or whose certificate has been cancelled.

(5) In this section the word "person" includes a firm of persons in partnership.

He said he had been asked by the honorable member for Essendon to move this addition to the Bill, so as to enable dealers in photographic materials to obtain a certificate empowering them to sell cyanide of potassium. It appeared that unless a clause of this kind were adopted a certain amount of inconvenience would be caused to photographers.

Mr. PRENDERGAST said he would support the insertion of this new clause, which was necessary in order to allow photographers to carry on their business without unnecessary restriction.

The clause was agreed to.

The Bill was reported with amendments, and the amendments were adopted.

On the motion of Mr. MACKEY, the Bill was then read a third time.

COMPANIES ACT AMENDMENT BILL.

Mr. MACKEY moved the second reading of this Bill. He said—The object of this Bill is to allow dairying companies to hold shares in these great co-operative concerns that are composed really of the different dairying companies, like the North-Eastern Co-operative Company, The Western District Co-operative Company, The Gippsland Co-operative Company, and so on. In previous sessions we have had a Bill passed in every consecutive year to allow
of this being done. On this occasion we propose to pass the Bill as a permanent measure, applicable to any such companies, subject to the Governor in Council being satisfied as to the conditions required for this purpose—that is, that every creditor of the company has consented to the proposed alteration of the memorandum of association, allowing it to take up shares in these co-operative concerns. This is really carrying out the policy of Parliament for several years past, and it places in a permanent form what has previously lasted for one year only. The object is to allow these dairying companies throughout the State to manage the marketing of their own produce for themselves, and as far as possible dispense with the services of the middleman.

Mr. PRENDERGAST.—Once again I have to complain about the side-notes attached to Bills of this kind. They are worse than useless, as regards giving any index to the nature of the clauses. For instance, the side-note to clause 4 is "Part IV. of No. 1482 not to apply." It does not tell us anything about the actual effect of the clause. Of course I have looked up the other Act, but it gave me a good deal of trouble.

Mr. MACKAY.—You asked for the same thing the other night. It would be a new principle.

Mr. PRENDERGAST.—Yes, but some care should be taken to make these side-notes intelligible. I want to know, Mr. Speaker, how this applies to provident societies.

Mr. MACKAY.—It does not apply at all.

Mr. PRENDERGAST.—It should, supposing there are any that are connected with the dairy produce trade. They come in under a section of the Companies Act, and under the Provident Societies Act also. Why not permit them, if they choose, to get any benefits that may be derived from this Bill?

Mr. MACKAY.—If there was any demand for that, it would be at once responded to.

Mr. PRENDERGAST.—This Bill gives effect to the policy of exempting one class of company from the very stringent operations of company legislation, and permits them to become shareholders in other concerns.

Mr. SWINBURNE.—It does not exempt them from those stringent conditions. They are laid down in the Bill.

Mr. PRENDERGAST.—Certain forms have to be observed, in the first place, by all companies under the Companies Act, and very cogent reasons were advanced why the present Companies Act, when it was before the House as a Bill, should be passed so as to give the public and the shareholders, and all those who were not in the actual inside running, all the protection possible by the strong arm of the law. In this instance, the Government propose to relieve some of these companies from the stringency of that legislation, and allow them to be taken away from the Companies Act in certain particulars by letting them speculate in other directions.

Mr. MACKAY.—Only in dairying concerns. Only in a co-operative dairying company.

Mr. PRENDERGAST.—I have seen Bills come up year after year, in order to allow certain dairying companies to get the benefit of the original Dairying Companies Act, which exempted certain companies from the operations of the Companies Act. Provident societies that may be under the Provident Societies Act should be exempted the same as companies which are under the Companies Act from the operation of that legislation, by allowing them to combine. I do not know exactly the full legal position in the matter.

Mr. MACKAY.—Clause 3 specifies the only class of company in which these dairying companies can take shares.

Mr. PRENDERGAST.—Will that prevent those under the Provident Societies Act from combining in the same way—the Bendigo Co-operative Society, for instance?

Mr. SWINBURNE.—Are they a company under the Companies Act? This only refers to companies under the Companies Act.

Mr. MACKAY.—This only applies to dairying companies.

Mr. PRENDERGAST.—Then I understand the Bill excludes those provident societies from any benefit which may be derived from co-operation with other companies in the butter and produce line.

Mr. MACKAY.—If a request is made the Government will most favorably consider it.

Mr. ARGYLE.—They are retail grocers.

Mr. PRENDERGAST.—They are dealers of the very largest kind. They do more business than probably two or three, or half-a-dozen of the dairying companies will do in this State in connexion with butter. It seems to me to be to the advantage of both parties—it may be to the advantage of the dairying company as well
as to the company registered under the Provident Societies Act. If there is anything to be gained by co-operation between companies in that regard it should be extended to those working under the Provident Societies Act, as well as those under company legislation.

The SPEAKER put the question that the Bill be read a second time, and declared that the "Ayes" had it.

Mr. MACKINNON.—I suppose the object of this Bill, which is practically the same as the original Bill, to which additions have been made nearly every session for some time past, is simply to obviate the necessity of these companies joining together and getting a Bill from Parliament every session.

Mr. MACKEY.—That is so.

Mr. MACKINNON.—I see that there is a different definition of dairying company.

Mr. SWINBURNE.—That is the only thing that is different.

Mr. MACKINNON.—With regard to provident societies, I do think it is possible that some of them may be associated in business with this class of undertaking, and it might be convenient for them to be enabled to hold shares in one of these produce companies. It might be worth while to see whether the power could not be extended to them if it is found to be a necessary thing. I do not know exactly what is the position of provident societies. They are not things which come very much into our legal experience, but I doubt very much whether they are hampered in their powers as companies under the trading part of our Companies Act are. We know these trading companies are severely limited by their Memorandum of Association, but I doubt whether the provident societies are circumscribed in the same way. If it is found that they cannot have shares in these companies, and if it is found, as it seems to be in practice, that it is desirable that they should have these powers, the Government should take it in hand and introduce a Bill to remedy the position for them. Otherwise the Bill is certainly very desirable.

Mr. SWINBURNE.—The whole aim of the Government is to help co-operation, and if there is any demand in that direction we shall be very glad indeed to assist it.

The SPEAKER.—I must ask honorable members to speak before I put the question. I declared the motion for the second reading of this Bill carried, and it is distinctly against the rules to allow any honorable member to speak after the Speaker has put the question, and declared it carried on the voices. I have noticed lately that some honorable members seem to think that it means nothing when I put a motion and declare it carried.

Mr. SWINBURNE.—We did not notice that you put the motion for the second reading.

The SPEAKER.—I am not referring to the honorable gentleman any more than to the honorable member for Prahran. I wish to point out that the Speaker is bound by the rules of the House. I do not want to be unfair in any way to honorable members, but I want them to be alert, and to notice what the question is. If they wish to speak they have the right to do so, and I am always willing to hear them; but on this occasion I allowed the honorable member for Prahran to speak when I should not have done so.

Mr. MACKINNON.—I do not want to question your ruling; but I would like to point out that I did not hear the motion for the second reading put and carried. That is my explanation. These Bills are too important, and we do not want to rush them through without consideration.

The SPEAKER.—It is my duty to get through the business of the House as promptly as possible.

The motion was agreed to.

The Bill was then read a second time, and was afterwards passed through its remaining stages.

TREASURY BONDS BILL.

Mr. BENT moved the second reading of this Bill. He said—In moving the second reading of this Bill I shall simply quote the following passage from the remarks I made in introducing the Budget—

Both these loans are 4 per cent. ones, and our chief aim and object is to convert them into 3 per cent., or at least 3½ per cent. stock on satisfactory terms. So as to give our financial advisers in London an option of effecting these conversions, as well as all future conversions, by either bonds or stock or both, the Government have accepted the recommendation of the Committee of Public Accounts, and intend to bring in, and pass, this session, if possible, a Treasury Bonds Bill, applying the principle of issuing Treasury bonds for short-dated periods to all conversion loans in the same manner as stock is now applied to them by the Act 1560.

The Committee of Public Accounts have recommended this, and in accordance with that recommendation, and following out my statement, I now bring forward this Bill.
Mr. BEAZLEY.—I am very glad to see that the Treasurer has adopted the recommendation of the Committee of Public Accounts. The object of the Bill is to help the Government in getting money at a cheaper price. Under the present system, if the market is bad the Government have to come to Parliament and obtain special authority to issue Treasury bonds in lieu of inscribed stock. That action in coming to Parliament publicly and asking for legislative sanction to issue Treasury bonds, some months before going on the market, is taken by the money lenders in London as an indication that the Government expect the market to be adverse, and will have to pay a higher rate of interest. The object of this Bill is to enable the Government to issue Treasury bonds to meet a maturing loan should the market be adverse. While the Government had power to issue inscribed stock by Order in Council, they had no power to issue Treasury bonds. This Bill will give them power at any time to do that, and will help them considerably in getting their loans converted.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clauses 1 to 8 were agreed to.

Discussion took place on clause 9, of which sub-clause (2) was as follows:—

The principal sum of each Treasury bond issued under this Act shall, if not previously paid, be paid at such place as may be specified in any such bond, but all bonds issued under this Act shall be paid on or before a date specified therein which shall not in any case be later than five years after the issue thereof.

Mr. BENT moved—

That "five" be omitted, and "ten" inserted.

Mr. MACKINNON said he would like to know the reason for the amendment. He fancied five years was as long as it was usual to allow instruments of this sort to be issued by any Government.

Mr. BENT.—We were advised to take the longer period.

Mr. SWINBURNE.—It allows us a little latitude.

Mr. MACKINNON said he always understood that the English practice was to limit it to a short period.

Mr. BENT.—We propose to do as much locally as we can.

Mr. MACKINNON said he was very glad to hear it. There was a great deal of money that would have to be absorbed here in some shape or form. Had this advice been given by those, both here and on the other side, who were likely to know?

Mr. BENT.—Yes.

Mr. MACKINNON said he did not think the Committee of Public Accounts specified any term at all. They merely indicated that it was desirable to have a general power.

Mr. SWINBURNE.—This is simply an option.

Mr. MACKINNON said of course this class of Government security required to be watched closely by Parliament.

Mr. BENT.—I think we are providing that by accepting this.

Mr. PRENDERGAST remarked that he believed that the period of five years should be altered to ten in order to give the Government as much latitude as possible. The object in issuing Treasury bonds was to provide that the State should not be compelled to go into the market and borrow money for stock when the market was at a very high rate. It would, therefore, be wise to have some latitude to enable the State to wait for a cheaper market.

Mr. MACKINNON.—You can never tell what the financial position may be so far ahead as five years.

The amendment was agreed to, and the clause, as amended, adopted.

The remaining clauses were agreed to.

The Bill was reported to the House with an amendment, and the amendment was considered and adopted.

On the motion of Mr. BENT, the Bill was then read a third time.

Mr. BENT stated that he wished to express his thanks to the House for the manner in which they had passed these financial Bills. He was very much obliged to the leader of the Opposition, because this Treasury Bonds Bill, as the honorable member pointed out, was circulated not very long ago. He thanked the House all round for its assistance.

ADJOURNMENT.

SEPARATE REPRESENTATION.

Mr. BENT moved—

That the House do now adjourn.

Mr. HANNAH stated that he desired to renew the request he made to the Premier the previous evening. The honorable gentleman had had an opportunity of considering the matter.

Mr. BENT.—I will confer with you on Monday, and we will talk it over.

The motion was agreed to.

The House adjourned at twenty-six minutes to eleven o'clock, until Tuesday, October 24.
The Speaker took the chair at half-past four o'clock p.m.

RAILWAY DEPARTMENT.

MINIMUM RATE OF WAGE.—Crank Axles.

Mr. SOILY asked the Minister of Railways if he would inform the House by whose authority the minimum rate of wage for labourers employed in the construction of locomotive engines had been altered, so as to read 6s., instead of 6s. 6d., as originally shown in the printed list of conditions?

Mr. MURRAY.—The Chairman of the Railways Commissioners furnished the following reply:

The minimum wage, payable not only to labourers, but likewise to mechanics and others, has varied from time to time, and whenever a variation occurred, it has been the invariable practice to amend the particular rate in the schedule, and thus avoid reprinting the whole of the conditions, until such time as a fresh supply is required. In this instance, the rate was fixed at 6s. per day, in accordance with a decision of the Commissioners, and it may be explained that under the provisions of Regulation No. 32, which fixes the respective rates of pay of employees of the Department, and which was confirmed by the Governor in Council on 16th November, 1896, the minimum wage of labourers is 5s. per day, but with the exception of a few isolated instances some years ago the Department has never paid less than 6s. per day.

Mr. SOILY.—In the schedule 6s. 6d. is mentioned. By whose authority was it struck out?

Mr. MURRAY.—That is the reply I have received.

Mr. LEMMON asked the Minister of Railways if he would inform the House—

1. What were the prices paid by the Railway Department for the different classes of crank axles for the contract previously to the reception of a Victorian manufacturer's tender for such axles?

2. The tests taken from steel waggon or carriage axles manufactured by a foreign firm, as compared with the local production of similar axles?

3. The names of the suppliers of crank axles (steel) that were condemned and replaced by wrought-iron axles manufactured locally, and the life of such compared with the imported axles?

Mr. MURRAY.—In reply to the honorable member, I have to say that the preparation of the information will occupy much time and labour, and it will not be possible to have the particulars until the expiration of at least ten days, or perhaps a fortnight. The Railway Department is now at work preparing the information.

CONTINUATION SCHOOLS.

Mr. McGREGOR asked Mr. Mackey (for the Minister of Public Instruction) if, in view of the accommodation at the Continuation School being limited, provision would be made for continuation schools at Ballarat, and other centres?

Mr. MACKEY.—The reply of the Minister of Public Instruction is that the question of establishing continuation schools at Ballarat and other centres will be taken into consideration when the Government is dealing with the proposal to establish agricultural high schools.

PURE FOOD BILL (No. 2).

The debate (adjourned from October 18) on Mr. McLeod's motion for the second reading of this Bill was resumed.

Mr. ROBERTSON.—I desire to offer a few remarks on this Bill. I do not quite agree with those honorable members who say that this is not a Bill for second-reading speeches, but I quite agree with them that a great amount of work will be necessary in Committee. If the subject of the Bill had been approached as it ought to be approached in its widest aspect, seeing the wideness of its ramifications as affecting production, manufactures, and the export trade, and being non-partisan in character, perhaps there would not be much room for discussion on the second reading of the measure. The Bill presented to the House has not been well thought out, and the subject has not been approached in a wide aspect. It seems to me that the Bill discloses an attempt on the part of one Department to predominate over all other Departments of the State. If the measure is passed in its present form, I really think the effect of it will be that the Health Department, which is in a sense remote from parliamentary responsibility, will predominate over our Agricultural Department. It would really control the whole of our production, so far as foodstuffs are concerned. Not only that, but it would control the manufacturers of foodstuffs and the export of such products. Indeed, I think that the Health Department would also control our imports. It seems to me it would even override the legislation which is proposed in the Federal Parliament at the present time, because it will prohibit the use as
articles of food of all kinds of food products that are obtained elsewhere. I do not object to this in itself, because I think it is essential that, if we make drastic laws for the control of local industries, we should make equally drastic laws for goods imported from other countries. It seems to me, however, that the whole subject is largely one of a Federal character, and one that should be dealt with in something the same way as is done by the laws of the United States of America relating to these matters. Under the Federal laws in the United States there are fixed standards for various commodities with regard to their qualities and ingredients, and the State Legislatures are following largely in the footsteps of Congress. There is a proposal in clause 37 of this Bill for the appointment of a board something on the American lines, but that board is really shorn of all its powers by other provisions of the Bill with regard to certain articles in which beer and even toys are included. By the way, I might point out, as the honorable member for Essendon reminded us a few evenings ago, that toys are not food supplies at all. A great deal has been said with regard to adulteration and the use of certain preservatives in food supplies. Now, it is highly necessary to have a board to fix the standards for the use of preservatives. I admit at once that certain preservatives should be prohibited altogether, and that the use of certain other preservatives should be controlled; but I contend that the proper use of some of these preservatives is perfectly fair and legitimate, both as regards the consumer, the manufacturer, and the producer. The honorable member for the Railways Service (Mr. Hannah), when speaking on the Milk Supervision Bill, referred to the use of boric acid in milk. I am not going to contend too strongly that it is right that boric acid should be used in fresh milk, but I do contend strongly that it is a perfectly legitimate preservative to use in concentrated milk, and also in butter and other foodstuffs. I go further, and say there is nothing to show that it would be detrimental to health if used even in fresh milk in proper quantities. The honorable member for the Railways Service (Mr. Hannah) referred to the case that was tried at Prahran, in which 213 grains of boric acid to the gallon was found in concentrated milk. That means, however, only 56 grains per gallon of ordinary milk. Further than that, the use of such a quantity of boric acid is within the prohibited standards of other countries, such as England and America, where 15 per cent of boric acid is used. Such alarming accounts have been circulated as to boric acid, that the public have come to regard it as poison, whereas it is a perfectly safe preservative if it is legitimately used. The honorable member for Essendon, in his remarks on the present Bill, expressed the opinion that any attempt to add boric acid to food should be prohibited by the State. Now, very few scientists would go so far as to say that boric acid should not be used at all. The honorable member went on to remark that Dr. Gresswell had declared that the use of boric acid in milk should be prohibited absolutely by law, because milk formed the food of all infants who were not breast-fed. In reply to that, it is only fair I should say, in the interests of a company by which this article is manufactured, that infants have been fed on nothing else but concentrated milk, which contains a small quantity of boric acid, and it is found that this is absolutely necessary in the preparation of that commodity for market purposes. With regard to the use of boric acid, especially in concentrated milk, I desire to call the attention of the House to the report of a Select Committee of the Legislature of New South Wales, presented to the Parliament of that State on 26th November, 1903. I will not quote the report at any great length, but I think it is only right to place before the House the findings of that committee, because it will save honorable members from the necessity of obtaining the report and perusing it for themselves. This committee was appointed on 20th August, 1903, "To inquire into and report upon the use of the preservatives and colouring matters in the preservation and colouring of food, and whether the use of such materials, or any of them, for the preservation and colouring of food in certain quantities is injurious to health; and, if so, in what proportions does their use become injurious, and to what extent and in what amounts are they used at the present time." There was also referred to the committee a petition from Reginald Purbrick, for the Bacchus Marsh Concentrated Milk Company Limited, "praying to be represented by Mr. T. E. Roseby, barrister-at-law, or other counsel or attorney, before such committee." The committee state that they only had time to consider the use of boric acid up to the date...
of making this progress report. The report states—

Your committee have had before them a report on this subject made by a departmental committee of the Board of Trade in England, and the legislation in regard to this subject: Queensland, the only State in the Commonwealth in which such legislation exists beyond the present regulations of the Board of Health in New South Wales.

Your committee have recognised that the questions of the innocuousness or otherwise of preservatives was essentially one to be determined by medical expert evidence. They have, however, been confronted with great diversions of opinion on the part of the medical witnesses. All the members and officers of the Board of Health examined were unanimous in declaring that they believed the presence of preservatives in food to be injurious. On the other hand, a number of private practitioners were equally emphatic in their assertions as to the harmlessness of such additions in the above necessary quantities to food. When your committee came to consider the evidence, they found that all the members and officials of the Board of Health based their opinions with regard to the injurious effects of boracic acid not on personal experience and observation, but on evidences gathered chiefly from medical periodicals; and on the assumption that any foreign substance, if taken regularly, must cause injury to the body, and bring about degeneration of the organs. In fact, the President of the Board of Health stated: "If we should be asked what evidence there is that antiseptics do produce the long-deferred injuries to which I have referred, we must admit that we cannot produce any."

On the contrary, the medical witnesses who favoured the use of boracic acid declared that they had extensively used it, externally and internally, both in children and adults. They further declared that even when they had administered it in large doses over considerable periods of time, there had never been any ill effects whatever. They also stated that, though in their own personal experience they had never observed any injurious effects from its use in concentrated solutions and large quantities, they were prepared to admit that under these circumstances signs of irritation might arise; but that, in the extreme dilution met with in milk, it was impossible to believe that such effects could ever occur. In contrast to this, they held the opinion that the high infantile mortality from diarrhoea, which results in many cases from the consumption of partially decomposed milk, could be lessened or prevented by the addition of boracic acid.

After a most arduous investigation of this subject, bearing in mind, primarily, the necessity of safeguarding the health of the community, and secondly, the necessity of judiciously watching that the industries of our country are not unduly or unnecessarily interfered with, your committee has come to the following conclusions:

(1) That as regards butter, there can be no question as to the necessity or harmlessness of the addition of up to 35 grains of boracic acid to the pound, since this amount is recommended by the English departmental committee, and is the amount fixed as permissible by the regulations of the Boards of Public Health both in New South Wales and Queensland.

(2) That as regards fresh milk, if there is sufficient care in handling and rapidity in distribution, chemical preservative is unnecessary.

(3) That as regards condensed milk, of which there are two varieties, sweetened and unsweetened, the use of sugar in the former and sterilization in the latter, combined with hermetically sealing in air-tight tins, renders the use of a chemical preservative unnecessary.

(4) That as regards concentrated milk, which is recommended as a trade name applied to a further description of condensed milk, the use of 35 grains of boracic acid to the pound is necessary.

(5) That as regards cream for consumption, as such, for the proper maintenance, expansion, and development of the trade, and to bring this nutritious article of food within the reach of every householder at a reasonable price, the use of 18 grains of boracic acid to the pound is necessary.

(6) That the use of 35 grains of boracic acid to the pound of butter, and 35 grains of boracic acid to the lb. of concentrated milk, and 18 grains of boracic acid to the pound of table cream, will cause no injury to health, and should be permitted.

There are other authorities that I can quote in regard to the use of boracic acid even in fresh milk. I find on page 105 of the same report the opinion of an authority like Dr. Rideal, who is one of the greatest living experts in these matters. He is a great hygienist in London, and this is his view, as given in the appendix to the report of the Commission:


Dr. Rideal: He argued that a preservative is obviously more efficient if added to the milk at the time of milking, so that the development of the organisms present in the milk is retarded from the commencement, which pointed to the conclusion that the legitimate use of preservatives should be restricted to its use by the farmer, and not by the middleman, vendor, or consumer."

I do not desire to turn up all the other authorities, but I will give the names of a few of them, so that honorable members may look them up themselves if they like. In the same report, Dr. Bell, on page 107, permits the use of boracic acid in fresh milk. Dr. Springthorpe, of Collins-street, Melbourne, also sanctions its use in milk. Dr. Jamieson, the health officer of this city, says nothing against its use in milk. Dr. Kennedy, of Tasmania, says it is largely used in the..."
silver fields in Tasmania, where adults and children as well use it almost entirely, and he sees nothing to prevent its use in milk. Dr. Power also mentions, in regard to an interview he had with Dr. Liebreich, one of the greatest living authorities, I understand, that that gentleman absolutely defends its use up to a certain extent. The contention, therefore, that preservatives should not be used at all in foodstuffs is, I consider, absolutely ridiculous. Boric acid is no more a preservative than salt or saltpetre; but those, when used as preservatives, can be detected by the taste, if present in the food in too large quantities, whereas boric acid cannot be detected by the taste. So that I do think the time has arrived when it is very necessary—

Mr. Boyd.—After milk has been kept for a day you can smell it.

Mr. Robertson.—One can smell, not the boric acid, but the milk after it has become putrid.

Mr. Murray.—They put it in here in such quantities sometimes that you can taste it, as well as smell it. It is the most offensive thing you get in your food.

Mr. Robertson.—That sort of thing ought to be controlled. It is the abuse, and not the use, of the article. If its use was altogether prohibited, you would have to shut up nearly all the butter factories in Victoria.

Mr. Murray.—You would not have to shut up one; they would get something else.

Mr. Robertson.—You would have to shut up all unless you permitted its use in small quantities.

Mr. Boyd.—Do you drink milk?

Mr. Robertson.—I do; and I have drunk it when it contained boric acid. I prefer milk containing boric acid to milk that is going sour. If the boric acid is put in the bucket when the milk is first drawn from the cow it prevents the multiplication of organisms in the milk, and it is infinitely wiser in the metropolis to have a little boric acid put into the milk at the right time and the right place than to have the acidity that arises in the milk. I could quote other authorities in support of my contention. The honorable member for the Railways Service (Mr. Hannah) said that 213 grains of boric acid was contained in a gallon of milk in its concentrated form in a particular case, but that really amounts to only 56 grains to the gallon of ordinary milk. According to this report, from which I have already quoted, .5 per cent. of boric acid is allowed, which means 35 grains to the lb., or 350 grains to the gallon.

Mr. Watt.—That is slow murder.

Mr. Robertson.—Yet here is a company prosecuted and fined because it had 213 grains to the gallon, which means 150 grains, or thereabouts, less than is allowed by the finding of a Commission such as I have quoted from. If butter or concentrated milk contained more than .5 per cent. of boric acid it would be prohibited from going into England at all, but the English authorities do allow up to .5 per cent., because they do not prohibit any manufactured article going into England with that percentage of boric acid in it.

Mr. Watt.—They prohibit it in milk, though.

Mr. Robertson.—I disagree with the honorable member in that statement, which he also made the other night during the course of his second-reading speech—that is, unless he has some more recent information than I have on the subject. I know that in July, 1904, the use of it in fresh milk was not prohibited in England. Of course, the honorable member’s information may be a little more recent than mine, but these are the letters on which I base my statement—

Board of Agriculture and Fisheries,
4 Whitehall Place, London, S.W.,
July 13, 1904.

Sir.—I am directed by the Board of Agriculture and Fisheries to advert to your letter of the 12th inst., addressed to Mr. T. F. Husband, and to say that they know nothing of the paragraph to which you refer, which is unauthorized so far as this Department is concerned. The Local Government Board, and this Board, have not yet adopted the proposal to prohibit the use of antiseptics in milk.—I am, sir, your obedient servant,

(Sgd.) Wm. Somerville, Assistant Secretary.

Metropolitan Dairymen’s Society,
57 Chancery Lane, W.C.,
July 15, 1904.

(To the Board of Agriculture and Fisheries).

Sir.—Your letter, dated 13th inst., was laid before the Committee at their meeting last evening, when I was desired to thank you for your prompt attention. The Committee view with much satisfaction the assurance contained therein, that the Local Government Board and your Board have not yet adopted the proposal to prohibit the use of antiseptics in milk, as they are of opinion that the legitimate use of preservatives in prescribed limited quantities is essential to maintain the milk and butter supply of the country.

(Sgd.) A. N. Temperley, Secretary.

Mr. Boyd.—To whom were those letters sent?
Mr. ROBERTSON.—They were published in the Ramsgate and Margate Gazette, a paper which circulates in London. It is no wonder the public get alarmed on this subject, not perhaps, by the circulation of fair reports, but very often by newspaper misrepresentations. Here is the report of the case in regard to fresh milk, heard at the St. Kilda Court, and in which Mr. Dunn gave evidence. I believe he is a very scientific gentleman, although I have not the pleasure of his personal acquaintance. I have made inquiries, and I am told that he is a highly scientific man. I was puzzled to think that such a statement as appears in the report of that case should have come from him, and I am glad to feel satisfied now that such a thing was never uttered by him. It got into the press, nevertheless, and the public mind was alarmed accordingly. I desire to make it perfectly clear that I satisfied myself that such a statement never came from Mr. Dunn. The newspapers misrepresented him, perhaps unintentionally, and information went before the public, greatly to the alarm of the public generally. In the report of this case on 21st November, 1903, Mr. Dunn was alleged to have said—

"Boric acid was also added. This is frequently used. It is a discreditable practice, and should be stopped, as old milk can thus be rendered as fresh."

The public, reading a statement of that sort on top of other statements with regard to boric acid, must naturally feel very greatly alarmed indeed at anything approaching the use of this preservative.

Mr. WATT.—That same authority objects to the use of boric acid in milk for sale.

Mr. ROBERTSON.—I do not disagree with him very far on that point, but I know very well that Mr. Dunn never made such a statement as the one I have just quoted. In Chambers' Encyclopaedia, Vol. II., the following appears on page 324:—

"For preserving butter, meat, fish, and milk, either alone or along with boric acid, borax has a wide application, no less than 20,000 lbs. having been supplied to the Chicago Canning Works in one year for the preservation of meat alone. Beside these technical uses, borax is much used in medicine as an antiseptic, being applied either in powder or as a lotion."

In the Encyclopaedia Britannica, it is admitted also as a legitimate preservative in certain quantities. In the article on borax, volume IV., page 51, the following appears:—

"In Sweden boric acid is extensively employed for the preservation of meat and milk; and, while it forms an efficient antiseptic, food prepared from it is said to be perfectly fit for use."

Even in Sweden, therefore, where they have an exceedingly good climate, as compared with ours, boric acid is in use. Then again, there is an article in Chambers' Encyclopaedia, volume II., page 323, to the following effect:—

"As an antiseptic and preservative in food, boric acid is extensively employed either alone or with borax. In the preservation of butter, milk, wine, beer, meat, and fish, it is probably used to a greater extent than any other antiseptic."

More light has been thrown on this Bill by a circular of Mr. Dunn, the City Analyst, than by any other information that has been placed before the House. I agree with that gentleman in a very great deal of what he says in that circular, although, perhaps, not in all. There is a portion at the end especially which I think is well worthy of our consideration, and in which I agree with him very thoroughly. Towards the end of his circular he says—

"It will be seen that, if our Health Act 1890 (the clauses of which referring to food, &c., are practically a copy of the English Sale of Food and Drugs Acts 1875 and 1879) were brought in close accordance with the English Sale of Food and Drugs Act 1899, all the powers referred to therein could be made to apply to our Board of Health and Department of Agriculture (our Board of Health being in a similar position in regard to municipalities as is the Local Government Board in England). This, in cases where the municipalities fail to carry out the provisions of the Act, would give the Board of Health and Department of Agriculture power to collect samples, and have them analyzed at the expense of the municipalities which had neglected their duty. This applies with equal force to the Milk and Dairies Supervision Bill. We should then retain the benefit of all the Queen's Bench decisions in cases of prosecution extending over a period of 30 years, which have proved invaluable in the various prosecutions undertaken, both to the municipalities and private individuals. It would also insure us successful prosecutions in cases where preservatives are used, as numerous prosecutions of this kind are constantly taking place in England, and their most recent appeals would then be at our service. We should also have the benefit of the standards for dairy produce which have been so carefully fixed by the departmental committees in England. I, therefore, cannot too strongly urge that our Health Act 1890 be brought up to date, and as far as practicable in close accordance with the English Sale of Food and Drugs Act 1899. If further power be needed, new by-laws and regulations would meet the case, and so render unnecessary the drastic and unfair provisions contained in the Milk and Dairy Supervision Bill and the Pure Food Bill."

Now, I contend that this Bill is not a continuation of the English Food and Drugs Acts of 1875 and 1879, and which our own
laws previously passed have largely copied, and that if the English Act of 1899 had been more largely adopted in this Bill, with the addition, perhaps, of the food standard as provided under the Federal laws of the United States, it would have gone far to smother discussion on this Bill. The question to me, however, does not seem to have been approached in a wise spirit. The measure is all-embracing in its effect, inasmuch as it will control the manufacture of all foodstuffs, and especially the manufacture of butter, concentrated milk, bacon, and jams. The export trade in jams will certainly be affected. A great objection I have to existing legislation lies in the fact that when a prosecution is instituted a company or factory may plead successfully at one Court, and be defeated in another Court. I believe that this thing obtains in England, or that the point there is not quite settled; but I do hold that a properly fixed standard of qualities of foodstuffs generally would have the effect of bringing about uniformity in prosecutions.

Mr. McLeod.—That is the very thing we are providing for in this Bill.

Mr. Robertson.—It is proposed that the board should do this, but you have hampered the board very much; so much, indeed, that it cannot be an effective board at all. If it is to be an effective board let it fix all the standards. Let us have something like what they have in the United States. I think section 7 of the Federal laws of the United States is well worth quoting. It is as follows:—

Section 7.—That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable, and to determine the wholesomeness or unwholesomeness of preservative or other substances, which are or may be added to foods, and to aid him in reaching just decisions in such matters he is authorized to call upon the Chief of the Bureau of Chemistry and the Chairman of the Committee on Food Standards of the Association of Official Agricultural Chemists, and such physicians, not less than five, as the President of the United States shall select, three of whom shall be from the Medical Departments of the Army, the Navy, and the Marine Hospital Service, and not less than five experts to be selected by the Secretary of Agriculture by reason of their attainments in Physiological Chemistry, hygiene, commerce, and a manufacturer, to consider jointly the standards of all food products (within the meaning of this Act), and to study the effect of the preservatives and other substances added to food products on the health of the consumer; and when so determined and approved by the Secretary of Agriculture, such standards shall guide the chemists of the Department of Agriculture in the performance of the duties imposed upon them by this Act. It shall be the duty of the Secretary of Agriculture, either directly or through the Chief of the Bureau of Chemistry and the Chairman of the Committee on Food Standards of the Association of Official Agricultural Chemists, and the medical officers and experts before mentioned, to confer with and consult, when so requested, the duly accredited representatives of all industries producing articles for which standards shall be established under the provisions of this Act.

The Minister in charge of our Bill will see at once that in America all foodstuffs are referred to this committee. There are certain standards prescribed for certain articles of food and drink.

Mr. McLeod.—The honorable member for Essendon complains that we are giving too much power to our proposed board.

Mr. Watt.—I say that it should be one thing or the other.

Mr. Robertson.—What I desire to point out is that in America the Department of Agriculture takes the initiative, and has power to call together experts for the purpose of fixing standards, and after that the Health authorities come in. In England the Local Government Board, which is vastly superior to our Board of Public Health (having control of taxation, sanitary matters, the Poor Laws) and the Board of Agriculture—one in the interests of the consumer and the other in the interests of the manufacturers and producers—have power to consult together in regard to these matters. Here we have also the Customs Department, and then the question at issue all depends on the analyst. If after going before the Minister a case goes before the Court, the Judge or the Justice decides the standard. I want to copy from the American laws, and also to point out that even in England the Board of Agriculture has a say in these matters, whereas in that regard there is nothing in this Bill but the Board of Public Health, which is nothing to be compared with the Local Government Board in England. Seeing that our past legislation has been based on English legislation, I think that we should have continued on those lines, and especially on the English Foods and Drugs Act of 1899. Then, going further, I think that it would have been advantageous to have adopted clause 7 of the Federal laws of the United States. This might well be carried out by the Federal Parliament of Australia, and I believe that the other States would come into line if the Federal Parliament adopted such a course. If we fix a very high standard for foodstuffs, so far as our manufacturers are concerned, we may place
them at a disadvantage in the outside markets, especially in competition with countries where there is no strict supervision, and where the consumer will not know what he is getting. In that case, countries or States outside Victoria, where adulteration is permitted, and who are thus enabled to undersell Victorian manufactures will undoubtedly gain the outside market to our detriment. At present the German liners are not permitted to buy six pennyworth of milk outside their own country, so great is their system of protection.

Mr. ROBERTSON.—I do not think so, because we are supplying the United States Navy at the Philippine Islands with our condensed milk.

Mr. HANNAH.—None of the American boats take anything from Australia when here.

Mr. ROBERTSON.—I am informed by the manager of the exporting company that it does supply milk for the United States Navy at the Philippine Islands.

Mr. WARDE.—There is three years' supply on every boat leaving America.

Mr. ROBERTSON.—I feel that there will be a good deal of contention over this Bill in Committee, because, as I have stated, of the lines on which it is drafted. If it had been drafted as I have tried to indicate—that is, with a fair recognition of the various Departments and the various interests concerned—the public interests, not so much the Departments—then I am quite sure that a good deal of the debate which will occur, and which will result in almost remodelling the Bill before it has passed this House, would have been saved, and the time of the House also would have been saved in consequence.

Mr. WILKINS.—I desire to say a word or two on the second reading of this Bill. I must express my surprise at the action of the Government in bringing in a Pure Food Bill and a Milk Supervision Bill as separate measures. I feel that that is a mistake, as the one is part and parcel of the other. The Government should have brought down one measure, so as to have legislated in the one Bill with regard to milk supervision as well as pure foods. I feel that we are getting too many Acts of Parliament, one differing largely from the other, and the difficulty is to know what decision to go by. I cannot quite understand the action of the Government in connexion with this Bill. It is provided in clause 37—

(i) The Governor in Council may appoint for the purposes of this Act a Food Standards Committee. Such Committee shall be so appointed from and shall consist of all or any of the persons for the time being holding any of the following offices or positions:

(a) The Chairman of the Board who shall preside.
(b) The Professor of Chemistry in the University of Melbourne.
(c) The Professor of Physiology in the University of Melbourne.
(d) The Director of Agriculture.
(e) The Medical Officer of Health of the City of Melbourne.
(f) The President of the Victorian Chamber of Manufactures.
(g) The President of the Melbourne Chamber of Commerce.

And (b) one other additional member who may be appointed on the recommendation of the Board.

With regard to the Chairman of the Board, I think that he is a very desirable gentleman to have associated with anything in connexion with either the health or the food supplies of this country. Then we have two professors from the University. Next we have the Director of Agriculture, and the medical officer of the city of Melbourne. I cannot understand why the medical officer of the city of Melbourne should have been placed on this committee. I do not see why any preference should be given to him over any other medical gentleman. There is one gentleman, whom I do not know personally, but about whom I have read a great deal in the press, and that is Mr. Wilkinson. I believe that he is a scientific analyst, and a very excellent man, and I could understand the Government recommending the appointment of a man with Mr. Wilkinson's abilities for such an important work as a member of this Food Standards Committee will have to carry out. With regard to the president of the Melbourne Chamber of Commerce and the president of the Victorian Chamber of Manufactures, I cannot, for the life of me, see the reason for the appointment of either of these two gentlemen. I do not know what knowledge they possess with regard to the standards that should be fixed for certain classes of food. It seems to me, therefore, that the action of the Government in connexion with the appointment of this committee is rather unreasonable. I do not know whether they will have the control of the whole of the food supply or not, but it seems to me that there are no provisions for any one else
to administer this Bill with the exception of this particular committee. In my opinion, that is a very great mistake. I notice that the Minister, in introducing this Bill, referred to the absurdity of appointing an analyst for Warrnambool who lived at Leongatha. What is the position in connexion with that appointment? On 6th November, 1896, the Board resolved that Mr. Matthews be eligible for appointment as a public analyst, and being recognised as a competent person to fill the position of analyst, he was appointed for a number of municipalities, Warrnambool among the number. But that appointment, as the Government know perfectly well, was only a farce, because during the year 1904 the municipality of Warrnambool never sent a single sample of food of any description to this gentleman for analysis. And what do they pay him? They have paid him £1 1s. a year. One of the weak points in connexion with the Health Act is the ridiculous sums that are paid to those who do this class of work, which is one of the most important works that it is possible for a man to be called upon to perform. The Board of Public Health should have seen that not only the medical officers, but also the analysts, were men who were fully qualified, and for the service they render they should be amply and fully paid. At present Mr. Matthews acts also as analyst for Heidelberg, and during the whole of the time he has so acted—I do not know how many years he has been analyst for Heidelberg—he has never received one sample from that municipality. That I know of my own certain knowledge. While the Board of Public Health have been permitting this kind of thing to go on, they have had ample power under the Health Act to see that this thing was not made a farce of, and I say that the board are to blame. But I do not know that we shall have any improvement at all until the constitution of the Board of Public Health is altered altogether. I personally feel that the Board of Public Health is the body which should carry out the whole of the work in connexion with this Bill, and also in connexion with the Milk Supervision Bill, and that the members of the board ought all to be men of practical experience, scientific men, possessing all the necessary qualifications for dealing with such an important matter as the food supply of the people. The constitution of the Board of Public Health to-day is as follows:—There are nine representatives. The Government have two, the city of Melbourne has one, the North Yarra group has one, the South Yarra group one, the eastern country boroughs one, the western country boroughs one, the eastern shires one, and the western shires one. I have nothing to say against any member of the board, but I am satisfied of this, that a gentleman of such an age as 84, and who is living away in the country, and who has to travel for half a day to reach Melbourne, is not the kind of man who should control such an important Department as that of the health and the food supply of this country. There is one gentleman on that board, I am told, who is between 84 and 85 years of age. It is provided that the members of the board should be paid out of the Consolidated Revenue all travelling expenses reasonably incurred in attending the meetings and transacting the business of the board, and also the following sums for each attendance at the meetings:—The representatives of the city of Melbourne, North Yarra shires group, South Yarra shires group, £1 1s. each; and the representatives of the other groups, £2 2s. each. That is not an unreasonable sum to pay. The Government should have reconstituted this board, and placed capable men on it to assist the officers in carrying out the Health Act. I feel certain that with some amendments the present Health Act, if properly administered, would be sufficiently drastic to deal, not only with the health of the people, but with the food supply of the people. How are the gentlemen on this board elected? I shall take the North Yarra group, which is composed of Collingwood, Fitzroy, Footscray, Richmond, Brunswick, Essendon, Northcote, North Melbourne, Williamstown, Flemington, Kensington, Coburg, and Preston. There is one representative for the whole of these municipalities, but why should these municipalities have to elect that representative at all? In my opinion, it is a mistake that the municipalities should have anything to do with the election of the men who are to be members of the Board of Public Health. I know what took place recently in Collingwood. There was a gentleman nominated there—the present member for Geelong in this House—and I do not know exactly why he was not successful, but he succeeded in getting the support of only one council.

Mr. WATT.—That is natural.

Mr. WILKINS.—I do not know that the gentleman who was elected will more
ably carry out the duties than the honorable member for Geelong would. I feel that it was a great loss to the community that the honorable member for Geelong was not elected.

Mr. WATT. - Lord save us!

Mr. WILKINS.—Collingwood did its duty.

Sir ALEXANDER PEACOCK.—Did Collingwood vote for him?

Mr. WILKINS.—Yes, it voted for him.

I feel that the time has arrived when the Government should bring in an amendment of the Health Act to enable them to place on the board men capable of dealing with such important subjects as the board has to deal with. What occurred not long ago? The board appointed a number of engineers to carry out the inspection of certain buildings. I think they appointed three gentlemen as officers in the engineering branch, and these gentlemen had to carry out the work of inspecting various buildings throughout the State. The present Premier, who was the Minister of Health, decided that it was unnecessary to appoint these gentlemen. What did the board do? They resolved that in consequence of the action of the Minister in declining to retain the services of these three officers, they would wash their hands completely of the responsibility for the administration of that section of the Act. That in itself, to my mind, was quite sufficient justification for removing these gentlemen who dared to place on record a resolution of that character. I remember reading an interview with the late Dr. Gresswell that appeared in the Argus of 6th October, 1904, and here let me say that I do not think we ever had a more zealous, painstaking, and able gentleman in a public position in Victoria than the late Dr. Gresswell. The report of that interview stated—

In the course of an interview yesterday, the Chairman of the Board of Public Health dealt with the issues involved in Mr. Wilkinson’s report. Dr. Gresswell stated: “Almost from the inception of the board, the extremely unsatisfactory state of the Health Act, with regard to adulteration and the necessarily unsatisfactory manner in which adulteration was met by the local authorities, stood out prominently before the Board as matters for correction at as early a date as practicable.”

He showed clearly that it was desirable that some alteration be made, and, further on in the interview, he stated—

I have always advocated with the board the desirability of having such an amendment of the Health Act as would do away with the necessity of producing expert evidence in court to the satisfaction of the judicial authorities that any ingredient in an article of food is injurious to health. The only alternative, as far as could be seen, was to amend the Health Act in the direction already referred to.

The late Dr. Gresswell placed on record the desirability of amending the Health Act, and I am extremely sorry that such a course was not pursued. I remember reading an account in the press of the statement that was made by the Premier during his election campaign, that he was going to give swell 18-carat jewellery, and the ladies pure linen to wear. I have here a record, which came into my hands the other day, of a report in regard to woollen goods and jewellery, which came up at a meeting of the board on the 20th July, 1904. It states—

Of the 25 samples analyzed by Mr. Wilkinson, seven were found correct. The honorable the Minister decided in each of the other cases that on payment of a sum, the amount of which ranging from £1 to £6 be fixed, the vendor would not be prosecuted.

Is it not wonderful when persons have been detected in imposing upon the public that these cases have been settled without any investigation in the Courts—cases ranging from £1 to £6?

Mr. COLECHIN.—Did you never let off a first offender with a fine?

Mr. WILKINS.—The report further states—

In nine cases the amount so fixed was paid, the total amount received in this way being £32, the remaining nine cases being allowed to drop, the board’s solicitors having advised against prosecutions in eight cases, because the vendors had stated only verbally that the article was woollen, and in the other case, because a long time had elapsed since the article was bought.

Then, in connexion with jewellery, it does not appear that any very extensive fraud was carried on. Nineteen samples were examined by Mr. Wilkinson, and fourteen were found to be correct. In the other five cases variable amounts, fixed by the Minister, were paid to avoid prosecutions. The total sum received was £14, and a sum of £18 11s. 11d. was received by the Department from portions of the jewellery sent to the Royal Mint for assay. The question of protecting the food of the people from adulteration is, of course, a very important one, and it is a matter, I think, which the Department of Public Health should take into consideration. With that object, we should so amend the Health Act as to enable all persons defrauding the public in that way to be dealt with. I am strongly in favour of the most rigid steps being
taken to prevent these frauds, because there is no doubt it is a fraud to impose upon the public by means of adulteration. This kind of thing is largely perpetrated, and it is done chiefly to those who can least afford to be robbed. The poor people are imposed upon much more than the well-to-do classes.

An Honorable Member.—How will it do to hang a few people for it?

Mr. WILKINS.—In some countries they go nearly as far as that. The Age newspaper, in its issue of 22nd November, 1904, gives a list of the penalties that are enforced in other countries of the world. It says—

The penalties enforced in other countries against adulteration are of an extremely drastic kind, but no one who considers the injury done by these frauds and the risks involved need consider them too severe. In England a fine of £50 can be imposed on any person selling food or drugs to the prejudice of the purchaser, not of the nature, kind but no one who considers the injury done to two offences a term of six months’ imprisonment. The Imperial German law provides that whoever imitates or adulterates articles of food or luxury for the purpose of deception shall be liable to imprisonment up to six months, and a fine up to £75. In the case of a person manufacturing articles intended as food in such a manner as to be injurious to human health, he can be imprisoned up to five years, if the death of any person is caused in consequence of his adulteration. In France the penalty for adulteration is from 50 to 100 f., and imprisonment from three months to two years. The tribunal can always order the verdict to be published by extract or wholly in whatever newspaper it may name, and can also have the verdict placarded in the places or the markets where the offence was committed, as well as on the doors of the factory, house, workshop, or stores of the condemned person. All this is done at the expense of the person convicted. Austria fixes a penalty of imprisonment from one week to three months, and a fine up to £50. Belgium provides imprisonment from three months to three years, and fixes the fine at from 100 to 1,000 f.

It will therefore be seen that in other countries the greatest care and precaution is taken to insure the sale of wholesome articles of food to the people, free from adulteration. I am sure that if the Government had proposed to amend the Health Act, and to embrace in it not only this Pure Food Bill but also the Milk Supervision Bill, no Department that could possibly be brought into existence could so successfully carry out the law as the Board of Public Health, in the form in which I think it should be constituted, namely, of men with greater qualifications for the work than are possessed by the members of the present board. In my opinion, it is quite a mistake to delegate such questions to a board of the kind now in existence. Personally, I would no more think of offering myself as a member of such a board than I would think of asking the people to elect me as Governor of the country. There is no duty that any man could possibly be called upon to perform of such great importance as that of supervising the food of the people, and seeing that it is free from adulteration. That work can easily be accomplished if proper machinery is provided for it. As far as I can gather from the information that has been supplied to me, the provisions of the Health Act, and of the Food Adulteration Act in the old country, are ample for all purposes to deal with the offences that have been committed in the past, but if that legislation is not sufficient there is no reason why we should not pass such other legislation as is necessary to wipe out for ever those persons who live and grow fat by defrauding other people.

Mr. FAIRHAIN.—This is a most important matter, dealing as it does with the food of the people. By the latest statistics I see that the foodstuffs alone produced in this country amount to £26,000,000 worth per annum. That shows that we need not apologize for giving this matter the most serious attention. There is every indication that a long discussion will take place on this Bill before we are able to bring it into proper shape. It is a great pity, I think, that the producers were not approached by the Minister of Health before he brought forward the measure at all. If he had consulted them, I think they could have given some very desirable hints with respect to its provisions. As the measure now stands, it seems to me to be almost entirely a departmental one. The Health Department, of course, has to deal chiefly with rogues of every section of the community, and its officers are apt therefore to look on the whole of the trading population of this country as rogues also. These are the officers who have produced this Bill. Its object seems to be to deal chiefly with rogues, and it is framed in a most drastic spirit. I entirely agree with the honorable member who has just resumed his seat that the question of the adulteration of food could have been dealt with by an amendment of the Health Act, in conjunction with the Milk Supervision Bill. It seems to me that the Board of Public Health
Those measures mean the creation of a new board, and another set of officials. Then we never hear anything more about the measure at all. If the Board of Public Health have not been alive enough, and not fit to carry out the Health Act, how can we possibly expect that they are going to do better with this addendum to the Health Act? If they had done their work well under the Health Act, they might then have asked for further provisions, but it seems to me, so far as I can see, that if they cannot carry out the Health Act, they are not the least likely to carry out this addition to it, which is just a graft on to the old tree. I think this measure is entirely redundant legislation. We ought to have simply amended the Health Act, and made the Board of Public Health a good, strong, serviceable board—a board which would really see that these measures were carried out. In that way, I think we should have secured what we all wish to see—that is pure food and good pure milk. Of course, there are one or two really serious clauses in the Bill. For instance, sub-clause (2) of clause 30 says—

In any prosecution under the Health Acts a successful defence based on the provisions of this section shall not free the defendant from the payment of the costs of the prosecution.

That seems to me a most remarkable provision. If a man turns out to be perfectly innocent of the crime with which he is charged, still he will have to pay his costs.

Mr. McLeod.—That is from the English Act, but a line has been dropped out of it.

Mr. Watt.—A very important line.

Mr. Fairbairn.—Then there must be another line dropped out in clause 31, which provides that if a man has an invoice from any other State, he is not allowed to put it in as evidence. That is apparently the meaning of the clause.

Mr. Watt.—The clause says "Warranty or invoice."

Mr. Fairbairn.—I understand the word "invoice" better, and I think honorable members do.

Mr. McLeod.—It is expressly provided that it can be put in as evidence.

Mr. Fairbairn.—The following lines ought to be added to the clause:—

Unless the defendant proves that he had taken reasonable steps to ascertain and did in fact believe in the accuracy of the statement contained in the warranty or invoice. This is the way a great deal of our legislation is done. It seems to me that we pick out all the most drastic points of the legislation of other countries, and force them on to the people of this country, while leaving
out the safeguards. If that safeguard had been put in there would have been nothing wrong in the clause, but we pick out the drastic part.

Mr. PRENDERGAST.—This legislation is not for the purpose of letting men adulterate under any conditions, but for preventing adulteration. Therefore, a heavy penalty, apparently, is necessary to prevent some people from adulterating, because they will put up with small penalties, and go on adulterating.

Mr. FAIRBAIRN.—I do not want innocent people punished. There is too much assumption in this Bill that we are all rogues. I think a man ought to be held innocent until he is proved to be a rogue. That assumption is specially rampant when we have a Bill prepared by a Department as this Bill apparently has been. The officers of the Departments deal with rogues. They have continually to deal with people who break the law, and they do not see: the ninety-and-nine men who keep the law.

Mr. HANNAY.—The ninety-and-nine just persons.

Mr. WATT.—Would you let the other one go?

Mr. FAIRBAIRN.—I like to look after the just persons, and let the rogue rip. We want a good deal more light—I do not care whether it is ancient or modern light—thrown on this Bill before it is going to get through this House. In future, it would simplify matters a great deal if a Minister would only go and see the people who are in the business before he brings in a Bill. He would find out what a complicated measure this is to carry out.

Mr. SWINBURNE.—Would you let the manufacturers make the Bill?

Mr. FAIRBAIRN.—No; but I would consult the manufacturers. As a rule, you will find the manufacturers very reasonable men—very much like all other sections of the community.

Mr. WATT.—Only more so.

Mr. FAIRBAIRN.—They are quite as much so, at any rate. Because a man is a manufacturer, there is no reason why he should be a rogue, and until a man is proved a rogue, whether he is a manufacturer or a journeyman, or anything else, I like to hold that he is an honest man.

Mr. WATT.—A little while ago we were told that all importers were rogues.

Mr. FAIRBAIRN.—We are always hearing that; but I do not want to go into that question. We will have a very great deal more discussion on this Bill before it is going to get through here, unless the Government adopt the suggestion to withdraw it altogether and to deal with the question by re-organizing the Board of Public Health and giving them further powers. That, in my opinion, would be the proper way to deal with this question.

Mr. McCUTCHEON.—I think this Bill has raised the question of the nature of its preparation, and as to whether sufficient knowledge has been obtained by the Government before bringing the Bill in. At least, that appears to be the burden of a good deal of the criticism that has already been passed upon the Bill, and I think there is something in it. There are in the Bill itself, which purports to be worked in conjunction with the Health Act, a great many departures from the principles of our Health Act, and also of the English Health Act, and I cannot understand a Bill brought in on those particular lines. If the Bill is brought in to be read in conjunction with the Health Act, then the principles which the Bill lays down should be in accordance with the Health Act, but they are not so in several instances, as has been already pointed out by preceding speakers. I will, therefore, not take up the time of the House with those instances. I think if any member is called upon to legislate in this way he ought to understand all the clauses of the Bill. He ought, at least, to have some idea of some of the clauses; but I fail to see how such a House as this is, composed of such excellent men as it is composed of, can possibly be expected to understand clause 24—soluble chlorides in wine; clause 25—injurious utensils or appliance—without considerable chemical knowledge and a great deal of chemical experience; or clause 26 “substances prohibited in toys;” or clause 27, “substances prohibited in textile articles;” or clauses 28 and 29, dealing with “substances prohibited in beer” and “restrictions on the sale of disinfectants and deodorants.” I consider that if we are called upon to legislate we should have substantial information given us upon all those clauses—and I doubt very much if we can receive that substantial information in this House—or else we should be permitted to appoint a committee, as the Premier so reasonably suggested, which could examine for itself, and have experts before it in order to obtain that knowledge which would assure the House that the Bill was reasonably prepared. I am not in favour of passing Bills of which I have no reasonable knowledge,
or simply because they are put before me, and passing them in a hurry. I fail to see how this House, at this period of the session, can be expected to master the details of the clauses which I have mentioned, let alone a large number of other clauses in the Bill in the time which can reasonably be expected to be occupied with the remainder of the work of this session. I am addressing myself principally to this Bill from the point of view of the desirability of its being examined by a committee, because the preceding speakers have fully detailed to the House the objections to the Bill and the inconsistencies of the Bill. I find that in the United States of America the general practice is to submit almost all Bills to committees which are detailed to do the particular work. That may be the Food Committee, or the Health Committee, or the Finance Committee.

Mr. Watt.—That is largely because their Ministers do not sit in Parliament.

Mr. McCUTCHEON.—The committees are appointed, and any Bill of this kind would come under their supervision, and careful inquiry would be made before such a Bill would be passed. I notice that in England the same practice prevails, and I understand that it was formerly the practice of this House a great deal more than it is now. For some reason or other it has dropped out. I observe that when the Bill to legalize marriage with a deceased wife’s sister came before the House of Commons recently it was delegated to the Committee on Law to be examined and reported on to the House. I presume the reason of that was that in connexion with a Bill of that kind certain relations had been set up by private parties which would necessarily require careful examination before the Bill was passed. This Bill is not like an ordinary Bill which punishes crime, and which appeals to the ordinary common sense of the most ignorant person in the community, but it is a Bill which deals with trade and commerce to a very large extent. Therefore, it should not be passed by this House without a great deal more inquiry than we can give it as a whole House. So far as I know, we have no power to call evidence at the Bar of this House; or even if we have the power, it is not our practice, and it cannot be expected that the House should sit here and take scientific evidence on such points as I have mentioned, and deliberate on them, and then pass a measure in this particular way. I find as well that in England in connexion with such Bills as this, there are the same kind of committees appointed as in the United States. They separate the various propositions brought before the House, and send them to Select Committees to be reported on. The House is thus given the advantage of having evidence with which to check the information possessed by the Government, and of properly understanding the measures to be dealt with. It is not for me to inquire as to what the evidence was that our Government sought when they were preparing this Bill, or as to what experts they consulted. I do not know how far it would be consistent with the position of the Government to consult people outside, but it is not what the Government ought to or should do that we have to be concerned with here, but what the House should be satisfied with before passing a measure of this kind. I fail to see how, unless we appoint a number of ourselves to sit as a committee, and take evidence on certain clauses, we can have any assurance that the Government has proceeded on lines that will justify us in passing this Bill.

Mr. Hannah.—That is a reflection on the Government, and on the whole House.

Mr. McCUTCHEON.—I suppose that it is as disorderly to reply to interjections as to make them, but I will say that I am just as anxious as the honorable member who has interjected that I, as an individual, and that all with whom I am concerned, should have pure food, and I fail to see that anything that I have said is any reflection on the Government or on the House.

Mr. Hannah.—Only a reflection as to want of capacity, that is all.

Mr. McCUTCHEON.—I am only taking notice of the interjection because I do not want to be misunderstood. I have not referred to any want of capacity on the part of any one. What I do say is that possibly the whole of the sources of information available may not have been availed of by the Government, and I would like to be satisfied before the passing of this Bill that all the information necessary to understand it has been placed before us. I fail to see how that can be any reflection on any member of this House or on the Government. I do not intend to convey any idea that I reflect on any one, but it appears to me, from some of the drastic provisions in this Bill, that there has not been that care exercised in preparing the Bill in a broad-minded way which is neces-
sary in dealing with a measure of this kind before it should be accepted. The House should be satisfied on this point before it passes the measure. I do not think that I will take up any further time beyond what is necessary, to point out that there is a large number of Bills of a controversial character already on the paper, and that there is a prospect of this one being taken to pieces, clause by clause, and line by line, and if this is done in the House or in Committee of the whole, the measure will not have much prospect of passing this session. I, therefore, indorse the suggestion of the Premier that the Bill should be referred to a Select Committee to take evidence on the clauses which require special knowledge, and to consider the whole Bill in its relation to trade and commerce. We have been passing Bill after Bill, and the effect of some of them will not be seen until after the next year or two. I expect the result will be the bringing in of very important amendments on the Bills we already have passed. Certainly the Pure Food Bill and the Milk Supervision Bill should be referred to Select Committees.

Mr. BEARD.—When we were discussing the Milk Supervision Bill last session, we found that it provided for the giving of the administration over to the Board of Public Health. Members of this House were then very emphatic in stating that whilst they believed in milk supervision, they could not tolerate the placing of the measure under the control of the Board of Public Health. The municipalities and the farmers re-echoed that statement. This session the Government, taking, I suppose, guidance from the discussion of last session, have not in this Bill confined the control entirely to the Board of Public Health; but have provided, as in the Milk Supervision Bill, that there shall be another board appointed—a practical board, to work in conjunction with the Board of Public Health. The honorable member for Collingwood stated recently that the Milk Supervision Bill and this Bill ought to be put under the administration of the Board of Public Health, yet on a former occasion, as honorable members will remember, he said that the municipalities had done their work well, and that, as far as he was concerned, there was no occasion for the Board of Public Health interfering. I think, however, the House now, as a whole, is convinced that industrial legislation of this character is needed, and that the measure now brought in by the Government may be regarded as a non-party one. Most of the honorable members who have already spoken seem to be well primed with the legislation on this subject in other countries; and I take it that the Government are prepared, when we get into Committee, to make this Bill as perfect as the knowledge of honorable members in this House can make it. I do not think that there will be any objection as to how the committee provided for in the Bill will be constituted. There will be no hard-and-fast lines in that respect, and seeing how many honorable members have taken trouble to find out how this kind of legislation should be framed, I think that our united wisdom ought to be able to make this non-party and practical Bill for a necessary reform as far as the adulteration of food products is concerned, a valuable piece of legislation. The honorable member for Essendon has spoken about the matter of sealed packages, but I have thought that if the provision with regard to sealed packages was not in the Bill, very possibly shopkeepers having sealed packages in their possession, on selling them over the counter, would rip off the seal, and sell them as open packages. There is full reason for having a provision of that kind, and for having on packages a proper description of what they contain. I heard the other day a story with regard to the supply of goods for soldiers in France. An army contractor supplied boots, and the soldiers found that in wet weather these boots melted from their feet. An officer, and men of the regiment which suffered, looked for that army contractor, and it so happened that they found him purely by accident, and dealt out to him summary justice by practically hanging him on the spot. I consider that a man who is capable of undermining his fellow men ought to be punished, and there is no question about it that a man who adulterates his goods is illegally undermining his competitor. It is a feature of factory legislation that it recognises that a man who sweats his employees resorts to an unfair method of competition with his fellow manufacturers, and we have provided legislation to prevent that. In the same way, a man who adulterates food not only poisons the community, but is practically engaging in unfair competition with honest traders.

Mr. J. CAMERON (Gippsland East).—He would be working in the interests of the undertakers.
Mr. BEARD.—We should have legislation to protect the community in this regard. The honorable member for Toorak has mentioned that he is anxious to look after the ninety and nine just persons, but the only way he can look after them is by legislating against the unjust person in the community. This Bill, and the penalties which it provides for, will fall harmlessly on the ninety and nine just persons, but under it the unjust person will find himself heavily dealt with. For that reason, I agree with the leader of the Opposition that the penalties provided for should be severe, in order to prevent adulteration of any character whatever. I find that the Lower House of the Federal Parliament has passed a Commerce Act, under which it will be necessary to have a true description given on packages of what those packages contain. We can see that under that measure importers will be under a certain disadvantage in having to give true trade descriptions of the various articles which they import, and in competing against the local persons who may not come under the same disability. I think that we ought to make our local manufacturers subject to State regulations, much on the lines of the Federal measure to which I have referred. This would be only fair to those importers who will have to obey the provisions of the Commerce Act. It would only give them a fair play as against the local manufacturers. In looking through the provisions of the Bill, I notice that clause 27 provides that no person shall manufacture or sell any textile article intended for or capable of being used in the making of human clothing, containing certain poisonous properties. Of course, we cannot call textile articles food. But at the same time, if any particular article of clothing that is made in the State can be shown to be highly adulterated, I believe that it is not the desire of the Government that that matter should not be met by amending some of the clauses of this Bill in Committee, so as to give due protection with regard to any such article that may be freely adulterated in the State. For that reason, I hope that in Committee, if it ever reaches the Committee stage, as I hope it will—

Mr. SWINBURNE.—You should not doubt it.

Mr. BEARD.—I doubt it to some extent because of the speeches we have had from several honorable members, who have expressed the opinion that the Government have gone the wrong way about bringing in this Bill. I hope, however, that the Bill will speedily get into Committee. If this measure is carried, I hope the Government will see fit from time to time to bring in other auxiliary legislation during succeeding sessions of Parliament, in order that we may have complete statutory provisions against adulteration of any character whatever. In connexion with the manufacture of boots, I may remark that it was pointed out, when the Commerce Bill was going through the House of Representatives, that there was a great deal of adulteration in connexion with boots and shoes. We have in this State boots and shoes in a large degree made, not of leather, but of cardboard. I have a number of exhibits here, from which honorable members would see that the material used in the manufacture of some boots is nothing more nor less than brown paper.

Mr. WATT.—Let us have a look at them.

Mr. BEARD.—I believe that the health of the public might just as well be protected with regard to inferior articles of clothing as in other matters, for inferior articles of clothing are likely to have very much the same effect as if the people used impure or inferior articles of food.

Mr. ROBERTSON.—Would you allow glucose in the finished leather?

Mr. BEARD.—These articles I can guarantee are bona fide. They were taken from local boot manufacturers here.

Mr. WATT.—This is distinctly food.

Mr. HANNAH.—Well, you asked for it.

Mr. WATT.—And we want it—it’s grilled sole.

Mr. BEARD.—I should like to hand these samples round to honorable members. They will see that the sole leather and other parts of the boots which appear to be leather are nothing more nor less than cardboard. I have a letter in my hand from a lady who purchased a pair of boots like these at a shop in Richmond.

An Honorable Member.—Do not give the name.

Mr. BEARD.—The honorable member for Abbotsford will be here directly, and he also may have something to say on the subject. I do not intend to give the names in connexion with this letter, but I think that there should be legislation prohibiting this kind of thing. I have a letter here from a lady in Albert Park, which shows that practically the same kind of boots are to be purchased there. I may explain that this letter was originally sent to the Secre-
tary of the Tanners' Union, after he had written to the daily press some little time ago about the use of cardboard in boots. The letter is as follows:—

I read with pleasure your letter re the use of cardboard in boot making, and hope something will be done to put a stop to it. One Monday last summer I saw some white canvas shoes, with apparently very strong leather soles, marked as 6d. per pair, at a boot shop in Victoria-avenue. I purchased a pair for my little girl, aged nine years. She wore them for four afternoons, and on the fifth showed me the soles, which were of cardboard, covered evidently in the first place with a shaving of leather, which had worn away. I took them to Mr. ———, who only smiled, and said I could not expect anything better for the price. I told him that as 6d. was too much for slams, and that those shoes should have been labelled as such.

That is the point. If people had to use a label in such cases as this, such as "made with cardboard," or "made with leather," people could understand. In the case of boots of that character, the paper of the soles comes up in knots and lumps when the boots get damp, and the feet of the children are ruined while they are young.

A bootmaker charged 15s. 6d. for repairing them, so that brought the price up to 4s., so no one can consider they were cheap. If these things are allowed in Australian manufactures, it is no wonder that people are doubtful about buying them.

I asked a question some time ago with regard to weighted leather. It was pointed out that some of our sole leather is being treated by certain firms, who weight it with deleterious compounds, such as chloride of barium, and other substances. We shall be standing in our own light unless we legislate, not only to protect our local trade, but also our reputation abroad in connexion with the sole leather which we export. We have here in Victoria an imitation of morocco leather, which is nothing more nor less than paper. When it is on the outside of slippers, one can hardly tell it from morocco leather, so well is the imitation carried out. We have also, as honorable members can see from these samples, pieces of leather, such as all the pickings-up and the scrapings, pressed into a solid lump, and the heels of boots are stamped out of it. There is nothing solid about it, though one thing may be said of it that one cannot say of the cardboard, and that is that it is leather. When it comes to packing leather boots with cardboard, I think we should have a provision in this Bill requiring that boots should be labelled as being made either of cardboard, or composition, or leather. It need only be a simple provision, and that should be done in justice to the foreign manufacturer, as well as to ourselves. Under the Commerce Bill, vendors will have to label boots to show whether they are made of leather or other substances, and I think that the State legislation should be brought into line with that. We have also an imitation of sole leather. To look at it, one would think it was first-class leather, but on dissecting it, one finds, as honorable members may see, that it is nothing more nor less than layers of cardboard. I am given to understand by bootmakers that that is a thing which is practised in the trade, and that the practice is growing. I hope honorable members will do what they can in Committee to have a provision inserted so that this Bill may be brought into line with the Commerce Bill of the Federal Parliament in regard to these matters. I know that it may be said that this is a Pure Food Bill, and that such a question as I have mentioned should not be dealt with in connexion with it; but as one or two clauses of this Bill deal with other matters than food, I think honorable members would do well in Committee to insert a provision to prevent the adulteration of boots with cardboard and other substances. I would like to say, in conclusion, that many of the samples of adulterants which I have exhibited to the House were of a very ordinary nature—cardboard, &c., some of which are made in Victoria, and the balance imported. I believe that both with regard to imported and locally-made goods adulteration is very prevalent, and I think that in the interests of both importers and local manufacturers all adulterants of this description, whether made here or imported, should be prohibited, because I consider that in both cases the offence is equally bad. I hope, with the assistance of the Honorary Minister, who has informed me that I am quite within the scope of the measure in introducing amendments of this character, we shall be able to enlarge the scope of the Bill in Committee. I believe the House by treating this as a non-party measure will, although the session is nearly concluded, be able to make a very good Bill of it by amending it in the direction of giving us not only pure food, but pure articles of clothing, so that we may be able to get really what we pay for when we buy.

Mr. HANNAH.—I desire to say a few words on the second reading of what I considered to be one of the most important measures that this Government has brought
down this session in the interests of the public. While I believe that the Milk Supervision Bill will, if carried, have a very far-reaching effect upon the community, that measure deals only with one phase of our food supply, while this Bill purports to deal with the whole ramifications of the food supply of the public. It has been stated by the honorable member for Collingwood that he considers that this measure should have been brought in simultaneously with the Milk Supervision Bill; that, in fact, both subjects should have been dealt with in the one measure. I do not think so. I think there is no analogy between the two Bills. In connexion with the milk supply and the production of butter, we are catering for what will be undoubtedly a very large export trade, even beyond that which we are now carrying on. In any case, I trust that nothing will deter honorable members from voting and working strenuously in order to make this Bill as perfect a measure as we can possibly have. I agree with the last speaker that this is a non-party measure altogether. This is a question on which, whatever party we represent in politics, we can at least take a broad enough stand, considering that the interests and the welfare of the community are at stake. I listened to the honorable member for Toorak, and also to the honorable member for St. Kilda, and I had hoped to be able to glean from them, representing as they do the employers' section of the community, some of the objections which that section may take to this Bill. I listened very carefully to hear what objections could be offered to this Bill, but I failed to glean more than the fact that the honorable member for Toorak stated that we have too much legislation, and that this Bill is only another example of the manner in which we are overdoing legislation. We may have too much legislation in some directions, but, so far as this measure is concerned, we are years behind almost any other civilized country. No one will challenge me on that, because we have only to analyze—

Mr. FAIRBAIRN. — We have the Health Act.

Mr. HANNAH. — What is the good of having an Act when we find it is not carrying out what it purports to do? I believe that this measure will give to the Government, who are responsible to Parliament and the country, an opportunity of carrying out a desirable reform in connexion with the food supplies of this country. I do not approve of referring this Bill to a committee, as suggested by the honorable member for St. Kilda. I interjected when the honorable member was speaking that if we did that we would be wrongly passing on to others the responsibility that devolves upon us. When it was suggested by the Premier that this Bill should be referred to a committee, I was strongly against it, and I am still against it. It appeared to me that referring it to a committee was only another way of hanging it up. I was glad to have the assurance of the Minister that he was determined not simply to have a second-reading debate, and then have the Bill hung up, but to see it put through this session. I have taken some trouble in connexion with this subject. Since the Bill was launched I took the trouble to see various employers and manufacturers, who produce not only for our local market, but for the other States. When we have employers who welcome this particular measure, we can come to only one conclusion, and that is that the Government have nothing to fear, and should therefore push on with the Bill. These men have laid themselves out to produce a first-class article, and not to practise adulteration, and I have it from their own lips that, in the interests of trade, they welcome such a measure as this. The honorable member for Jika Jika brought before honorable members the shoddy practices that take place in connexion with the production of boots, clothing, and many other things. Members who have been sent into the House in the interests of the public should not think that it will be a waste of time to place this measure on the statute-book, even if it takes a month.

Mr. MURRAY. — A year, if needs be.

Mr. HANNAH. — I am not with the Minister of Lands in that, for I believe that the Bill can be fully debated in all its various aspects and placed on the statute-book within a month. I believe it was the honorable member for Richmond who, when speaking upon this question the other day, said there were several articles that could not be produced without the use of preservatives. I believe he was quite correct in regard to certain articles, owing to our climate. Now we are making rapid strides with our local products, and because one man cannot produce articles without using preservatives, that is no reason why the man who produces them without preservatives should be handicapped. Therefore,
it seems to me that the fair, reasonable, and good employer has everything to gain by a measure like this being passed. The honorable member for Toorak spoke about the effect upon the 99 men in the community who were just persons. We know perfectly well that no law is placed on the statute-book on account of the man who is prepared to keep the law, and does keep it. Burglars may not constitute more than 1 per cent. of the community, but at the same time the law on the statute-book is no detriment to the man who never breaks it. It is necessary, in the interests of the 99 just competitors, to pass legislation to prevent the unjust one from undermining and undercutting them. Therefore, I feel that I can give this measure a certain amount of support, whilst I believe at the same time that it is practically a Committee measure, and we will have to thrash it out in Committee. I am not with those who stated that unless certain things were done the Bill will not pass this session. I believe that those who are responsible for that statement have been sent here in the interests of a class that believe in adulteration. This House ought to be strong, bold, and courageous enough to protect the interests of the great mass of the people. We find that there is at the present time in Victoria a spirit of patriotism that has not hitherto characterized the people, and that is spreading throughout Australia. We have had public men who, until recently, have been ready to decry our local productions. As long as an article was branded as made in America, Germany, or Great Britain it received preference from such people.

Mr. LIVINGSTON.—And it does now.

Mr. HANNAH.—There are some people who prefer them now. I have been a consistent patriot in this direction. Before I was the father of a household, and since, I have taken every precaution not to patronise the importer. Australia is now producing articles of such a character that increased possibilities are opening up for the workers of this State. I wish the Bill to be as effective as possible, so that it will reach those who are trading with us from abroad, and over whom we can have no jurisdiction in regard to their methods of production. As to the boots that have been referred to, I think they have been produced to compete with the cheap and nasty products from abroad. Under the present system of competition, our manufacturers, whether bootmakers or anything else, must by sheer necessity preserve their own market and keep their own trade, and therefore they had to come down to the level of the adulterator from abroad. At the same time we produce articles of the very best quality in Australia. When the debate was going on in the Federal Parliament we heard a great deal with regard to the adulteration practised here, and the shoddy woollen material manufactured here. We find that the best quality goods produced here are recommending themselves to the people. The same thing applies to all the goods we require for consumption. For many years past I have seen the necessity of a measure of this kind, and of dealing with the question in a practical manner. It is a pity the Bill was not introduced years ago, in order that the man who conducts his business fairly might be placed on a proper basis as against his unfair competitor. I could mention several men who have established good businesses here, and have made a name and reputation for themselves in certain lines, who have been injured by the competition of others, owing to the use of adulterated articles. These other people have come along, and have been able to cut out the men who did not resort to such adulteration, with the result that a large portion of the trade has been taken away from the honest manufacturer. I believe that members on this side of the House are prepared to devote a good deal of time to this question, even if it means prolonging the session, and making some sacrifice. It is our duty to assist the Government in this direction, and to show that we are at least strong enough to put down those people from outside who have been practising adulteration to the detriment of the welfare of the people, and to the health and lives of little children. I am told by doctors, and others who are in a position to speak on the question, that in our general cemetery there are thousands of little children who have found premature graves as the result of the adulteration of food.

Mr. MURRAY.—You might write on their tombstones, in many cases: "Victims to boracic acid."

Mr. HANNAH.—This is a matter of serious moment with regard to little children. I know that the honorable member for Bulla is a defender of the use of boracic acid. I have noticed that on several occasions, when the question of a pure supply of milk and butter has come up, he has tried to show that a certain quantity of this preservative can be used without
any ill effects. I would point out to him, however, that while a strong and vigorous man might be able to consume a small quantity of boracic acid in his food with little apparent ill effects, a weak man, woman, or child taking the same quantity of the acid daily into the system for days and weeks together might find that it has a very prejudicial effect indeed. Therefore, it is idle to say that boracic acid can be used with impunity in the quantities that have been mentioned. Of course, I know that the constituency which the honorable member for Bulla represents is largely interested in this matter as producers, but to my mind there is a great fallacy in the honorable member's contention that the use of boracic acid does not have an injurious effect on our milk supply.

Mr. Warde.—Milk is only one article of food in which it is used. It may be used in a dozen other articles.

Mr. HANNAH.—Exactly. The honorable member for Bulla this afternoon said he thought this question should have been remitted to the Federal Parliament, and that that Parliament should at least have control over it.

Mr. ROBERTSON.—I desire to make an explanation. The honorable member is quite in error, and has misconceived what I intended to say. What I did intend to say was that, so far as the fixation of standards of quality was concerned, I believed it was a matter for the Federal Legislature to deal with in conjunction with the State Legislatures.

Mr. HANNAH.—I was following the honorable member closely at the time, and took notice of what he said. At that particular point he did not happen to be talking about the fixation of standards at all. The honorable member for St. Kilda also referred to what the honorable member for Bulla had said, and seemed to have understood him in the same way. In my opinion this is a domestic measure which must be dealt with by the State Legislature. I do not intend to take up more time, but I believe it will stand to our everlasting credit as a Legislature if we wrestle with this Bill as it ought to be wrestled with, without taking into consideration for the time being any small interests that may be affected adversely by what we do. At the same time, I do not wish to be misunderstood. Of course, I speak as an individual, but the party to which I belong have been to the fore in their desire to prevent adulteration, and bring before the bar of public opinion those who have fattened and fattened upon the community, and made their thousands out of adulteration.

Mr. ROBERTSON.—Do you think your party could manufacture butter for export without using boracic acid?

Mr. HANNAH.—I am not now prepared to answer any such highly scientific question. I believe, however, that we are making such rapid changes of late years in connexion with matters of this kind that what may appear to be a necessity to-day in the way of adulteration, may soon be found to be quite unnecessary. But I may be necessary for the present to use a small amount of preservative in food intended for export, it certainly is not necessary to do so in food that is used for local consumption, yet we find that this food is adulterated. The party to which I belong are prepared, I believe, to give the fullest attention to this measure, and to face whatever opposition may be offered by the apologists of the adulterator. The arguments adduced by the honorable member for St. Kilda, and the honorable member for Toorak, to the effect that such a measure is unnecessary, and that the work can be done by the Board of Public Health, appear to me to be fallacious and quite beside the question. Having paid some attention to this particular matter, I am convinced that nothing short of a measure of this kind will meet the requirements of the public.

Mr. J. W. BILLSON (Fitzroy).—I wish to refer to one fact that has struck me very forcibly in this debate. It is a position often taken up by honorable members on the Government side of the House, and that is, that while they desire to take to themselves all the credit of being in favour of the objects of a Bill they very strongly oppose the details of the measure that would have the effect of bringing about the desired change. I fail to see the difference between the attitude taken up by those honorable members and the attitude of straight-out opponents to the Bill. It is a matter of pure hypocrisy for a member to say that he is willing to support a Bill that will abolish the injurious effects of the adulteration of food and clothing, but, at the same time, is prepared to submit the matter to a committee which could not possibly deal with it this session. That is a form of opposition more insidious and destructive than would be the case if they were to oppose the Bill straight out, as well as the methods contained in it.
The statement made by the Minister of Mines in introducing the Bill should weigh with honorable members. We were told distinctly that the adulteration of food was reducing the physique of the adult population, and decreasing the population by destroying the infants through the impurities of the food given to them.

Mr. A. A. BILLSON (Ovens).—The vital statistics do not prove that, but exactly the opposite.

Mr. J. W. BILLSON (Fitzroy).—Does the honorable member mean to say that the adulteration of food increases the physique of the adult population and improves the health of young children?

Mr. A. A. BILLSON (Ovens).—I do not say that. I say that the measure of adulteration mentioned by the Minister does not exist.

Mr. J. W. BILLSON (Fitzroy).—The Minister stated distinctly that the adulteration that was now practised decreases the physique of the adult population and increases the death rate of infants. I fail to see how it is possible for the vital statistics to prove the direct opposite. The Minister of Mines, in introducing the Bill, mentioned the fact that in European countries those persons who have been fined for the adulteration of food, cigarettes, &c., were compelled to display in their windows notices to that effect. In my opinion, a provision of that character would be the most efficient it is possible for this House to adopt in preventing adulteration. I know that adulteration prevails very largely in connexion with foodstuffs, clothing, and boots. The honorable member for Jika Jika this evening brought before us some boots, some leather, and some cardboard. I know something of adulteration in that direction. The manufacturers here produce some of the best boots in the world. Their appliances are equal to anything that is being used in America. Their output, I believe, compares very favorably with that of any other manufacturers, and their product as a whole is splendid. It would undoubtedly bear favorable comparison with that from any other part of the world, but, unfortunately for ourselves—and this applies equally to Great Britain—there are some manufacturers who are mere scavengers in the trade, and who attempt by unfair methods, and by purchasing the refuse of legitimate manufacturers, to make boots out of the stuff that they so purchase. I have seen ladies' imported court shoes with only two pieces of leather in the whole shoe. That was one slight shaving put on the outside for an outer sole, and the other was the top piece—that is the wearing portion of the heel. They were the only two portions of leather in the whole of the shoes. The manufacturers here—the smaller men, the men who have to compete against this imported article—have attempted to compete by adopting the same methods. That is, the upper is composed solely of a kind of oil-cloth, which is sold for patent leather, but is not leather at all. The inner soles are composition or strawboard. Then the other portion is either cardboard or filling of a description equally as bad. These goods, and most of the impure food supplies, are purchased by the working classes who are expected, wearing this kind of material, and consuming this kind of food, to hold their own with other artisans in the open market. It is impossible for us to conserve the health of the people or to maintain their physique if we allow the present measures to remain on the statute-book knowing they are ineffective, and make no attempt to bring about better conditions. In the interests of those manufacturers and employers who adopt fair methods, in the interests of the purchasing public, it is our duty to insist that when persons are buying goods, those goods should be correctly described, and that the purchasers should get a fair return for their money, and not be defrauded out of their earnings, as is being permitted at the present time. I think every member who desires the object which this Bill is brought in to accomplish, should not hesitate for a moment about adopting the means to accomplish that object which the Ministry and many members of this House have in view.

Mr. THOMSON.—I expected to hear a great deal about food in connexion with this Bill, but I have listened this afternoon to a dissertation on boots, which seem to have formed the principal topic of debate to-day. If it is fair that boots should be introduced into this Bill, we should have something more added to the Bill. I should like to have seen the Minister introduce into it a clause which would deal with the manner in which public-houses are kept at the present time. It does not matter if you provide the best articles in the way of material, unless those articles are properly cooked, they will become unfit for food. In many houses I know of
the food that is put before one is not fit to eat. In all such places the food should be good. If they undertake to supply food, it should be cooked in a proper manner, but the way in which a number of these houses are kept is not proper. It is not fair to the travelling public, or to the houses that are properly kept. I should be glad if the Minister could see his way to adopt some standard in the Bill, so that when a man applied for a licence to conduct a public-house, he should be prepared, if he himself did not know what was required, to show that he would have somebody else employed who would be able to cater properly for the public. I know that in the country districts a number of the houses are not properly kept. At the same time we have a number of splendid houses. I think the Minister should take some action in connexion with the houses that are not properly kept. In such a case, I think the licence should be taken from the licensee, and another man put in his place. I am not alluding now to the spirits sold, because there is no doubt that action is taken in that matter. It is not only the cooking that needs attention, but it is necessary to see that the house is kept in a proper manner. If it is fair to introduce boots into a debate in this House, it is equally fair to introduce the question of a further inspection of the different public-houses.

The motion was agreed to.

The Bill was then read a second time, and ordered to be committed.

On the motion "That the Speaker do now leave the chair," Mr. COLECHIN said he desired to make a personal explanation.

The SPEAKER.—There can be no debate on the question "that I do now leave the chair." But after the question has been decided I will allow the honorable member to make a personal explanation.

The motion was agreed to.

Mr. COLECHIN said he wished to make a personal explanation with reference to the statement of the honorable member for Collingwood that he (Mr. Colechin) on one occasion was a candidate for the Board of Public Health. As a matter of fact, no one knew better than the honorable member for Collingwood how this came about. When the group arranged for candidates, he (Mr. Colechin) was nominated by his council. Afterwards it was found that canvassing was going on. He refused to canvass. A statement was made that a Mr. Grigg, a friend of some of the councillors, desired to get the appointment. Dr. Johnston, of Williamstown, was also a candidate. It was to make that gentleman's seat secure that he (Mr. Colechin) refused to withdraw, although certain members of that council desired him to do so, and he succeeded in getting a good man for the position.

The House then went into Committee for the consideration of the Bill.

On clause 1, which was as follows—

(1) This Act may be cited as the Pure Food Act 1905 and shall be read and construed as one with the Health Act 1890 (hereinafter called the Principal Act).

(2) This Act and the Principal Act and the Adulteration of Wine Act 1900 and all Acts amending the same may be cited together as the Health Acts,

Mr. WATT said perhaps the Minister might at this stage give the Committee some idea as to how the Government proposed to proceed with the measure. Several suggestions had been made during the second-reading debate. The first was that the Bill might be sent to a Select Committee—this was proposed by the Premier—the next was that the Committee might be favoured at an early stage with tabulated information as to kindred legislation in other countries, to enable members to judge what was the most up-to-date method of legislatively dealing with the problem of food supply, and the third was as to what amendments the Government proposed to introduce in view of the criticism offered.

Mr. McLEOD stated that he proposed to-night to go on with the clauses that were not debatable, and to postpone till the last the principal clauses regarding which difference of opinion had arisen—the more important clauses as to which amendments were now under consideration. He had been trying to get out the other information which the honorable member wanted. He had it in type, and would have some copies struck off as soon as possible. The principle clauses—clause 15, for instance, and two or three of the other important clauses that had been objected to—he proposed to postpone, as he was going to consider them.

Mr. WARDE said he wished to know if the Minister meant that these clauses were to be further considered by the Government, because the Bill did not convey the intention of the Government, or was it that sufficient consideration had not been given to the Bill?
Mr. McLcOD.—It is merely to make them more clear and to avoid reasonable objections that have been urged against them.

Mr. WARDJ.—Was it the intention of the Government to recommit those clauses after they had been amended?

Mr. McLcOD.—To postpone them and bring them up afterwards. We shall have the amendments ready by then.

Mr. WATT stated that he was glad the Minister proposed to inform the Committee as to the legislation of other countries upon food purification, but surely it was not wise to go on with the Bill at this stage, until the Committee could see exactly where that matter would lead it to. The Committee might now regard as purely routine and formal certain matters which might become vital. By this clause the Bill was to be construed as one with the Health Act 1890 and amending Acts following on it. Suppose the Committee decided, later on, in connexion with the Food Standards Committee and in connexion with the general authority that was to work and control the Bill, to alter the whole character of the measure, the Committee might take it out of the hands of the Board of Public Health and hand it over to a separate board such as had been suggested by the honorable member for Bullo. Personally, he was not favorable to this, but the discussion of some honorable members who had endeavoured to go into the matter closely showed clearly that they were not satisfied with the authorities of the past and the proposed authorities of the future.

Mr. Mcllon.—The Government have no intention to adopt any amendment of that kind.

Mr. WATT said the Minister, while evidently anxious to meet the wishes of inquiring members, would see the advisability of pushing on with the Bill at this stage, pending the receipt of the information that members sought. If this information would be available for to-morrow, let the Committee stage be postponed until then, and the Milk Supervision Bill be gone on with.

Mr. McLcOD.—I have already intimated that the clauses to which it applies will be postponed. The information will be available before we ask the Committee to proceed with those clauses.

Mr. WATT.—Then would any clause be postponed if there was a general demand or a reasonable request for its postponement?

Mr. McLcOD.—There are certain clauses that I have marked as intended for postponement.

Mr. WATT said other honorable members might desire other clauses to be postponed.

Mr. McLcOD.—That is a matter for discussion when it arises.

Mr. ROBERTSON stated that he concurred with the honorable member for Essendon. He was not satisfied with the power that was to administer the Bill. He would contend very strongly that the Department of Agriculture, in conjunction, perhaps, with the Board of Public Health, should administer a Pure Foods Act on different lines from this Bill. He wished to draw the Minister’s attention to the manner in which an Act of this character was carried out in England and America. English legislation was embodied in Part IV. of the present Health Act.

Mr. MURRAY.—English legislation which is very unsatisfactory in England, at any rate.

Mr. ROBERTSON said Part IV. of the Health Act embodied the English Food and Drugs Acts of 1875 and 1879, and his contention was that this Bill should more largely embody the Act of 1899 as well; and perhaps go further and establish a Food Standards Board, such as was provided under section 7 of the Federal laws of the United States. If any clause should be postponed, it was clause 1.

Mr. FAIRBAIRN stated that, according to the clause, the Bill, if it became an Act, would be administered by the Board of Public Health. It was patent to everybody that that body had not given satisfaction at all. They had not done very well under the old Act, and therefore he wished to press the Minister to bring in some amending legislation as to the constitution of that board. If the Committee was going to make this a proper measure for the country, and to secure pure food, it must be properly administered. Every member in the House, as the honorable member for Collingwood had pointed out, could see perfectly well that it would not be properly administered if it was handed over to the Board of Public Health as at present constituted. This clause was the vital clause of the whole Bill. It did not matter what sort of Acts were on the statute-book, if they were not properly administered they
were not a bit of use. He called the Minister’s attention pointedly to this, because he did not want to see the measure fail after all the trouble the House would take in passing it, because the House was evidently going to take trouble over it. If it was going to be administered by the board as at present constituted, it would be a gross failure.

Mr. PRENDERGAST observed that he deplored the remarks of the honorable member for Toorak, because there did not seem to be any fault at all in the administration of the Board of Public Health. The trouble was that they had not had sufficient legislation of a description to give them power to enforce many things that they could otherwise enforce in the interests of the health of the community. If it had not been for the action taken by the late Dr. Gresswell, and the active supervision of the Board of Public Health, there would very probably have been a serious outbreak of bubonic plague in this State. It must be clear that the whole administration of the Health Department of this State had been such that anybody might be very well satisfied with. Of course there might have been some flaws; but he would be a very peculiar officer of health who got through his career without making some mistakes. As a general rule the officers of health in Victoria had administered the Act with thoroughness and fairness. One point which he (Mr. Prendergast) desired specially to mention was that an effect of the measure might be to abrogate certain powers proposed to be given in the Milk Supervision Bill. It ought to be made clear that no such thing was intended. There should be no clashing or interference by this measure with the administration of the Milk Supervision Bill. It should, however, be possible under the Pure Food Act to consider milk as a food, although, as he had already stated, they should not under this Bill abrogate any of the functions provided for in the Milk Supervision Bill. It appeared to him at present that clauses in the two measures would cross each other. He therefore asked the Minister to see that action would be taken to provide that the present Bill would not interfere with the administration of the other.

Mr. McLEOD.—I will take a note of that.

Mr. BOYD said that he thought it would be advisable at this stage to give the Committee time for consideration. Many objections would be taken with regard to the proposal as to who should control the food supply, and much greater progress would be made if time were given to consider that point. There was a feeling on the part of some members that the function should devolve upon the Department of Public Health, whilst others thought that the Agricultural Department should have the control, and others still that the Food Standards Committee should be a separate and distinct body. He himself thought that the provisions of the Health Act were sufficient to carry out what was desired if proper authority were given to prosecute. He felt certain that the Board of Public Health was the proper body to have control, and if it was not sufficiently representative of all the interests involved, an alteration could be made in its constitution. But with the powers conferred on that board by the Health Act it seemed to him unwise to now pass a number of clauses calculated to conflict with those powers. A very important point already made was that, in connexion with the administration of our health laws, we had standard English decisions upon questions of adulteration which we could go by, and that by putting totally new provisions into a new law the Victorian Parliament would be sweeping away the whole of the English decisions. It was also a very important point to determine whether the food supply should be governed by the Health Department or by a Food Standards Committee—by a separate and distinct body from the Board of Public Health altogether. He would ask the Minister to agree either to the postponement of the Bill altogether, or to the postponement of clause 1, and so then proceed only with such other clauses as were not of a contentious nature.

Mr. WILKINS remarked that he, too, would urge on the Minister the desirability of giving the Committee some more definite information as to the controlling body. He (Mr. Wilkins) himself knew that the late Dr. Gresswell, whenever he had to take action in important matters, had always to get the sanction of the Board of Public Health—a body of laymen which should not have controlled him in any way in matters of public health. When there was a highly-trained scientific man at the head of such an important Department, he should not be controlled by laymen. Honorable members should have something definite from the Minister as to what were
the intentions of the Government in that regard.

Mr. A. A. BILLSON (Ovens) said that he desired to support the views expressed by the honorable members for Essendon and Melbourne, and others, in advising that some little delay should take place in connexion with this very important measure. The State had done without a Pure Food Bill since its foundation, and from his reading of the vital statistics it appeared that the general health of the people had been greatly on the "improve" during the time which, according to honorable members who had already spoken, adulteration had increased and multiplied to a most extraordinary extent. It was highly desirable, therefore, that delay should take place to enable the Minister to place before honorable members the statistics with regard to mortality in all their bearings upon this measure. In part 8 of the Year-Book just issued, he found the following statement:—

During 1904 a low infantile death rate was recorded for Victoria; the proportion—7.79 deaths to every 100 births—was the lowest experienced in the history of the State.

Then the statistician went on in another paragraph, on page 360, to give a comparison of the deaths of infants at various stages during two quinquennial periods—or rather the decennial period of 1891 to 1900, and the five years 1900-1904, showing that year by year there had been a great decrease of mortality amongst infants—a consistent decrease in the deaths of both males and females the whole time. Again, on page 362, dealing still with infantile mortality in various countries, the statistician showed that the deaths of children under one year of age to 100 births were, in Russia, 30 per cent., and in other European countries from 17 to 27 per cent., whereas in Victoria they were only 11.1. This list also showed that the corresponding rates of infantile mortality in other countries were, South Australia, 10.5, Sweden, 10.0, Ireland, 10.0, Tasmania, 9.6, New Zealand, 8.4. The figures went on to show that in the countries where they had up-to-date Pure Food Acts the infant mortality was the highest, and that in countries such as Victoria, where people were supposed to be carrying on adulteration without let or hindrance, the infant mortality was very low. There were also figures given as to the mortality in Victoria of children under five years—that was, of children of ages at which they consumed milk and milk foods in abundance, and from these he found that the proportion of deaths had decreased remarkably since 1871. In the case of males the proportion per 100 deaths at all ages in 1871-80 was 39.41, and in 1904 it had decreased to 21.03; whilst in the case of females it had decreased from 46.06 in 1871-80 to 21.45 in 1904. When the Minister who introduced this Bill was speaking he made the statement that, in consequence of not having a Pure Food Act, and because there was a considerable amount of adulteration going on, the infants of this country were dying off. The statistics, however, did not show that to be the case. He (Mr. Billson) was not pleading for persons who adulterated milk, or who adulterated any other form of food, but he was pointing out that the contention of the Minister in regard to infantile mortality was not borne out by the statistics; and, therefore, whilst it was a matter of importance to protect the consumers, there was no reason for rushing a measure of this kind through without due consideration. He (Mr. Billson) hoped the Minister would see his way clear to further postpone the consideration of the measure till some future date.

Mr. McLEOD said that he would be most happy to consent to any reasonable proposal, but he failed to see what could be gained by delaying the Bill. The House had already had the measure before it for about ten days. As to the argument of the honorable member for Ovens, if it meant anything at all, it meant that adulteration of food decreased the rate of mortality amongst infants. He (Mr. McLeod), however, had other statistics to which he might allude. During the last three years there had been 5,997 samples of food and drink analyzed, and 1,715 of them had proved to have been adulterated—that was something over 25 per cent. Surely there was ample reason to be found in that circumstance to show that there was a necessity for a Pure Food Bill. With regard to the question raised by the honorable members for Collingwood, Essendon, and Melbourne, about the Board of Public Health, he (Mr. McLeod) had already intimated that the Government did not propose to alter the constitution of the Board of Public Health at present. Supposing, however, that that was done, it should not affect the present Bill; and if a new body was created afterwards that new body would have to take the powers which were given to the Board of Public Health. Apparently there was strong pressure being brought to bear
against the Board of Public Health by interested parties for reasons of their own; but what was now proposed was to assist the Board of Public Health to fulfil the functions which some honorable members had complained that board had not before had the power to perform—to strengthen the hands of that body, so that they might carry out the duties which honorable members thought had not been properly carried out hitherto.

An Honorable Member.—Does the Minister mean “interested parties” in this House?

Mr. McLeod said that he did not mean that, but had spoken of outside parties. He did not know of any members who were adversely interested in the Board of Public Health. He (Mr. McLeod) recently received a deputation from the Chamber of Commerce, and discussed the subject of this Bill with them and with others, and he had intimated to all that the desire of the Government was to make this measure a reasonable and workable one. Further, he had agreed to postpone all the clauses which those people said would affect them injuriously. It was, therefore, the duty of the Committee to now push on with all the other non-contentious clauses. He did not wish to have the Bill imperilled by any unnecessary delay.

Mr. Fairbairn remarked that the Minister should promise to look into the question as to the constitution of the Board of Public Health. He (Mr. Fairbairn) admitted that that board had done very good service in some directions, and particularly in medical directions. But they had not done important work in connexion with inspection.

Mr. McLeod.—It is claimed that they have not the power.

Mr. Fairbairn said that section 21 of the Health Act 1890 provided that every council had to appoint certain officers. Well, it had been the complaint all over the country that these officers had not been appointed. Were the Health authorities to blame for that?

Mr. McLeod.—They have had to appoint them. When we reach the clause dealing with analysts, I shall be able to give some information as to how the provision has worked in the past.

Mr. Watt remarked that the Minister stated that he did not see how the question of the constitution of the Board of Public Health had a bearing on clause 1 of this Bill. Honorable members were asked to construe this Bill, if it should become an Act, as one with the Health Act. The administration, or the vital functions, of the Bill would fall on the shoulders of the Board of Public Health. Supposing for a moment—he was not there to assert that it was true—that the Board of Public Health had been altogether faithless to its obligations in the past, would the Minister still make that statement?

Mr. McLeod.—The honorable member is assuming something and asking for an answer. If we were going to deal with the Board of Public Health we should have to alter the Health Act.

Mr. Watt said that this Bill altered the Health Act.

Mr. McLeod.—It only gives additional powers.

Mr. Watt said that there were vital alterations.

Mr. McLeod.—Not in the constitution of the board.

Mr. Watt.—No; but if additional powers were given to the board, in which some honorable members had not confidence—he did not propose to make an attack on that body—that matter certainly bore vitally on the clause which provided that the administration of this measure should be handed over to the Board of Public Health.

Mr. McLeod.—If you should find that the board does not carry out this Bill, and the Government decided to alter its constitution, the powers in this Bill would be handed over to the new body.

Mr. Watt said that there were clear cases in which the Board of Public Health had not been alive to the duties it owed to the public.

Sir Alexander Peacock.—In other cases it has been too much alive.

Mr. Watt said that with regard to buildings generally, perhaps, that could be said.

Sir Alexander Peacock.—It has upset the whole country.

Mr. Watt said that after the great fire of Chicago happened the eyes of the public were opened, and the board became frightened with regard to the buildings in which people congregated.

Sir Alexander Peacock.—They attack the little hospitals, but neglect the Melbourne Hospital, because it has big influence.

Mr. Watt said that in that respect some of the officers of the Board of Public Health had been unduly zealous, much to the detriment of public building.
Mr. Prendergast. — The officers have acted in connexion with the public bodies irrespective of position—against the Melbourne City Council authorities, as well as everybody else.

Mr. Watt said that the Board of Public Health could not be charged with favoritism, but with excessive zeal. He knew that the Melbourne City Council, which was the strongest body in the metropolitan area, had been compelled to make desirable exits to the Town Hall.

Mr. Colechin said he rose to a point of order. He desired to know whether the honorable member was in order, while discussing clause 1, in dealing with the City Council, the Board of Public Health, and goodness knew what, after a second-reading speech and two or three speeches on clause 1?

Mr. Watt remarked that the honorable member for Geelong should be the last to direct attention to lapses of that kind, or what the honorable member considered lapses. He (Mr. Watt) was endeavouring to deal as clearly as he could, in view of the interjections, with the constitution and duties of the Board of Public Health.

The Chairman. — This clause provides that this measure shall be read and construed as one with the Health Act 1890, and I understand that the honorable member for Essendon was endeavouring to show why there should be some alteration in the construction of the clause.

Mr. Watt said that as usual the Chairman was right. He (Mr. Watt) was dealing with the Health Act, and he was going to show that the Health Act gave the Board of Public Health large powers which the board had not fully exercised. He did not suppose that there would be any humanly-constituted body, however zealous its chairman might be, which would exercise with complete success all the powers the Legislature granted it. Some honorable members would not even allow this Assembly to do that, and consequently Parliament did not always live up to the expectations of the people. In one respect the board had had to exceed the functions which the Legislature conferred upon them. That was with regard to a reasonable control of buildings in which the public congregated in large masses.

Mr. A. A. Billson (Ovens). — Why should they be invested with any power over buildings at all?

Mr. Watt said that some one must have that power. He supposed that originally the question of ventilation brought the Board of Public Health into the matter, and eventually the question of the control of these buildings came to be regarded as one of life and death, and the Board of Public Health assumed the power with the consent of the people of this country. With respect to the analysts, the Minister had returns in his possession showing how little care had been given to that particular thing by a large number of the municipalities, notwithstanding the fact that section 55 of the Health Act gave the board very large powers over the municipalities with respect to the appointment of analysts. That section of the Act was as follows:—

The council of any district may in all cases and when vacancies in the office occur, or when required so to do by the Board, shall for their respective districts appoint one or more persons (not being persons engaged directly or indirectly in any trade or business connected with the sale of articles or food or drugs within that district), possessing competent knowledge skill and experience as analysts of all articles of food and drugs sold within their districts respectively, and shall pay to such analysts such remuneration as may be mutually agreed upon, and may remove him or them as they deem proper; but such appointments and removals shall at all times be subject to the approval of the Board, who may require satisfactory proof of competency, to be supplied to them, and may give their approval absolutely, or with modifications as to the period of the appointment and removal or otherwise.

That section gave the Board of Public Health complete compelling power with respect to the appointment of analysts, and he was not certain, speaking from memory, that that power had been exercised.

Mr. Colechin. — It would be easier to manage the thing altogether than have that controlling power.

Mr. Watt said that he was not dealing with that problem, which was on the very margin of the matter which he was now discussing. He was trying to find out, from a cursory survey of existing legislation, whether this board had discharged its duties faithfully in the past. Perhaps the Minister would tell the Chamber how many councils had omitted to appoint analysts. He would not be surprised to hear that one-half of them had not done so.

Mr. McLeod. — About thirty. The number of those who have appointed analysts is 170.

Mr. Watt said that he meant that 30 councils had not obeyed section 55 of the Act, although the Board of Public Health had complete mandatory power to compel them to do so.
Mr. WARD said that if the Minister would do, in connexion with this Bill, what had been effectively done so far in the Milk Supervision Bill — that was, take power over the board if it did not enforce the authority given to it by Parliament — he would be with the Minister every time.

Mr. COLECHIN.—The honorable member has a chance to move an amendment.

Mr. WATT said that he thought there should be additional powers exercised by the Minister responsible to this House over the board administering this measure. The honorable member for Collingwood read an extract with respect to the retention of the services of certain engineers. The Minister could not see his way to continue an annually recurring expenditure, and would not sanction the re-appointment of certain officers, and the Board of Public Health then, in the most truculent and impudent fashion, washed its hands of all responsibility in these particular matters. If the honorable member for Geelong had been Minister for Public Health at that particular time, he would not have patiently submitted to such an affront.

Mr. ELMSLIE.—He may be Minister of Public Health in six months.

Mr. WATT said that in about six months after that the honorable member would be in his grave. Seeing that the board, in regard to four or five matters, had not attended to the duties imposed on it, the Minister should take additional power over the board, so that if this House or the press were not satisfied that the duties to be performed under this measure were being satisfactorily discharged, the Minister could step in and enforce the provisions passed by this Legislature. If the Minister would do that, be (Mr. Watt) would not be particular as to the additional powers conferred upon that body; but if this was only to be a mere administrative lie, as they said in America, where, to satisfy public clamour, an Act was sometimes passed which became inoperative, this Legislature should not be called upon to pass the Bill. He objected to pretending to do a thing, and not doing it. All honorable members were at one in their desire to purify the food of the people without imposing undue disabilities on those engaged in manufacture or distribution. But as to how that was to be done, the Minister would find, as he went into the matter step by step, severe difficulties confronting him in connexion with the proposals submitted by the Government.

Mr. COLECHIN.—Don’t you think the Government can judge as to that, and as to “stone-walling,” too?

Mr. WATT said that he did not know whether the honorable member for Geelong was adopting his usual tactics of insinuating that he (Mr. Watt) was “stone-walling.”

Mr. COLECHIN.—Are you supporting the Bill?

The CHAIRMAN.—We shall get along much better if these interjections cease.

Mr. McLEOD.—One way to deal with that would be to give the Minister additional powers to deal with the board or any municipal council.

Mr. WATT said that if the Minister could step in and enforce the provisions which Parliament passed that would be satisfactory. If, in addition, the Minister, on a council failing to discharge its duties, could call upon the Board of Public Health to compel it to do so, Parliament might be satisfied that the Minister was properly looking after the interests of the people, and making a reality of a measure which honorable members did not desire to see a dead letter if it was passed into law.

Mr. WARD said he was very much surprised to hear that the Minister had no power to compel the Board of Public Health to observe Acts of Parliament.

Mr. McLEOD.—There are certain powers, but I will see whether they provide all that is necessary.

Mr. WARD said that it was the duty of any Executive to see that all persons authorized should administer Acts of Parliament, and he was surprised to find that there was no power in the Health Act to enable the Minister to compel the officers of the Board of Public Health, if they did not feel disposed to carry out the Act of Parliament, to do so.

Mr. McLEOD.—There is power in the Health Act now, but I wish to see if it goes far enough.

Mr. WATT.—Section 18 of the Health Act deals with the powers of the Minister.

Mr. WARD said that in section 18 of the Health Act 1890 it was provided that
all the powers, rights, and authorities vested in the Board of Public Health might be exercised by the Minister. Following that, any one would imagine that it would be a most ridiculous position if any body of men could defy the Minister and not enforce the Act. If the Board of Public Health failed in its duty, and the Minister was notified to that effect, it was the Minister’s duty to see that the board carried out all the functions which were placed under its control by Act of Parliament. He (Mr. Warde) would certainly say that if this measure was to be administered in the interests of the people, it was only reasonable to assume that the Department which already existed for the purpose of administering the Health Act was a proper Department to carry out this measure. A suggestion had been made that the Bill should be held over until some information with regard to other countries had been placed on the table, but the main object underlying the Bill was to get pure food for the people, and he saw no reason for the postponement of the present clause. Personally, he thought that the health authorities were the proper persons to administer the measure. If the Health Act was not sufficiently elastic to enable it to be carried out in the manner which Parliament desired, he still thought that the health authorities were better able to administer a measure of this kind than any other body could be. Under these circumstances, he saw no necessity for holding over clause 1 of the Bill. In regard to the other clauses, the Minister had mentioned that representatives of the commercial interests had waited upon him and made out a good case, and if this were so it was certainly the duty of the Minister to take into consideration any proposals which emanated from any section of responsible persons. Therefore, if those matters were adjourned for further consideration, no one could offer any reasonable objection if that course were pursued. He certainly thought, however, that honorable members would act wisely if, instead of raising any factious opposition to the clauses which could be dealt with without postponement, they assisted the Government in passing them. An honorable member voicing his own particular views, which might lead him to differ from some of the proposals in the Bill, was not so serious a cause for postponement as when the Minister had brought under his notice the views of some particular class of manufacturers.

Mr. Watt.—Do you mean that outside views should have weight, while inside views should not?

Mr. Warde said that he, as voicing only his own opinion, did not consider he had the same right to ask for the postponement of a clause as a man or body who represented an industry had.

Mr. Levyen remarked that this was not a question of individual representation at all, because those honorable members who had given the Bill some consideration felt their inability to proceed with it fully in an intelligent way. The Government itself, through the Premier, the other night made what he (Mr. Levyen) considered was a very proper suggestion, namely, that the measure should be sent to a Select Committee of the House, who would give it special time and attention. That idea, however, was not approved of by honorable members opposite as he wished it had been.

Mr. Warde.—If that was to be done, it should have been done before the Bill was considered here at all.

Mr. Hannah.—Why should we consider the views of a few people outside?

Mr. Levyen said that they had to consider the representations of those who understood business. Honorable members were not there to pass in the dark legislation which might hamper and act injuriously on manufacturers. Manufacturers had made representations, through printed matter, which required and must have attention. He (Mr. Levyen) believed the Minister would act wisely if he would postpone the consideration of the whole Bill, or send it to a Select Committee. While no Government could stand a Bill being sent to a Select Committee on an adverse motion, he thought the Government would take a wise course if they proposed the reference of the Bill to a Select Committee themselves. From what he could gather, he felt that they were proceeding with legislation which was of a dangerous character. They did not quite know what they were doing, and it was not right to legislate in the dark. They were passing legislation which must be of a very harassing character to those who were engaged in manufactures. As far as he (Mr. Levyen) was concerned, he would put the whole responsibility on the Government, but at the same time he said this was not the proper way to legislate. The Government evidently had not considered this measure fully. They honestly admitted that it required further light thrown upon it, and,
seeing that there were a number of other Bills which were very much more advanced, and which were far more urgent, he thought they might well be given priority to this measure.

Mr. Hannah.—Far more urgent?

Mr. Leven.—Far more urgent. He thought that the Minister said that in an analysis of many thousands of samples of food only 1,700 were found to be adulterated.

Mr. Warde.—Twenty-five per cent. of the lot.

Mr. Leven said that in many of the cases the adulteration might have been of a very harmless character from a health point of view, and this was the most important consideration of all.

Mr. Colechin.—They could not get evidence because the consumers were dead.

Mr. Leven said that honorable members opposite seemed very anxious to proceed with the Bill, but he ventured to say that they had not given the subject more attention than honorable members on the Ministerial side of the House, who felt the danger of proceeding. For his part, he would be very pleased if the Government would postpone the measure altogether. It was not one of urgency. They had been told that the Health Act was administered in a very lax way, and if that Act were more rigidly administered, and full advantage were taken of its provisions, many of the evils which now existed could be remedied under that Act. Let the Government administer wisely the Acts which were now on the statute-book. There was too much legislation altogether. The Minister had informed the Committee that there was a lot of printed matter which he intended to bring forward, and this was another reason why it seemed to be unwise and unreasonable to ask that the Bill be proceeded with forthwith.

Mr. Colechin said he often found honorable members getting up and asking for delay and postponement of some Bill, alleging that other Bills were far and away more important. Those honorable members did not say, as they might have said, that they wanted to prevent the particular Bill under consideration from being passed into law. This seemed to him to be the real reason in the present case. Honorable members asked for postponement, and the holding over of certain clauses, declaring that certain information should be obtained from some influential people, whereas honorable members could have obtained the information themselves in fifteen minutes.

Mr. Watt.—How could they have got it?

Mr. Colechin said that two of the honorable members who had spoken had had some municipal experience. One of them received his congé after being on the council for a little while.

The Chairman.—I wish the honorable member would keep to the question before the Chair.

Mr. Colechin said it would have been better, perhaps, if second-reading speeches had not been allowed in Committee.

The Chairman.—I will not allow the honorable member to proceed in that way. I have not allowed second-reading speeches, and I will not permit the honorable member to cast any reflection on the Chair.

Mr. Colechin said he would withdraw the statement, but he thought that certain speeches were made after the Bill went into Committee, which would have been more properly made when the Speaker was in the Chair. He believed this to be one of the most important Bills that had been brought forward this session.

Mr. Watt.—How do you know?

Mr. Colechin said he had devoted his leisure for over twenty years to municipal work, which would have killed the honorable member for Essendon ten years ago. He did not think the honorable member would ever devote his time to the unpalatable and unprofitable work of municipal study. Any honorable member, however, who devoted his leisure to municipal work, was entitled to the heartiest and best thanks of the people of this community.

Mr. Watt.—You are moving a vote of thanks to yourself.

The Chairman.—I shall do my best to keep down interjections, but I would ask the honorable member not to reply to them.

Mr. Watt rose to a point of order. He said he wished to know whether the honorable member for Geelong was in order in singing his own praises and describing his own career for the last twenty years?

The Chairman.—The honorable member for Geelong was not in order in departing from the question before the Chair, but the honorable member for Essendon by his interjections drew out some of the honorable member’s statements.

Mr. Colechin said it seemed almost a religion to the honorable member for Essendon and certain other honorable members,
that they should strive their best to prevent the passing of legislation for which the country had been waiting, to his (Mr. Colechlin’s) knowledge, for the last ten years. He objected to statements being made asking for delay, because delay was dangerous. Was the Bill required? If it were and there was any clause that was objected to, an effort could be made to amend it. If he objected to any clause in a Bill he tabled an amendment. The statistics showed that the mortality had been less since boracic acid had been used, and adulteration practised.

Mr. WATT rose to a point of order. He wished to know if the honorable member was in order in making a second-reading speech?

The CHAIRMAN. — The honorable member appears to me to be going beyond the clause under consideration.

Mr. COLECHIN said he was simply answering the statements that were made; he was answering the statement of an honorable member that statistics showed that the mortality was less since adulteration was practised. If that meant anything —

Mr. A. A. BILLSON (Ovens) said he did not make any such statement as that. He did not say that the deaths were less since adulteration was practised, but that they were less during the last ten years.

Mr. COLECHIN said he thought the honorable member for Essendon, the honorable member for Melbourne, the honorable member for Ovens, and the honorable member for Toorak had asked for delay.

Mr. A. A. BILLSON (Ovens).—Do you understand the Bill?

Mr. COLECHIN said he understood it as far as he had read it.

Mr. FAIRBAIRN said he wished to explain that he had not asked for any delay.

Mr. COLECHIN said he was glad to hear that the honorable member was prepared to go on with the Bill, but it was a fact that some honorable members did ask for delay.

Mr. LEVIE. — I did.

Mr. COLECHIN said that the statement was made that the Minister should overlook the whole of the work of those bodies?

Mr. BOYD. — What is a “Pooh Bah”?

Mr. WATT. — Talk English, and not Gilbert and Sullivan.

Mr. COLECHIN said that the honorable member for Essendon was interjecting again in an impudent way. If he were called upon to flatten the honorable member out he (Mr. Colechlin) would have to do it. It would be a matter of impossibility for any Minister to supervise the work of 212 municipalities. The Government had found that the work done by the councils was not satisfactory, and they were prepared to do it themselves. The Minister of Public Works had not once in twenty times compelled the municipal councils to carry out the work under the Audit Act, to say nothing about the matter of sanitation and other matters. In the matter of finance, the Minister of Public Works during the last fifteen years had not acted in one case out of ten in regard to the municipalities. The people wished to have a measure of this character administered properly.

Mr. BOYD remarked that the information of the honorable member for Geelong, who had spent so much of his life in municipal work, did not seem to be very accurate.

Mr. WATT. — It is fly-blown.

Mr. BOYD said the honorable member for Geelong did not even know the number of municipalities in Victoria. The honorable member for Geelong chastised the honorable member for Essendon about having no municipal experience. It did not matter whether an honorable member had that experience or not. Surely members were able to discuss a matter of this kind from the study they had made of it. The Minister had handed him the analysis given to honorable members a while ago. He (Mr. Boyd) had roughly run through the details of it, and found that it did not justify what honorable members on the Opposition side of the House were urging, namely, the rushing through Parliament of an ill-considered measure.

Mr. HANNAH. — Did we suggest that it should be rushed?

Mr. BOYD. — Yes. The honorable member for Flemington was so anxious that it should be rushed that he said——

Mr. WARDE. — I said that no honorable member had a right to delay it for his
own personal reasons. That is what I said, and what I say now.

Mr. BOYD said that it was the duty of every honorable member to study the Bills placed before him, and if he saw that he could improve upon them he had a perfect right to do so.

Mr. Warde.—If he thinks it is likely to be effective, and he does not want it to be, he tries to kill it.

Mr. BOYD said that nothing had happened to justify that inference. According to the Minister's statement of articles analyzed, 1,715 samples out of 5,079 were adulterated. When the statement was examined in detail, it was found that 1,037 out of the 1,715 were cases of milk and butter which were dealt with under another Bill. That knocked more than half of the cases and the largest half—

Mr. Bromley.—I thought the two halves were the same.

Mr. BOYD said that the bulk of the remaining samples consisted of drinks, principally cordials. Of clove cordials, 11 samples were examined, and 11 were found adulterated; of ginger cordials, 11 were examined, of which 10 were adulterated; of hop beer and temperance drinks, 94 samples were examined, of which 20 were adulterated; of lime-juice cordials, 35 samples were examined, of which 33 were adulterated according to the examination by the Government Analyst, but by the public analyst 31 were examined, of which 26 were adulterated. Of peppermint cordials, 23 samples were examined, of which 21 were adulterated; of raspberry vinegar, 44 samples were examined, of which 43 were adulterated, and he believed the other sample was that of the honorable member for Richmond.

Mr. G. H. Bennett (Richmond).—In the prosecutions the Department was beaten, for it was proved that the articles were not adulterated.

Mr. BOYD said that if that applied to the whole of the figures, then the necessity for rushing the Bill through diminished.

Mr. Prendergast.—It is not fair to say that the Department was beaten, for it was proved that the articles were adulterated, though not with injurious ingredients.

Mr. A. A. Billson (Ovens).—They were not adulterated, because it was not known what raspberry vinegar was.

Mr. BOYD said that of 648 samples of whisky examined, 114 were adulterated, so that the proportion was more favorable in that case than in connexion with temperance drinks. He found that he had made a mistake, for these figures that he had just quoted were for wine and spirits, not for whisky. In the case of whisky 30 samples were examined, of which 28 were adulterated.

Mr. Colechini.—That is shocking.

Mr. BOYD said that of 100 samples of sausages examined, 90 were adulterated, but that did not mean that the adulterants were injurious to public health. In most cases the adulterant was bread. If a meat sausage contained bread, it was supposed to be adulterated.

Mr. Prendergast.—Bread in that case is an adulterant.

Mr. BOYD said it was not injurious to public health. The point he wished to make was that the necessity for rushing the Bill diminished when this statement was analyzed. As he had already stated, by far the larger number of the samples referred to would be dealt with under another Bill, which ought to be pushed on.

Sir Alexander Peacock.—That comes well from you.

Mr. BOYD said the remaining cases could be dealt with under the Health Act. Apart from drinks, the cases referred to in the Minister's statement that remained to be dealt with under this Bill were reduced to 142 out of 5,097. At all events the necessity for rushing the Bill through was diminished. It would be well if a friendly committee could be appointed by the Government from all sides of the Chamber to consider the Bill, and then it could be passed through much more easily. The honorable member for Geelong, in discussing the Bill last week, said he knew that horses' hoofs were mixed up with tomato sauce.

Mr. Colechini said he rose to a point of order. The honorable member's statement was quite incorrect. What he (Mr. Colechini) stated was that in Germany people were allowed to use horses' hoofs in making beer for shipment.

Mr. Lawson remarked that almost every honorable member who had spoken on the Bill had declared his earnest desire that the object sought to be obtained by the measure should be achieved, namely, to provide pure food for the people. But it did appear now that the body to which the administration of the Bill should be intrusted was the Board of Public Health. The object of the Bill was most closely
allied to the duties and responsibilities already thrown upon the board.

Sir ALEXANDER PEACOCK.—You are speaking as a municipal councillor.

Mr. LAWSON said he was speaking as a representative of the people. The honorable member for Essendon stated that the Board of Public Health had been unable, or unwilling, or incapable to carry out certain duties and responsibilities that had been thrust upon it by the Health Act, or which Parliament intended should be conferred upon it, and it therefore should not be intrusted with any duties or responsibilities under the present measure until the board itself had been reconstituted. The honorable member, however, did not appear to be fully seized of all the facts. With regard to the analysis of food, the honorable member drew attention to the section of the present law, by which municipal councils might be compelled to appoint an analyst, and to the fact that, in many particulars, no satisfactory action had been taken by the Board of Public Health, or by the municipal councils themselves. But the honorable member did not explain to the Committee the reason why that was so. The Minister of Health, who had had a large municipal experience, could confirm the statement that the reason was simply that the powers of the municipalities under the present Act were not sufficient to obtain a conviction.

Mr. WATT.—In most cases the municipal councils have never asked their analysts to analyze anything.

Mr. LAWSON said that was perfectly true, and he was glad that some further control was to be given to the Board of Public Health. At the present time, in order to maintain a successful prosecution, it had to be proved that articles with which the food was adulterated were dangerous to health. Varying expert opinions were given, and the prosecutions failed, with the result that both the board and the councils got tired of entering upon costly and difficult proceedings, which were futile.

Mr. WARD.—Is that your explanation as to why the councils do not appoint analysts—because they could not get convictions if they did?

Mr. LAWSON said that, in many cases the councils felt the utter futility of taking action under the present Act.

Mr. McLEOD.—At present the unfortunate retailer only can be punished, and not the wholesale man.

Mr. LAWSON said that if the board was intrusted with the larger powers provided in this Bill, he thought it would be sufficiently alive to the public interests to see that the law was made operative. At present it met with legal and technical difficulties all along the line, and the good the Legislature intended to achieve was not achieved. The Committee was having a very long discussion on the first clause of the Bill.

Mr. WATT.—It is the most important part of the Bill.

Mr. LAWSON said he did not know that it was. No suggestion had been made as to any other body except the Board of Public Health that could be intrusted with the administration of the measure. That board would appoint a Food Standards Committee, and it would be easy to see whether a particular article of food complied with the standard. In that way there would be a better chance of securing pure food for the people. The Minister in charge of the Bill had given a most reasonable promise that contentious clauses would be postponed, and the Committee should push through the Bill as quickly as possible. Of course, he (Mr. Lawson) recognised the importance of the large interests that were involved, but, at the same time, the Committee might get on with the non-contentious clauses.

Mr. BOYD said he wished to make a personal explanation. A few moments ago he stated that the honorable member for Geelong had spoken about horses' hoofs being mixed up in the making of tomato sauce. In Hansard the honorable member was reported as follows:

They say that in Germany they can use horses' hoofs to make it, so long as they export it.

Mr. COLEBROOK.—That does not refer to tomato sauce, but to lager.

Mr. BOYD said there was nothing to show whether it referred to lager beer or tomato sauce.

Mr. WATT remarked that the honorable member for Castlemaine had given the Committee a new excuse for the failure of municipal councils to prosecute in cases of adulteration. The only excuse was that they did not have sufficient power. The honorable member now said the reason was that councils did not appoint an analyst because the courts would not convict persons accused of infringing the law.

Mr. LAWSON.—I said it was very difficult to get a conviction.
Mr. WATT said the Committee were not dealing just now with convictions so much as with standards or with quality. It could be shown, he thought, that the great body of municipalities had made no attempt to obtain samples of food and have them analyzed.

Mr. A. A. BILLSON (Ovens).—Why should they have samples analyzed if the people in the district are satisfied?

Mr. WATT said the people in the district might be satisfied without knowing that the food was poisoned. It was the duty of every council under the Health Act to appoint an analyst and see that he did his work, and if the law was found to be manifestly at fault an appeal should be made to Parliament to provide a remedy. By section 279 of the Health Act ample powers appeared to have been given to the Board of Public Health to enforce the law. If the local authority did not carry out the law, the Board of Public Health or the Minister of Health, under other provisions of the Act, could by all the powers of the Supreme Court enforce the compulsory attention of the councils to the matter complained of. It was useless for honorable members to talk of the impotence of the Board of Public Health to enforce its degrees. If the board wanted a thing done it could have it done. If the board itself was recreant the Minister of Health could step in and compel the local authorities to act. As to the suggestion that the courts would not uphold the prosecutions, he took it that there were difficulties attending prosecutions of this kind in Victoria as in other countries. The main difficulty in proving adulteration was on account of the novel nature of the analyses, and because scientists differed as to whether certain ingredients were deleterious to health. It must not be forgotten that there were two kinds of adulterants, one class being harmful to health, and the other not necessarily harmful to health, but of a fraudulent character. The honorable member for Melbourne spoke about bread not being an adulterant when used in the manufacture of sausages, but he overlooked the fact that when a man bought sausages he expected to get meat and not bread.

Mr. A. A. BILLSON (Ovens).—What about seasoning?

Mr. WATT said of course it might make the sausage more palatable to put in the different kinds of seasoning, which were the mysteries of the toilet of the pork butcher, or the butcher might put in boracic acid for the purposes of preservation. If the Committee was going to insert standards of food in the Bill, it was the duty of the Committee to put them in with regard to sausages. The best thing the Committee could do was to cut certain clauses out altogether, and give to the Food Standards Committee, which it was proposed to create, the entire power to decide, after hearing expert scientific advice, what standard should be prescribed in regard to each particular article. It was no use saying that beer should not contain certain things when this Chamber was not competent to decide without expert information whether certain articles were injurious in beer.

Mr. MACKINNON.—Will you not trust the Government?

Mr. WATT said he would sooner trust his own palate. What authority on beer was there in the Government who could tell members from scientific analysis, or from protracted personal experience, that certain components in beer were harmful to human life?

Mr. McLennan.—Is the Royal Commission in England an authority?

Mr. WATT.—Yes.

Mr. McLennan.—Well, we are following it.

Mr. WATT said the Royal Commission in England gave information which had not been followed by the Government. It did not prescribe copper in beer, because it knew it would be impossible to make beer with copper utensils without a trace of copper getting into the beer.

Mr. McLennan.—Expert evidence shows that beer can be produced without a trace of copper.

Mr. WATT said there were in the Chamber a couple of authorities on beer. The CHAIRMAN.—I am afraid the honorable member is travelling outside the clause.

Mr. WATT said he thought he was. He was lured away by the interesting interjections of the Minister.

Mr. McLennan.—If you had not been out of order, the interjections could not have got you out of order.

Mr. WATT said then the Minister was out of order also, because he not only knew from a close study of it the clear lines of the measure, but he should be a pattern and an example to the Committee in debate. He took it that the Chairman's admonition fell on the Minister also. It was no use putting up excuses for the Board of Public Health.
Let honorable members face the position fairly and squarely. The board had too much to do. The one wise remark that had fallen from the honorable member for Geelong since he had been in the House fell from him accidentally in this debate, when he said that the Board of Public Health had such multifarious duties that it could not be expected, nor could the Minister over it be expected, entirely to supervise the whole area in the purview of the Health Act. He quite agreed with the honorable member. It was quite impossible in a young country like this to set up at once conditions which older countries like England and Germany had found it impossible, after centuries of struggle, to set up. Let honorable members find the true reason for the present state of things, and if it were found necessary, give the Board of Public Health ample assistance, and even ample powers in money, and then ask it to do its duty in the future. Then the Health Act and similar measures would become actually operative instead of a dead letter.

Mr. COLECHIN said he wished to make a personal explanation in regard to the statement made by the honorable member for Melbourne that there was nothing about beer in what he (Mr. Colechin) said.

Mr. BOYD rose to order. He stated that he never said anything of the kind attributed to him by the honorable member for Geelong. The honorable member asked him what he was referring to when he said "reading." He (Mr. Boyd) replied "beer," but the honorable member was talking so loudly instead of listening, that the honorable member did not know what he said.

The CHAIRMAN.—The honorable member for Geelong is in order in making a personal explanation.

Mr. BOYD.—Is he in order in imputing to me a statement that I did not make?

Mr. BROMLEY.—You did, we all heard you.

The CHAIRMAN.—The honorable member would not be in order if he did so, but I understand that the honorable member is going to make a further personal explanation.

Mr. COLECHIN said he wished to show how unfair the statement of the honorable member for Melbourne was. His (Mr. Colechin's) words in Hansard, were—

We do not want to import sugar to make beer when we have sufficient grain grown here to produce twenty times as much beer as we require.

Mr. WARDE.—What do you think of German lager beer?

Mr. COLECHIN.—They say that in Germany they can use horses' hoofs to make it, so long as they export it.

Was it fair for an honorable member to make a statement such as the honorable member had made about tomato sauce? It just showed what the honorable member for Melbourne was.

Mr. ROBERTSON observed that he was quite at one with the honorable member for Essendon, that the Board of Public Health as at present constituted was not the proper body to administer this Bill. In England the administration of the Food and Drugs Acts was carried out by the Board of Agriculture and the Local Government Board; but while there was a small analogy perhaps between the Local Government Board of England and the Board of Public Health here, it was a very small analogy indeed, because the Board of Public Health here was not to be compared in any degree with the Local Government Board of England. It would not be right to hand over the administration of this Bill to a board such as the present Board of Public Health, which was really not properly controlled by a responsible Minister at all. Its functions seemed in some directions to be outside and beyond those of the Minister. He could not see how the Minister in charge of the Bill could hold out against the provisions of section 2 of the English Food and Drugs Act of 1899. This Bill should have been brought up to the standard of that English Act, and its administration should be carried out in Victoria in much the same way as the English Act was carried out by those authorities in England. If those bodies were not already in existence here they should be created. He could not understand what the Minister of Agriculture and the officers of his Department were doing in not seeing that the Department had a voice in such an important matter as a Food and Drugs Act, which certainly had its commercial aspect as well as its health aspect. There was no Department that could better stand up for the commercial and manufacturing aspect of our industries than the Department of Agriculture. Section 2 of the English Food and Drugs Act 1899 read as follows:

(1) The Local Government Board may, in relation to any matter appearing to that Board to affect the general interest of the consumer, and the Board of Agriculture may, in relation to any matter appearing to that Board to affect the general interests of agriculture in the United
Kingdom, direct an officer of the Board to procure for analysis samples of any article of food, and thereupon the officer shall have all the powers of procuring samples conferred by the Sale of Food and Drugs Acts, and those Acts shall apply as if the officer were an officer authorized to procure samples under the Sale of Food and Drugs Act 1875, except that—

(c) The officer procuring the sample shall divide the same into four parts, and shall deal with three of such parts in the manner directed by section fourteen of the Sale of Food and Drugs Act 1875, as amended by this Act, and shall send the fourth part to the Board, and

(\2) the fee for analysis shall be payable to the analyst by the local authority of the place where the sample is procured.

(c) The Board shall communicate the result of the analysis of any such sample to the local authority, and thereupon there shall be the like duty and power on the part of the local authority to cause proceedings to be taken as if the local authority had caused the analysis to be made.

This was how he desired the administration of this measure to be carried out. The English legislation went further, because in sub-section (3) of section 1 of the same Act it was stipulated—

(3) The Commissioners of Customs shall, in accordance with directions given by the Treasury after consultation with the Board of Agriculture, take such samples of consignments of imported articles of food as may be necessary for the enforcement of the foregoing provisions of this section.

Therefore in England the Board of Agriculture was dominant in this matter even above the Local Government Board. It had also to be consulted by the Customs Department of the United Kingdom.

Mr. McLeod.—If the Board of Agriculture is above all those authorities, why has it to go to the local authority to prosecute? It cannot institute a prosecution itself.

Mr. Robertson said the Board of Agriculture in England was the head authority that administered the Act and that saw that the local authorities—the counties and other small governing bodies—carried out the Act. The honorable member for Essendon and others had referred to the shire councils not carrying out the provisions of the present Health Act, but frequently no such steps were enforced by the Board of Public Health here. In England, however, the bodies he had named enforced the Act and saw that it was carried out. They had ample powers to do so, and they did it. If this Bill was to be administered something on the lines of the English practice, it would not create so much contention in Committee, and in the House generally. There was a great deal in the question of who administered it, and he did think the Board of Public Health was behind the times. He said this in no carping spirit.

Mr. Murray.—It is not the Board of Health, it is the legislation that is behind the times.

Mr. Robertson said that last session he paid his tribute to the late Chairman of the Board of Public Health, and he was glad to think that in appointing the present chairman the Government did the right thing in selecting Dr. Norris, the under-study of the late chairman, instead of going to England for a health authority. Remarks made in this House by himself and other members must not be taken as levelled against the Board of Public Health personally. He was only desirous of pointing out how such a measure could be administered, and how it was administered in an important country like Great Britain.

Mr. Livingston remarked that, according to the statistics read by the honorable member for Melbourne, about 1,000 cases of adulteration out of 5,000 samples taken were in milk and butter. Was it proposed to eliminate from this measure all reference to milk and its products? If not, Parliament would be legislating both in the Pure Food Bill and in the Milk Supervision Bill with the same object.

Mr. McLeod.—I have already informed the leader of the Opposition that I will look into the matter to see that there is no clashing, no overriding, between the two Bills.

Mr. Thomson remarked that the honorable member for Gippsland South had raised a very important point. Such a thing had occurred in a number of cases. If there was only the small number of cases referred to by the honorable member for Melbourne, this gigantic measure would not be required at the present time, and a much smaller Bill would meet the case. Out of 1,700 cases of adulteration altogether, 1,100 odd were in connexion with milk and butter. That left only 600.

Mr. McLeod.—He did not tell you how many samples of food were analyzed.

Mr. Thomson said a great number of these cases were merely the introduction of some other material which was necessary to make the article a good preparation. Sausages, for instance, would be of very little account if they were made of meat alone. They would not be sausages without the different ingredients that were put into them. The same might be said of beer and
of a number of other articles. There must be a certain amount of these different materials in them. As the honorable member for Essendon pointed out it would be far better to stipulate in this Bill what percentage of these different materials should be introduced.

Mr. McLEOD.—Is not that exactly why we provide for the appointment of a Food Standards Committee, so that there shall be no dispute about it?

Mr. THOMSON.—Why, then, should not the Committee know to a certain extent what the Food Standards Committee was going to do? Was this Bill to be handed over to the administration of the Board of Public Health, or was a fresh committee to be appointed? So far as he could see, it was not clearly stipulated in the Bill. No doubt the Board of Public Health had done a great amount of work. In many cases in the country districts, with regard to buildings, and so on, they had overstepped the mark altogether, but there was no doubt that in the case of the measures taken to prevent the spread of the bubonic plague they did splendid work, and if it had not been for their prompt action, a very serious disease might have spread all over the State. He did not wish to delay the passage of the Bill at all. He would like to see the duties of the Board of Public Health further extended. It would be very much better if certain clauses in the Bill were cut out altogether, and if the Board of Public Health were given bigger responsibilities. The members of that board had a vast experience of what was required, and Parliament could not do better than give them a greater amount of work to do. In many of the cases of adulteration of food brought under notice the amount of adulteration had not been enough to injure any one; and as competing firms always were ready to draw attention to laches on the part of rivals, many cases had been brought under notice which otherwise would never have been alluded to.

Mr. McKENZIE said it appeared to him that if there was any body that should administer a measure like the one under discussion it was the Board of Public Health. It would be wrong to hand the control over to any other body. Whatever mistakes that body had made in the past by making conditions as to buildings, &c., and putting people to much unnecessary expense, it was the body which should certainly have control of foods. The fact of there being at the head of that board a medical man who was constantly in touch with the analyzing of foodstuffs alone pointed to the desirability of that board having the administration of a Pure Foods Act. It had been mentioned that the vital statistics showed that the mortality amongst infants had not increased in late years. He (Mr. McKenzie), however, had noticed that the Chief Justice, in a speech recently, stated that the cases of cancer in Victoria had gone up during the periods of 1885-1894 and 1894-1905 from 290 to 415, thus showing an increase of 125 cases; and he (Mr. McKenzie) understood that cancer was one of the diseases attributable to adulterated food. Consequently, it was in the interests of the people of this State that such a Bill as the present should be seriously considered, and not delayed. It would be a great pity if the measure was not passed this session. The measure had now been introduced for the third time, and the people were looking for it to become law. Whilst he would admit that it would not be wise to hasten on with measures which might put producers to a great deal of expense, yet, taking into consideration the anxiety there was for a better state of things in regard to food supplies than what was experienced now, he trusted that the Bill would not be delayed.

Mr. WILKINS said that he desired to reiterate that the Minister should delay this Bill. Delay now would mean a speedier passage for the measure hereafter, especially if it resulted in an assurance from the Government that a reconstitution of the Board of Public Health would take place. For the life of him he (Mr. Wilkins) could not see why a reconstitution of that board should not take place. A statement made by the late Dr. Gresswell was that during the eight years prosecutions were undertaken in regard to dairy farms and dairies, he always had to ask for the approval of his board before taking action. That being so, let honorable members look at the constitution of the Board of Public Health. He thought that when they did so they could well trace all the failures of that board in the past to its constitution. Men were elected to sit on it merely because they happened to be members of certain municipal councils. Why, for instance, should there be on it a man from Maryborough, who was reputed to be 84 years of age, whose travelling expenses had to be paid, and who had to receive two guineas for every meeting he attended?
Why should another councillor layman be brought from Ballarat? No mere member of a municipal council should be on the Board of Public Health. He (Mr. Wilkins) felt compelled to press this point, feeling it to be most important that if the work was to be carried out in future by the Board of Public Health, that board would have to be an up-to-date one—one that would know what its duties were, and that would not be afraid to carry them out. As had been found repeatedly, in the case, for instance, of the Melbourne and Metropolitan Board of Works, the representative of a municipality had to do to a certain extent what the majority of his council wanted him to do; and supposing there was a food adulteration prosecution in, say, Collingwood, and that Collingwood had a representative on the Board of Public Health, would any one say that influence would not be brought to bear on that representative by interested parties? It was, indeed, detrimental to the interests of the people to have the Board of Public Health constituted as at present.

Mr. Coelchin. How would you constitute it?

Mr. Wilkins said that it should consist of scientific and practical men, who would have knowledge of the duties they had to perform.

An Honorable Member.—Like the honorable member for Geelong?

Mr. Wilkins remarked that he had referred to the honorable member for Geelong once before, and was now prepared to withdraw and to humbly apologize for any disagreeable remarks he might have made on that occasion. What he now was arguing was that the members of the Board of Public Health should be men fully capable of administering that important Department. He sincerely hoped that the Government would not go one step further until they had appointed a proper body to carry out this very important measure. It should not take long to do that, and if it were necessary, members could sit a day or two, or a night or two extra. He himself was prepared to sit extra time, and to do anything in his power to assist the Government in passing the Bill on proper lines.

Mr. Toutcher stated that, to his mind, there was a great deal in what had been said by the honorable member for Collingwood, especially in what the honorable member had said about the constitution of the Board of Public Health. The matter of pure food was one that he (Mr. Toutcher) considered ought to be left to the Board of Public Health; but very grave objections could be, and had been, taken to the constitution of the board. The Board of Public Health should consist of practical and scientific men, but it should be subject to the control of Parliament, and the Minister of Public Health should direct its policy.

Mr. Watt.—The portfolio of the Minister of Public Health is always only an auxiliary one; that is the trouble.

Mr. Toutcher said that the Board of Public Health should be reconstituted, so as to have on it scientific and practical men, instead of councillor laymen, who were subject to the local influences which could be brought to bear in districts where parochial ideas obtained. The Board of Public Health ought to be more a national than a local body, and if it were made so, it would be the proper body in which to vest the powers contemplated under the present Bill. There was no good in placing laws on the statute-book if they were not to be properly administered. He agreed with the honorable member for Essendon in saying that it was an absolute farce to pass laws which could be ignored from day to day. There was, for instance, the Licensing Act, not to speak of others, the failure to carry out which held the State up to ridicule. The only way to engender respect and admiration for laws was to have proper administration of them. In New Zealand, he believed, legislation and administration were correlated. Here, in Victoria, we had a great quantity of legislation, with no efficient administration. With regard to a law for securing pure food, the only way to put it on safe lines would be by having a properly-constituted board in control. The honorable member for Collingwood had spoken about a very old gentleman having to come a long journey, to have ready mental power sufficient for the work which the Board of Public Health demanded of its members.

Mr. Murray.—There are some pretty good men who have passed the prime of life on that board. There is Mr. Woods, for instance.

Mr. Toutcher said he believed that Mr. Woods was a good man.
Mr. OUTTRIM.—The member of the Board of Public Health referred to by the honorable member for Collingwood is one of the best men in this State, and is well fitted for his position.

Mr. TOUTCHER remarked that he knew the gentleman referred to years ago, and that if that gentleman possessed the same mental powers now that he did then, he (Mr. Toutcher) would say that he was one of the most brilliant men for the position.

Mr. PRENDERGAST.—But he was elected by his council.

Mr. TOUTCHER observed that the mode of election to the Board of Public Health, perhaps, was not desirable. It was generally the work of a little coterie, rather than a proper election. It would be far better to have the members of the board elected by the people, and to make them like Members of Parliament, subject to national control. At all events, the powers given in the Bill should not be handed over to the Board of Public Health until that board was properly constituted on some such lines as those suggested by the honorable member for Collingwood; and there would be no use in placing the Bill on the statute-book if it was not to be properly administered. There had been a "climb down" on the part of a Minister in regard to the Dairy Supervision Bill. In nine cases out of ten local supervision was ineffectual. The board had a lot of work to do, and that work could only be done by the Government finding the means to do it; and if the Government found the money, the board should be a Government Department controlled by a Minister, and have a permanent head, and there should be the proper scientific officers. The Department should be subject to the control of Parliament, which found the money.

Mr. McLEOD.—The Government find the money now for the board.

Mr. MURRAY.—Why does not the honorable member for Stawell move an amendment to abolish the board, and leave the matter in the hands of the Minister and the present Chairman? That would be easy to do if the Committee desires that.

Mr. TOUTCHER said that if he could get time before this clause was dealt with generally he might draft an amendment.

Mr. MURRAY.—The honorable member will have every opportunity for making the proposal.

Mr. TOUTCHER said that he thanked the Minister for the suggestion, and he trusted that, as the suggestion had come from the Government, the Government would accept an amendment to that effect.

Mr. MURRAY.—I am only showing the honorable member a way of carrying out his own suggestion, and giving him an opportunity of proving whether he is in earnest or not. We shall then see where the honorable member's sincerity is.

An HONORABLE MEMBER.—On bricks.

Mr. MURRAY.—Some of the Thornbury bricks would be quite as good as some of the food which is purveyed to the public. They would be quite as digestible and less unwholesome.

Mr. TOUTCHER said that he objected to the honorable gentleman questioning his (Mr. Toutcher's) sincerity in this matter, because he was trying to assist the Government.

Mr. MURRAY.—I should have said it would test your earnestness, perhaps.

Mr. TOUTCHER said that he would show that his earnestness was bona fide by accepting the suggestion of the Minister.

Mr. ELMSLIE remarked that during the second-reading debate honorable members were told that this was a Committee Bill. It seemed to him (Mr. Elmslie) that it was going to be a Committee Bill, judging by the extent of the progress made. He was sure that the Minister must be very pleased with the assistance the Committee had given him to-night. However, what he had risen to call the Minister's attention to was that he had understood from the honorable gentleman when they started to deal with this Bill in Committee, that any debatable clauses were to be postponed.

Mr. THOMSON.—We have not come to them yet.

Mr. ELMSLIE said that he was anxious to know what the honorable gentleman termed "debatable," if this clause was not, and whether this clause ought not to have been postponed some considerable time ago. The clause was agreed to.

Mr. MURRAY.—We are making capital progress.

On clause 2, providing that the Acts mentioned in the schedule to the Bill were to be repealed or amended to the extent to which they were repealed or amended by this Bill,

Mr. McLEOD said that to meet the views expressed by the representatives of public bodies, and also to meet the suggestions of the honorable member for Jika Jika, in case the Chamber felt inclined to deal with the question of adulteration of
clothing as well as other matters, he proposed to add words to deal with that, for it would be noticed that the Bill was for the prevention of the adulteration of food "and for other purposes."

An Honorable Member.—That does not arise here.

Clause 2 was agreed to.

Discussion took place on clause 3, which was as follows:—

In the Health Acts the undermentioned expressions shall unless the context otherwise requires have the meanings hereby respectively applied to them—

"Appliance" includes the whole or any part of any utensil machinery instruments tubes pipes pumps taps apparatus or articles used or intended for use in or for the making or keeping or handling or supplying of any article of food;

"Article of food" includes every article used for food or drink by man and any article that enters into or is used in the composition or preparation of food and also includes confectionery spices flavouring substances and essences;

"Authorized" means authorized either generally or specially in writing by the board, and when referring to an officer of a council means authorized by such council;

"Deputy" means any officer of the Government Laboratory generally deputed by the Government Analytical Chemist to make analyses or examinations for the purposes of the Health Acts;

"Officer" includes any officer of the board or of a council or member of the police force;

"Package" includes every means by which goods for carriage or for sale may be covered enclosed contained or packed;

"Premises" includes any vehicle used in connexion with the business carried on at any premises; and

"Sale" "sell" or "sold" includes barter and also includes offers or attempts to sell or receives for sale or has in possession for sale, or exposes for sale, or sends forwards or delivers for sale, or causes or suffers or allows to be sold offered or exposed for sale and refers only to sale for human consumption, and the onus of proof that any article of food or drug or animal or carcass has not been offered or exposed for sale or sold for human consumption shall in every case be on the defendants.

Mr. Prendergast observed that he had a number of amendments to suggest in this clause. In the definition of the word "appliance," he would suggest that after the word "keeping," the words "or preserving" should be inserted. He would also suggest that in the definition of "article of food," the words "or preserving" should be inserted after the word "preparation." He would like to know whether the definition of "article of food" given here would include ice?

Mr. Wilkins.—It should be "any substance."

Mr. Prendergast said that rather a peculiar definition with regard to "article of food" was required, otherwise the definition would be difficult of application.

Mr. McLeod.—Ice would be used in the preparation of food.

Mr. Prendergast said that he would like to know whether the word "preservative" should not be inserted before the word "confectionery"? He would also like to have a definition of the word "essence."

Mr. McLeod.—Essences are used in preparing food.

Mr. Prendergast said that if the meaning was restricted to any article labelled as an essence, it would be all right. An essence was a peculiar substance, and required definition. It was a word with different meanings, according to the trade in which the substance was used. An alteration would also be required in the definition of the word "deputy." He would suggest that the word "generally" should be omitted. Then again, in connexion with the definition of the word "package," that was a word which was altogether too wide in its application, and its use would lead to confusion. Indeed, unless the word were defined more clearly and accurately, that one word would lead to the breakdown of the measure.

Mr. Boyd.—A tarpaulin on a dray would be a package.

Mr. Prendergast said that a pennyworth of pepper wrapped in paper, or anything of that kind would be a package. Such a definition was required as would prevent the word applying to something made up for sale at the counter ordinarily. That was one of the important words in connexion with the construction of this Bill. He would also point out that the word "prescribed" was defined in the Milk Supervision Bill, and in other measures, but not in this Bill. The definition should be inserted here as in the Milk Supervision Bill, which contained the additional words, "In this Act or any regulations thereunder." That also was an important word in connexion with the administration of the measure. Then, in the definition of the words "sale," "sell," or "sold," the singular and plural were mixed up, and either the singular or the plural alone should be used. In the latter
part of the paragraph in which those words occurred, he noted that a very important provision had crept in. It was in regard to the onus of proof which, by the way, should be "the burden" of proof. The provision with regard to the burden of proof being on the defendant should be in a separate clause, and should not be placed in the Bill in this manner, where it would not be apparent to any one looking through the Bill casually. The word "burden" was more frequently used than "onus," and it would be preferable to use that.

Mr. Mackinnon.—"Onus" is only the Latin word for "burden."

Mr. Murray.—"Onus" is a recognised word in law, I believe.

Mr. Mackinnon.—Yes.

Mr. Prendergast said that he would suggest that the words with regard to the burden or onus of proof should be placed in another portion of the Bill.

Mr. McLeod.—We will make those words a separate clause.

Mr. Prendergast said that with regard to the adding of the word "preserving" or "preservatives," that might not be required, as the word "keeping" might cover the intention of those who framed the clause; but he could judge better of that if he knew exactly what was intended by those who had to do with the framing of this clause.

Mr. McLeod.—It has been carefully considered.

Mr. Prendergast said that, as he had pointed out, the use of the word "package" would lead to endless confusion, and might cause the measure to break down.

Mr. Murray.—What would you substitute to make it clearer?

Mr. Prendergast said he was not prepared at the moment to say what should be substituted.

Mr. McLeod.—It is the word in the English Act.

Mr. Prendergast said that the meaning of the word package was too wide, as used in this Bill, but he could judge better of that if he knew exactly the reasons why the word had been used.

Mr. J. Cameron (Gippsland East).—How would it do to put "previous to time of sale"?

Mr. Prendergast said that that might do; but the matter would have to be considered in relation to subsequent clauses. The Chamber could not pass this clause with the word "package" in it, unless a clearer definition was given. It would be necessary to have a clearer definition, because this same question would come up in subsequent clauses. With regard also to the definition of the word "premises," he would point out that the word had relation to any house or land, but that it would not apply to boats or excursion steamers which were catering in the Bay for the general public under a packet licence. They should be brought under this Bill. He was pointing out these matters to the Minister to show that it was advisable that this clause should be allowed to stand over.

Mr. Boyd stated that if honorable members read clause 15, they would find that the difficulty which would be created by the definition given in the Bill of the word "package," would be as suggested by the leader of the Opposition. It would mean that every grocer selling a pound of sugar must have the bag in which he sold the sugar labelled describing the contents. If it were pepper, or any other stuff bought in bulk and sold retail, it would have to be labelled. The definition of "package" was exceedingly loose, and he would suggest that this clause be postponed until clause 15 had been dealt with. The word "premises" included any vehicle, and that was not a clear definition. If "vehicle" was referred to in any other clause, there ought to be a definition of the word. There was no definition of "premises," and it was assumed that that word was understood; after which, it was stated that "premises" should include any vehicle. It seemed unnecessary to insert the words "or preserving" under the definition of "appliance," as suggested by the leader of the Opposition, because the word "handling" covered that.

Mr. Prendergast.—It might not be broad enough to cover it.

Mr. Boyd said that in one of the clauses further on, toys were dealt with as an article of food, and in the definition of "article of food" there was nothing whatever to indicate that toys or textile fabrics were included.

Mr. McLeod said that the definition of "package" was made as wide as possible. In attempting to limit the character of the covering of any article a number of difficulties were met with. The Government had followed the course adopted in the English Act. Clause 15 was the one the Government were now reconsidering, and because they wished to get over the difficulties referred to by the honorable mem-
Mr. WATT observed that the amendment suggested by the leader of the Opposition to insert the word "preserving" was necessary. That word described a process which might not be considered "handling" by the courts. The word "preserving" came in in connexion with the making of jams and things of that kind.

Mr. BOYD.—Does not "utensils" cover that?

Mr. WATT said that "appliance" was to include any utensil used. There could be no objection to enforcing cleanliness of the utensils. It might be advisable also to provide that handling or conveying should be held to include bakers', butchers', and milkmen's carts. It was useless to provide that the dairy should be kept spotlessly clean if the milk was allowed to be conveyed in dirty carts. He would direct the attention of the Minister to the definition of "article of food." It was made clear in the first part of the paragraph that the food was for human consumption, but not in the latter part. He would suggest that the word "human" should be inserted before the word "food" where it occurred the second time, and it would then read "human food."

Mr. PRENDERGAST.—The Bill deals with more than human food.

Mr. WATT said that in this case the word "food" meant an article that was used "for food or drink by man." If we were going to have a Stock Feeds Bill that would be distinct from this measure.

Mr. MACKINNON.—The insertion of the word "human" would be an improvement.

Mr. WATT said that the House was endeavouring this session to clear up doubts.

Mr. McLeod.—We are following the English words.

Mr. WATT said that that was not the case, and there were some words in the English Act that had been wisely omitted. The Minister had wisely omitted the words "ordinarily enter into," which appeared in section 26 of the English Act in the definition of "food." If it were found that an article was going into use, and might be dangerous to human health, it was necessary that the board should have power to stop it before it had time to enter into the composition of human food.

Mr. McLeod.—I see the word "human" is in the English Act.

An Honorable Member.—What about ice?

Mr. WATT said that if it was intended to deal with ice, "water" should not be left out, because it was stated that filthy water was sometimes used in making ice.

Mr. PRENDERGAST.—It has produced typhoid fever.

Mr. WATT said that no doubt it had. With regard to the definition of the word "package," the Minister of Health was right in saying that clause 15 would need to be amended, but the definition in the present clause required amendment also. The clause said—

"Package" includes every means by which goods for carriage or for sale may be cases covered enclosed contained or packed.

This seemed to be too vague. A package surely meant something that was to some degree permanent—it was sealed or closed. This definition would apparently include any parcel or thing around which a piece of paper was wrapped, such as a pound of sausages.

Mr. McLeod.—If we limit the word in any way poisonous wall paper, for instance, may be used to wrap up packages of food.

Mr. WATT said that clause 26 prevented the use of anything of the kind. It seemed to him, however, that this definition of "package" would include a lorry load of potatoes or bananas that were merely covered with a tarpaulin. The definition should relate only to a definite package, as the word was understood in the mercantile world. The purpose of this definition was to govern the provisions of clause 15.

Mr. McLeod.—The word "package" is used in several other clauses. What other word could you use?

Mr. WATT said it seemed to him that by this definition the Legislature would bring
together an infinite variety of goods that should not be included in the definition of "package." At an earlier stage he had drawn attention to the necessity of studying the position of the retailer who made up small packages at the counter. Surely such a retailer should not be compelled to stamp his name and address on every such package, together with a statement of the contents, as provided in clause 15. Another objection to the present clause was the fact that the onus of proof was introduced in the definition of these terms. If the law as to onus of proof was to be altered in any way, it should be done openly by a separate provision, and then it could be discussed on its merits.

Mr. McLeod said he thought the difficulty with regard to the definition of "package" might be got over by striking out the words "for carriage."

Mr. Prendergast said the omission of the words mentioned by the Minister would not get over the difficulty at all. The difficulty arose in clause 15 providing for the labelling of packets of food. He had several alterations to suggest in the present clause in other respects, and he would ask that it should be postponed.

Mr. A. A. Billson (Ovens) said he hoped the clause would be postponed. The word "essences" would need a lot of definition. In the business of cordial making essential oils were used as well as essences and tinctures. At the present time, in consequence of the advance in chemical knowledge, a great many of these essential oils and essences were what were known as synthetic preparations—they were built up by mixing several kinds of drugs together. He understood that the use of these synthetic preparations would be permitted under this Bill.

The clause was postponed.

Discussion took place on clause 4, which was as follows:—

The provisions of section fifty-two of the Principal Act shall extend and apply to every article of food or drug which is packed bottled tinned or stored at any place or premises or which is sold or offered for sale or is made up or being included in or prepared or cooked for any meal or meals for eating or drinking on the premises at any shop factory eating house licensed house or any place or premises or elsewhere.

Mr. Boyd said he thought a difficulty might arise from the use of the words "or stored at any place." This would apply to goods that were kept by a man in his private house.

Mr. McLeod.—That is governed by section 52 of the Principal Act.

Mr. Boyd said he had read that section, which gave an officer of a council or a public officer under the Health Act, or a policeman, the power to enter into any place and take possession of anything for the purpose of having it sampled, and, after a certain time, if no objection was raised, that sample became the property of the Crown.

Mr. McLeod. It is only where it is sold or offered for sale or being made up for sale, as the section goes on to provide.

Mr. Boyd said that section 52 of the Principal Act applied to any wharf or any bonded or free warehouse or any place where goods were stored, and the penalties in the section would be applicable to any person who had goods in or upon these premises.

Mr. McBrade. This would apply to a private house.

Mr. Boyd said that was his contention at the outset, but the Minister seemed to have a different opinion. The provision was too extensive altogether, and might have the effect of punishing people who were absolutely innocent, who knew nothing at all about the contents of the packages, and were not responsible for them, but were merely handing them in transit from a buyer to a seller, or holding them temporarily for accommodation's sake to convenience the trade. The words "or stored at any place" ought to be struck out.

Mr. Watt remarked that in order to understand this question clearly it might be advisable to read this clause and section 52 of the Principal Act together. "Elsewhere" in this clause meant anything from Menzies' Hotel to the smallest retail butcher's or any place where food or drink was retailed. If the honorable member for Geelong should be drinking a glass at any of his favorite haunts—he understood that after the raspberry vinegar analysis had been explained to him the honorable member would swear off raspberry vinegar altogether—but supposing the honorable member was drinking some equally innocuous cordial, an officer of police, although the honorable member had paid for it, would have a perfect right to take it out of his hands just as he was putting it to his lips. It would be in a licensed house, and in preparation for drinking.

Mr. Murray.—The officer would have to be mighty quick to get it out of his hands.
Mr. WATT said he had known policemen who were clever enough to arrest the hand of the honorable member for Geelong, but he never knew a legislator clever enough to arrest the honorable member's tongue. Perhaps a kind of lingual lasso might be invented that would have that effect. The section that it was now proposed to extend and complete or re-affirm was as follows:—

Any officer of the board, or of any council or any member of the Police Force may at all reasonable times in the day time and with respect to those shops places or premises where articles of food or drugs are usually manufactured prepared or sold during the night at any hour of the day or night, enter into and inspect any abattoir or slaughterhouse or any butcher's poulterer's or fishmonger's shop or any shop store bakery dairies warehouse bonded or free store—

So that the honorable member for Melbourne would be in the same position when this clause went through as he was in before—

auction room custom house shed or any place or premises or any part thereof which he may have reasonable ground for believing is kept or used for the slaughter or for the sale or storage or preparation for sale of any animals or carcasses of animals or any meat poultry game flesh fish fruit vegetables corn bread flour tea sugar or articles used or which he may have reasonable ground for believing are intended to be used as food or drugs for human consumption, and may inspect any such animals carcasses or articles, and may inspect any articles of food or drugs which are being conveyed through the public streets or roads by any butcher baker milkman grocer dealer hawker or other person and may examine and cut open any articles or packets or cases of articles contained therein or conveyed thereby and may remove portions of such articles for examination or analysis and may seize any of such animals carcasses or articles which are or appear to him to be diseased or deleterious to health or unwholesome or any meat which has been blown spouted greased stuffed or pricked and may destroy such articles or portions thereof as are or as before they are claimed become decayed or putrid.

Then the section went on to say that any persons claiming any animals, carcasses, or articles so seized might have recourse in the ordinary way. Hitherto the power to enter and seize under the Act had been confined practically to meat shops and vegetable shops. Now it was proposed that a policeman might have power to go at all reasonable hours of the day or night according to the occupation followed to any place where human food was vended or distributed, and inspect the goods and seize them if he had reasonable ground to believe they were wrong. The voice of the policeman was not infallible in this or any other country, thank God, and a policeman with unlimited powers of this kind over every article of trade and commerce could play havoc with our retail industries. If the Minister was going personally to supervise this measure, then in the event of a raid being made by mistake, not on a tote shop as should be done, but on a vegetable shop, this House might take the Minister to book at once. If, however, these powers were going to be delegated to a board, and one half slumbered and the other half was put into a position of diseased activity, this House would have no recourse except to impeach an outside organization over which it had no direct authority. He objected to proceeding unless the Committee was informed whether or not the Minister was to do anything about the board's powers.

Mr. MCLEOD stated that he was willing to insert, after the word "stored," in the clause, the words "for sale," so that it would read "which is packed, bottled, tinned, or stored for sale."

Mr. J. W. BILLSON (Fitzroy).—Goods might be stored, though not intended for sale. Better say "intended for sale."

Mr. PRENDERGAST said that if there was any amendment in the clause in the direction suggested by the honorable member for Melbourne, it would leave a loophole for escape from the effect of the clause. If unwholesome goods were stored, no matter where, they should be seizable. They should never be beyond the arm of the law; but, under the amendment suggested from one quarter, unwholesome goods might be removed from a shop or store for the purpose of preventing the hand of the law seizing them. If goods were seized without any proper warrant, and were proved to be not unwholesome, and the owner complained, he would have his goods restored and get costs against the Crown. The clause in question should remain as it had been framed, but if an amendment was insisted on, it should be in the direction suggested by the honorable member for Fitzroy.

Mr. MACKAY.—How would the words "other than for private consumption," do?

Mr. PRENDERGAST said he thought that the adoption of that suggestion would not make any difference. If such a suggestion were adopted generally, officers would not be able to enter wine-cellar, and to seize wine found to be adulterated with boric acid.
Mr. Murray.—Pass this clause as it is, and we will try to find suitable words to meet your contentions.

Mr. PRENDERGAST remarked that an innocent storer of bad food should not be liable to any penalty, but no man had any right to keep on his premises adulterated food which was intended for human consumption. There was no desire to touch an innocent storer of such goods, but adulterated goods ought to be liable to be seized under every and any circumstances.

The clause was agreed to.

Progress was then reported.

The House adjourned at nine minutes past eleven o'clock.

LEGISLATIVE ASSEMBLY.
Wednesday, October 25, 1905.

The Speaker took the chair at two o'clock p.m.

CHINA NAVAL CONTINGENT.

Mr. LEMMON asked the Premier if he would lay on the table of the House a copy of all papers in connexion with the claims for compensation and field allowance of the petty officers and men of the late China Contingent?

Mr. BENT.—I have been advised by the officers that it is against public policy to give the information, but if the honorable member will leave the matter over, I will make further inquiries.

RAILWAY DEPARTMENT.

EX-OFFICERS' PASSES—CRANK AXLES.

Mr. LEMMON asked the Minister of Railways if he would inform the House if all the railway passes issued to ex-officers of the Railway Department had been obtained by the Commissioners, in compliance with the order of the Minister of Railways relating to this matter; if not, what were the names of the ex-officers who had not returned their passes; and what steps had been taken to recover the same?

Mr. BENT.—They have not sent me a reply from the Railway Department to this question. I suppose they do not know that the House meets at two o'clock to-day. I will give the honorable member the answer to-morrow.

Mr. LEMMON moved—
That there be laid before this House a return showing—

1. The prices paid by the Railway Department for the different classes of crank axles for the contract previous to the reception of a Victorian manufacturer's tender for such axles.

2. The tests taken from steel wagon or carriage axles manufactured by a foreign firm, as compared with the local production of similar axles.

3. The names of the suppliers of crank axles (steel) that were condemned and replaced by wrought-iron axles manufactured locally, and the life of such compared with the imported axles.

He said that he had had this on the notice-paper in the form of a question, but the Premier had stated that it was a request for a return, and that he would supply the information, but that it was desirable that the information should be asked for in this form.

The motion was agreed to.

ASSENT TO BILLS.

Mr. BENT presented a message from the Governor, intimating that, at the Government Offices, on October 23, His Excellency gave his assent to the Agricultural Colleges Act Further Amendment Bill and the Consolidated Revenue Bill (No. 3).

MUNICIPAL ASSOCIATION INCORPORATION BILL.

Mr. McLEOD, by leave, moved—

That all Standing Orders relating to the introduction and passing of private Bills, including those relating to the payment of fees, be dispensed with, with the view of introducing a Bill for the incorporation of an association called the Municipal Association of Victoria.

He said that the Government had agreed to take up this Bill as a public matter, it being one affecting all the public bodies throughout the State.

The motion was agreed to.

Mr. McLEOD moved for leave to introduce a Bill to provide for the incorporation of an association called the Municipal Association of Victoria.

The motion was agreed to.

The Bill was then brought in, and read a first time.

FACTORIES (EMPLOYMENT OF CHINESE) BILL.

Mr. BENT (in the absence of Sir Samuel GILLOTT) moved for leave to introduce a Bill relating to the employment of Chinese in factories or work-rooms.
The motion was agreed to.
The Bill was then brought in, and read
a first time.

FACTORIES AND SHOPS ACT 1905
AMENDMENT BILL.

Mr. BENT (in the absence of Sir Samuel
GIIOTT) moved for leave to introduce a
Bill to amend the Factories and Shops Act
1905.

The motion was agreed to.
The Bill was then brought in, and read
a first time.

PURE FOOD BILL (No. 2).

Mr. BENT presented a message from
His Excellency the Governor, recommending
that an appropriation be made from
the Consolidated Revenue for the purposes
of the Bill for the prevention of the adul-
teration of food and for other purposes.
The House, having gone into Committee
to consider the message,

Mr. BENT moved—

That it is expedient that an appropriation be
made from the Consolidated Revenue for the pur-
poses of the Bill for the prevention of the adul-
tertation of food and for other purposes.

The motion was agreed to, and the reso-
lution was reported to the House and
adopted.

The House went into Committee for the
further consideration of the Bill.

Discussion took place on clause 5, which
was as follows:

(1) Any officer may at any time enter in
or upon any wharf, pier, jetty, or any railway
station or place of delivery or premises and there
inspect any animals carcasses or articles of food
or drugs which he may have reasonable ground
for believing are intended to be slaughtered or
sold or used for food for human consumption.

(2) He may also exercise in regard to any such
animals carcasses or articles all or any of the
powers of removal seizure or destruction such as
are conferred on officers with regard to animals
carcasses or articles inspected under and pursuant
to the provisions of section fifty-two of the Prin-
cipal Act.

(3) The provisions of the said section with re-
gard to persons claiming any animals carcasses
or articles seized under the said section and the
procedure in reference to any complaint made by
such persons shall so far as practicable apply
and extend to persons claiming any animals car-
casses and articles inspected removed or seized
under this section, and such provisions shall be
read and construed accordingly.

Mr. McLEOD moved—

That after the first word "any" (line 1) the
word "authorized" be inserted.

Mr. WARDE asked the Minister to
explain the meaning of this alteration.
What authority would be necessary for an
officer to hold in the execution of his
duty?

Mr. McLEOD stated that the meaning of
"authorized" was explained in the
definition clause, which said that an offi-
cer had to be authorized generally or
specially in writing by the Board, or by
his council.

The amendment was agreed to.

Mr. PRENDERGAST said he would
suggest that after the words "any autho-
ized officer may at any time enter in or
upon any wharf, pier, or jetty, or any
railway station or place of delivery,"
the words "slaughter house, abattoirs, or sales-
yards for stock" be inserted. If it was
necessary to include a wharf, pier, or jetty,
it seemed equally necessary to include the
other places which he named.

Mr. McLEOD said that the power pro-
vided for in the clause was merely in-
tended to supplement the present Act.

Mr. PRENDERGAST said that in that
case he would not insist on his suggested
amendment, as it would be unnecessary.
He wanted, however, to be clear on the
point that the clause was really intended
to supplement the existing Act.

Mr. McLEOD said he could assure the
leader of the Opposition that the clause
was merely of a supplementary nature, and
intended to cover goods in transit.

Mr. PRENDERGAST remarked that
in that case he would be satisfied to allow
the clause to go.

The clause, as amended, was agreed
to.

Clauses 6, 7, and 8 were agreed to.

Discussion took place on clause 9, which
was as follows:

(1) Where a person has in possession on any
premises used or suspected to be used for the
manufacture or sale of articles of food, any
article of food or drug or appliance or substance
the sale or use of which is prohibited under the
Health Acts such possession shall be deemed
prim facie evidence that such article of food or
appliance or substance is kept by such person
in contravention of the Health Acts.

(2) Any officer may inspect examine and
seize and take possession of and mark fasten
secure seal or remove any such article of food or
drug or appliance or substance and the seizure
may extend to the whole of any such articles of
food or drug or appliances or substances on the
same premises.

Mr. PRENDERGAST suggested that
after the words "any officer may inspect"
the word "and" be inserted.
Mr. McLEOD remarked that an officer might inspect or examine without seizing.

Mr. PRENDERGAST said that in any case the word "and" was necessary.

Mr. MACKINNON said that he desired to move a prior amendment, and it was that after the words "such article of food" the words "or drug" be inserted. The word "drug" appeared in a previous line of the clause, and he thought that it must have been omitted further on by mistake. He begged to move—

That after the words "such article of food" the words "or drug" be inserted.

The amendment was agreed to.

Mr. McLEOD moved—

That after the words "any officer may inspect" the word "and" be inserted.

The amendment was agreed to.

Mr. G. H. BENNETT (Richmond) stated that many traders and manufacturers who had laboratories might find that this clause would press very hard upon them. Many of the articles referred to in it as being forbidden were necessary for analytical research. Had the Minister taken that into consideration?

Mr. McLEOD said the matter referred to by the honorable member for Richmond had been fully discussed by him with the representatives of the Chamber of Commerce, and with other interested parties, and all of those parties were quite satisfied with the clause. If any of them used forbidden articles, or had them in their possession, they would only have to explain why they had them in their possession, and if the explanation was satisfactory, no prosecution would follow.

The clause, as amended, was agreed to.

Clause 10 was agreed to.

On clause 11, which gave power to require information to be made available,

Mr. FAIRBAIRN remarked that, under this clause, power was given to require the production of a man's books in order to find out if they contained any evidence which might be used against him. Was not that a departure from the existing methods of law procedure.

Mr. Mackey.—The same thing obtains under the Customs Act.

Mr. McLeod.—And the officer who inspects must be a specially authorized officer.

Mr. MACKINNON observed that, by the compulsory production of a man's books, a secret ingredient of some kind might be disclosed and made public, and it certainly would be unfair that any trade secret should be disclosed in that way. In another Bill passed this year provision was made to prevent any discovery made by the examination of books in the nature of a trade secret from being disclosed. It was not fair that such secrets, obtained through the seizure of books, should be exposed to outside persons. He asked that this matter might be borne in mind.

Mr. McLEOD said that he agreed with the observations which had fallen from the honorable member for Prahran, and would have the matter looked into. If the present Health Act did not safeguard the interest of people whose books might be seized, he would have provisions made therefor.

The clause was agreed to.

Clause 12 was agreed to.

Discussion took place on clause 13, which was as follows:—

(1) On payment or tender to any person dealing in or making any article of food or drug or to his agent or servant of the value thereof or rate fixed, any officer may at any place of sale or manufacture or preparation or at any premises demand and select and take or obtain samples as required for the purposes of the Health Acts of the said food or drug.

(2) Any such officer may require the said person or his agent or servant to show and permit the inspection of the package in which such article of food or drug is at the time kept and to take or draw therefrom the samples demanded.

(3) Where any article of food or drug is kept for retail sale in an unopened package no person shall be required by any officer to sell less than the whole of such package.

(4) If any rates have been fixed by regulation for the payment for samples of any article of food or any drug it shall not be necessary for any officer to tender any higher price for such sample.

Mr. McLEOD said that a question had been raised as to the price which would have to be paid for samples taken, and he therefore proposed to amend the clause, so that the price would be fixed at the current market rate. He begged to move—

That before the word "value" (line 3) the words "current market" be inserted.

Mr. PRENDERGAST remarked that it would be well to add to the last paragraph in the clause words to the effect that if the rates had not been fixed as provided for, it should not be necessary for any officer to tender any higher price beyond the reasonable market value of the article. The article in question might be a drug imported only by one firm, and, consequently, it might be considered that it had no current market value.
Mr. MCLEOD said that, if an article was imported by only one firm, the current market value of it would be the price that that firm was selling it for to other people. It had been agreed that the words "current market value" would meet all requirements.

The amendment was agreed to, and the clause, as amended, was adopted.

Discussion took place on clause 14, which was as follows:—

Any person who—
(a) obstructs or impedes in any manner any officer in the carrying out of his duties under the Health Acts, or
(b) refuses to allow to be taken any sample demanded, or
(c) gives procures offers or promises any bribe or recompense or reward or influences any officer in the discharge of his duty, or
(d) prevents or attempts to prevent the due execution by such inspector, officer, or member of his duty under the said Acts, or
(e) resists any officer or attempts to rescue any animals carcasses or articles of food or drug or appliance or substance which have been detained or seized under the Health Acts or resists or prevents their detention or seizure or assaults or by force molest or obstructs or endeavours to intimidate any officer
shall be guilty of an offence against this Act.

Mr. PRENDERGAST moved—
That in paragraph (c) after the word "influences" "or attempts to influence" be inserted.

The amendment was agreed to.

Mr. MACKINNON suggested that in paragraph (d) the words "inspector" and "or member" should be left out, as in the definition clause it was provided that the word "officer" included any officer of a board or council, or member of the police force, and he thought that the inclusion of the word here might lead to some confusion. He begged to move—

That the words "inspector" and "or member" be omitted.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 15 was postponed.

On clause 16, which provided for the liability of the person named on the package "to the same penalty as if he had actually sold the same to an officer,"

Mr. PRENDERGAST said it would be necessary to insert the words "and other consequences" after the word "penalty."

Mr. MACKAY.—Are there any other consequences?

Mr. PRENDERGAST said there were the consequences of forfeiture or seizure. Clause 34 bore on this point. He would not press the amendment if the Minister was satisfied that the word "penalty" conveyed the full intention of the measure.

Mr. MACKAY.—I am not satisfied, but I will look into it.

The clause was agreed to.

Clause 17 was verbally amended and agreed to.

Clauses 18 and 19 were agreed to.

On clause 20, which was as follows:—

No witness on behalf of any prosecution under this Act shall be compelled to disclose the fact that he received any information or the nature of such information or the name of any person who gave such information; and no officer appearing as a witness shall be compelled to produce any reports made or received by him confidentially in his official capacity or containing confidential information,

Mr. PRENDERGAST said this clause seemed very strong, and he did not know its source. He did not object to full and complete power being given under all conditions to enable convictions to be obtained, but there was great danger in the clause of encouraging informers.

Mr. MCLEOD.—This is taken from section 253 of the present Customs Act.

Mr. PRENDERGAST said these clauses required to be made strong, but the Committee did not want to encourage undesirable people in obtaining convictions. Clean convictions were wanted, and plenty of convictions could be obtained without encouraging undesirable persons such as this clause would encourage. He would like to see complete powers of entry and seizure, and complete provisions to obtain convictions given in the Bill, but the statements of informers were frequently discredited by Judges and magistrates and juries in the courts; very little attention was paid to them, although a great deal of money was spent on their services, and very frequently no conviction was obtained on account of the undesirable character of persons employed to do this class of work. It would be a good thing if any other means could be adopted of getting convictions without encouraging informers.

Mr. McBRIEDE remarked that he supported the contention of the leader of the Opposition. The clause seemed to give very great powers, and would very likely put lots of people to a great deal of trouble. An employé who asked for a rise in wages and did not get it, or who was discharged, might immediately give informa-
tion that might not prove the employer guilty, but would still put him to a lot of trouble. An employer would have no remedy, because he would not know who was giving the information. The clause gave great power and might be apt to do a great deal of harm. It surely was unnecessary to include such a clause in addition to all the other powers already given to the Minister.

Mr. McLEOD stated that he went into the matter very fully when the clause was prepared. It provided for confidential reports containing confidential information. His attention was drawn at the time by the draftsman to section 253 of the Customs Act, which contained the same provision. There were also brought under his notice strong comments made by the Lord Chief Justice of England, who said it was contrary to the whole tenor of English law that any prosecuting officer should be compelled to disclose the source of confidential information. His Honour added that the question was not the source of the information, but whether the party accused was guilty or not. As the provision was law in other Acts he (Mr. McLeod) could see no objection to its being included in this Bill. It would be extremely difficult in these cases to obtain convictions regarding adulterated food, and it would be very unwise to disclose information of this kind. For instance, a man who gave information might be boycotted from employment in any avocation.

Mr. HUNT.—Some of them deserve to be boycotted if they give such information.

The clause was agreed to, as were also clauses 21 and 22.

Discussion took place on clause 23, which was as follows:

For the purposes of the Health Acts an article of food or substance or compound shall be deemed adulterated or falsely described—
(a) when it contains or is mixed with or diluted with any substance in any quantity or in any proportion which diminishes or tends to diminish in any manner its food value or nutritive properties as compared with such article in a pure or normal state and in an undeteriorated or sound condition, or
(b) when it contains or is mixed with or diluted with any substance of lower commercial value than such article in a pure or normal state and in an undeteriorated or sound condition, or
(c) when it does not comply either wholly or in part with the standard thereof prescribed under this Act by any regulation, or
(d) when it contains any substance prescribed as a prohibited addition, or
(e) when it contains any substance containing which any restrictive regulation has been made in excess of any quantity or proportion permitted by such regulation, or
(f) when it contains methyl alcohol, or
(g) when any article of food in any package is described by any stamped or stencilled or impressed or printed or written statement or claim or brand or covering or label or mark or tag purporting to name or indicate the nature or quality or strength or purity or composition or origin or age or proportion of any article of food or ingredients or substances contained therein, which statement claim brand covering label mark or tag is false or incorrect or misleading in any particular.

Mr. McLEOD moved—

That the words “or drug” be inserted after “food” (line 2), and that the words “or other article” be inserted after “compound” (line 2).

He said these amendments would bring the clause into conformity with the other clauses.

Mr. PRENDERGAST said it would be necessary to include “drugs” in this clause by the amendment, because otherwise the clause would not apply to them. The question arose what was a “compound.”

Mr. McLEOD.—The word is in the Health Act.

Mr. PRENDERGAST asked if there had been any decisions in regard to it?

Mr. McLEOD.—It occurs frequently in the English Act.

Mr. Mackey.—A compound is the thing compounded. You may compound two different matters, and the result is a compound.

Mr. PRENDERGAST said everything was a compound.

Mr. Mackey.—Anything you can eat, certainly.

Mr. PRENDERGAST said practically everything could be resolved into its original elements.

Mr. McLEOD.—Whilst the Bill provides for a single article being pure, a compound of two articles must also be pure.

Mr. PRENDERGAST said he was satisfied with the wording of the clause so long as the Minister was satisfied.

Mr. MackINNON remarked that he doubted whether the clause as it was framed included drugs. He did not know why they had been left out. All through the Bill reference was made to articles of food, drugs, and substances. Drugs should be included unless there was some
distinct reason for leaving them out of the clause.

The amendments were agreed to.

Mr. G. H. BENNETT (Richmond) asked the Minister of Mines whether the clause would prevent a manufacturer from putting in a certain quantity of preservatives.

Mr. McLEOD.—It does not prevent anything allowed by regulation of the Food Standards Committee.

Mr. G. H. BENNETT (Richmond).—Then the question would be referred to the Food Standards Committee?

Mr. McLEOD.—The clause does not affect anything allowed by that committee.

Mr. FAIRBAIRN said he would like to be clear about the point raised by the honorable member for Richmond. Anybody who had to do with the canning of meat knew that salt had to be put in with the meat to preserve it, but, according to paragraph (b) of this clause, meat so treated would be deemed to be adulterated. He would suggest to the Minister to put in the word "unnecessary" in paragraph (b), before the word "substance."

Mr. PRENDERGAST.—Does not paragraph (d) cover it?

Mr. McLEOD.—Clause 38, which gives power to the board, on the recommendation of the Food Standards Committee, to make regulations, meets all that is required. It was carefully drawn for that very purpose.

Mr. FAIRBAIRN said he was satisfied so long as the Minister was perfectly clear about the matter.

Mr. MACKINNON remarked that he was not altogether satisfied about the clause, which was one of the most important in the Bill. Paragraph (a) defined as adulterated or falsely described any of these various articles which contained anything that tended to diminish in any manner its food value or nutritive properties. There was a great deal of dispute in older countries whether boric acid should be allowed at all, and as to the amount that should be allowed to enter into the composition of butter and other perishable foods. Apparently scientific authorities differed very much. If this clause was to pass as it stood, the honorable member for Toorak had made a solid objection. Boric acid, in the case of infants, might fairly be said to reduce the nutritive properties of butter, and so, if butter was sold with boric acid in it, it could fairly be said under this clause to be an adulterated or falsely described food. Clause 33 prohibited the storing or selling of any article of food which was adulterated or falsely described. He dared say the intention of the framers of the Bill was perfectly clear, but the Bill itself distinctly provided that butter which was prepared with a small quantity of preservative in it, being, by virtue of clause 23, adulterated and falsely described could, under clause 33, be prevented from being stored or sold. There were other clauses which dealt with goods that were adulterated or falsely described. There was nothing in the clause giving the board power to make regulations providing that things which were adulterated or falsely described should not be so adulterated or falsely described. This matter required to be looked into very closely. He was afraid that if the question came before the police court it would be held that any article which came within the wording of clause 23 as being adulterated or falsely described would be included, and the disabilities would follow.

Mr. FAIRBAIRN said he would like the Minister to point out the particular words in clause 38 dealing with this matter.

Mr. McLEOD said there was no doubt something in the criticisms which had been passed on this clause. Neither the clause now before the Committee, nor clause 38, was so clear as they were intended to be. The Government would consider the matter further, and see whether alterations were necessary. Those amendments could then be made on the report.

Mr. MACKINNON said the difficulty might be got over by inserting some such words as these—"Subject to such regulations as may be made by the board on the recommendation of the Food Standards Committee."

Mr. MACKINNON said the whole difference of opinion with regard to the moderate or immoderate use of preservatives for the purpose of presenting food in an acceptable condition was the chief cause of difficulty, and undoubtedly the authorities—in England, at any rate—were very much divided in opinion as to whether the use of these preservatives was objectionable. If the Food Standards Committee were not given a free hand to fix some scientific basis, great harm might
result to a number of people who were selling really wholesome food, but which was declared to be unwholesome by officers who did not fully understand all the facts of the case.

Mr. FAIRBAIRN remarked that his objection would be completely met if the word "unnecessary" was inserted in paragraph (b).

Mr. McLEOD observed that it was unwise to alter these important clauses without knowing how the alterations would affect the rest of the Bill. The Government recognised the importance of the matter, and would see if amendments were necessary before the Bill was finally dealt with.

Mr. PRENDERGAST said he would like to know in what part of the present clause the honorable member for Toorak proposed to insert the word "unnecessary"?

Mr. FAIRBAIRN said that paragraph (b) provided that any article of food, &c., should be deemed adulterated or falsely described—

When it contains or is mixed with or diluted with any substance of lower commercial value than such article in a pure or normal state and in an undeteriorated or sound condition.

His suggestion was that the word "unnecessary" should be inserted before "substance."

Mr. J. W. BILLSON (Fitzroy) remarked that the clause would then mean that no substance was unnecessary if it would accomplish the purpose of the person using it in the manufacture of any article.

Mr. FAIRBAIRN said that, under the clause as it now stood, he was afraid that a great many industries would be stopped altogether. The clause in its present form was mandatory, and he would like to see it postponed.

The CHAIRMAN.—The clause having been already amended cannot now be postponed.

Mr. PRENDERGAST said that, even if the contention of the honorable member for Toorak was correct, there would be no danger in passing the clause, because the Food Standards Committee would regulate the whole matter, and it would make no difference whether this clause was altered or not.

Mr. FAIRBAIRN.—This clause does not give any such power to the Food Standards Committee.

Mr. PRENDERGAST said the clause referred to regulations, and that, no doubt, meant regulations fixed on the recommendation of the Food Standards Committee. At all events, the insertion of the word "unnecessary," as suggested by the honorable member, would be most undesirable. Any man might say that a substance was necessary, for the purpose of making greater profit by reducing the value of the article. At the same time, he agreed that no action should be taken unless the Food Standards Committee prescribed the quality of the article. He thought the Bill provided perfect protection for any one who wanted to manufacture a clean article.

Mr. McLEOD said that since this clause was drafted there had been an important decision of the High Court with regard to the quantity of spirit contained in locally-manufactured articles. By paragraph (t) of this clause, it was provided that an article of food, &c., should be deemed adulterated, or falsely described, "when it contains methyl-alcohol." He begged to move—

That after the word "alcohol" the following words be inserted:—"Or not having paid excise duty it contains more than two parts of pure spirit per cent."

Mr. PRENDERGAST said he would point out that the Committee had already adopted an amendment making the clause apply to drugs, as well as other articles of food. Surely it would be impossible to provide that no drug should contain more than 2 per cent. of pure spirit. Not only that, but it seemed to him that a definition of "methyl-alcohol" would have to be given. He thought it was capable of argument as to whether methyl-alcohol was unfit for food or not. At all events, it would be an absurdity to prevent the use of more than 2 per cent. of pure spirit in drugs of any kind. Medical men must not be deprived of the right to use such forms of alcohol as might be necessary in different cases, or as prescribed in the Pharmacopoeia.

Mr. McBRIEDE said he would like to know whether the amendment proposed by the Minister of Health would not prevent the sale of a good many patent medicines containing alcohol.

Mr. MACKINNON.—Pain-killer, for instance.

Mr. McLEOD.—Patent medicines are not included in this Bill. That would open up a very wide field.

Mr. McBRIEDE said that in Vitadatio, and a number of other patent medicines,
it was well known that spirit was used. If a small percentage of alcohol was not to be allowed in temperance drinks, it should not be allowed in drugs and other medicines.

Mr. CARLISLE said the wording of the amendment was not satisfactory, and it would be necessary to define what was meant by "2 per cent."

Mr. PRENDERGAST.—That is defined in another Act.

Mr. CARLISLE said that there was no definition of the expression in so far as this amendment was concerned.

Mr. PRENDERGAST said it appeared to him that it would be advisable to omit paragraph (f), and to insert it in a separate clause. The other portion of the clause would protect the public in so far as pure drugs were concerned. It was just as necessary to protect the public from impure drugs as from impure food. There was a substance which could be bought at 4d. per lb., whereas the pure article was worth 7s. per lb. He would not mention the drug, but that was a fact. If the amendment were inserted it would prevent spirit being used in connexion with drugs to a greater extent than 2 per cent., and that would be an absurdity. He hoped the Minister would make paragraph (f) the substance of a separate clause.

Mr. McLEOD said that this was a very important clause, and that he had already promised to reconsider the whole question. This showed the unwise-ness of making amendments on the spur of the moment. He should not permit the word "drug" to be placed in the clause, for the clause was never intended to touch anything but food. He would ask the Committee to pass the clause, and he would redraft it with such alterations as were necessary to provide for the difficulties mentioned.

Mr. MACKINNON said he was inclined to agree with the Minister as to the word "drug." Patent proprietary medicines were expressly excluded from the operation of the Health Act. If the amendment were made he was afraid that the joys of some of those who used painkiller would be interfered with.

Mr. McBride.—Teetotallers!

Mr. MACKINNON said he did not think teetotallers would get the same amount of exhilaration from painkiller as from strictly teetotal drinks.

Mr. Bent.—It has a burning sensation.

Mr. MACKINNON said he had never taken it, and did not know what the sensation was. The Minister was right that if the words "2 per cent." were inserted there would be trouble in connexion with patent medicines. He was inclined to think that the suggestion of the honorable member for Richmond was a fair one, that this matter should have been considered more fully, and with a fuller attendance. The Minister would have to reconsider the clause. It was impossible that the word "drug" could have been left out by accident—it had been left out by design.

The amendment was agreed to.

Mr. McLEOD moved—

That the words "or drug or other article or substance or compound" be inserted after the word "food" (line 1), paragraph (g).

The amendment was agreed to, and the clause, as amended, was passed.

Discussion took place on clause 24, which was as follows:

Notwithstanding any provision of the Adulteration of Wine Act 1900 no person shall sell wine which contains an amount of—

(a) soluble chloride exceeding half-gramme per litre or thirty-five grains per gallon calculated as sodium chloride, or

(b) soluble sulphates which calculated as potassium sulphate exceeds two grammes per litre or one hundred and forty grains per gallon, or

(c) free sulphurous acid exceeding twenty milligrammes per litre or one and four-tenths grains per gallon, or

(d) total sulphurous acid (free and combine) exceeding two hundred milligrammes per litre or fourteen grains per gallon.

Mr. CARLISLE said he would like to know the need for this clause, seeing that we had the Adulteration of Wine Act, which was a very drastic measure.

Mr. McLEOD.—This is to deal with imported wine, which we cannot touch at present.

Mr. CARLISLE said that it would apply to all local wines as well. The Adulteration of Wine Act was applicable to imported wines.

Mr. McLEOD.—No; it does not touch them.

Mr. CARLISLE said he differed with the Minister on that question, because he (Mr. Carlisle) had had reason to investigate it, and he knew that the South Australian wines came under the Adulteration of Wine Act.

Sir ALEXANDER PEACOCK.—When bottled?

Mr. CARLISLE said it did not matter whether bottled or not. That Act, he was sorry to say, had not been enforced against
South Australian wines, but because it had not been put into operation was no reason for having another measure to deal with the matter. This provision ought to be confined to imported wines.

Mr. MacKee.—We cannot discriminate.

Mr. McLeod moved—

That the word “chloride” in paragraph (a) be omitted with the view of inserting “chlorides.”

Mr. Carlisle said he hoped the Minister would reconsider this clause. It was a very technical one, and he (Mr. Carlisle) could not say without inquiry whether the amount of free sulphurous acid mentioned in the clause was excessive or not.

Mr. McLeod observed that this clause was drafted to cure a technical defect in the Adulteration of Wine Act—a defect in dealing with imported wines. There were certain sections of the Wine Act which dealt with imported wines, but in regard to the matters mentioned in this clause that Act did not touch imported wines.

The amendment was agreed to, and the clause, as amended, was passed.

Discussion took place on clause 25, which was as follows:

No person shall unless so prescribed by regulations under this Act sell or use in the manufacture storage or conducting of any article of food for sale any cooking utensil or appliance—

(a) consisting wholly or in part of lead or of any metal alloy containing more than ten per centum by weight of lead, or
(b) soldered with a metal alloy containing more than ten per centum by weight of lead, or
(c) tinned inside with a metal alloy containing more than one per centum by weight of lead, or
(d) containing enamel or glaze or india-rubber or gutta-percha which on boiling for thirty minutes with vinegar containing four per centum by weight of acetic acid yields lead to the latter, or
(e) containing more than one-fourth of one grain of arsenicum per pound of metal alloy or enamel or glaze or india-rubber or gutta-percha.

Mr. Prendergast remarked that the clause was rather peculiarly worded. It commenced by stating, “No person shall unless so prescribed by regulations.” How could a person be prescribed by regulation? The clause should read, “Unless so prescribed by regulation, no person.”

Mr. McLeod moved—

That the words “unless so” be omitted with a view of inserting the words “except as.”

The amendment was agreed to.

Mr. Prendergast said he would like to know if this clause would cover children’s feeding bottles. It was advisable to include them so that the india-rubber used should be made of the proper material.

Mr. McLeod.—Paragraph (a) will cover that. I had a conversation with Dr. Norris on the subject.

Mr. Fairbairn remarked that by paragraph (b) no person was to use solder containing more than 10 per cent. of lead. That would stop all soldering operations, because 10 per cent. of lead was not sufficient to make solder. Had the Minister considered that? The clause provided that that was to be so, unless otherwise prescribed by regulation. It seemed absurd to put something in the measure that might be altered by regulations.

Mr. McLeod said that this paragraph was not intended to deal with ordinary solder, but only with solder used in the inside of cooking utensils. Under the Belgian law, the solder used for cooking utensils must not contain more than 10 per cent. of lead. The clause stated that “no person shall, except as prescribed by regulations under this Act, sell or use in the manufacture, storage, or conducting of any article of food for sale any cooking utensil or appliance” of the kind mentioned in the clause.

Mr. Fairbairn.—Would not that mean putting them in a tin?

Mr. McLeod said that all over the Continent, in connexion with boxes or vessels or similar receptacles, in which the contents came in contact with the box or vessel, the use of solderings containing a greater portion of lead than was here provided was not permitted. The only difference with regard to soldering was that solder containing only 10 per cent. of lead required a greater amount of heat than the other kind. It required about 100 degrees more.

Mr. Prendergast.—That is the point.

Mr. McLeod said that there were some very strong cases against the use of soldering with more than 10 per cent. of lead in connexion with jams and other matters, for it had been found that the acid had eaten the lead away, and this had occasioned poisoning.

Mr. Fairbairn expressed the opinion that there was very little ptomaine poisoning caused by the lead. It was generally caused by a can of fruit or meat.
Mr. PRENDERGAST.—It would not kill you, but would cause bowel complaints. You would wonder what was the matter with you for a week after.

Mr. FAIRBAIRN said that there was another point in connexion with this matter. The soldering of tins cost one jam manufacturer in a large way, whom he knew, £5,000 a year, and if this clause passed, the cost would be increased to at least £10,000 or £15,000 a year.

Mr. McLEOD.—The Food Standards Committee will deal with that, if they are satisfied that no harm arises.

Mr. FAIRBAIRN said that it seemed to him that this clause was needlessly drastic. The public would have to pay for it, of course.

Mr. McBRIDE said that paragraph (a) proscribed the use of any appliance "consisting wholly or in part of lead, or of any metal alloy containing more than 10 per centum by weight of lead." Some of the most valuable tea we got here was enclosed in lead.

Mr. McLEOD.—That is tin-foil.

Mr. McBRIDE said that it was nearly pure lead. It was not a question of tin-foil at all. Would this clause prevent tea from coming out in those packages?

Mr. WATT.—That is absurd.

Mr. McBRIDE said that that would be the effect.

Mr. MACKY.—You will have an opportunity on the report stage.

Mr. McBRIDE said that on the report stage one could only speak once, while in Committee the discussion was freer. Would the Minister recommit the clause?

Mr. BENT.—Give him two speeches on the report stage. He does not speak very often.

Mr. McLEOD.—I will consider the whole matter in the light of the point you have raised, and will give you a chance of discussing the matter later on.

Mr. McBRIDE said that he had not yet received an answer as to whether he would have a chance of dealing with this clause again in Committee.

Mr. BENT.—Oh, yes. Sir ALEXANDER PEACOCK.—Are any of the clauses to be recommitted? Have any promises been made?

Mr. McBRIDE said that he would like to get an answer as to whether he would have an opportunity of considering this matter again in Committee.

Mr. McLEOD.—If we find it necessary to guard against what you have pointed out.

Mr. McBRIDE said that there was absolutely no doubt about its being necessary. Surely it was not too much for an honorable member to ask that this clause should be recommitted.

Mr. McLEOD.—Very good; we will recommit the clause if necessary.

Mr. MACKINNON observed that when the clause was recommitted the Chamber should have a fuller explanation in regard to it than had been afforded up to the present time. When he read the clause first he understood that it was practically for the purpose of excluding the use of certain
objectionable alloys, or mixtures, in connection with cooking utensils, and that it applied only to cooking utensils or other appliances of that character. It seemed however, from the way in which the clause was worded, that the provision might be extended to tea-boxes, which were almost invariably lined with lead. Personally, he thought that it must have been intended to limit the use of lead and other objectionable matters in cooking vessels, because lead, arsenic, and things of that kind were objectionable ingredients in any cooking vessel. He would like to know from the Minister, either now or later, what was the exact object of this clause.

Mr. McLeod.—It refers to cooking vessels, or vessels used for storage.

Mr. Mackinnon said that he took the words to mean any cooking utensil, or anything in the nature of a cooking utensil. If that was the limit of the clause it was reasonable enough, but if it was intended to prohibit the use of lead in the storage of tea it was absurd.

Mr. McLeod.—I see the point.

Mr. Mackinnon said that he was told—he did not know whether it was so or not—that this was taken from an Austrian Act of Parliament.

Mr. McLeod.—It is in the French, Swiss, German, Austrian, and Belgian Acts.

Mr. Mackinnon said that that was an important point, but the Chamber ought to know exactly what the provision meant. The view he had always taken of it until the matter was referred to by the honorable member for Kara Kara, was that it referred only to cooking utensils.

Sir Alexander Peacock.—That is what it is.

Mr. McLeod.—That is what I understood.

Mr. Fairbairn stated that the remarks made by the Minister that these provisions were extracted from Acts in force in France, Switzerland, and other places, where people never drank tea, was not a very strong argument. Everybody knew that we in Australia drank as much tea in one day as the people in France drank in the whole of the year, and here Parliament was going to interfere with the drink of the people. This provision had been stuck in by some faddist of the Department. It was going to upset the whole drink of Australia, and honorable members were asked to pass it without its being recommitted.

Mr. McLeod.—I have promised to recommit it. I am not going to take any advantage of you.

Mr. Fairbairn said that he understood the whole clause was to be recommitted.

Mr. McLeod.—If it is necessary to make any alterations.

Mr. Fairbairn said that it ought to be recommitted whether the Minister thought it was necessary or not.

Mr. McLeod.—If requisite.

Mr. Fairbairn said that the Minister had promised that, if requisite, he would recommit the clause, but he was not saying that he would recommit it.

Mr. McLeod.—That is all right.

Mr. A. A. Billson (Ovens) remarked that it was necessary that this matter should receive the closest consideration. He would like to inform the Minister that there were certain appliances used in the manufacture of aerated waters which were wholly of lead, and these appliances could not be made from any other material. If the Minister could tell him how carbonic acid could be made in any other vessel except one of lead, then the honorable gentleman knew more than any scientific man or chemist in the world.

Mr. Bent.—That would not be much to wonder at.

Mr. A. A. Billson (Ovens) said that he wanted to know exactly where they were in a matter of this kind. There should be no shilly-shallying about the question, and there should be an understanding that the clause would be recommitted.

Mr. Watt observed that he rose to protest against any of these clauses going through at all—either clause 23 or 24 or 25.

The Chairman.—I may inform the honorable member that the clauses down to clause 24 have been passed.

Mr. Watt said that he understood that, but whether a promise had been made to recommit them or not he did not know, because, unfortunately, he had just arrived. Some things had been flunked through without consideration. If this was to be the result of legislation passed between two o'clock and three o'clock——.

The Chairman.—I must draw the attention of the honorable member to the fact that he can only deal with what is in the clause.

Mr. Watt said that the clause was closely related to many fundamental provisions contained in the Bill, such as clause
which described the way in which it was proposed to appoint the Food Standards Committee, which was to have definite functions. This committee was to have authority to prescribe certain standards for various articles of food, but before the committee was to be given a chance to say what should be done in respect to the standards, the Bill was prescribing a standard for half-a-dozen articles or foods. Why should the Chamber now make conditions as to the vessels to be used in the manufacture or storage of articles of food by prohibiting certain metal, alloys, and other things, when the Food Standards Committee might say that this provision was a wholly improper one? The honorable member for Ovens, from his experience in one manufacturing industry, had told the Chamber that the clause would not work. Why should the Chamber pass a clause which might prevent the manufacture of aerated waters or cordials? Was that the object of the Bill or of the Minister?

Mr. BENT.—This is subject to regulations.

Mr. WATT said that that meant that Parliament was asked to proceed roughly without any scientific authority with regard to certain articles used in the manufacture and storage of certain goods. How could honorable members know whether 10 per cent. of lead, or any metal alloy, was a right percentage or not? As one honorable member already had said, it would be impossible to do certain kinds of work if a clause of this kind were pushed into law. If such conditions were insisted upon, the measure would have to be fought line by line, and letter by letter. The Bill said that no person should, except as prescribed by regulations, sell or use in the manufacture, storage, or conducting of any article of food for sale, any cooking utensils or appliances enumerated in paragraphs (a) to (c). What was meant by the word “conducting”? How could they conduct an article of food? Why not say “escorting” in the sense that one would escort an article of food from a plate to the lips? Seemingly, this clause was taken from the Austrian measure, and, indeed, it seemed to him that the whole wording of the Bill had been adopted in a haphazard way. Certainly it was not on the lines of English legislation. He would appeal to the Minister to strike out clause 25 altogether, and clauses 23, 24, 26, and 28 ought to be dealt with in the same manner. The whole of them should be struck right out of the Bill, and a Food Standards Committee, constituted of scientific men, should be made wholly responsible for the purity of food supplied for consumption by the people. Why should a Legislature whose personnel consisted of amateurs in matters of this kind legislate with regard to things about which they were totally ignorant. He (Mr. Watt) would insist on having a division on the clause.

The Committee divided on the clause—

| Ayes | ... | ... | ... | 34 |
| Noes | ... | ... | ... | 11 |

Majority for the clause ... 23

AVES.

Mr. Anstey  
Mr. Beard  
Mr. Bentsley  
Mr. G. H. Bennett  
Mr. Bent  
Mr. J. W. Billson  
Mr. Bromley  
Mr. E. H. Cameron  
Mr. James Cameron  
Mr. Duffus  
Mr. Elmslie  
Sir Samuel Gillott  
Mr. Hannah  
Mr. Harris  
Mr. Hunt  
Mr. Hutchinson  
Mr. Kirkwood  
Mr. Langdon

Tellers.

NOES.

Mr. A. A. Billson  
Mr. Aves Cameron  
Mr. Carlisle  
Mr. Cullen  
Mr. Fairbairn  
Mr. Holden

Tellers.

Mr. Lemmon  
Mr. Mackay  
Mr. Mackinnon  
Mr. McGrath  
Mr. McKenzie  
Mr. McLeod  
Mr. Outtrim  
Sir Alex. Peacock  
Mr. Prendergast  
Mr. Sangster  
Mr. Smith  
Mr. Solly  
Mr. Swinburne  
Mr. Warde  
Mr. Argyle  
Mr. Bailes

Discussion took place on clause 26, which was as follows:—

No person shall manufacture or sell any toys or wall-paper or other decorative paper or paper serviettes or paper used in the enclosure of any article of food in or upon which are paint colour facing dressing size or varnish containing arsenic or lead or antimony in any form or compound or any specified substance exceeding such allowable quantity as may be prescribed by regulation.

Mr. WATT moved—

That the following words:—“toys or wall paper or other decorative paper or paper serviettes or” be omitted from the clause.

He said that his object was to make the measure a Food Bill only. He left in the words “paper used in the enclosure of any article of food,” because, although children might not eat the paper, they
Mr. McBRIDE said he would further point out with regard to wall-paper that in certain parts of the country no wall-paper that was not green would be bought.

Mr. McLEOD.—Some greens are without arsenic.

Mr. McBRIDE said that nearly every green contained arsenic. Apart from that, however, he would emphasize the fact that unless time was given to storekeepers to get rid of prohibited stock, very serious losses would be inflicted on them.

Mr. McLEOD.—I promised a deputation that fair and reasonable time would be given, and that the Bill would not injure any one.

Mr. McBRIDE asked what “fair time” would be?

Mr. McLEOD.—The clause will not apply to existing stocks.

Mr. McBRIDE remarked that wholesale people in Melbourne might pass off prohibited goods on unsuspecting storekeepers in the country, and so get rid of their stocks at the expense of those storekeepers. The Minister ought to state what time limit would be allowed for getting rid of those stocks—for having, for instance, clearing sales of green wall-paper.

Mr. McLEOD.—I will inquire as to what would be a fair time.

Mr. McBRIDE.—Then, in considering the point, the Minister would not only take into account the time that the wholesale sellers in Melbourne would require to get rid of their stocks, but would consider the poor storekeepers up country also?

Mr. McLEOD.—I will get information in regard to what will be a reasonable time.

The amendment was negatived without a division, and the clause was agreed to.

Discussion took place on clause 27, which was as follows:—

No person shall manufacture or sell paper used in the enclosure of any article of food in or upon which are paint colour facing dressing size or varnish containing arsenicum or lead or antimony in any form or compound or any specified substance exceeding such allowable quantity as may be prescribed by regulation.

His amendment, too, would involve the cutting out of clause 27, which related to substances prohibited in textile articles. With regard to the question of textile articles, he was doubtful whether or not the manufacturers, importers, or distributors of such goods had any idea that clause 27 was in the Bill. When it was announced that there was to be a Pure Food Bill, it was not imagined that articles of wear, however dangerous they might be, such as polluted boots or clothing, were to be dealt with in the Bill at all. He thought it would, therefore, be advisable that all the clauses relating to articles other than food should be excised.

Mr. McLEOD said that it was expressly stated in the title of the measure that it was a Bill “for the prevention of the adulteration of food, and for other purposes,” and it was a measure which had been pressed for over and over again. As he remarked in introducing the Bill, one of the first things which children did was to put articles they carried into their mouths. Manufacturers and importers knew all about the clause, and had agreed to it. In regard to the question of wall-paper, it was well known that almost all green paper was covered with arsenic, and that serious consequences followed when children tore off pieces and sucked them. The honorable member for Essendon said that he was desirous of confining the Bill to articles of food. Why then should he exclude serviettes? Were not serviettes supposed to be used in the taking of food? He (Mr. McLeod) did not know what the honorable member for Essendon might use them for, but most other people used them when taking food. Considering all the circumstances, he (Mr. McLeod) must adhere to the clause as it stood.

Mr. McBRIDE said that he was not particular as to whether or not toys were excluded, but he was concerned as to whether or not there was to be any time limit given to holders of prohibited stock in which to get rid of that stock.

Mr. McLEOD.—A provision will be made to protect the interests of those concerned when the Act comes into force.
to legislate with regard to textile fabrics, it would be necessary to include and proscribe a number of articles other than those mentioned.

Mr. BEARD said he would like to move an amendment to insert after the word "sell" the following words—"Any boots, shoes, or slippers containing cardboard, strawboard, or composition or." This might not be the proper clause in which to make this amendment, because it provided that, according to the regulations, a certain quantity of any article mentioned in the clause might be introduced. His object was to completely destroy the possibility of the inclusion in boots, shoes, or slippers of any cardboard or paper composition. He thought the amendment would work if made in this clause, because the Food Standards Committee, when it met, could easily provide, in dealing with this particular matter, that no strawboard, cardboard, or paper composition should be used in the manufacture of these goods.

Mr. McLEROY said he regretted that within the scope of this Bill the Government could not deal with matters of the sort mentioned by the honorable member for Jika Jika without altering the structure of the Bill very materially. The object of the clause was simply to deal with the more common forms of adulteration. The same reason applied to the use of arsenic in textiles as applied in the previous clause. Arsenic was used for colouring many articles of clothing, and lead and antimony were used for weighting clothing. By these means purchasers were defrauded, and they were also liable to be poisoned by absorbing these substances through the skin. Several cases had occurred of poisoning through stockings and socks, and there was always this danger of absorption when people perspired. The Bill dealt with the protection of the health of the people, but the Government could not well deal in this Bill with manufacturing at large. In each of the cases mentioned in these clauses the colouring or weighting matter used was distinctly injurious to health. The reason why the use of arsenic or lead or antimony was dealt with was that it was one of the common forms of adulteration distinctly inimical to the health of the people who used the articles containing those substances. If the Government were going to deal with manufacturing altogether, they would require a much larger field. He quite sympathized with the honorable member for Jika Jika in the object the honorable member had in view, and which the honorable member mentioned last night. He had looked into the question since then, and had come to the conclusion that the Bill could not be made to deal with the matter brought forward by the honorable member without structural alterations being made in the Bill.

Mr. PRENDERGAST remarked that if the object of this part of the Bill was to deal with adulterants deleterious to health when they came in contact with the skin, there might be some doubt about the possibility of including some of the articles mentioned by the honorable member for Jika Jika, but it would be quite feasible to include leather in this clause in order to prevent the use of barium for weighting it. Barium was also injurious to health.

Mr. WATT.—The Bill already deals with certain articles that do not come under that description.

Mr. PRENDERGAST said the Bill proscribed the use in food of certain articles that were deleterious to health, and in these two clauses it prohibited the use of certain substances which were injurious to health when they came in contact with the skin. The reason why wall paper and other paper was dealt with in a previous clause was that people came in contact with it, and when it contained the poisonous substances dealt with by the clause, a lot of poisoning had arisen. Paper composition might be used in boots and shoes, but it might not be construed as actually deleterious to health in the same way as these poisons would be. Still, if leather was included here, and the use of barium in it was prohibited, it would come into the same category as the other substances dealt with by the clause, because it was deleterious to health.

Mr. WATT.—Have you any scientific information about the influence of barium?

Mr. PRENDERGAST said some little time ago it was proved that a large firm in Melbourne, in fact, the largest—Michaelis Hallenstein and Company was the name of the firm—put this substance in their leather, and it was shown that the use of this substance was deleterious to human health, because it got into the skin of the feet, and was poisonous. It was used in leather for the purpose of weighting it. It had a certain effect upon the skin the same as arsenic when used in wall paper. An instance of the danger of the latter occurred when young children tore wall paper and placed it, as they placed everything, in
Mr. McLeod.—How do you know I have no further information?

Mr. WATT said no information had been given to the Committee that barium was, as the leader of the Opposition described, used in a very extensive way, or deleterious to human health. He wanted information about these matters. The tanning industry was a very important one in this State.

Mr. Prendergast.—The tanning industry does not use barium. It is one firm.

Mr. WATT.—How did the honorable member know what the tanning industry used? There was a wild scare in the press a little while ago, which he was given to understand by those familiar with the trade—with which he was connected for some years—was altogether unwarranted. It was a press scare behind which it was true some expert Government official stood, but there was no investigation of it, and no information given to the satisfaction of the public that the injury complained of was done.

Mr. Warde.—I know the foreman of a tannery who says that every word was true.

Mr. WATT said that statements could be got to the opposite effect. What information had the Minister to decide upon? Let the Committee have Mr. Wilkinson’s reports, but do not let them put words into the measure that might seriously affect one of the most important industries in the country. If barium, which was a mineral substance, was used, let the Committee know all about it. When they heard about the adulteration of milk, they were told that it should be put down. Tests were given, and evidence that boric acid was dangerous, and members got full information as to why certain things should be put into an Act of Parliament. But because the public read two or three columns in a newspaper, and one scientist had got into a blue funk about a practice which was not general in the trade, was Parliament to legislate in this hasty fashion? Surely, to allow such a thing would mean bringing this measure and this Parliament into disrepute. He observed that the Premier took no notice of the Bill at all, but simply left it to two of his colleagues to carry it through in a sparsely-attended Committee. Apart from the question of the use of barium in the tanning industry, he (Mr. Watt) wished to know when honorable members were to receive the information they had been promised with regard to
Continental legislation on matters of this kind.

Mr. McLeod.—It is in the hands of the Government Printer.

Mr. Watt said the Bill would be through before that information was available. Honorable members wanted to know whether legislation of this kind had been adopted in the mother country, on the Continent of Europe, or in America.

Mr. Brosnley.—Can we not make our own legislation?

Mr. Watt said that was all very well, but they were told that standards of food had been adopted in other countries, and they should know what these standards were.

Mr. Prendergast.—The Minister assures us that this particular clause is in half-a-dozen European Acts of Parliament.

Mr. Watt said he did not hear the Minister say so. The honorable gentleman said last night that the definition of "food" was the English one, but that was not quite correct.

Mr. Mackinnon.—We had that definition. It was sent round.

Mr. Watt said he had a précis of the English Act, but there was a very substantial difference between the definition of "food" in the English Act of 1899 and the one contained in this Bill. He would remind the Premier that in the olden days it was usual for the Minister to supply the fullest information in presenting a measure of this kind. A week before the second reading was moved, honorable members would have been supplied with a statement of similar legislation in other parts of the world. That information would have been given in a tabulated form, and honorable members could then compare it with the various clauses in the Bill. It was altogether discreditable to this Legislature to be prepared to pass measures about which honorable members were quite in the dark. If any one could tell him what effect barium had on the feet of human beings, and whether the use of it was general, he (Mr. Watt) would be willing to vote for the amendment, but it was preposterous for the Minister to accept suggestions that were flung across the table without any scientific information.

Mr. Bents said he could give the Committee some information about barium. He had received a report from Mr. Wilkinson about it. Its effect was to weight leather, and it caused illness, and frequently death.

So much afraid were a certain firm of manufacturers here that they sent two lawyers to him to try to persuade the Government not to make the matter public. Afterwards it was found that the evidence was not sufficiently clear that these people had used barium improperly, but every one admitted that barium was injurious to health.

Mr. Watt.—Have you that report?

Mr. Bents said he had the report in the Department, and the statement he had made was quite true. It was a fact that these lawyers came to see him, and they admitted that barium was injurious and deleterious.

Mr. Watt.—Let us have the report.

Mr. Bents said it was enough for him to make the statement. The honorable member himself knew that barium was injurious.

Mr. Prendergast.—And we know the name of the firm—Michaelis Hallenstein and Co.

Mr. Bents said he did not mention any names. The firm were very much afraid that their names would appear.

Mr. Watt.—The names did appear.

Mr. Beard said there was no doubt that cardboard composition when used in the manufacture of boots was deleterious to health. Children's health was ruined by the damp paper knotting up, and by injurious ingredients in the paper poisoning the feet. However, he did not wish to press that phase of the question. The Minister of Health had offered a fair compromise. There was no doubt about barium in leather being injurious to health, and under the circumstances he would accept the Minister's offer, and leave the other matter over until it could be dealt with in another way.

Mr. Watt expressed the opinion that the report of the Government analyst, Mr. Wilkinson, with reference to the use of barium in the tanning trade, should be placed before honorable members. He himself had been associated with that trade for about twelve years, and he had never heard of barium being used in Victoria. A large number of men in this industry were very much annoyed with the report that appeared in the newspapers, because it left them all under suspicion. There was no doubt that Mr. Wilkinson possessed high qualifications, and should be able to say whether a particular sample of leather contained barium.
Mr. Warde.—I was told that barium has only been used during the last three years or so.

Mr. WATT said in that case it was strange that there was no record of its use in other countries before that time. It was quite easy to add stuff to leather which was not injurious to human health, or even to the fabric itself. All kinds of chemical tannages were now employed in the tanning trade, and nine out of ten of them were beneficial. They were used to expedite the process of tanning, because tanners nowadays were getting out of the methods used by their forefathers of allowing the natural barks to work their own slow course in the tan pit. The Food Standards Committee should be allowed to inquire into the matter before any decision was arrived at. The scientific experts should have power to prescribe certain things and prohibit others. If nothing of that kind was to be left to the Food Standards Committee the Bill might run to one hundred clauses, because definitions and standards would be required in every direction.

Sir Alexander Peacock.—I understand that the Food Standards Committee are to provide regulations.

Mr. WATT said that the Food Standards Committee had different functions altogether from that. The regulations were to be made by the Board of Public Health on the recommendation of the Food Standards Committee. As the Bill now stood, clauses 31 to 38 seemed not only unnecessary, but might be harmful. In clause 28 it was provided that no beer should be sold which contained more than one-hundredth part of a grain of arsenic per gallon, and so on, and if the Food Standards Committee found that amount to be unreasonable, they could not vary it. Under the clauses with which the Committee were now dealing, standards were fixed which might be found to be altogether wrong. Honorable members should not be expected to exercise an intelligent vote as to the use of chemicals in various articles of food unless they received expert advice. The best plan, he thought, would be to cut out every clause in the Bill which fixed a standard of quality, so as to leave it to the Food Standards Committee. Those clauses would have to be fought all along the line. If the present amendment was adopted, the use of barium in the production of leather would be absolutely prohibited. The Food Standards Committee might decide later on that it was desirable to allow a certain small proportion of barium to be used. They might be of opinion that the use of, say, 1 grain of barium to the 1 lb. would not be injurious, and might be beneficial. He was sure no honorable member knew whether it increased the value of leather or not. Another thing was that this industry was one of the most natural in the country, and it enjoyed practically no protection. It had to face the hardest competing forces of any industry in Victoria. The honorable member for Collingwood knew that the exporter of hides entered this market and overbid our local producer, and that the local producer had no remedy. In addition to that, every bit of the main elements of tanning was produced in Victoria except some of the colouring matter and some of the sharpening processes. This industry had not made money for many a year, and ought to be attended to by the Federal Parliament. He hoped the Committee would not do anything that would injure the tanning industry.

Mr. Solly.—Are you speaking of sole leather?

Mr. WATT said he was speaking of it.

Mr. Solly.—There is no competition in respect to that.

Mr. WATT said there had been a steady withdrawal of the material for production abroad, and the price of hides to-day was higher because of external competition.

Mr. Solly.—I have not known the industry to be menaced for want of leather.

Mr. WATT said that hides had been imported here from Italy and South America to meet local needs, and he had known our manufacturers to buy hides abroad—the ordinary heavy crop hides. We did not make too many of the heavy crop hides, but we wanted them all. He was only arguing for fair conditions for an industry that ought to be encouraged as one of the most natural we had. We were a large boot exporting country, and these exports had been going up since the introduction of Inter-State free-trade.

Mr. Beard.—The barium is used for weighting.

Mr. WATT said that that was the assertion made.

Mr. Swinburne.—They have admitted it to me.

Mr. WATT said that no industry should have to labour under a stigma of that kind if the practice—
Mr. Prendergast. — It was said at the time that the name of the firm that used barium ought to be exposed.

Mr. Watt said that we had taken power under an Act of Parliament to publish the names of men who sold artificial manures that were not in accord with the analysis of the sample. He had heard honest men complain that they were under this stigma in regard to the use of barium. It was not asserted that barium was bad. The Minister ought to read to the Committee the report in regard to the use of barium and the profit that resulted from its use.

Mr. J. Cameron (Gippsland East) remarked that he learnt for the first time when he saw the matter in the newspapers that barium was used in connexion with tanning, and for the first time this afternoon that it was injurious to health. He intended to vote for the amendment. He could deliver 500 tons of barium or baryta within the next six months at £3 a ton.

Mr. Warde said that, although the honorable member for Essendon admitted that the use of barium might be bad as far as the health of the people was concerned, he did not say that its use should be forbidden. The honorable member's argument seemed to lead to the conclusion that there were a great many engaged in the tanning industry who did not use it. The amendment would not touch those who did not use it. It was admitted that there were some who did use it, and if there was only one who did so, that was a sufficient reason for taking action to protect the public. No particular amount was mentioned, and, therefore, the question as to whether the honorable member for North Melbourne was sufficiently seized of the scientific value of this particular form of business was beside the matter. If the amendment were agreed to, the quantity would be prescribed by regulation. He agreed with the contention of the honorable member for Essendon, but he failed to see how his argument rendered the proposal impracticable.

Mr. Watt. — Have we sufficient information?

Mr. Warde said that sufficient information had been given by the honorable member for North Melbourne, the honorable member for Gippsland East, the Minister of Water Supply, and the Premier, so that there was prima facie evidence that the use of this article was likely to be injurious.

Mr. Watt said it should be remembered that the tanning industry had already suffered in the export trade through being left under the stigma he had referred to. Not many years ago, the British War Office prohibited the use of Australian leather for army purposes, and the present Attorney-General was one of the first to inquire into the matter. If this Parliament was going to legislate in such a way as to lead to the conclusion that barium was largely used in the production of Victorian leather, was that likely to be a certificate to the War Office?

Mr. Warde. — The proposal does not mean that.

Mr. Prendergast. — Would it not be a certificate in favour of our leather to prohibit the use of barium?

Mr. Watt said that if this Legislature provided that barium was not to be used, the English contractor would conclude that the grievance had become so great that the Legislature had to step in to prohibit it. He would guarantee that not 1 per cent. of the leather produced here during the last four or five years contained barium.

Mr. Warde. — But should not that be stopped?

Mr. Watt said that an announcement should be made showing how far this practice had been followed, so that an industry that had generally been conducted honestly, and paid good wages, should not suffer. Nothing should be done to handicap the industry.

Mr. McLeod observed that the honorable member for Essendon was generally logical, but the argument used on this occasion involved a most extraordinary contradiction. The question arose owing to the assertions abroad that our leather was adulterated by weighting material.

Mr. Watt. — They said fifteen years ago that it was indifferent tanning.

Mr. McLeod said he was speaking of fifteen months ago. An investigation was made by the Government, and it was found that certain leathers were weighted with barium, but the evidence was not sufficient to justify a prosecution. The Government were anxious not to overload the Bill, and, consequently, did not provide for this. Instead of hampering the industry, this would relieve it from a stigma. The good effect on the foreign markets of classifying our rabbits was well known.

Mr. Watt. — It won't stop the exportation of barium leather.
Mr. McLEOD said that in clause 38 it was simply stated—

prohibiting in the manufacture or preparation of all or any specified articles of food or articles mentioned in sections twenty-six or twenty-seven of this Act intended for sale the use of certain specified substances or of proportions of certain specified substances.

That was all that was provided for. The clause he was considering provided that it was not to exceed the quantity specified by regulation. These regulations had to be under the control of the board, so that they would be able to say what was objectionable, and to preserve, as far as possible, the purity of the article. The inquiries made showed that barium could be purchased for something under 1d. a pound, and the result was that the leather was loaded to the extent of £13 a ton. The dishonest competitor had an advantage of £13 a ton as against the honest competitor. He might draw the attention of the Committee to some remarks on the Bill made by the President of the Chamber of Manufactures, as reported in the Agr. They were—

"It would help the honest Australian manufacturer. If a man bought a pound of goods he ought to get 160ozs. If he bought a quart of beer he should get a quarter of a gallon. He was told in certain quarters that large foreign firms would not conform to the requirements of the Bill. Then so much the better for the local people. Several clauses were said to be drastic. They were not drastic to the honest trader.

The honest trader should be given every facility, but the dishonest trader should be punished. He begged to move—

That the word "article" be struck out with a view of inserting the words "substance or leather."

The amendment was agreed to.

Mr. McLEOD moved—

That the words "or barium" be inserted after the word "antimony."

Mr. WATT said he wished to know when the Chamber was to get the information which had been promised in regard to the legislation in other countries. Was this Bill to be passed before that information came from the Government Printing Office? He did not think that this procedure had ever been adopted before in regard to any important matter. Some honorable members seemed to think that this Bill could be rushed through without having any effect on the consumer or manufacturer, but he held that hasty and improper legislation in a matter of this kind would inflict immediate injury on the consumer instead of benefit.

Mr. BENT.—What you do not know about barium I can tell you.

Mr. WATT said that he desired to know whether there was any information hidden from the Chamber which should be divulged. Was the Minister to legislate, and was Parliament merely to affirm the decrees of the Cabinet? Every honorable member was entitled to the information which was at the disposal of the Cabinet. If there was any information secreted in the Department, honorable members should have it. Indeed, the Minister ought to have his portfolio full of information with regard to every clause, after the work that the Government officers were supposed to have done in connexion with this subject. He thought it would conduce to the more expeditious passage of the measure, and to its being in a more satisfactory form finally, if honorable members had the information which had been referred to, and he would like to know, before any more clauses were passed, when that information would be supplied?

Mr. McLEOD.—It does not bear on the clause.

Mr. WATT said that if the Minister was only going to give information as to the structure of the Food Acts of the world, and not as to their contents, that was not what he (Mr. Watt) wanted in order to enable him to form an intelligent opinion on the subject with which the Chamber was dealing. For instance, honorable members wanted to know whether the leather industry of the United States had attached to it any conditions which it was sought to attach to the industry here, because Australian leather had to meet, as its most active competitors, the hemlock tannage of America. It had been said that Germany, which had the strictest legislation in the world with regard to food, was only severe in connexion with food dealt out to its own people.

Mr. McLEOD.—Do not our people use the leather?

Mr. WATT.—Some of it.

Mr. McLEOD.—We are providing for our own people.

Mr. WATT said that the Bill was doing more than that. The Minister knew the ways of the world, and he knew also that this country lived on its exported products. If our leather had attached to it conditions which were not attached to competitors from other parts of the world, our trade would suffer. It would be a long time before Australia got away from the prejudice about its leather in connexion with the
army contracts. The purity which was being insisted upon here might not result in a proportionate benefit in connexion with articles which had to meet the competition of articles from other parts of the world. He wanted to know what America had done, what Germany had done, and what England had done with regard to these matters, and he would ask the Minister to hold up the Bill until that information was available, and not pass the measure through the Committee with half of the honorable members not in possession of information to enable them to form an intelligent judgment.

The amendment was agreed to.

Mr. WATT remarked that he desired to know, before the clause as amended was passed, whether any information was to be supplied about these matters?

An Honorable Member. About barium?

Mr. WATT.—No; information about the food legislation of the world, or was the Chamber to have the imputation resting upon it, and deservedly so, of passing legislation at the ipse dixit of the Minister. He (Mr. Watt) knew that food legislation was necessary, but he did not know the right way to go about it, and neither did the Minister. This measure had been described in the press as a departmental Bill, and the Ministry were finding it necessary to support the provisions of the Bill, which he would venture to think had not been properly considered by the Cabinet. He (Mr. Watt) would not pry into the secrets of the Cabinet.

Mr. BENT observed that, for the information of the honorable member for Essendon, he could say that each member of the Cabinet was thoroughly familiar with every clause of this Bill. It was not a departmental Bill, and he was quite sure that the honorable member for Essendon, if he looked at the measure, would see that he was not doing justice to himself. With regard to the clause under consideration, the honorable member knew every line of it, and, although the honorable member made this protest against barium, he would venture to say that the honorable member knew all about it.

Mr. WATT.—I cannot allow that.

Mr. BENT said that he would say, then, that the honorable member did not know all about it. The honorable member had pointed to what he called the old fighting days. In connexion with a Bill of this kind, if there had been any opposition to it from the people interested, there would have been hundreds of petitions, but those people knew that the Bill was correctly worded, and that it had been well gone into, and every honorable member of this well-intentioned Chamber knew all about it. What was there in this clause to object to? He (Mr. Bent) was Minister of Health once, and he settled a number of cases of adulteration in what was called a star-chamber way. The leader of the Opposition said that for the future there must be an open court. Did the honorable member for Essendon remember that in some of those cases he fined the people £30 a-piece?

Mr. Mackinnon.—Those were prosecutions under the Trades Marks Acts against people for selling linen collars made of cotton.

Mr. Prendergast.—He fined them privately, and did not let out their names.

Mr. Wilkins.—The jewellery men, too—he let them down lightly.

Mr. Bent said that every case he heard was conscientiously adjudicated upon, and the defendants were fined properly.

Mr. Wilkins.—Very small fines.

Mr. Bent said that he would admit that the fines were not made so that they could not be paid.

Mr. J. W. Billson (Fitzroy).—Very conscientiously, but not very wisely, dealt with.

Mr. BENT said that they were wisely dealt with, and no other magistrate except himself would have brought in as fair and impartial decisions as he had done.

Mr. J. W. Billson (Fitzroy).—Crowing again! You are the best rooster I have seen.

Mr. BENT said that he had been at the Benalla show.

Mr. J. W. Billson (Fitzroy).—Did you get a prize?

Mr. BENT said that he got a prize every time. He hoped that the honorable member for Essendon would allow this clause and other clauses to be passed until they got to a certain part where he would join the honorable member in knocking out one word.

Mr. Fairbairn.—I thought you had been all through it?

Mr. Watt.—The honorable gentleman has altered it himself half-a-dozen times.

Mr. BENT.—Only one word.

Mr. Watt.—You have not yet fixed the time when the measure is to come into operation.
Mr. BENT said that he knew that. The Government wanted the intelligent members of this Chamber to determine the date when the measure should come into operation. He devoutly hoped that the honorable member for Essendon would assist in the passage of the Bill, because the measure was drawn on good lines. Although the honorable member called it a departmental Bill, he might say that another honorable member said that the other night, and he (Mr. Bent) took the honorable member into an adjoining room, and the honorable member was thoroughly satisfied with the explanation which he gave. If the honorable member for Essendon would come out with him (Mr. Bent), he believed that he would be able to satisfy him also.

Mr. WATT.—Too early.

Mr. BENT said that there were only twelve more clauses to be passed. It would be very easy to go through this Bill, and show that the Chamber meant work when it met, as it had on this day, at two o'clock. The Chamber had surprised the people with the amount of work it did by daylight. He would beg the honorable member to be kind enough to assist, because he knew how much the honorable member could assist if he liked. If there were a few lines in the Bill that did not meet with the honorable member’s approval, he would point out that the Minister in charge of the measure had promised to recommit it, or, on the report, to allow a speech or two to be made.

Mr. WATT.—Recommittal wherever desired.

Mr. BENT said that the honorable member might desire every line of the Bill to be recommitted, and that would not do. He hoped the honorable member would help the Government to get on with the Bill. The whole country was looking to this Bill, and if there was legislation in America and England, was that to be compared to the legislation of this country? We were better people.

Mr. WATT.—What has New Zealand done?

Mr. BENT said that the honorable member could go to New Zealand.

Clause 27, as amended, was agreed to.

Clause 28 was postponed.

On clause 29, which was as follows:

(1) Any person who sells or exposes for sale any substance or compound under the name or description of or apparently with the intent that the same may be used as a disinfectant deodorant germicide antiseptic preservative sanitary powder or sanitary fluid, without disclosing the name of any such substance or compound and the percentage proportion of the active ingredients contained in the same by a distinctly and legibly written or printed label or statement on the package containing such substance or compound shall be guilty of an offence against this Act.

(2) The provisions of the Health Acts relating to the inspection examination removal seizure or obtaining of samples and the analysis of articles of food and drugs shall also extend and apply to all substances and compounds referred to in this section.

Mr. McLEOD said that since this clause was framed he had seen some of the gentlemen engaged in the manufacture of sanitary compounds, and they had pointed out certain existing conditions or restrictions on the sale of disinfectants, deodorants, &c. There were so very many different substances used as disinfectants that it was necessary to provide that any such substance, whatever it was named, should be labelled in such a straightforward way that the public would not be misled by anything vended that had merely the smell of a disinfectant. In consequence, however, of the interviews he had had, he desired to amend the clause in certain respects. In order to simplify matters, he begged to move—

That the word “deodorant” be omitted.

The amendment was agreed to.

Mr. McLEOD said that he further begged to move——

That the words “sanitary powder or sanitary fluid” after the word “preservative” be omitted.

The amendment was agreed to.

Mr. McLEOD said he also begged to move——

That after the words “ingredients contained in the same” the words “or the standard strength of the substance or compound” be inserted.

Mr. McBRIEDE said that he could hardly understand what this clause meant. Would it mean that people would not be allowed to sell disinfectants without having a label on them?

Mr. McLEOD said that it would mean that anybody would be allowed to sell anything as a deodorant or sanitary fluid, provided that it was so sold that the buyer would not think that he was purchasing a disinfectant.

The amendment was agreed to, and the clause, as amended, was adopted.

On clause 30, relating to ground of exemption from penalty, and containing the following sub-clause (2):—

In any prosecution under the Health Acts a successful defence based on the provisions of
Mr. McLcOD said that he proposed to strike out sub-clause (2), as it had been wrenched from its connexion with the Act, and he proposed to reintroduce the sub-clause in another form, and with the safeguards provided in the English Act.

Mr. WATT asked if the Minister would explain what was his intention with regard to section 71 of the original Act dealing with this matter? Would he rely on that only?

Mr. McLcOD stated that he proposed to reintroduce sub-clause (2) with the English safeguards. He begged to move—

That sub-clause (2) be omitted.

The amendment was agreed to, and the clause as amended was adopted.

Clause 31 was agreed to.

Discussion took place on clause 32, which was as follows:

No article of food or substance preparation compound or admixture sold under any fancy or suggestive or proprietary or registered name which is a substitute or is intended to be or may be used as a substitute either wholly or in part for any article of food or substance preparation compound or admixture shall be exempt from the provisions and operations of this Act.

Mr. PRENDERGAST said he wished the Minister in charge of the Bill to explain what the meaning of the words "registered name" was. Would they mean a trade mark?

Mr. McLcOD stated that they would mean a name registered as a trade mark of some preparation.

Mr. PRENDERGAST said that he was afraid the words would have a much wider application than was intended by the clause, and he would ask the Minister to see that the wording expressed what was really meant.

Mr. WATT remarked that the leader of the Opposition appeared to be right in his fear that the term would be used for other purposes than those intended.

Mr. McLcOD stated that the clause would provide for such cases as a name like "Limeade" being used instead of "Limejuice." The use of the word "Limeade" would not exempt the preparation from coming under the operation of this measure.

Mr. WATT remarked that it should be possible to follow up any change of name. Supposing a certain kind of flour was registered under the name of "Prendergast." It might be very good whilst it bore that name, but might become a different article if its name was changed. The object was to trace out and identify any compounds having fancy names, and this was especially necessary in connexion with patent medicines.

Mr. McLcOD said that was so, the object being to see that, when a fancy name was given to an article, it should not escape from the operation of the law.

Mr. PRENDERGAST remarked that the statement of the Minister was satisfactory, as far as it went, but what about compounds that were half medicine and half food. Would such articles come under the definition of "food"? There was, for instance, cod-liver oil.

Mr. McLcOD.—Olive oil is food, but cod-liver oil is a drug.

Mr. PRENDERGAST observed that cod-liver oil was indeed a food, and was much used entirely as a food, whilst olive oil was only used as a food by certain people, and was used largely for other purposes. Moreover, cod-liver oil was subject to much adulteration, and, as for olive oil, he had seen some oil so-called, that did not contain one particle of the expressed juice of the olives. He had seen in Melbourne olive oil sold to a man who was a good judge of it, and who found that it was very badly adulterated, and it was sold to him by a firm who possibly thought that he would not be able to discover the adulterant, because appearance, and weight, and everything indicated olive oil. It required a very expert man to decide whether olive oil was pure or adulterated. It was adulterated with cotton-seed oil, and often with mineral oil, but cotton-seed oil was the common form of adulteration. If this clause did not cover an article that might be considered half a food and half a drug, some other clause in the Bill should do so. Cod-liver oil was used partly as a food for sustaining purposes, but it was often adulterated with shark oil and other oils of that description. It was sometimes foul-smelling stuff, and people who were not used to taking cod-liver oil thought that the disagreeable taste was characteristic of the oil, and so they did not like to take it, whereas any cod-liver oil that was bad smelling was so because it was rancid. In the same way people who drank sour wine thought they were drinking new wine, but no good wine was really sour. Rancid wine, or wine that went bad, was not fit for anybody to drink. Olive oil was used by many people for cooking fish. If
Mr. PRENDERGAST said there were pure oils made in other parts of the world, but as pure oil was made here as anywhere. A man, who had practical experience, told him that one could obtain here, with the least amount of difficulty, the purest oils made from the olive and rape and other things, although some of them had not the finish that some of the imported oils had. The Mildura olive oil was quite pure. Some oils were put up under the name of salad oil. They were not olive oils at all, and the use of the word "salad" should be prevented. It admitted of adulteration because it did not guarantee the purchaser any particular form of oil, but simply gave him an oil to be used as a salad.

Mr. McLeod.—This clause was drawn exactly to meet those cases.

Mr. PRENDERGAST said that cod-liver oil that came on to this market should, if adulterated, be prevented from being used. There were certain other forms that might be used as drugs in some instances, and also as foods, such as preparations of hypophosphites. If people in ill-health got the pure article, they had a chance of recovery; but if they got an article adulterated with an inferior substance, with less sustaining power, they had not the same chance of life. He wished to see this clause made to cover, if it did not already do so, all the articles that he had mentioned that were half food and half drug, that might be bought in chemists' shops, and used medicinally, to give sick people a chance of recovery.

Mr. McLeod stated that the clause was drawn for the purpose indicated by the leader of the Opposition. It was to deal with articles where an attempt might be made to evade the law by selling them under some fancy name.

Mr. Watt.—The use of the word "salad" would be met by that.

Mr. McLeod said to describe oil as salad oil would not evade the result of the analysis.

Mr. PRENDERGAST expressed the opinion that some form of the word "drug" should be used in this instance. Were the words that were used capable of defining olive oil, or cod-liver oil, which was not a preparation or compound or admixture?

Mr. Watt.—It is a substance.

Mr. PRENDERGAST said it was very doubtful whether the word "substance" would cover it.

Mr. McLeod.—It is used as a food.

Mr. PRENDERGAST said it was, and was not, used as a food. An article of food was what a healthy person would naturally buy for use. Perhaps it would be as well to add the words "or oil" after "admixture."

Mr. McLeod.—It will not do to commence fining down a definition in that way.

Mr. PRENDERGAST said he would like one of the legal members of the Government to be present during this discussion, because this Bill was very important. His desire was to make this clause cover the cases that it did not seem to cover at the present time. If he was told that the clause was intended to cover the cases he had indicated, he would be bound to be satisfied with that assurance.

Mr. McLeod stated that he would make further inquiries in the matter. The draftsman had given an assurance that the clause would cover everything intended for food. Of course it would not cover mineral oil, which was not used for food. It covered specifically all these fancy articles.

The clause was agreed to.

Discussion took place on clause 33, which was as follows:—

No article of food which is adulterated or falsely described or which is packed or enclosed for sale in any manner contrary to any provisions of the Health Acts shall be stored or sold.

Mr. Watt remarked that the word "stored" should be struck out of the clause or its meaning should be varied. On the second reading he pointed out that bonded and free stores did not analyze the contents of packages at all. In the great bulk of instances they never opened the cases, yet by this clause it would be made penal to take any adulterated or falsely-described article into such a store. Every bonded and free store in Victoria would be caught if this clause went through as it now stood.

Mr. Sangster.—And the King's warehouse, too.

Mr. Watt.—Of course, because everything that was hustled off to the King's warehouse might come within the prohibition of this clause. The question of storing for sale dealt with last night on clause 4 was somewhat different. Clause 4 related
to section 52 of the Health Act of 1890, which in the case of diseased animals or food gave a right to enter a bonded or free store to seize such articles. He did not object to the power of seizure. Let the responsible officers enter and seize as much as they liked, but innocent persons should not be punished.

Mr. BENT. How will “stored for sale” do?

Mr. WATT.—Would the Minister say that he would protect those men who were innocently pursuing a legitimate business, and had nothing to do with the contents of the merchandise? He would be quite content to see an amendment made in this clause later on.

Mr. McLEOD remarked that it was a very important point that the Bill should not interfere with the innocent storeman. He would make a note of the question.

Mr. ELMISTE said he understood that the clause meant that after food had been discovered to be adulterated, it should not be stored or sold, and that practically meant that it must be destroyed.

Mr. WATT.—It does not mean that.

Mr. McBRIDE stated that the question of packing tea in lead packages arose again under this clause. Tea packed in that way would not be allowed, according to this clause, to be stored or sold.

Mr. McLEOD.—The question of the definition of “package” has been postponed in order that it may be fully considered.

Mr. McBRIDE said it was a question of what the package was made of.

Mr. McLEOD.—The article can only be packed contrary to the regulations under the Act, and the Food Standards Committee, in framing the regulations, would be guided by the definition clause. We have still to pass the definition clause.

Mr. McBRIDE said he understood that the Minister intended to recommit clause 25 to allow tea to be stored in lead packages.

Mr. PRENDERGAST stated that unless full power was given to seize any article that might be held in contravention of any of the provisions of this measure, it would be possible for such an article to be stored in a warehouse, and although it might not be actually used for human food it might be used for export or in some other manner that might be deleterious to human health.

Mr. WATT.—Give the officers power of analysis and seizure, but lay the responsibility on the responsible person, and not on innocent men.

Mr. PRENDERGAST said it was necessary to follow the goods into the stores, or else the measure would be inoperative. This clause did not impose any penalty. It simply said that these adulterated goods must not be stored or sold. If the storage of such goods was not prevented, it would be possible for them to be placed in a warehouse, and afterwards passed out surreptitiously. The man who had stored the article might know nothing about the nature of it. It was the man who made it in the first place who deserved punishment. Of course, if it could be proved that the owner of the store knew that the article was adulterated, he should be fined heavily for keeping it in his store. Those people who did not manufacture the goods must take some reasonable precaution before they dealt in them.

Mr. McLEOD said the object of this clause originally was to protect the public against shipments of goods that had been seized, and proved to be adulterated, so as to prevent them from being placed in a store, to be shot out upon the market when opportunity offered. Some amendment might be made in the clause later on, to make it clear that an innocent person would not be liable to a fine for dealing in such goods, or storing them without knowing them to be adulterated: but, at the same time, it was necessary to prevent the storage of the goods for future use.

Mr. WATT said he quite agreed that no attempt should be made to close the door of a bonded or free store against an officer of the Health Department who wished to ascertain whether certain goods were adulterated. He should be able to trace the goods right through, in order to protect the consumer. If the owner of a store was conscious that certain goods were adulterated, he should be punished, but not otherwise.

Mr. PRENDERGAST.—He should have some responsibility.

Mr. WATT said the conditions under which goods were stored made it impossible to attach liability to the owner of the store in most cases. For instance, if the owner of the store were asked to store 1,000 cases of oil. That oil might be in tins and cases, so that he could not possibly see whether the contents were properly described or not. The responsibility should be placed on the shoulders of the man who owned the goods.
Mr. G. H. BENNETT (Richmond) said he would like to know how this clause would affect a manufacturer who imported essences or other articles from abroad. Such a manufacturer might order a pure article, and something might be sent to him that had been in use in England or elsewhere for many years which might be held to be adulterated under this Bill. Would the local manufacturer be liable to have those goods seized?

Mr. McLEOD stated that, under clause 30, if the importer proved that he had taken all reasonable precautions, including analysis, he would be exempt from punishment.

Mr. G. H. BENNETT (Richmond).—But he may not have an opportunity of satisfying himself.

Mr. McLEOD said that a difficulty of that kind could soon be removed.

Mr. McCUTCHEON said that if the owner of a store was to be held liable for storage of any adulterated goods, it would be just as reasonable to make the Customs Department liable for all the goods that went into the bonded warehouses. It would be necessary to appoint a person to examine every article, to see that it was not adulterated. It was absurd to expect the keeper of a store to know the contents of every package in his store, and unless he received notice that certain goods were adulterated, he should not be liable to punishment.

The clause was agreed to.

Discussion took place on clause 34, which was as follows:—

(1) If any person stores or sells any article of food in contravention of this Act or is guilty of any offence against this Act for which a penalty is not expressly provided he shall be liable on conviction for the first offence to a penalty of not more than Twenty pounds, and for the second offence to a penalty of not less than Five pounds or more than Fifty pounds, and for any subsequent offence to a penalty of not less than Ten pounds or more than One hundred pounds.

(2) Where a person guilty of an offence is liable to a penalty exceeding Fifty pounds and the offence in the opinion of the Court was committed by the personal act default or culpable negligence of the person accused that person shall be liable (if the Court is of opinion that a penalty will not meet the circumstances of the case) to imprisonment, with or without hard labour, for a period not exceeding three months.

Mr. McLEOD said that the object of this clause was to prevent the necessity of specifying the penalty for each specific offence. As the clause now stood, it was hardly wide enough, and he therefore begged to move—

That after the word "person" (line 1) the words "manufactures or prepares or" be inserted.

The amendment was agreed to.

Mr. PRENDERGAST said that, under sub-clause (2), he would like to see an amendment providing that all people should be treated with equal severity for the same offence. As the sub-clause stood, provision was made for both fine and imprisonment, but the effect would be that, wherever a poor man was brought up, and was unable to pay the fine, he would have to go to prison, whereas the rich swindler would pay the penalty, and would not have the stigma of gaol attached to him. Wherever imprisonment was provided as a punishment there should be no option of a fine.

Mr. J. W. BILLSON (Fitzroy) said he thought there was a good deal in the suggestion of the leader of the Opposition, and he would like to know whether the Minister of Health intended to accept it.

Mr. McLeod.—No; I am not prepared to go to that extent. We would have to alter the whole of the Health Act as well.

Mr. J. W. BILLSON (Fitzroy) said that a man might carry on adulteration on a large scale for years with success, and might then be well able to afford the payment of a fine, and still go on his way rejoicing, whereas a poor man just starting in business might be unable to pay the fine for even his first offence, and would be compelled to go to prison.

Mr. WATT said he observed that in the English Act imprisonment was only inflicted for second offences of a deliberate kind.

Mr. McLeod.—This clause is an exact copy of the corresponding section in the English Act. It applies to a case where a fine would not be sufficient.

Mr. WATT said that very few men would face imprisonment, but a manufacturer might be able to pay all the penalties that were imposed and still make a steady profit out of adulteration. He understood it would be within the power of the Bench to inflict imprisonment in these cases.

Mr. PRENDERGAST.—A man might be fined £50, and then if he is a poor man, and unable to pay the fine, he may be imprisoned.

Mr. McLeod.—That applies to every fine.
Mr. WATT said that if a man was doing any business at all he would pay the fine rather than go to gaol.

Mr. A. A. BILLSON (Ovens).—If it is a little man he will have to go to gaol.

Mr. WATT said the manufacturer of the goods would be punished, but the seller would not be punished unless it was shown that he deliberately sold goods knowing them to be adulterated.

Mr. A. A. BILLSON (Ovens).—There are plenty of small manufacturers in the cordial line who cannot afford to pay £50.

Mr. WATT said the point was that imprisonment should be inflicted whenever an offender became incorrigible, and repeatedly committed breaches of the law. It was made a misdemeanour in the English Act.

Mr. McLEOD.—It is in section 17 of the English Act 1890.

Mr. WATT said that was so. He understood that this applied to certain offences.

Mr. McLEOD.—To all offences where the penalty exceeds £50.

Mr. WATT said he thought it was right, but it should not be made harder than was necessary to cause the law to be strictly obeyed.

The clause, as amended, was agreed to.

On clause 35, which was as follows:

(1) In the case of any conviction under the Health Acts any article of food or drug or appliance or substance or compound to which the conviction relates shall on such conviction become and be forfeited to His Majesty and such forfeiture shall extend to the whole of any similar article or appliance or substance or compound to which the words “in his” should be inserted before the word “possession,” towards the end of the clause.

(2) All articles appliances substances and compounds forfeited under the Health Acts shall be disposed of as the Minister may direct.

Mr. McLEOD said it had been pointed out to him that in the words “shall on such conviction become and be forfeited,” the word “may” should be substituted for the word “shall,” so that it would be left to the Bench to determine whether or not the goods should be forfeited. He begged to move—

That the word “shall” be omitted with the view of inserting the word “may.”

Mr. MACKINNON said he would like to know if the Minister was making this amendment under legal advice. Who was to determine whether the goods were to be forfeited?

Mr. McLEOD.—The magistrates.

Mr. MACKINNON.—Were they given jurisdiction?

Mr. McLEOD.—They are in the other cases.

Mr. MACKINNON said it seemed to be an extraordinary thing to place the word “shall” in the clause at all. If there was not distinct jurisdiction declaring that the goods might be made the property of the Crown, the amendment would have no effect.

Mr. McLEOD.—The principal Act gives all the powers to the magistrates to deal with the matter.

Mr. MACKINNON.—Then why duplicate them here?

Mr. McLEOD.—The clause says “Conviction under the Health Acts.”

Mr. MACKINNON.—Then there was full power to forfeit?

Mr. McLEOD.—Yes.

Mr. MACKINNON said that, under section 52 of the Health Act of 1890, the goods became the property of the Crown in the case of seizure by an officer of the Board of Public Health. The clause in the Bill contained a new provision, which, to some extent, altered that section.

Mr. McLEOD said that, in view of the point raised by the honorable member, he (Mr. McLeod) would allow the clause to go as it was, and inquire into the matter. He would, therefore, withdraw the amendment.

The amendment was withdrawn.

Mr. PRENDERGAST observed that the words “or compound,” which were used throughout the clause, in conjunction with the words “appliance or substance,” had been omitted in one instance, and that the words “in his” should be inserted before the word “possession,” towards the end of the clause.

Mr. McLEOD moved—

That the words “or compound” be inserted after the word “substance,” line 9.

The amendment was agreed to.

Mr. WATT said that this clause was rather peculiarly drafted. The words “article or appliance or substance or compound” occurred five times in ten lines. Surely it was impossible to do greater violence than that to the King’s English. It was the most redundant clause he had ever seen.

Mr. McLEOD moved—

That the words “in his” be inserted before the word “possession.”

The amendment was agreed to.
Mr. PRENDERGAST remarked that the word "drugs" should be inserted in sub-clause (2), after the word "article."

Mr. McLEOD moved—
That the word "drugs" be inserted after the word "article" in sub-clause (2).

The amendment was agreed to, and the clause, as amended, was passed.

Discussion took place on clause 36, which was as follows:

1. A notification of the name of any person who has been convicted by any court or justices of an offence against the Health Acts relating to the sale of any article of food or substance or compound or appliance or drug shall be published by the Board in the Government Gazette together with the address of his place or places of business and a description of the nature of the offence the decision of the court or justices and the penalty imposed and any forfeiture incurred.

2. In the case of a second or any subsequent conviction of any person under the Health Acts a copy of such notification may be published for public and general information in any newspaper circulating in any part of Victoria.

3. After the publication in the Government Gazette of any such copy of a notification as aforesaid a copy of the same may be published for public and general information in any newspaper circulating in any part of Victoria, and the publication thereof in any newspaper shall not render the proprietor printer or publisher thereof liable to any action or proceeding in any Court whatsoever.

Mr. PRENDERGAST remarked that it was provided in this clause that a notification of the name of any person who had been convicted of an offence against the Act relating to the sale of any article of food was to be published. There should be the same provision with regard to the man who stored the articles as the man who sold.

Mr. McLEOD.—I do not think that would be fair. The object is to get on to the man who has landed the stuff on the public.

Mr. PRENDERGAST said that the manufacturer might be storing the articles himself. Honorable members had been suggesting all the afternoon that violence should not be done to the public feelings of justice by dealing with the man who stored innocently. But where the man who stored these articles was fined, he should be subjected to the same form of penalty as the man who sold and was convicted.

Mr. McLEOD.—Whoever sells will be liable. I do not think we can go to that length with it.

Mr. PRENDERGAST said that he would ask the honorable gentleman to consider the point, and it could be dealt with on the third reading.

Mr. McLEOD said he would consider it, but he thought it was going a bit too far. He had an amendment to propose in another part of the clause. It had been urged upon him by those who had seen him that a person might be convicted who was perhaps not morally guilty, but only technically guilty, and it should not be compulsory that such a person's name should be published after a first offence. He would leave that matter to the discretion of the Committee. He therefore begged to move—

That in sub-clause (1) the word "shall" be omitted with the view of substituting the words "may if the Court or justices so direct."

Mr. GAUNSON observed that he would like to ask the Minister whether there was any Act in England dealing with food and drugs.

Mr. McLEOD.—I believe so.

Mr. GAUNSON said that he would like to know whether such a proposal as that contained in this clause was to be found in the English legislation. Did they in England think well of the health of the people at large? Were they keen about the health of the community, and were they as intelligent and as honest as the people of Victoria?

Mr. SWINBURNE.—Not keen enough.

Mr. GAUNSON.—Fiddlesticks!

Mr. McLEOD.—It is admitted that they are very much behind.

Mr. GAUNSON said that he did not admit that. As a matter of fact, the English legislation was far and away before ours.

Mr. SWINBURNE.—What about the Butter Bill?

Mr. GAUNSON said that he would ask what was the use of talking nonsense about the Butter Bill. In a newspaper which he read yesterday or the day before, while he was in bed, he noticed that, although Queensland had a Dairy Act, they sent home stinking butter, with the Government grade and all the rest of it. This was legislation run mad. He had studied this subject pretty closely since he had been confined to his bed, and he must express his obligations to Mr. Donn for the extremely able statement which he put in print and distributed to honorable members.

Mr. BENT.—That accounts for your being ill if you have been reading that thing.
Mr. GAUNSON said that he was satisfied that this was the worst legislation we could have, and he was grieved that he had not been able to be in his place in order to fight this Bill tooth and nail. On the third reading he would propose the elimination of the whole of this clause.

The CHAIRMAN.—The question before the Chair is the omission of the word “shall.”

Mr. GAUNSON said that this clause was a mere peg to hang his remarks upon. He objected to the clause in toto, and also to any amendment of it. He would ask the Minister to tell him and the people of this country where he could find such legislation as was being proposed in this clause.

Sir ALEXANDER PEACOCK.—France.

Mr. GAUNSON said that the legislation of France would not be a good thing for us to follow. We were an English community, and if we found legislation on this subject in the old country we might reasonably follow it. Honorable members did not know anything about the English legislation. That was the honest truth, and it was no use blinking the fact. In the Licensing Act there might be some such provision where persons had been fined in respect of some severe breach of the liquor law by putting cocculus indicus or some other ingredients of a very curious character into beer or other liquor. Provision was made in that Act for that sort of thing, but where would honorable members find such a wholesale provision as this? He would call it a rascally provision—a highly monstrous provision—and he was indeed sorry that he had not been present to block the progress of this wretched Bill. He was thoroughly of the opinion of the honorable member for Gippsland South, who said that as soon as an industry began to show its head as such, the Government seemed to insist on taking it by the throat and demanding money from it. He would tell the Premier that this country was going to be cursed by this kind of legislation.

Mr. BENT.—The honorable member should reserve himself for the Teachers Bill.

Mr. GAUNSON said that this clause was a monstrous absurdity, a monstrosity, and he was surprised at any honorable member supporting it. He would ask the Minister in charge of the Bill, who knew as much about it, in his humble judgment, as the fifth wheel of a coach, where he would find legislation such as this. There was an audaciously cool suggestion by the honorable member for North Melbourne that persons who were found guilty of storing materials of this kind should be convicted.

Mr. WATT.—We have altered that.

Mr. GAUNSON said that, suppose there was a conviction, and the conviction was afterwards upset on appeal to the General Sessions, would the conviction by the magistrates not be published prior to its being upset by the Court of General Sessions? He would suppose that there was an appeal in an up-country district that could not be heard for three months. The conviction would stand the whole of that time. Was the man who was convicted to be held up to obloquy during the whole of that time, although the conviction was afterwards wiped out of existence? This was jumping over stiles one never came to. He had never met with such utterly disgraceful legislation as this proposal. Was this provision found in the English legislation? It was no use warning the Minister, because responsibility sat very lightly on his shoulders in this matter. For the last 30 years, we had been loosely following the English legislation on the subjects of public health and food. The English Act of 1875 was followed by our Act of 1883. With regard to the English Act of 1899, we had not tried to follow it or even to copy it, although there were heaps of decisions in the old country with regard to it. Where would one find such a bald, absurd piece of legislation as this? He would divide the Committee on this clause if he had to stand alone.

Mr. WATT stated that he was not able to follow the words of the Minister, because that honorable gentleman seldom made himself heard in the Ministerial corner.

Mr. McLEOD.—I propose to omit the word “shall,” and insert the words “may if the Court or justices so direct.”

Mr. WATT said that he did not object to the publication of the names of offenders, for we had provided for that in the Artificial Manures Act. Although the English Act did not provide for that, we in Victoria had frequently decided to give publicity to things that might be kept secret, unless publication were made compulsory. The honorable member for the Public Officers appeared not to have as much confidence in the justices as he (Mr. Watt) had, for the honorable member, when he
appeared before justices, challenged most of the benches, and consequently lost a number of cases. He believed that the honorable member sometimes challenged their right to sit, or their jurisdiction, or some of the many things that lawyers could raise when defending a client.

An Honorable Member.—He defended the local authority in a milk prosecution.

Mr. Bromley.—We can remember many instances where he has defended both ways.

Mr. Watt said that that was a tribute to the honorable member's ability and knowledge, and he was afraid that the honorable member for Carlton would never live long enough to achieve that himself.

Mr. Bromley.—Too honest.

Mr. Watt.—Certain questions had been imported into the discussion, and surely honorable members had a right to speak to them. To his mind, the Bill was a foolish measure in many respects, particularly from a structural point of view. The Government was trying to do the right thing in a wrong way. Of course, in cases where an appeal was made, no premature publication of the cases ought to take place, and there were cases in which appeals might be long delayed. These might occur in some remote parts of the country, and they might hang on for a month or two before an appeal was decided; certainly, in such cases there should be no publication in the Government Gazette—the name of the defendant in such a case should not be flashed all over the country as if he were an offender, and if a conviction was quashed, there should be no publication either in the Government Gazette or in the newspapers. The Minister would have to frame words to meet cases of that kind, especially cases in which notice of appeal was given within a certain time.

Mr. McLeod said that with regard to the remarks of the honorable and learned member for the Public Officers, it was a pity that that honorable member did not reserve some of his sympathy for those who suffered by the adulteration of food. He (Mr. McLeod) held strongly to the view that people who wilfully adulterated food were not entitled to any consideration. He found that sections 154 and 155 of the Licensing Act 1890 related to people who adulterated liquors, which was a practice, in some respects, of very much less importance than the adulteration of food; yet licensed victuallers who sold adulterated liquors were liable to have their names stuck up on their doors.

Sir Alexander Peacock.—But that law is not carried out.

Mr. McLeod.—Section 155 of the Licensing Act said—

Where a licensed person convicted of any offence under the preceding section and his licence is not forfeited for such offence the officer having the command of the police in the place or district shall cause a placard stating such conviction to be affixed to the premises.

Mr. Watt.—That is a dead letter.

Mr. McLeod said the section went on to state—

Such placard shall be of such size and form and shall be printed in such letters and shall contain such particulars and shall be affixed to such parts of the licensed person's premises as the said police authority may think fit and such licensed person shall keep the same affixed during two weeks after the same is first affixed.

If that law was not carried into effect, it was the fault of the police, and not of the Legislature. Further, even in the Manures Act, passed this session, Parliament had gone a good deal further in this direction by providing for the publication in the Government Gazette, and in the newspapers, of analysis of manures. Consequently, even if no conviction was obtained against a manufacturer of manures, whose goods, on analysis, proved to be not up to standard, that manufacturer's name would be published not only in the Government Gazette, but the newspapers also were empowered to publish it without any risk on their part. The distance which the Government proposed to go in the present Bill was this; that if the Bench considered that an offence committed for the first time was of so aggravated a character, it should inflict a condign punishment, and publish the name of the offender, and when parties offended a second or third time by adulterating food intended for human consumption, they were certainly not entitled to be handled very delicately. In regard to the matter of appeal, he (Mr. McLeod) was prepared to provide that no publication should take place until the appeal was settled that would only be a reasonable thing.

Mr. Gaunson said that the remarks of the Minister of Mines illustrated how a little learning was a dangerous thing.

Mr. McLeod.—Oh, we see that to be so every day.

Mr. Gaunson remarked that at all events the Minister had, on this occasion, manifested profound ignorance. He had referred to certain sections in the Licensing Act, but it should be remembered that that
Act referred to liquor and ingredients of liquor, whilst the Bill was only dealing with food. It should be remembered also that, after all, in the old country they did know a thing or two about adulteration, and Victorians should not imagine that they were the only pebbles on the beach. The people of England had had the subject of the present Bill under discussion for years and years, and being the most commercial of all the commercial nations of the world, they had a particular interest in protecting their food supplies.

The English legislation on the subject was, therefore, deserving of close attention. But he would now ask honorable members to look at the sections of the Licensing Act 1890, to which the Minister of Mines had referred. Section 154 said—

Every person who knowingly sells or keeps or exposes for sale any liquor mixed with any deleterious ingredients—that is to say, any strychnine, tobacco, darnel seed, extract of wood, salts of zinc or lead alum, or any extract or compound of any of such ingredients or any other ingredients deleterious to health (in this Act referred to as adulterated liquor), shall be liable for the first time to a penalty of not less than 5L, and for a second or any subsequent offence, to a penalty of not less than 20L and not exceeding 100L, or to imprisonment for a term not exceeding three months and declared to be a disqualified person for a period of not more than three years; and shall also in the case of a first as well as any subsequent offence forfeit all adulterated liquor in his possession and the vessels containing the same. When the person so convicted is a licensed person he shall further, in the case of a second or a subsequent offence, be liable to forfeit his licence, and the premises in respect of which such licence is granted shall be liable to be declared disqualified for a period of not less than one year nor exceeding three years from having a licence under this Act granted in respect thereof.

Nothing in this section shall in any way derogate from or annul any of the provisions of provision 1 of Part II. of the Customs and Excise Duties Act 1890.

Then the next section was as follows—

Where a licensed person is convicted of any offence under the preceding section and his licence is not forfeited for such offence, the officer having command of the police in the place or district shall cause a placard stating such conviction to be affixed to the premises. Such placard shall be of such size and form and shall be printed with such letters and shall contain such particulars, and shall be affixed to such part of the licensed premises as the said police authority may think fit, and such licensed person shall keep the same affixed during two weeks after the same has been affixed, and shall not at any time or place remove or re-affix such placard in such manner as to indicate that it has been removed or re-affixed in contravention of the provisions of this section with respect to keeping affixed such placard, or defaces or allows such placard to be defaced, or if the same is defaced and he fails forthwith to renew the same, he shall be liable to a penalty not exceeding 40S. for every day on which the same is not so undefaced, and every constable may affix or re-affix such placard during the said two weeks or such further time as may be directed by the Licensing Court or a court of summary jurisdiction.

Now the Minister of Mines had presumed to hold the view that he alone had been gifted by the Almighty to explain—

The CHAIRMAN.—I do not think that this has anything to do with the amendment.

Mr. GAUNSON said he desired to remind the Chairman that the Minister of Mines had referred to him (Mr. Gaunson) as one who ought to have some consideration for the poor people whose health was injured by adulterated food, and he was endeavouring to reply to that part of the Minister's remark. The Minister seemed to imply that he himself was the only person gifted with sympathy for those who were injured by the sale of adulterated food. Who constituted the honorable gentleman a judge and ruler in Israel in respect of this matter? He repudiated with contempt the insinuation that he had no sympathy with those who purchased food and were deceived. He had no sympathy, nor had the Minister any right to insinuate that he had any, with those who sold adulterated food. He would give an illustration to show how wrong-headed and foolish the gentlemen of this Chamber really were. His illustration was to show the danger of the legislation the Committee were about to proceed with. The justices were to decide in a matter of this kind. He had a great respect for honorary justices—more than for the paid justices. Paid justices were under the thumb of the Government, and he had never hesitated to say so since Black Wednesday.

The CHAIRMAN.—The honorable member is really travelling outside the amendment altogether.

Mr. GAUNSON said he would go on with the illustration to show how cruel this legislation might be. He recollected defending a person who was charged with selling to the prejudice of the purchaser an article called mustard. There was pure mustard and other mustard for mercantile purposes. There were three grades of mustard. Because some person said "I asked for Keen's mustard, not Colman's mustard," and was given Keen's mustard
exactly as it was landed in the little grocer's shop, direct from the manufacturer's depot in the old country, and then the complainant said, "I wanted pure mustard, and asked for pure mustard," which was always charged at a different price altogether from the other grades of mustard, the defendant was to be published before the whole community as a man who had been guilty of a gross act of adulteration. Was not that cruelty upon cruelty? Putting water in milk was not an adulteration.

Mr. Watt.--It is diluting it.

Mr. GAUNSON.—Yes; and there was no doubt that it was done, but it was monstrous to have the person who did it plastered over the whole country as guilty of adulteration, and for the newspapers to be allowed to publish the statement. Without slavishly copying English legislation, why in the name of common sense did we depart from it when we found that there was legislation on the subject, well considered by the brainiest, most scientific men in the world? Were we so learned in this community; had we such a plethora of able men that we could afford to indulge in vagaries of this kind? He was surprised at honorable members supporting a measure of this kind, and this clause.

Mr. BOYD said the clause dealt with the question of adulteration, but one thing that ought to be taken into consideration and defined very clearly before goods were confiscated was whether the analyses that had been made were qualitative or quantitative. The clause provided that if a person had been convicted a second time his name should be published, and the Minister gave the Committee an illustration to show that in one of the existing Health Acts if any liquor was found to be adulterated a similar statement could be published and pinned on to the door or pasted on the window of the premises. He did not think there was a solitary case where that provision had been carried into effect.

Mr. BROMLEY.—I have seen it myself.

Mr. BOYD said he did not think anybody else had.

Mr. WARDE.—I have seen the notification and conviction in a bar in Bourke-street.

Mr. BOYD said the passing of legislation so stringent that it could not be carried into effect could not be beneficial.

Mr. Watt.—The provision for the posting up of infringements against the licensing law is a dead letter.

Sir Alexander Peacock.—I have never heard of it in the Ballarat district.

Mr. BOYD said the provision should be a dead letter, because it was against the general conception of fairness of the community, and Parliament, when it tried to run ahead instead of following the generally expressed desire of the community, passed experimental legislation that it had not the courage afterwards to carry into effect. This provision meant that a man could be punished by having his name published after a second conviction, and, according to clause 23, he could be convicted if a solitary particle of dirt or dust happened to get into a bucket of milk, or any article of food, because that would be a foreign substance.

The CHAIRMAN.—I am afraid the honorable member is travelling outside the amendment.

Mr. BOYD said he was dealing with the whole clause. Did the Chairman rule that he must not deal with the clause until the amendment had been disposed of?

The CHAIRMAN.—That is so. After the amendment has been disposed of I shall put the question that the clause stand part of the Bill, and then the honorable member will have his opportunity. If the amendment is carried the whole clause can then be discussed, but no fresh amendment prior to this one in the clause can be moved.

Mr. BOYD said the word "shall" should be struck out instead of making it mandatory that the name should be published in the Government Gazette. If only a qualitative analysis was made, the presence, even in minute quantities, of some foreign substance would be deleterious under clause 23, and, therefore, would amount to adulteration. A quantitative analysis, however, would show whether the foreign substance was present in proportions that were deleterious to health, and that seemed to be really the object of the whole Bill. It ought to be shown that a sufficient quantity of foreign matter to be deleterious to health was present before the name of any person could be published. It would be interesting to know how many of the 1,700 cases mentioned by the Minister last night where food had been found to be adulterated were cases where the foreign matter was shown upon a quantitative basis to be really deleterious to health. It was quite possible that in most cases the examination would show merely a qualitative adulteration.
The CHAIRMAN. — The honorable member is out of order. The amendment is only for the omission of the word "shall."

Mr. BOYD said he thought it was necessary to give reasons why the amendment proposed by the Minister of Health should not be accepted.

Mr. GAUNSON.—The honorable member should move an amendment to insert the words "deleterious to health" before the word "shall."

The CHAIRMAN.—I cannot take another amendment now.

Mr. BOYD said it was provided that the name of the offender should be published on a second conviction, but he contended that this should not be done unless it was shown by a quantitative analysis that the adulteration was injurious to health. Any one who adulterated food in such a way as to injure the health of the consumer ought to be punished, but that should not apply to cases in which some particle of a foreign substance, which might be only dust, happened to get into the food. It might be a pure accident. Under this clause, however, it was mandatory that the name of the offender must be published in the Government Gazette.

Mr. WATT.—If the offence consisted of putting bread in sausages, would the name be published?

Mr. BOYD said that under the clause as it now stood the name would have to be published. If the suggestion of the honorable member representing the Public Officers was accepted in some form it might meet the difficulty. The clause would then relate to the use of articles that were deleterious to health. In that case it would not relate to the use of bread in the making of sausages, or flour in mustard, or grains of sand in tea.

Mr. GAUNSON.—Or in sugar.

Mr. TOUTCHER.—Is that not a swindle all the same?

Mr. BOYD said it was surely not a swindle for a man to sell milk in which some small particles of dust had been found by the analyst. The clause should only apply to those foods containing ingredients which in the opinion of the Food Standards Committee were injurious to health.

Mr. McLEOD.—It must be contrary to the standards laid down by that committee.

Mr. BOYD said he would direct the Minister's attention to clause 23. Would the Food Standards Committee be empowered to make regulations that would overrule the specific language of that clause?

Mr. McLEOD.—We have arranged to recommit clause 23, so as to make it subject to the regulations of the Food Standards Committee.

Mr. BOYD said it might facilitate progress if the Minister would state now what his intentions were with regard to clause 23.

The CHAIRMAN.—Clause 23 is not before the Chair.

Mr. BOYD said that was true, but this clause provided a penalty for doing something that was specified in clause 23.

The CHAIRMAN.—It does not govern the amendment, which is for the omission of the word "shall." The honorable member's remarks will be in order when we are dealing with the whole clause later on.

Mr. KEOGH said he could not agree with the honorable member for Melbourne that the words "deleterious to health" should be inserted.

The CHAIRMAN.—That is not the amendment.

Mr. KEOGH said he would prefer to see the present clause struck out altogether, because if the word "shall" were retained it was too drastic. The Minister himself admitted that to be the case, and proposed to substitute the word "may." Of course, the newspapers published all important convictions every day. All that this clause appeared to provide was that these convictions should be published in the Government Gazette at the expense of the country.

Mr. GAUNSON said that from the point of view of the public health the word "shall" should be retained. If the article sold was deleterious to health, the fact that a conviction had been obtained ought to be published. He would suggest that after the word "shall" the words "if such article is deleterious to health" should be inserted. In the only legislation on our statute-book which he knew of where the word "shall" was used in a matter of this kind, it was made quite clear that it applied only to the sale of articles containing ingredients deleterious to health.

Mr. WATT.—The Manures Act is another case where adulteration is punishable, although it is not injurious to health, but only a means of deception.
Mr. GAUNSON.—The English legislation was based on the fact that as long as notice was given to the purchaser there was no reason to complain, for no one was injured.

Mr. BENT said he was sorry to have to interrupt the honorable member, but he wished to bring on an important matter. He therefore begged to move—

That progress be reported.

The motion was agreed to, and progress was reported.

ADMINISTRATION AND PROBATE DUTIES.

The House having resolved itself into a Committee of Ways and Means,

Mr. BENT moved—

That Part V. of the Administration and Probate Act 1899, as amended by the Administration and Probate Act 1903 and the Administration and Probate Duties Act 1903 (No. 2) shall apply to the real and personal estate of every person dying between the 31st day of December, 1905, and the 1st day of January, 1907, and to all persons liable to pay any duty in respect thereof.

He said that in 1904 the House passed an Administration and Probate Duties Bill to cover a period of two years, and it was necessary now to pass another measure to continue those duties for another year.

Mr. BOYD said that he assumed that if the motion was carried a Bill would have to be introduced to deal with the matter.

Mr. BENT.—Yes.

Mr. BOYD said he would oppose the Bill.

The motion was agreed to, and the resolution was reported to the House and adopted.

ADMINISTRATION AND PROBATE DUTIES BILL.

Authority being given to Mr. Bent and Sir Samuel Gillott to introduce a Bill to carry out the resolution,

Mr. BENT brought up a Bill intituled "A Bill relating to duties payable under the Administration and Probate Acts," and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

PURE FOOD BILL (No. 2).

The House went into Committee for the further consideration of this Bill.

Discussion (adjourned from earlier in the sitting) was resumed on clause 36, and on Mr. McLeod's amendment in sub-clause (1), to omit the word "shall" and substitute the words "may if the Court or justices so direct."

Mr. GAUNSON said the object, he understood, of this amendment was to permit of the Court or justices directing that there should be a publication of the name of the offender—in other words, that the publication should not be mandatory, but that discretion should be reposed in the justices as to whether the case was one of such a nature that there should be a publication. Now, he did not for one moment seek to pose as an apostle for rascality, but, as the present Bill was drawn, it was not rascality merely that the Minister was proposing to punish, but he was punishing a man for the smallest error that could be conceived. For instance, under the very first paragraph of clause 23, if any article in the slightest degree—in any quantity, no matter how small—contained any ingredient that tended "to diminish in any manner its food value or nutritive properties, as compared with such article in a pure or normal state," that was sufficient to constitute an offence under the Act. The effect of this would be something frightful. For instance, take the case of liquor. Under the present Health Act, certain liquor could be broken down by as much as 25, or even, he thought, 35 per cent. But under clause 23 of this Bill, as it stood, if the slightest drop of water was found added to this liquor, there was an offence against this measure. The thing became farcical—dangerous in the extreme. The Minister had pointed to section 154 of the Licensing Act as being, so to speak, the prototype of this legislation. He would be glad if the honorable member for Melbourne, who took a keen interest in this matter, would look at that section, and he would hand it to the honorable member for that purpose.

The CHAIRMAN.—It is most improper for the honorable member to be speaking and walking across the gangway in that way.

Mr. GAUNSON said that he was not aware that it was disorderly, but, as he was told it was, it must be so, and he would apologize. These books were scarce in the House, and one could not get a volume on the table, and as honorable members were not taking much interest in this matter, he thought there would be no harm in handing this section to the honorable member for Melbourne to look at. That section dealt with articles which were in
themselves—the supposition was, at the first blush—highly injurious. Then it went on to say, "or any other ingredient deleterious to health." Never mind what had been said as to coccus indicus and tobacco. Fancy tobacco being put in grog! One knew from one's reading that magistrates, if they wanted to get round a victim, shook a little tobacco ash into his grog, and that poisoned him right off. If the Minister would add those words, and the further words, "deception to the purchaser," it would be an improvement. He was told that this legislation was what the House had thought fit to put on the statute-book in regard to muttons, but in that he thought that the House had gone too far. But if the House thought it should go in that direction, it, by all means, should say so, and not do so merely on the strength of the dry fact that this clause had been drafted in this manner because the principle prevailed in laws in other parts of the world. A Food Standards Committee was to be appointed, and it might say that tea should consist of not more than $ per cent. ash, as was pointed out by Mr. Dunn. Tea worth 5s. a lb. might, under such a standard, be pronounced unfit for human consumption, and so the farce would be played out of actually punishing a man for selling what was really the best article.

The CHAIRMAN.—I should like the honorable member to show me what reference the matters he is stating now have to the question of the omission of the word "shall."

Mr. GAUNSON said that if the word "shall" was retained, then the words which he proposed to add to the clause would be appropriate. He did not want to see any person avoid the punishment of having his name paraded before the country if he had sold articles in any way deleterious to health, or for the purpose of deceiving the purchaser, and for the purposes of his contemplated amendment the word "shall" should remain in. As soon as the question of the omission of the word "shall" was determined, he intended to propose the addition of certain other words to the words which the Minister proposed to insert to take the place of the word which might be omitted. He had no objection in detaining the Committee, and he had no intention of doing so. He deplored, however, this kind of legislation, which seemed to him to be frightfully mistaken.

Mr. McLEOD stated that it had already been agreed that clause 23, which defined adulteration, should be brought under the control of the Food Standards Committee. Consequently, there could be no prosecution under this clause except for adulteration which was declared by the Food Standards Committee to be injurious to public health. As to legislation elsewhere, he would point out that the New Zealand Adulteration Prevention Act of 1886 provided as follows, in section 40:—

If any person convicted of any offence under this Act shall afterwards commit a like offence it shall be lawful for the justices before whom the second conviction shall take place to cause the offender's name place of abode and the offence and the penalty imposed to be published at the expense of the offender in such newspaper or in such other manner as the justices shall direct. The expense of such publication shall be deemed part of the costs attending the conviction and shall be recoverable in the same manner as costs are recoverable.

The South Australian Act contained a similar provision. The Government had no wish to be unduly harsh, and he had no objection to consider afterwards whether this provision, now under consideration, should not be confined to second offences. At present, however, he was making it optional, because there might be very gross first offenders, and it was being left to the discretion of the Court as to what would be done.

Mr. McLeod's amendment to omit the word "shall" was agreed to.

Mr. McLEOD moved—

That the words "may, if the Court or justices so direct," be inserted in substitution of the word omitted.

Mr. GAUNSON moved, as an amendment on the amendment—

That after the word "may" the following words be inserted:—"If such article be deleterious to health or has been sold to the prejudice of the purchaser."

He said that his object in moving this amendment was to punish those who really deserved punishment, and not to punish the undeserving. For a man to sell to the prejudice of the purchaser necessarily meant that the purchaser had not been made acquainted with the contents of the article sold to him. The expression "deleterious to health" went without saying. Persons, whether they knew it or not, ought not to sell articles which were deleterious to health, and if they did not know that the articles were deleterious to health they must be made to know that by suffering punishment. He thought the Minister ought to see his way to accept this amendment,
Because this was the very keynote of the section the honorable gentleman had pointed to in the Licensing Act of 1890, said to be the father and mother of this particular clause. He (Mr. Guanson) had not had time to study that New Zealand Act, but he observed that it was 25 years old. The section of the New Zealand Act quoted referred to a second conviction, and only in that case gave the justices the power to cause the offender's name to be published at the expense of the offender in such newspaper or in such other manner as might be directed. Here the publication must be in the Government Gazette, and the publication might also be in the newspapers of the day, apart from any voluntary publication that the newspapers themselves might indulge in. The newspapers, although the conviction might be ultimately quashed, would have a perfect right to report that at the court, say, at Camberwell, John Jones was fined for selling adulterated butter. They would be at perfect liberty to do that, and would not be punishable, because an honest report of whatever took place in a Court of justice was always privileged.

Mr. McLeod stated that the Government had provided for the appointment of a committee to fix the standards of purity, and that would avoid a conflict of evidence as to what was deleterious. There would be ample protection for the innocent individual, because, if the retailer was selling an objectionable article which he had obtained innocently from the wholesale man, he would have his remedy against the wholesale man.

An Honorable Member.—He will not be proceeded against?

Mr. McLeod said that the remedy would be against the party who supplied him with that article, and who said it was pure. He (Mr. McLeod) was prepared to consider the matter and make it quite clear that the impurity must be something in violation of the standard of purity laid down by the Food Standards Committee before a person could be prosecuted. The Food Standards Committee was being appointed to do away with the difficulty of conflicting decisions as to what was impurity, and the amendment of the honorable member for the Public Officers would introduce a second standard, which would only lead to confusion. He would undertake to see that this provision was fully safeguarded, and that no innocent party would suffer.

Mr. TOUTCHER said that he desired to know whether it was mandatory that the name of any offender should be published.

Mr. McLeod.—That is being dealt with in the amendment under consideration.

Mr. TOUTCHER said he was glad to see that the Minister was in sympathy with the views of the honorable member for the Public Officers. There had been an outcry, and properly so, that Victorian manufacturers should get the sympathy and assistance of the public of Victoria, and if honorable members were not very careful as to the words used here, the provision might be the means of putting local manufacturers under a ban, and handicapping them in comparison with outside manufacturers. A firm might get their names published solely through the error, perhaps, of an employer rather than through any action on the part of the employers, and if the names of the firm appeared in the Government Gazette, people would say that one could not use Victorian manufactures at all, as the names of Victorian manufacturers were found appearing in the manner proposed here, and in consequence of that the Victorian manufactures would be severely handicapped by laws which did not operate on manufactures from outside, and which might be of a more deleterious character. Honorable members must not place local manufactures in the position of being handicapped by being under more restrictive legislation than manufactures from outside were.

Mr. BOYD remarked that he was sorry the Minister had not seen his way to accept the amendment of the honorable member for the Public Officers. The Food Standards Committee might take the view that they were governed very largely by the decision of Parliament as contained in clause 23.

Mr. McLeod.—I have explained four times to-night that we have promised to bring clause 23 under the purview of the Food Standards Committee.

Mr. BOYD said that he had heard the explanation, but he could not see how clause 23, as a part of the Act, could be made subject to a committee appointed under the Act. If clause 23 was not omitted, and a case under it came before a Court, the Court could decide quite independently of what the Food Standards Committee might rule. If clause 23 was deleted, and the matters dealt with in it were included in the regulations to be passed by the Governor in Council, then such a case
would be controlled by the Food Standards Committee. The Minister, however, did not propose to do that. When a clause as to standards was placed in a Bill that became an Act of Parliament, how could its effect be curtailed, even though the same Act provided for a Food Standards Committee? He was not a lawyer, but it seemed to him that if clause 23 was allowed to stand as part of the Bill, what it provided for would not be subject to regulations made by the Governor in Council, nor be controlled by the Food Standards Committee. Clause 23 fixed what would be regarded as adulteration with regard to which prosecutions would take place. During the discussion on the Bill, a good deal had been heard about the inefficiency of the Board of Public Health in the carrying out of its duties. He was one of those who held that there was all the power necessary in the Health Act as it stood now to carry out all that was aimed at in this Bill. If the necessary officers were appointed, all that was proposed in the Bill could be done under the Health Act.

Mr. Mackay.—You would have to get the Supreme Court to take a very different view from what it has been doing.

Mr. Boyd said that in the next place there was clause 37—

Mr. Bent remarked that they could get to the “next place” in the proper time. At present, honorable members should pass the clause submitted, or reject it.

Mr. Boyd said the clause should only be passed after it had been discussed.

Mr. Bent asked the ruling of the Chairman as to whether clause 37 could be discussed at the present time? He said that he had had enough of this game, and would not submit to any more of it. He desired to give fair notice now that he would not submit to any more of it. The Committee had got on with business all right before two or three gentlemen who had been absent returned to the chamber. A division had been taken which had indicated the full sense of the Chamber as to the questions at issue. Consequently he (Mr. Bent) had made up his mind that there was to be no more play. He felt that the discussion now going on was not for the purpose of improving the Bill at all. The honorable member for the Public Officers had come in, when the work was nearly all done, with an old story about the Health Act, asking why the Health Act would not do all that was required to be done.

Mr. Boyd.—I have got views on that point too.

Mr. Bent said he would be no party to the game of wasting time going on any longer. It was time that business should be done. He would be no party to sitting night after night and being humbugged. The honorable member for Melbourne had not made one proposition to improve the Bill. He (Mr. Bent) was not going to stay night after night doing nothing. One significant division had been taken, and there should be no more waste of time. If certain honorable members wished to indulge in fun, he (Mr. Bent) could indulge in fun as well as them; but he did object to gentlemen coming in after the Committee had arrived at a decision and nag, nag, nagging. It was nothing else on their part. It was not business. Had the honorable member for the Public Officers given one suggestion to help this Bill on? Not one.

Mr. Gaunson.—Is it deserving of help?

Mr. Bent remarked that the Bill was deserving of help.

Mr. Gaunson.—I do not think so.

Mr. Bent said that the time had arrived when the Government had to insist on business being done. As to the Health Act, he (Mr. Bent) knew as much about it as any other member. Surely they all knew the law as to public health. If some five or six gentlemen had any scheme on, let them play it as soon as they liked.

Mr. J. W. Billson ( Fitzroy).—They are playing it.

Mr. Bent remarked that he was not finding fault with the Opposition at all in this matter.

Mr. J. W. Billson (Fitzroy).—We have been helping you.

Mr. Bent said he had admitted that, and he appreciated what the Opposition had done; but there were certain members who were acting very differently, and he, as head of the Government, was not going to sit there quietly whilst half-a-dozen men were doing all they could to block this Bill. He would rather “chuck up” the whole thing at once. If those honorable members had propositions of a business character, he would entertain them, but they had nothing of that kind. The honorable member for Melbourne had not made a proposition of a business kind at all, and the rubbish he had spoken to-night on this Bill was revolting. The public had asked for pure food, and yet there seemed to be some men ready to speak in the interests of
those who robbed and poisoned the public, and who were callous as to the thousands of children and weak people who were dying through having consumed adulterated food. As had been already stated by the Minister in charge of the Bill, there was no opposition to the measure by the manufacturers and distributors interested. If those people had any objections they would have petitioned the House long ago. He (Mr. Bent) could understand fair criticism, but he could not understand how a few members could, with reason, attempt to block a Bill of this kind at its present stage. He would say that such members could go—

Mr. J. W. Billson (Fitzroy).—Don’t.

Mr. Bent said he would say it.

Mr. J. W. Billson (Fitzroy).—Do you think that they will be there for you to see?

Mr. Bent asked who it was he was expected to see “there.”

Mr. Bromley.—You have not been there before?

Mr. Bent said that he had seen the game now being carried on played before.

Mr. Gaunson.—I remember.

Mr. Toutcher.—The party of combat.

Mr. Bent said that the “party of combat” always had something to talk about, and had not to indulge in rubbishy talk such as was being used in connexion with the present Bill. Valuable time—half-hours—was being taken up over such words as “and,” “may,” and “shall.” Why should not honorable members as well discuss “might, could, would, and should,” as was explained in grammar? The time had arrived when objects to clauses in the Bill, if they were strong enough, should table an effective motion, and not go on nagging.

Mr. Boyd.—Has what the Premier been talking about any relevancy to the clause under discussion?

The Chairman.—I may say this, that the Premier, as leader of the House, is always allowed a great deal more latitude than other members.

Mr. Watt.—It is a good job that he is.

Mr. Bent remarked that it was strange that men who were supposed to be supporting the Government—

Mr. Watt.—Whom is the Premier talking to?

Mr. Bent said that he was talking to those who cared to take his remarks to themselves if the cap fitted. The Minister in charge of the Bill had agreed to recommit various clauses—

Mr. Gaunson.—And this one?

Mr. Bent.—Yes.

Mr. Gaunson.—Then I am done. That announcement is what I have been waiting for.

Mr. Bent said that the Bill before the Committee was indeed one of very great importance—of too much importance to be treated cavalierly. Some time ago he wanted to have it remitted to a Select Committee, but that proposition was opposed, and now they had to deal with it without the aid of a Select Committee. There were no people in the community who suffered more from adulterated food than those who were poor and could not afford to pay for superior articles. There were now only two clauses of the Bill remaining to be passed.

Mr. Gaunson.—But they are very important clauses.

Mr. Bent observed that one of them referred to the appointment of a Food Standards Committee. It was open for honorable members to say whether they would have such a committee or not.

Mr. Watt.—That clause is the best part of the Bill.

Mr. Bent said that time was flying—it was now ten minutes past eight o’clock—but that it should be easy enough to get through the remaining clauses in the time left for Government business, especially seeing that the Minister in charge of the Bill had given his promise that disputed clauses would be recommitted. That Minister had, indeed, promised an opportunity for consideration all round—not as an exhibition of weakness, but because it was admitted that a Bill of this kind, affecting as it did so many interests, should have ample discussion—discussion, however, not of the kind there had been that evening. After all the promises that had been made, the Bill should now be allowed to go through, and then it would be printed again, and honorable members would have a clean copy of it in its amended form. The Minister in charge had had conversations on the subject of the Bill with the Chamber of Commerce, the Chamber of Manufactures, and others, who, as he (Mr. Bent) understood, had practically agreed to the provisions contained in the Bill. Why then this opposition? Was it to be said that in certain cases people who defrauded the poorer classes in the matter of food should not be prosecuted? Was there not a reason
for punishing the man who adulterated food as well as for punishing the man who gave only 12 ozs. for 1 lb. In the interests of the poor, honorable members should do all they could to pass this Bill. If there were any clauses requiring amendment of a substantial character, the Government were prepared to listen to propositions, but they were not prepared any longer to have time wasted over trivial verbal amendments. The Minister in charge of the Bill had stated four times that he was prepared to give reconsideration to certain clauses, but what he had said was ignored by certain honorable members. That sort of thing would not have been tolerated in the old days. Ministers whose words could not be accepted had no right to occupy their positions.

Another point was that in the old days difficulties were frequently settled by interviews with Ministers in private. That was not the case now.

Mr. Watt.—Oh, yes it is, in some instances.

Mr. Bent.—said that at any time when a member had come to see him in such cases he had taken the trouble to inquire, confer, and to yield when that was necessary. In the meantime, however, the desire of the Government was to have the Pure Food Bill passed. It was all very well for newspapers to say that the Government did not desire to have this measure passed, but it was not so. The measure had been submitted to the House before, and the time had now arrived when the Government ought to have the full assistance of honorable members in placing it on the statute-book.

Mr. Boyd remarked that after this peculiar burlesque on the part of the Premier—

Mr. Bent.—Burlesque, do you call it?

Mr. Boyd said that he did call it so.

Mr. Bent.—Then that shows what a professed Government supporter is.

Mr. Boyd said he had not said anything that would justify the Premier, or anybody else, in chastising him. He was present, not to tend any private advice to Ministers, but to criticise whatever measures were submitted, whether Ministers liked his views or not. He was not under any obligation to the Premier.

Mr. Bent.—Neither am I to you.

Mr. Boyd stated that he had a right to express his views on matters of importance brought before the Chamber, and would not submit to being dragooned into passing a Bill, simply because during the afternoon a certain number of clauses were passed in the absence of a number of members.

Mr. Bent.—Forty members sit here for two hours, and then you come and try to spoil it.

Mr. Boyd said the Bill would not have got so far if he had been present.

The Chair.—I must ask the honorable member to confine his remarks to the amendment before the Chair.

Mr. Boyd said it was very unfair, when the Premier had made an attack upon him, that he should have his mouth shut and be unable to retaliate. A lot of the Bill had been passed through because so few members had been taking an interest in it. It was a Bill of great importance, but it was only taken into Committee last night. Nearly the whole of the clauses had been got through because some members who took an active interest in the Bill happened to be absent.

Mr. Watt.—Some of the debatable clauses were postponed.

Mr. Boyd.—And some were not. Whatever the Premier might say, he did not intend to abrogate his right to say anything he liked. The Minister should accept the amendment of the honorable member for the Public Officers.

Mr. McLeod.—Have I not already told him and you also that I will see if it does not sufficiently safeguard what he says, and that, if it does not, I will provide that it does so? It does not matter what I say or promise. I can see the object very plainly.

Mr. Boyd said that, if the Minister wanted to impute any object to him, he threw it back in the honorable gentleman's teeth. The Premier's statement about the country crying out for this Bill was completely met by the analysis given by the Minister to the House last night of the cases of adulteration that had taken place. Outside of milk and butter, that were being dealt with in another Bill, and temperance and alcoholic drinks, there were only 142 cases of adulteration out of 5,000 samples taken. Yet the Premier said the country was crying out for a Bill so drastic that it was going to interfere with every business in the State.

Mr. McLeod.—What you say is absolutely misrepresenting the figures that I gave.

Mr. Boyd said that he was not misrepresenting anything. Such wide powers
were given in the Bill that under clause 23, for instance, a speck of dust in a bucket of milk would be adulteration.

Mr. McLEOD.—That is simply absurd.

Mr. BOYD said the clause meant what he said, and members were asked to swallow it because they happened to be Government supporters. If this Bill had been brought in by the present Opposition, if they happened to be in power, no one would have fought it more strongly than the Premier and the Minister who was now trying to put it through the House. No frivolous objection had yet been urged to the Bill by any member.

Mr. McGREGOR.—Why this heat?

Mr. BOYD said there was no heat at all. He was perfectly cool. The whole argument of those who supported the amendment of the honorable member for the Public Officers was that people who had what was termed adulterated food under this Bill should not be punished by having their names published broadcast unless the adulteration was deleterious to public health. The Premier had stated that he had no right to discuss clause 37, but when interrupted by the honorable gentleman he was pointing out that clause 37 constituted a new committee to take the place of the Board of Public Health, which had power now to carry this clause into effect. He could turn up sections in the Health Act that carried out the very object of clause 36. There was, therefore, absolutely no necessity to introduce new clauses for the same purpose. If the adulteration was deleterious to the public health, no one wanted to protect a man who deliberately adulterated food with the object of injuring human beings. The aim of those who had been criticising the measure had been to see that public health was properly protected, but it was absurd when legislation ran wild and an attempt was made to bring in innocent persons and injure their business by publishing their names broadcast in a case of adulteration, such, for instance, as the finding of bread in sausages.

Mr. J. W. BILLSON (Fitzroy).—It did not stray there.

Mr. GAUNSON said he had moved the amendment in pursuance only of Nelson's great signal, "England expects every man to do his duty." The remarks of the Premier, therefore, fell on him like water upon a duck's back. He quite appreciated the honorable gentleman's burst of eloquence, not to say of indignation. He asked the Premier if this clause would be recommitted, and the Premier said, "Yes." Did the Minister in charge of the Bill assent to that? If so, he had no desire to press the amendment. He would be quite satisfied if the clause was to be recommitted. The whole Chamber was witness to the Premier's statement that the clause would be recommitted, but perhaps the Premier did not quite catch his real drift, so he wanted to be on safe grounds. The Minister had said that he might have to come down with proposals for amendments in the Bill, so would the honorable gentleman agree to recommence this clause? There could be no greater mistake than pushing Bills without proper consideration. It was recently charged against the House of Commons that there was too much talk and too little legislation, and it was replied that there was too little talk and too much legislation. That was the fault of this House. The Chief Secretary would agree with him that so far as legislation was concerned, it would be a good thing if this Assembly were shut up for the next five years.

The CHAIRMAN.—Would the honorable member kindly show me how this applies to his amendment which is now before the Chair?

Mr. GAUNSON said he would withdraw the amendment if the Minister said he would recommence the clause. There was too little intelligent consideration unfortunately given to measures in this House, because members did not know what was in the Bill. He had had to earn his bread by going to Court over this particular class of the law, and he knew that members generally did not and would not apply themselves to the measures before them. It was utterly untrue when they said that they read the Bills.

Mr. McLEOD stated that he informed the honorable member distinctly that he was in sympathy with the object the honorable member was seeking to attain, and that if this clause went beyond that, he would provide for it. It was most extraordinary that there was such enormous care over offenders considering that the committee of the Chamber of Commerce that waited upon him only asked for one alteration in the Bill—that it should not be compulsory to publish the name of a first offender—but were perfectly satisfied if the publication of the name of a first offender was left to the justices, and the second publication was compulsory. He did not see who else could be affected more than the Chamber of Commerce were in the matter, but they
Mr. GAUNSON observed that there were hundreds and thousands of small retail dealers, who had no connexion with the Chamber of Commerce. That chamber was the great Panjandrum, but the small retailers were those who might be affected by this measure.

Mr. McLeod.—The retailers have a remedy against the people who sold the article to them.

Mr. GAUNSON.—No.

Mr. McLeod.—That shows that the honorable member has not read the Bill.

Mr. GAUNSON said that no doubt a man who held a written guarantee could come upon his guarantor.

Mr. Watt.—He is all right if he gets an invoice.

Mr. GAUNSON.—No; not unless the man got an absolute guarantee. A clause in the Bill provided that where the invoice came from the old country it was to be of no avail.

Mr. Watt.—That does not affect the small retailers.

Mr. GAUNSON said it affected everybody. If the Minister thought that he (Mr. Gaunson) was opposing the Bill simply for the sake of opposition, the honorable gentleman was wrong, and he would withdraw his amendment right off the reel. Did the Premier mean what he said when he said that this clause would be recommitted?

Mr. Bent.—How many times am I to say it? We will recommit the clauses that we have promised to recommit.

Mr. GAUNSON said then in this case the Premier said what he did not mean.

Mr. Bent.—I never mentioned this clause. This is what I call "nag-nag." It is not business.

Mr. GAUNSON said he was afraid the nagging was all on the honorable gentleman's side.

The CHAIRMAN then put the question that the words proposed by Mr. Gaunson to be inserted after the word "may" in the amendment moved by Mr. McLeod be so inserted, and declared that the "noes" had it.

Mr. GAUNSON.—The "ayes" have it.

The CHAIRMAN.—The Committee will divide.

Honorable members having taken sides for a division.

Mr. GAUNSON said he would not press for a division.

The CHAIRMAN.—As the honorable member does not call for a division, the "noes" therefore have it.

Mr. Boyd.—Divide!

The CHAIRMAN.—I have declared the "noes" have it. The time for taking business other than Government business having arrived, I must report progress.

Progress was then reported.

UNCLAIMED FUNDS BILL.

Mr. Beaazley moved the second reading of this Bill. He said—The last time I introduced this Bill to the notice of honorable members, although there was no discussion on the second reading, it was pretty fully discussed in Committee. Therefore I have no intention to speak at any great length, but I wish to refer to the fact that the same Bill was passed by this House when introduced by the late Mr. Foster and the present Minister of Lands. It was then passed unanimously by this Chamber. The present Bill is almost the same as that measure, but one important difference is that in the other Bill it was provided that the money should be paid into the consolidated revenue. In this Bill I propose that the money should be paid into a trust account, so that it may be always ear-marked and invested by the Government, and the interest used for Government purposes; and that the person whose money is put into a trust fund in that way may afterwards apply for it and recover it on proving his claim. Another difference between this and the last Bill was that at the time the Bill was first submitted it was provided that the minimum amount taken from the banks or companies should be £5, but in Committee that provision was altered so as to make the sum unlimited. I have embodied in the Bill itself the several amendments that were passed by the Committee at that time. This measure was objected to on the former occasion as being legislation of too drastic a character, and also on the ground that it was new legislation; but I then pointed out that in South Australia it had been in operation for thirteen or fourteen years, and that legislation of the same sort was to be found in our own statute-book, viz., in connexion with insolvent estates where unclaimed dividends are ear-marked and paid into a Government account, and also in connexion with trustee companies where unclaimed moneys are paid into a special fund. A measure similar to the one now before the House
is in full operation in South Australia, and measures of a similar kind, I believe, have been passed in Canada, and also in the British Parliament. The reason given for passing the measure in the first place in South Australia will, I think, commend itself to honorable members generally. The Hon. J. H. Gordon is reported in the Ballarat Courier, in an article entitled "Treasure Trove," as follows:

The Hon. J. H. Gordon, during the debate on the second reading of the Unclaimed Funds Bill, said it was the outcome of a case where Mr. Coulthard, a public officer, had deposited Government money in a bank, and the officer dying suddenly, it was lost sight of. It was thought the money had been appropriated by the officer, and his friends were under a stigma for many years until it was discovered that the money was lying at a bank. It was only a proper provision, he thought, that public companies having unclaimed moneys in their possession should give every information and publicity.

A strong point I desire to make in connection with the Bill is that persons who deposit money in a bank, and leave it unclaimed for six years are, many of them, out of the State, or, if in the State, have forgotten that they so deposited the money, and it is desirable that that money should be properly safeguarded. Under the method of management adopted by the banks, a small account can be eaten up by the payments one has to make for the keeping of the account, and this Bill provides that the account shall be claimable whether that money is being charged or not. It might be claimed that the account is in operation, seeing that that charge is being made, and this Bill makes provision that although the charge is being made, the money is to be looked upon as unclaimed money. The effect in South Australia was this. The Act was passed there in 1891, and in 1892-3 the sum of £280 11s. was paid in. In 1893-4 £10,157 12s. 2d. was paid in. The larger amount on that occasion was caused by the fact that the two years' grace provided for in the Act was just about to expire, and therefore all the sums they could collect had been brought in. In 1893-4 the sum of £75 15s. was claimed and paid by the Government. In 1894-5 the sum of £597 6s. 5d. was paid in, and £477 17s. 7d. was paid out. In 1895-6 £224 was paid in, and £34 was paid out. So it goes on until last year £628 was paid in, and £320 was paid out. The total amount paid into the fund was £14,709, and the total amount claimed and paid out was £1,282. This shows that if the Act had not been in operation in South Australia, the banks would have had the use of £13,500 of public money. It seems to me that if any one should get the benefit of that money it should be the public generally. There can be no doubt about that. It is very much safer in the public funds. When it is in the trust funds it is available for all time, because the obligation will never be repudiated, but when the money is left in the hands of banks or companies there is a possibility, as was pointed out on the last occasion, that some of this money will be absorbed and paid to other shareholders. I am sure that no one depositing money in a bank expects that money will be absolutely taken away from them and paid to other people who have no right whatever to it. It would give confidence to the public who deposit money in the banks if there is a provision that it should be handed to a trust fund whenever the depositor fails to claim it after a certain time. The publication of the names in the Government Gazette will remind these people that the money is there to be claimed. The Bill provides for the registration of moneys, and a copy of the register is to be gazetted. There is also a penalty for failing to keep a register of such moneys. The Treasurer also has power under this Bill—and it is a very proper and necessary power—to examine the accounts. An alteration was made in the Bill when it was before honorable members previously, giving an officer of the Treasury the same power as the Treasurer himself to do this work, and to make a charge. There is another clause which gives the Treasurer power to pay the lawful claimant. Another gives a very necessary protection to the Treasurer, viz., that, where a claimant has proved to the satisfaction of the Treasurer that certain money should be handed over to him, then, if any mistake is made, and another claimant comes along, the new claimant has no recourse against the Treasurer, but only against the person who received the money. This is a very fair proposal, I think. In South Australia, while £14,000 odd has been paid in to this account, their population is only 365,700. As our population is about 1,200,000, I think we may very fairly consider that we are likely to have at least four times the amount of money unclaimed that they have in South Australia, not only because of the difference in population, but also of the fluctuations.
which have taken place i in music. 

By the honorable member, I think the honorable member has it. The should any person occurred to me that it would be fair to call the measure. I am only desirous of doing what is absolutely fair, and I am prepared to consider favorably any amendment that is likely to improve the measure.

Mr. BENT.—This Bill is very far-reaching in its effects. I must confess that I have not had much time to go into the matter, but I understand that Sir George Turner, when a Bill was proposed for the establishment of a State Bank, made a proposition of this kind, but it was not carried in the House. As I understand the question, people deposit money in the banks, and sometimes leave it there. It remains in the bank until somebody comes along and claims it, and then the money is paid out. My recollection is that the banks object strongly to money of this kind going into the Treasury, and, after all, the question is—"Does it go into the Treasury?" It is there, but if any one calls for it, the Treasurer has to pay it back again.

Mr. BEAZLEY.—You cannot use it.

Mr. BENT.—Yes, I know. Some time ago, when I looked into the matter, it was said that there was a large sum of money in the banks in South Australia. It occurred to me that it would be fair to call on the banks to advertise the amount of this money lying in their hands, so that any person to whom it was due could claim it. The Bill proposes that the money should be paid into the Treasury when it has been unclaimed. If this money is advertised there will not be much of that kind of thing. I think the honorable member has limited the time.

Mr. BEAZLEY.—I have made no limit.

Mr. BENT.—When I attend some meetings up country I go back 50 years.

Mr. PRENDERGAST.—You give it to them in music.

Mr. BENT.—I give rough music at times. If the honorable member would come round with me with a tambourine, we would do wonders. I shall not object to the second reading of the Bill, and if the honorable member will be satisfied with that, we can have a consultation. Would the honorable member be disposed to accept an amendment that the banks must give notice? There is a kind of confidential relationship between the banks and the depositors, and I would not like to do anything that would savour of interfering with the banks' business.

Mr. BEAZLEY.—We do it in the case of trustee companies.

Mr. BENT.—I have been told that we could make a big surplus if I put my hand on the trust funds with the insurance companies. I should like to assist the honorable member. I think it would be a fair thing to insist upon this money being advertised at the end of each year.

Sir ALEXANDER PEACOCK.—Do you mean to advertise a list of all the persons? That would cost a lot of money.

Mr. BENT.—If the honorable member for Abbotsford can see his way to take the second reading and then confer with the Government, I am willing.

Mr. BEAZLEY.—By leave, Mr. Speaker, I may say that my only object is to get the Bill passed. I am willing to take the second reading, and have a conference with the Premier if he will promise me that I shall have an opportunity to bring the Bill up again this session.

Mr. BENT.—Members are always wanting to bind me to promises. The honorable member for Abbotsford knows that this Bill cannot be passed this year. I will not promise any more that I will give particular nights for particular measures, but the honorable member knows I will not attempt to block him.

Mr. BEAZLEY.—All right; I will agree to that.

Mr. BENT.—I am very much obliged to the honorable member, because I have not had a show to look into this matter.

Sir ALEXANDER PEACOCK.—Let the Public Accounts Committee look into it.

Mr. BENT.—Yes.

Mr. BEAZLEY.—I am willing to have a conference with the Premier, but not with the banks.

Mr. BENT.—Very well; the Government will therefore agree to the second reading of the Bill.
Mr. LEVIEN.—I do not know whether the Premier is speaking merely for himself or for the Government.

Mr. Mcgregor.—He said the Government.

Mr. LEVIEN.—It is not necessary for all the members of the Government to support private members' business, and, as a rule, the Government split into sections on such matters.

Mr. Bent.—In some cases the Government are divided, but I spoke for the Government in this case.

Mr. LEVIEN.—If the Government see their way to support the measure which the Premier said he did not understand—

Mr. Bent.—I understand it.

Mr. LEVIEN.—The Premier said that he wanted time to consider the Bill. I object to these negotiations carried on over the table.

Mr. Mcgregor.—Another man gone wrong.

Mr. LEVIEN.—The Bill is unnecessary, improper, and unfair. Who is asking for it? And what is the necessity for it? Has any one been wronged by the practice that has prevailed for the last half-century?

Mr. Warde.—Yes; all the relatives of those who have their money locked up.

Mr. LEVIEN.—Relatives be hanged! What is the use of talking nonsense. This is a pure advertising matter, and nothing else.

Mr. Beazley rose to a point of order. He said he objected to the statement that the Bill was brought in for advertising purposes.

The Speaker.—I would ask the honorable member for Barwon to withdraw his expression, because it is offensive.

Mr. LEVIEN.—If offensive to the honorable member for Abbotsford, I will withdraw it, but that is what it looks like to me. It has been quite a common phrase to call certain legislation advertising legislation. Who has been wronged by the practice that has prevailed for the last 50 years? Has any one?

Mr. Mcgregor.—Yes.

Mr. LEVIEN.—Have not the banks on all occasions paid over any money that has been rightly claimed?

Mr. Warde.—No; only a few years ago they refused a good deal.

Mr. LEVIEN.—The honorable member for Abbotsford proposes to impose on the banks the obligation of advertising these sums of money from time to time. The proposal is to advertise the money so that the people interested may come along and claim it. Is that not outrageous? Are we going to legislate for amusement? The money which, by law, belongs to these institutions will be in their hands as long as the institutions last for those who are nominally the owners of it. The honorable member for Abbotsford does not propose that the money should be put to some public use, but he proposes to create some other trustees with all the unnecessary expense and trouble that will be involved. It is to be advertised in the Government Gazette. We are killed by advertisements now, and these advertisements in the Government Gazette are entirely useless. I am unaware of a single case where money has been withheld from the relatives, even though deposited as far back as 30 years ago.

Sir Alexander Peacock.—The charge of 10s. a year made by the banks is wiping out all these accounts.

Mr. LEVIEN.—Is that wrong? Is it wrong for the banks to make a charge for keeping accounts?

Mr. Mcgregor.—No; but what objection have you to the banks handing over that which does not belong to them?

Mr. LEVIEN.—The money is deposited in the banks, and is as safe as if it were in the hands of the Government. The banks are the legitimate places to lodge the money. It is not our business to transfer that money to some other trustees. If any good would be gained, I would support the proposal. The honorable member for Allandale appears to object to these sums being absorbed by the charge that the banks make for keeping accounts, but if the honorable member thinks that an Act should be passed preventing the banks from making that charge, I shall not object to it. But I think it is a reasonable way of absorbing small balances that are a nuisance to the banks. The trust funds that come into the hands of trustees in insolvent estates are on a totally different footing. These are in the hands of individuals who will pass away.

Mr. Bent.—That money is paid into the Treasury now.

Mr. LEVIEN.—I know. These moneys are not in the same position as moneys deposited with individuals in trust. Legislation of this character is not only unnecessary, but mischievous. I object to these moneys being squandered away in advertising. This House has no right to interfere
with those moneys unless some injury to individuals has been shown, but it cannot be shown. In the past there has been no repudiation at all, and the institutions in question have met very just claim upon them. The Bill is thoroughly unnecessary, and I hope, notwithstanding the position which the Premier has taken up, the House will not pass it.

The motion was agreed to.

The Bill was then read a second time, and committed pro forma.

SCAFFOLDING INSPECTION BILL.

Mr. HANNAH moved the second reading of this Bill. He said—I think honorable members of this House, at least those who have had brought under their notice from time to time the number of accidents that have taken place in the metropolitan area during the last few years, will admit that the time has now arrived for the introduction of such legislation as this measure proposes. It will be in the recollection of those who have taken an interest in this matter, that during the last five or six years, Government after Government have been pledged to place upon the statute-book a measure of this kind. The present Chief Secretary, when he occupied a similar position in the Peacock Government, prepared and introduced a Scaffolding Inspection Bill, and the first reading of that Bill was carried in this House in July, 1901. But with the exit of that Government, we know what happened.

Mr. SWINBURNE.—Is this the same Bill?

Mr. HANNAH.—It is very much on the same lines, with some additions dealing with lifts, &c. I may mention, as the Minister of Water Supply has made that interjection, that the New South Wales Government sent across for that particular measure and practically upon that measure they based a Bill which was passed through and has been in operation now for some three years. The Premier will also remember that some time ago he sent to New South Wales for information as to how the inspection of Scaffolding Act had worked there, and the result, he was informed, was most satisfactory. This shows that legislation which ought to have been placed on the statute-book of Victoria has practically been copied and placed on the statute-book of New South Wales, while we in this State are still without such a measure as is required for the protection of human life.

Mr. BENT.—Was it not thrown out in New South Wales the other night?

Mr. HANNAH.—No. It has been on the statute-book and working there satisfactorily for the last three years. I was over in Sydney some few weeks ago, and I made inquiries into the subject—in fact, I may say that I went there almost entirely with the object of finding out how the Act worked in that State. I would like to mention that one of the largest buildings erected in modern times, that of Anthony Horden, which covers some 13 acres of land, and is five stories high, has been constructed since the New South Wales Act came into operation, and during the whole period of the construction of that building, there was not one single accident. When we take into consideration the heights at which many men have to work, and the dangerous places which they have to occupy when at work in the erection of buildings, I think it will be admitted that the time has long gone by when a measure of this kind ought to have been placed on the statute-book of Victoria. From what I can gather, I believe that this House is almost unanimously in favour of the passing of this Bill, and I hope, therefore, that there will be no difficulty in getting it placed at last upon our statute-book. The trades have been petitioning year after year for such a measure, and as I have already said, successive Governments have continually promised to pass a Bill of this kind. I think I can certainly claim the support of the present Premier, inasmuch as he himself has especially directed the attention of the public to the awful necessity for passing such a measure as this. On different occasions he has stated to deputations which waited on him, that it was positively shameful that men had to risk their lives and limbs upon some tin-pot scaffolding—to repeat the term which he himself used—that he saw in and around the suburbs of Melbourne. This is a measure which will not bear unjustly upon any fair-minded contractor who believes in doing that which is right, because it seeks to put every contractor and builder upon the same level. Even if in some cases, as is alleged, it will mean a slight extra cost in connexion with the construction of buildings, that extra cost will be very small, and the whole of the contractors who will put in tenders will practically start from the same mark. I would point out that where miners have to work under dangerous conditions, there are inspectors immediately.
under the control of the Government who look after the protection of those miners, who really do not work in many cases in as dangerous places as some of those who are employed in the erection of buildings. I could give some very harrowing pictures of what has taken place under my own notice. Indeed, I myself have escaped very luckily, and I believe the fact that I am here tonight with all my limbs sound, is due to the circumstance that I refused absolutely to work upon a scaffolding in Port Melbourne which was nearly 30 feet high, because it was of such a character that I considered it to be dangerous. Shortly afterwards, an accident occurred in connexion with that scaffolding by which a labourer was injured, and to my knowledge that man never received one penny of compensation. That accident was the direct result of faulty scaffolding. Honorable members must have had brought under their notice some serious accidents which have taken place of late years. For instance, there was that at Kensington, in connexion with the demolition of the building there that had been destroyed by fire. In that accident we lost two good men—heads of families—while one man just escaped with his life, but was permanently injured. If there had been at that time a practical man to inspect the scaffolding, a man who knew his business, those poor men would have been alive to-day. Again, there was the accident which took place within the last few weeks upon the Australian Mutual Provident building. I think that those who know anything about the subject will admit that when a man has to work upon scaffolding at a height of 80 feet, and where there is no guard whatever around the scaffolding in the event of his making the slightest mis-step, he necessarily takes a frightful risk. I will make bold to say that if the provision which I have included in this Bill with respect to guards had been in existence it would have protected the men in the case of such an accident as took place on the A.M.P. building. I do not desire for a moment to say that the contractor was negligent in not providing a guard, as he was not required to do so under the present law, but under this Bill there is a specific provision dealing with such cases, and I think that when we ask all contractors to obey the same conditions we are not imposing upon any individuals anything which we do not believe to be just and equitable in the interests of workmen. Then honorable members will remember the accident which occurred in connexion with the erection of the Equitable Building. During the erection of that building a large number of lives were sacrificed, and a large number of other workmen were injured permanently, and what has been the result? Some of these men, to my knowledge, have not been able to get any compensation whatever, and they are practically crippled. I could give the House numbers of other instances of accidents that have happened during the last few years in connexion with which men have been either killed or permanently injured as the direct result of a want of proper supervision in connexion with scaffolding. I would point out that this measure need not necessarily entail any great expenditure, because it will be seen that it will not be put in operation in those districts in which the Governor in Council considers that it is not necessary. At the present time, some contractors for the construction of large buildings provide for everything that is contained in this measure; but on the other hand, there are some contractors who treat this matter very lightly, and will not lay out sufficient to provide the necessary plant that is required. These men take very many risks, but let me tell honorable members that these risks are passed on in 90 cases out of every 100 to the insurance societies, because the workmen have to pay 6d. per week, or in some cases as much as 9d. per week, out of their wages, to provide a sort of insurance against these accidents. I have known a number of cases also in which accidents have happened where the contractor has refused to recognise his liability, and where the insurance society with which he has secured himself has baffled individuals out of what they have been entitled to. Cases have come under the notice of myself and others connected with the building trade, where this has repeatedly happened. I believe that this House is unanimous in endeavouring to protect the lives of men who, at great sacrifice, have, in some instances, to go to great heights, as well as those who have not to take the same risks. This legislation is necessary to protect those men against the negligence of people who will not take the necessary precautions to insure their safety. With regard to clause 4, providing for notice as to the erection of scaffolding, it will probably be evident to every honorable member that it is necessary that notice should be given when a scaffolding is to be erected in connexion with a
building. In case of starting a new building at present notice has to be given to the council authorities that one is about to proceed with the erection of the building, and under this Bill it will only be necessary to give notice to the authority charged with the administration of this Act, so that on the receipt of the notification the person in charge of the administration of the Act will have the building under his purview.

Mr. Bent.—You have not touched the electric lifts.

Mr. Hannah.—I have not.

Mr. Bent.—Is there any reason for that?

Mr. Hannah.—There is no particular reason.

Mr. Bent. They are very dangerous.

Mr. Hannah.—Yes, I know that. One or two honorable members intend to move some amendments in the Bill, and there would be an opportunity of including an amendment with regard to that at the same time. Since this Bill was circulated I have had a long talk with Dr. Norris, of the Board of Public Health, who is sympathetic with the measure, and has seen the necessity of dealing with the matter, as the Premier has just now admitted.

Mr. Bent.—I say you have omitted it.

Mr. Hannah.—Dr. Norris brought under my notice that fact some weeks ago, and he drew my attention to the necessity for a provision dealing with that subject. The matter that the Premier has mentioned can be dealt with by a simple amendment. With respect to the question of drivers of steam cranes, and so on, I have provided that no person shall act as a driver in charge of a steam crane used in connexion with the building operations unless he has obtained and holds a driver's certificate. That is necessary. It must be apparent to all honorable members that the man who is in charge of a steam crane or anything of that character should be a man who is qualified for that work. We have seen cases where accidents have happened entirely through the driver who was in charge, and there have been one or two instances of that, in the opinion of some people, in connexion with the Equitable Building.

Mr. Harris.—If it is necessary in connexion with mining machinery, why not there?

Mr. Hannah.—I am glad the honorable member has called my attention to that. This provision is necessary in connexion with mines and other things, and I say that for the preservation of life in connexion with those engaged in buildings it is equally necessary that we should have that provision here. I do not intend to take up a great deal of the time of the House, for I am sure that every honorable member is satisfied that the time is ripe for this legislation to be placed on the statute-book. Hundreds of men outside are watching anxiously for the passing of this Bill, and no man knows better than the Premier the necessity for this piece of legislation. I know it has been said by some contractors that they have not had any accidents during their career, and that they have, therefore, not seen any necessity for the passing of such a measure as this. But one of those gentlemen who protested in this manner some time ago has since had an accident, as the honorable member for Albert Park knows, which would not have happened if this legislation had been in existence. I leave the matter to the good sense of the House, and trust that honorable members will give me an opportunity tonight of proceeding rapidly with this measure, with the object of affording to a large number of men the protection which is here provided, and which they so much desire.

Mr. Mackey.—In reference to clause 4, why do you make that subject to the Public Service Acts?

Mr. Hannah.—I thought it would be necessary to make it subject to the Public Service Acts, as the inspectors will be responsible to the Inspector-General or to whoever has the carrying out of this measure. The Minister will see that that is not a vital question.

Mr. Prendergast.—The appointments may take place from officers inside the service.

Mr. Hannah.—Exactly. If it can be proved that there is any person inside the service capable of carrying out the duties of an inspector under this Act he can be appointed. If there is not such a person in the service the required officer can be obtained from outside the service, and he would have to be a man who would be subject to the approval of those who have the carrying out of the measure, which, I presume, will be the Public Works Secretary.

Mr. Bent.—I had hoped that some one else would have taken up the debate on this Bill. It seems as if there is to be hardly any discussion at all on this matter. However, I will acquiesce in the statement of the honorable member that I have given
The honorable member himself states that he is prepared to accept amendments, and I think we shall get over that part of the Bill, at any rate. I had intended to ask that this matter should be taken up by the municipalities.

Mr. PRENDERGAST.—What have they to do with it?

Mr. BENT.—What have they to do with it? We have now cast many duties upon the local governing bodies and the building surveyors of the municipalities. For instance, any one building in Melbourne has to send in notice to the building surveyor. In fact, in all the municipalities that has to be done, even in the municipality of which the leader of the Opposition was such a shining light.

Mr. PRENDERGAST.—I see, you do know something.

Mr. BENT.—All these municipalities have a building surveyor, and in nearly all cases that officer is called upon to examine the buildings. At any rate, I do not quite understand the meaning of clause 2, which provides—

This Act shall not have effect in any part of Victoria to which the Governor in Council shall, by order published in the Government Gazette, declare that it is not applicable.

Mr. Ewen Cameron (Glenelg).—That requires turning upside down.

Mr. BENT.—I wish to goodness some honorable members who understand this would take it up. I have enough to do without all this. I suppose the honorable member in charge of the Bill observes the reading of that clause. Although some honorable members may talk about the way in which Government Bills are prepared I think this, at any rate, is one which we might amend in some respect.

Mr. Warde.—What is wrong with it?

Mr. BENT.—I am not saving it is wrong; I am supporting the Bill.

Mr. Warde.—What wants amending in that clause?

Mr. Harris.—If the Premier points out what is wrong, in his opinion, we shall be able to deal with it in Committee by-ard-by.

Mr. PRENDERGAST.—The Premier is giving good criticism on broad lines.

Mr. BENT.—As I have already indicated, I have the greatest sympathy with the men employed on a good many of our works, and on deputations I have pointed that out. The honorable member will recollect that deputations from both sides in this matter waited upon me, and I cited instances where very weak and dangerous scaffolding was used on many of our buildings—not only on the large buildings, to which the honorable member has referred, but on many of the smaller buildings. It is more with respect to these small buildings that I want to draw attention, because very often I have seen a couple of old rails tied up with a bit of old lashing used for scaffolding, and when a couple of men got on it, down came the whole caboose. I am inclined to think that the honorable member is not quite strong enough with regard to these smaller buildings, and the inadequate scaffolds used in connexion with them. There are hundreds of these buildings in Melbourne and suburbs, and also in many places in the country. In going through the country I have observed some of the chimney stacks on mines with scaffolding that is very dangerous.

Mr. Holden.—That is always inside the chimneys.

Mr. BENT.—It is sometimes outside, too.

Mr. Thomson.—I could give an instance where a man was hurt by falling off a chimney scaffold.

Mr. Hannah.—I should be willing to accept any amendment to provide for that.

Mr. BENT.—The honorable member knows that I am making these remarks with a view to improving the measure. We know that there will be opposition in some quarters, and opposition of a character which is not justified; therefore, I should like to see this Bill pretty complete, so that, at all points, it shall be guarded, and so that those engaged in building will not be able to say that the expense will be so great as to deter people from building. There is only one thing about this Bill that I do not like. There are these inspectors. I do not like so many inspectors. There are too many inspectors. There is too much Public Works Department, and too much “subject to the Public Service Acts.” What does the honorable member want inspectors under the Public Service Acts for?

Mr. PRENDERGAST.—You can make an amendment on that.

Mr. BENT.—I think it would be better if the amendment came from the honorable member in charge of the Bill than from me. I am simply pointing out these matters. Clause 3 will require a little amendment.
Then, take the definition of the word "gear," which includes "ladder, plank, chain, rope, fastening, hoist, stay, block, pulley, hunger, sling, brace, or other movable contrivance of a like kind." Then there is the inspector again, the word "inspector" meaning "inspector appointed under this Act."

An Honorable Member.—That is the same inspector.

Mr. BENT.—He is worse than our compound four times over. With regard to the matter of electric lifts, it has to be remembered that electricity is to be the power of the future. Although it is true that the electricity of yesterday is obsolete to-day, yet I look upon the electric question as more important than almost any other touched upon in the Bill. I was glad to hear the honorable member for the Railways Service (Mr. Hannan) say that he was prepared with an amendment in that direction. It is not only in connexion with lifts that regulations are required with regard to the electric appliances. How many cases have we not read of in which a person touching a cable has had his hand burnt off. I would like to see cases of that kind provided for.

Mr. PRENDERGAST.—Does that come under the heading of scaffolding?

Mr. BENT.—I do not care whether you put it under the heading of scaffolding or guillotining. It is all the same to me, so long as the object is accomplished. There will have to be an amendment in the direction I suggest, and if the leader of the Opposition, who has very little to do now, would use his ingenuity and skill as a draftsman, he might be of some assistance in this matter. I notice that the definition clause says—

"Scaffolding" means any structure built up and fixed to a height exceeding 8 feet from the horizontal base on which it is built up and fixed, for erecting, demolishing, altering, repairing, cleaning, or painting buildings or structures or ships or boats, and includes any swinging stage intended to be used for any of the aforesaid purposes.

I draw attention to that part of the definition referring to 8 feet. I think it will be necessary to increase that height. However, I do not wish to take up any more time in discussing the Bill at this stage, and can only add that a good many amendments are necessary. The Bill, however, is in the right direction. We had a Food Bill a little time ago, that being a measure for the purpose of conserving the food of the people, and this is one for the purpose of saving lives and limbs, and anything having that effect, even if it goes too far. I am willing to support. I will say no more, because I know the trouble and difficulty a private member has in pushing on with a measure.

Mr. PRENDERGAST.—Have you noticed clause 13?

Mr. BENT.—Of course I have.

Mr. PRENDERGAST.—Why, there are only twelve clauses in the Bill.

Mr. BENT.—That is very witty indeed, but I have read all the clauses, and if there are only twelve, are there not the schedules, and are not the schedules really the Bill itself? What does the leader of the Opposition know about it? I have read every line of this Bill, so what is the good of the leader of the Opposition trying to be so sharp with me? He is "as sharp as Davy Razar, the sharpest man in Innes." However, he is wrong this time, and, notwithstanding his sharpness, I venture to say that he has not read the Bill himself, or that, if he has, he does not understand it, and that is what I happen to do. There are whips in this Bill, and the leader of the Opposition has been cracking his whip. I enjoy a joke from him when he can make one properly. I can tell the honorable member that I am now keeping the promises that I made to him when he appeared before me with deputations on subjects of this kind. I think that I am proving now that I was in real earnest when I made those promises, when I am trying to bring about the passage of a Bill to save lives and limbs. I have much pleasure in supporting the measure.

Mr. MACKAY.—I thoroughly agree with the objects of this Bill. I think that it must enlist the sympathy of every member of the House. Legislation in this particular form is, I believe, peculiar to the Australian States, and does not exist in England.

Mr. GAUNSON.—Is there any Australian State in which it does exist?

Mr. MACKAY.—I am told that it is in force in the neighbouring State of New South Wales. In England, there is not the same need for a measure of this kind, that there is in Victoria, for this reason, that in the old country there is another form of compensation placed on builders. There they have a Workmen's Compensation Act, and, under that Act, accidents happening in connexion with scaffolds are expressly included, and the employer has
to pay ample compensation to any person who is injured. Such a law does not exist in Victoria, and in the meantime some other form of legislation is no doubt necessary. There are some matters in this Bill that will have to be dealt with in Committee, but I would like to bring some of them under the notice of the honorable member who has introduced the Bill now so that he may be prepared for some suggestions in Committee. For instance, in clause 4 it is provided that the inspectors are to be subject to the Public Service Acts.

Mr. GAUNSON. Why should that be?

Mr. MACKEY. Exactly, that is what I wish to ask. I certainly think it ought not to be compulsory that these inspectors should be subject to the Public Service Acts. If it is so provided, these men will have to be classified, and will draw long service and other increments from time to time, and it is very undesirable to increase the number of the constituents of the honorable member for the Public Officers.

Sir ALEXANDER PEACOCK. The honorary Minister is "stone-walling" very well. We can see through it all. Another Bill is not to be allowed to come on. That is as plain as a pikestaff.

Mr. MACKEY. Then, with regard to clause 5, it is provided that a certain notice is not to be allowed to come on. That is as plain as a pikestaff.

Mr. MACKEY. Then, with regard to clause 5, it is provided that a certain notice in writing "under his hand" shall be served on an inspector by any person commencing to set up any scaffolding at least 24 hours before such scaffolding is commenced.

Sir ALEXANDER PEACOCK.-Go on, it is all right; the game is up.

Mr. WARDE.-The brief of the honorable member for the Public Officers is withdrawn.

Mr. GAUNSON. I do not understand that.

Mr. MACKEY.-This section ought to make it clear, whether it is the owner who is to be regarded as the builder or the contractor, or any other person engaged in the work. The owner may be in another country. I take it that the person whom the honorable member in charge of the Bill has in view is the contractor, when there is such a person—that it is the contractor who is to serve a notice on the inspector by writing under his hand. I simply draw the attention of the honorable member in charge of the Bill to this point, and reiterate that it should be made clear as to who the person is who should give the notice, and having determined that point, it should be provided that the notice may be given by somebody else acting for that person. As the clause stands, it might be that only the owner could give notice, and he might be away in another country. I would also call attention to sub-clause (3) of the same clause, which provides that in the case of an emergency arising from damage caused by lightning, explosion, fire, or rain, it shall not be necessary to allow any time to elapse after the service of the notice; but are there not other cases of emergency than those mentioned in the sub-clause? Are there not emergencies arising from storms and floods which certainly ought to be provided for and are just as imperative as those mentioned in the sub-clause? Then we come to clause 7, which provides that the Governor in Council may make certain regulations. Then these regulations are to be published in the Government Gazette, and laid before both Houses of Parliament within fourteen days after publication, or if Parliament is not sitting within fourteen days after the commencement of the session next ensuing. It is not provided here that those regulations are not to be of any force until Parliament commences sitting, and, that being so, a difficulty may arise through regulations being passed by the Governor in Council, with which neither House of Parliament would agree, yet they might come into and remain in force for three or four months before Parliament meets, and vested rights might accrue under them. Then, when Parliament meets, objections might be raised that Parliament should not rescind them because of the vested rights established. The honorable member for the Railways Service (Mr. Hannah) has put at the end of his Bill a series of admirable regulations, so I think that the other regulations to be made by the Governor in Council might always very well wait until Parliament is sitting before they come into force, otherwise we will have a difficulty the same as we had at the coming into existence of the Legal Practitioners' Act, and that is a difficulty that has not yet been finally solved. Then we come to clause 9. There it is provided that an inspector shall from time to time inspect all lifts and all scaffolds, and all engines and gear used in connexion therewith, constructed or used, or in course of construction in the part of Victoria for which he is an inspector. This provision in other Bills, appointing officers only for a particular part of the State, has caused great difficulty, and I would suggest to the honorable
member that these inspectors should be appointed for the whole of the State, and leave it to the Minister under whom they are acting to allot to them a particular part of the State over which they are to act. We do not want any technical difficulties to be raised that anything done by an inspector or any notice served upon an inspector is useless because it has been served upon an inspector who is not an inspector for that part of the State. In paragraph (b) of clause 10 the following provision appears:—

That with regard to any lift or any scaffolding or engine or gear used in connexion therewith erected or used or in course of erection the regulations in the Schedules hereto are not being complied with.

I would call the attention of the honorable member to the fact that he contemplates the possibility in clause 7 of some of these regulations being annulled or amended or added to. Clearly, therefore, these words ought to be modified in some way to indicate not merely the regulations in the schedules, but the regulations in existence under this Act at that particular time. Those, of course, are of equal importance with those that are given in the schedules.

Mr. HanNAH.—I am prepared to accept your assistance.

Mr. MACKEY.—Similarly, a few lines further down in clause 10, where the words "such regulations" appear, a consequential amendment will be necessary. I thoroughly approve of the objects of the Bill, and the only criticism I have to offer is mere verbal criticism that in no way impairs the principles of the Bill. I shall be very glad to do anything I can to make the measure more perfect than it is at present, for I am sure it will achieve a great amount of good.

Mr. EWEN CAMERON (Glenelg).—So far as concerns the object of the Bill in providing for the safety of those who have to work, I am sure the honorable member who introduced it will have no objectors, but there may be considerable ground for differences of opinion as to the machinery provided to carry it out. Clause 2 says—

This Act shall not have effect in any part of Victoria to which the Governor in Council shall by Order published in the Government Gazette declare that it is not applicable. It shall not apply to any mine.

The Bill, therefore, made to apply to the whole of Victoria, unless some area is exempted by order of the Governor in Council. I shall propose in Committee that the word "not" be struck out in both places, so as to make the measure apply only to those areas or districts that the Governor in Council has proclaimed. Machinery should also be provided whereby the responsibility of inspection and the burden should be placed upon the municipalities of the districts. It will be found that the expenses of the Public Works Department are very heavily increased indeed, and that unnecessary expense is incurred in connexion with this matter, particularly in the country districts, by inspectors having to travel long distances over small jobs. At the present time, the cost of maintenance of State schools in country districts is more than doubled by the work being carried out by the Public Works Department instead of by the municipalities. The same thing will apply to the carrying out of this Bill. Supposing a scaffolding had to be erected at Warrnambool or Portland, the inspector would probably have to travel 50 miles to inspect the job, and see it put up. As much expense would be incurred for inspection as for the scaffolding itself. I remember that tenders were called at Portland for the painting of the spire of the Roman Catholic Church. It would have cost over £30 to put up scaffolding, and some of the tenders for painting were, I think, between £30 and £40. It struck an ingenious sailor that he could tender very low for the job if he tendered at about the cost of the scaffolding, went up inside the spire, and hung a cradle on to the top of the spire. He did so, and, with a block and tackle, managed to paint it that way. He earned his £30 in a week without putting up any scaffolding. I do not suppose any inspector would have allowed him to do it, but he was quite right in taking the risk where only his own life was at stake. If this Bill is made to apply in scattered country districts, and Government inspectors are necessary, it will be adding more costly machinery to the State than is necessary. The option of applying this Bill should rest with the municipalities, and machinery should be framed whereby the Public Works Department would have nothing to do with it. It is all very well in the environment of Melbourne, and it seems to me that the Bill has been framed with regard only to circumstances which surround the city. The Public Works Department could very well look after anything here with their officers all round them, but when they are called upon to exercise supervision over small jobs in country districts, it is a very different
matter. In my own electorate I know of a case where it cost £17 to put up on a State school a bit of a brick chimney, that could have been put up by the municipality for £6. In fact, it cost more than £17 if the cost of the inspection is added. The bricks were taken from Melbourne to Portland, and carted out miles. Altogether, I hope it was made a first-class job. This was at Narrawong.

Mr. THOMSON.—And the chimney smoked terribly afterwards, did it not?

Mr. EWEN CAMERON (Glenelg).—It cost all this, to say nothing of horse hire for an inspector of the Education Department to go out and inspect the school and report upon it. His report was sent on to the Public Works Department, and an inspector was sent from Warrnambool to inspect and prepare the specifications, and I presume he had to go out and inspect the job when it was done. He had to travel with horses 70 or 80 miles and back again. In that way money is wasted in the inspection of State schools throughout Victoria, and the same thing will happen under this Bill.

Mr. McGREGOR.—Better waste money than lives.

Mr. EWEN CAMERON (Glenelg).—Neither need be wasted at all if we put the responsibility of inspection on the municipalities. If I had my way, the municipalities would have the cost of maintaining all the State schools of the State without a penny of assistance from the Government, because you are only taking the money out of their pockets now and spending double the amount necessary in unnecessary inspection and reports in connexion with the maintenance of State schools. At any rate, that is so in the country districts.

Mr. THOMSON.—I should like to see some alteration in the Bill, so that the shires could deal with it suitably to themselves. I am thoroughly in favour of the Bill. I believe that very stringent measures should be taken in the larger centres of population, because men who work continually on scaffolding can be found here every day taking big risks. I saw men the other day doing a painting job on a 9-inch plank. It only wanted one false step and they would have gone over. That should not be allowed. They should have a proper footing to stand on. But in the case of a farmer who wants to put up a house for himself in the country, it would be absurd for him to have to send for an inspector before he could put up the small scaffolding necessary. It would, as the honorable member for Glenelg pointed out, add very considerably to the expense. We know that in the country districts a large extra expense is paid by the Government every day in connexion with the painting of public buildings. The honorable member for Glenelg is quite right in saying that if the work was handed over to the municipalities it could be done for much less. I feel sure that ultimately this will have to be done, because at present, what with the inspection and the different regulations that are required to carry out the works, unnecessary expense is heaped on the State.

In the old days the Railway Department conducted their business on a somewhat similar principle. When a rail was seen out of place, first of all a man was sent up to report that it was out. Then another inspector came up to see what was required. He took dimensions and quantities, and then contractors were sent up to do the work, and after that another inspector had to go up to see that it was done properly. That has now been done away with to a very great extent, and things are done more systematically. It would be better if the honorable member who introduced this Bill could devise some way of amending it, so that it could be made to apply to the boroughs and shires as they thought fit. I fully recognise that in the cities it will be necessary to act strictly, and no doubt these regulations would meet the case there, but they will not meet it in the country districts, where homesteads are erected at a considerable distance from any large centre of population where there is likely to be an inspector. The same thing applies to the provisions with regard to engine-drivers. I do not wish to block the Bill in any way, for I desire to assist the honorable member in carrying it out.

Mr. GAUNSON.—This Bill brings to my mind a little circumstance that happened in my own office last week. A poor working man came in, and my partner called me into his room to tell me the case. The man was working on the underground works beneath Webb's place in Collins-street, which I dare say most of us know—the place where that pretty chinaware and glassware is displayed. His duty was to go up a ladder carrying stuff, and descend with his hod empty. The ladder was not fixed, it shifted, and he fell. He wanted to know if he had an action under these circumstances against the contractor. As it
appeared that the unfortunate man knew that the ladder was not fixed, and did not call attention to the fact, and as he had not been ordered to go up despite the fact, I felt it my duty to say that, unfortunately, he had contributed towards his own accident, and I did not think the law gave him any remedy in the circumstances. I fully recognise the good Christian sentiment that actuates the honorable member in bringing in this Bill, and I am with him to this extent, that I like to be a Christian when I can. On most jobs in Melbourne a small amount—say, 3d.—per week is docked off a workman’s wages to enable the contractor to cover himself—the contractor, not the workman—against any loss or damage that may be occasioned by an accident for which the contractor may be made liable. What a blessing it would be if the honorable member proposed in this Bill that this 3d. a week, or half of it, must be used in a way that I shall indicate. I do not think the contractor has any right to dock that money from the man at all, although the law practically says that by receiving his wages at the end of the week, with the 3d. docked off, the workman assents to the deduction, and is bound by it.

Mr. Elmslie.—We fought it and beat them.

Mr. GAUNSON.—Instead of that deduction, which is a sort of duress on the workman, if the 3d. were expended on an insurance which should insure to the benefit of the workman in the event of his being injured, or of his family in the event of his being killed, I think it would be a downright socialistic enterprise, which I would at once do all I could to assist. I throw out the hint as one well worthy to be acted upon. With regard to the Bill itself, some comments have been made which should be taken into consideration by the honorable member in charge of the measure. Reading my eye cursorily over the marginal notes, I do not see any memorandum denoting that the Bill, or any part of it, is copied from legislation in force in any other part of the world, but the honorable member for Marborough tells me that there is legislation to the same effect in New South Wales.

Mr. Hannail.—Very similar to it.

Mr. GAUNSON.—That is what I understand. I regret that I have not the New South Wales Act with me, because it would be of great assistance to us to compare the two measures. But there is one matter which the honorable member for Glenelg very fairly pointed out, namely, that the Bill stands at present with two negatives, a little peculiarly put together. He suggested that clause 2 should read in this way—

This Act shall have effect in any part of Victoria to which the Governor in Council shall by Order published in the Government Gazette declare that it is applicable.

Mr. EWEN CAMERON (Glenelg).—That is so.

Mr. GAUNSON.—I venture to think that that is a very wise suggestion, and I thank the honorable member for making it. But I do not quite apprehend why the next sentence in clause 2 is there at all, namely, “it shall not apply to any mining.” Not being a practical miner, nor having a sufficient experience or converse with those who are practical miners, I am not able to say whether the honorable member in charge of the Bill is right or wrong in inserting this provision, but I have heard no explanation of it.

Mr. Harris.—There is already a provision in the Mines Act dealing with it, and that is the reason, I understand, why these words appear here.

Mr. GAUNSON.—Is there any other reason for these words being here? Clause 4 introduces a matter that mightily concerns me. It says, “subject to the Public Service Acts.” Now, I am dead against the Public Service Acts. I want to see the whole box and dice of them repealed. I believe the public servants would be better off if there were no Public Service Acts whatever. It would be much better if honorable members had the responsibility settled on their own shoulders, instead of being able to throw it off because of the nuisance of the constant applications that may be made to us by people to get billets or keep them in billets, or get increases in their salaries. They are always in trouble, and they always will be until they go above or down below. I should like to see these words struck out altogether, and then the clause would read, “The Governor in Council may, for the carrying out of the provisions of this Act, appoint inspectors.” Coming to clause 5, sub-clause (1). I think the intention of the Bill is a little awkwardly expressed. I suppose it means that no person shall cause to commence, to be set up, or to be built, any scaffolding, otherwise the clause may mean merely that the workman himself who commences to build, the man who lays the
first brick, must, under his hand, give notice in writing. Would it not be sufficient to say that no person shall cause, &c., unless he states his intention to do so in writing? Why insert the words "under his hand"? I suppose the object of that is to fix the knowledge of the individual who may be shot at for failing to comply with the Act. But it might create a great deal of difficulty, because the contractor might be a man residing in New South Wales, with men working for him in Victoria. Under those circumstances, how would these provisions be brought into operation? Again, does the honorable member mean that the scaffolding is to be built "on" the inspector, or does he mean that the notice is to be served on the inspector? The wording of that part of the Bill is peculiar. I am sorry I cannot get the New South Wales Act.

Mr. SWINBURNE.—Here it is. I will hand it to you.

Mr. GAUNSON.—I am much obliged to the honorable gentleman. The New South Wales Act is No. 91 of the year 1902. By the way, it would not be a bad idea, I think, if our Victorian Acts were numbered in the same style as is adopted in other Australian States, namely, Number so-and-so of a certain year. The New South Wales Act was passed on the 1st December, 1902. It is entitled "An Act to regulate the construction and use of lifts, and of scaffolding and engines used for erecting, demolishing, altering, repairing, cleaning, or painting buildings or structures." I see that even ships are introduced here.

Mr. SWINBURNE.—Ships and boats.

Mr. GAUNSON.—Yes. It goes on—"And material used in connexion therewith to regulate the use of steam cranes, and other purposes consequent upon, or incidental to, those objects." Now there is a fine table for you. It is as long as your arm. Then section 5 of the New South Wales Act, under the head of "erection of scaffolding," says, "No person shall in any district." Now those words "in any district," are wanting in this Bill.

Mr. SWINBURNE.—The New South Wales Act applies only to the metropolitan area.

Mr. GAUNSON.—That is quite another matter. I had a letter on this subject from a friend of mine who is an architect in Melbourne. He says that the Council of the Institute of Architects are presenting a protest—I do not know whether it has come in, or whether it is still in nubibus—against this Bill, because, in their opinion, and surely they are not bad judges, it should not be passed in its present form. I do not think it can be said against the architects of Melbourne, who have business as well throughout the whole of the State, that they are anxious to allow scaffolding that will injure the limbs of the workmen, or deprive them of their lives.

Mr. ELMSLIE.—When the architects visit a building at the present time, the scaffolds often have to be cleaned up so that they can go along them.

Mr. GAUNSON.—That shows that the architect is a person who attends to his duties.

Mr. ELMSLIE.—He looks after himself.

Mr. WARDE.—The architect is not responsible.

Mr. GAUNSON.—Yes, he is responsible. If he makes a mistake as to the works, he is liable to his principal to the last farthing.

Mr. WARDE.—The only person responsible is the unfortunate man who is injured.

Mr. GAUNSON.—I threw out a suggestion to-night which I think was an invaluable one. I do not pretend to understand the danger that workmen have to incur, and I can quite understand that many of them go on with their work rather than point out anything that might seem dangerous, as that would be equivalent to getting their walking ticket. This gentleman states that a protest will be forwarded, because it is considered that the Bill is unnecessary. He also said that it would vexatious in its operation.

Mr. ELMSLIE.—No doubt about that.

Mr. GAUNSON.—The object the Labour Party has in view is to protect life and limb, and every one must be with them in that direction.

Mr. WARDE.—The only person responsible is the man it is imposed upon?

Mr. GAUNSON.—It does not matter to the big contractors, because their plant is sufficiently good, as a rule, but it is the smaller men who have to be considered. Are not the smaller men those whose interests, in addition to the workers, the Labour Party are endeavouring to conserve?

Mr. ELMSLIE.—This Bill will not add anything to most of the contractors.

Mr. GAUNSON.—I have only made these suggestions in good faith.

Mr. SWINBURNE.—There is a very great deal in the Bill that ought to commend it to members of the House who take an interest in protecting life and limb, but
there are several matters in the Bill which I think the honorable member for the Railways Officers (Mr. Hannah) should have explained the reason for introducing. For instance, he has introduced the question of the supervision of all gear and engines upon ships and boats, which is totally foreign to the New South Wales Act, and I think this would clash considerably with the existing supervision.

Mr. Hannah—What supervision is there?

Mr. SWINBURNE.—In connexion with ships, Lloyd's surveyors carry out very stringent supervision. I cannot understand how the Government could appoint an engineer who could supervise lifts, scaffolding, and engines on board steamers. I thought the honorable member would have told the House his object in including both ships and boats, for I have never heard of their being introduced in such a measure as this. Does it mean in the building of ships and boats?

Mr. Hannah.—And the repairing. There have been several persons injured here.

Mr. SWINBURNE.—That is not made quite clear in the Bill. "Engine" is defined to mean "machine, crane, boiler, or other apparatus or contrivance used in erecting, demolishing, altering, repairing, cleaning or painting buildings or structures or ships or boats." They may be used in a boat on the river. If the honorable member simply means boats on the river, or in building boats in dock, that would limit the application considerably. The honorable member should be very careful in including ships and boats. The New South Wales Act is very definite, as the honorable member for the Public Officers pointed out. It is provided in that Act that it shall have effect in the metropolitan police district, and any other such area as the Governor by proclamation in the Government Gazette may direct. The honorable member would be wise to accept an amendment which would make the incidence of the measure the same as the measure in New South Wales. It should only come into operation in the metropolitan area, and probably in the districts of Ballarat, Geelong, and Bendigo. It would be a great mistake to make it apply to the whole State, and then excise parts of it, as that would be laborious work as well as very difficult to carry out.

Mr. SWINBURNE.—The honorable member in charge of the Bill has not got a message from the Crown.

Mr. Warde.—I do not know whether it would need a message from the Crown to make a regulation to that effect. Even if so, however, I presume that that could be provided for during the passage of the Bill. By charging a small fee, part of the expense of carrying out the measure might be obtained. There are a good many points that the honorable member should think over in Committee, but, on the
general principle, I am only too glad to support him.

Mr. Even Cameron (Glenelg).—Look at the definition of "engine." "Other apparatus" is pretty wide.

Mr. Swinburne. — That is copied from the New South Wales Act. The Bill, indeed, is a rather slavish copy of that Act. When that Act was passed there was not an electric lift in Sydney, but now there are several there.

Mr. Warde.—Would not electric lifts be covered by "other apparatus"?

Mr. Swinburne. — "Lift" is defined in the interpretation clause, and perhaps the definition is wide enough to include electric lifts, but great care has been taken in the second schedule to mention hydraulic lifts, while electric lifts and lifts worked by gas engines have been omitted either through ignorance, or through sticking too closely to the New South Wales Act. There is another provision in the New South Wales Act which has been omitted from this Bill, namely, that which states that all informations under the measure may be heard and determined, and all penalties may be recovered in a summary way in a Court of Petty Sessions. That is provided in section 13 of the New South Wales Act, and I do not know why the honorable member has omitted it from his Bill. I think it should be included. If the Government appoint an inspector, the Government will assume serious responsibility, because if the inspector passes a lift, it will be very difficult to go against the maker or the person who erected it. The mere fact of having a Government inspector will relieve the manufacturer and the owner of responsibility, and whether that is wise is open to very serious argument. Considering the matter from the general public standpoint, I am sure that the Bill would be advancing in the right direction. I have not heard of any petition such as mentioned by the honorable member for the Public Offices, but I know that the Bill has been submitted to the contractors.

Mr. Gaunson called attention to the fact that there was not a quorum present. He said it seemed a pity to discuss this Bill in such a thin House, and there were only seventeen members present.

A quorum having been formed, Mr. Swinburne continued—I shall be very glad to help the honorable member in charge of this measure to make it a good Bill, because I think that the principle is right.

Mr. Elmslie.—I do not desire to delay the passage of this Bill, because I take a deep interest in the matter, but I had fully expected, after the sympathetic references to it, and the promises of support by the Government, that we should have an offer from the Government that they would take up this Bill and improve it in the direction that they thought would be proper. I am like many other honorable members, who feel that this Bill does not go far enough. After a long association with the building trade, extending over 26 years, I can remember a constant agitation going on for the appointment of an inspector of scaffolding. In season and out of season those who are engaged in the erection of buildings have been advocating that this Bill should be passed. When we find men so persistent as that, we can easily understand that they feel and recognise the necessity of such a measure. They do not know the moment that they are liable to an accident, which might have been prevented under such legislation as this. With regard to the insurance question, that seems to me to have rather an important bearing upon this Bill. The question was introduced by the honorable member for the Public Officers. The society or the trade that I am associated with refused some years ago to permit of this deduction from the wages of the men, and we tested the case in the Court, and were successful. We prevented the contractors from stopping 3d. in the £1 per week, which they were making at that particular time. Our objection was not so much to the insurance as a provision against accident, but it was owing to the fact that before the insurance companies would pay over the amount to the person injured, or to his relatives, in case the person injured was killed, a document would have to be signed declaring that the employer was not responsible for what had occurred. While that kind of thing is going on to-day——

Mr. Gaunson. The deductions?

Mr. Elmslie.—No. But while contractors are protected in that way they are not as careful in the construction of scaffolding as they would otherwise probably be. As far as the building of scaffolding is concerned, I have not the slightest hesitation in saying that this Bill will not inflict the slightest injustice upon anybody. It will not call upon many of the contractors erecting buildings to-day to expend one
single penny more than they are expending at present. The majority of our builders have at all times evidenced a strong desire to provide proper scaffolding for their workmen; but there are others, I am sorry to say, who do not take the same precautions for the protection of those whom they employ. More especially do I refer to cases where sub-contracts are let. That is where the greatest danger arises. Sub-contractors will sometimes be seen building up a scaffolding with cement casks, with perhaps twenty or thirty bricks, in order to reach up to where they want to go. I have been an eye-witness myself to many accidents, and there are hundreds of accidents which occur on buildings about which the public do not hear anything, and in most cases this cannot be prevented. Honorable members can easily understand how those of us who know so much about the dangers that exist in connexion with the construction of buildings, are so anxious that some small measure of protection, at any rate, should be afforded for those who have to take their lives in their hands on these buildings. While this Bill may not be all that is desired, it will, at any rate, be a step in the right direction, and it may lead to something further for the benefit of those engaged in the construction of buildings. For the architects to enter a protest against legislation of this kind, seems to me to be vexatious. Indeed, it almost amounts to impudence, in my opinion. The architect runs no risks. He takes good care that he himself runs no risks so far as defective scaffolding is concerned. Why, then, does the architect want to prevent those who take their lives in their hands from protecting themselves as far as they can? For this Bill will, in a great measure, protect hundreds and thousands of men who are running risks every day. I should like the Government to take up the Bill, and knock it into shape, and so let us have a Bill for which thousands of men have been asking so long.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clause 1 was agreed to.

Discussion took place on clause 2, which was as follows:

This Act shall not have effect in any part of Victoria to which the Governor in Council shall by Order published in the Government Gazette declare that it is not applicable. It shall not apply to any mine.

Mr. SWINBURNE said that he desired to know whether the honorable member in charge of the Bill wished to go on any further that night. The Bill would take a lot of licking into shape to prevent difficulties afterwards.

Mr. PRENDERGAST.—What kind of a show will you give us subsequently?

Mr. SWINBURNE said that he could not say.

Mr. PRENDERGAST.—What do you propose?

Mr. SWINBURNE said that he proposed to amend this clause by striking out the word "not" in the first and second places where it occurred. He begged to move—

That the first part of the clause be amended to read as follows:—"This Act shall have effect in any part of Victoria to which the Governor in Council shall by Order published in the Government Gazette declare that it is applicable."

Mr. GAUNSON remarked that he thoroughly understood the effect of this alteration, but he wanted the honorable member for North Melbourne to understand it also. Practically, the meaning of the alteration now proposed would be that the Bill would never be brought into operation. If that fact were understood, he would have nothing further to say.

Mr. PRENDERGAST said that his party were agreeable to accept some of the amendments suggested by the Minister of Water Supply, and were prepared to have the further dealing with the measure postponed.

Mr. GAUNSON stated that he had no objection to a postponement, but he would ask those who desired to see that the measure would have some effect to take into consideration the possible danger there would be under it of expenses not now contemplated, or intended, being put on the working classes. He would also back up the request of the Labour Party that the Government should take up the Bill and "lick it into shape."

Mr. PRENDERGAST moved—

That progress be reported.

The motion was agreed to, and progress was reported.

ADJOURNMENT.

SEPARATE REPRESENTATION.

Mr. SWINBURNE moved—

That the House do now adjourn.

Mr. GAUNSON said that on this motion he desired to ask the honorable member for