# Legislative Council,

*Thursday, 10th December, 1903.*



THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

## PAPERS PRESENTED.

By the COLONIAL SECRETARY: Tenth Progress Report of Royal Commission on the Public Service. By-laws of the Cuballing Roads Board.

Ordered, to lie on the table.

## EVIDENCE ACT AMENDMENT BILL.

Introduced by HON. M. L. MOSS (Minister), and read a first time.

## SITTING DAYS, EXTENSION.

THE COLONIAL SECRETARY moved—

That for the remainder of the session the House shall meet for the despatch of business on Mondays and Fridays at 4·30 p.m., and shall sit until 6·30 p.m., and if necessary from 7·30 p.m. onwards.

This was the usual procedure adopted at the end of the session. Sessions appeared to be unduly prolonged.

MEMBER: When was it done in the Council before?

THE COLONIAL SECRETARY understood, from conversations with several members of the House, that this had been done on several occasions.

THE PRESIDENT: Not only had the House sat on Fridays, but on several occasions on Saturdays also.

THE COLONIAL SECRETARY: It always seemed a struggle for Parliament to prorogue before Christmas. He would use the extra time as grudgingly as possible, and would make the additional hours as few as possible. It was necessary for us to have the power to sit on extra days, because another branch of the Legislature was doing the same. If work was ready to come down to us from another House, we should be here to receive it, or it might result in several days' delay. He hoped it would not be necessary to sit to-morrow. If he found there would be no work coming forward from another House, he would not ask members to sit until Monday next. The Council's business was so up to date that we would not require very long sittings on the extra days.

HON. J. W. HACKETT: When would the Estimates be down?

THE COLONIAL SECRETARY regretted there were so many divergent circumstances relating to the passing of the Estimates in another place that he could not give anything but a most approximate guess. He thought they would come down next week, and this was as close as he could go, having due respect to the wish for accurate information.

Question put and passed.

## AUDIT BILL.

### ASSEMBLY'S MESSAGE.

THE COLONIAL SECRETARY brought up the report of the Standing Orders Committee on the Legislative Assembly's Message, and now moved that the report be transmitted as a Message to the Assembly.

Question passed, and Message transmitted accordingly.

## AGRICULTURAL LANDS PURCHASE ACT AMENDMENT BILL.

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

## CONSTITUTION ACT AMENDMENT BILL.

Read a third time, and returned to the Assembly with amendments.

## LAND ACT AMENDMENT BILL (PRIVATE).

Read a third time, on motion by Hon. C. SOMMERS, and *passed*.

## VICTORIA PARK RATES VALIDATION BILL.

Read a third time, and *passed*.

## REDISTRIBUTION OF SEATS BILL.

Read a third time, and returned to the Assembly with amendments.

## FREMANTLE TRAMWAYS BILL (PRIVATE).

### SECOND READING.

HON. R. LAURIE (West), in moving the second reading, said: This measure will, I am sure, meet with the approval of this House. It is a measure "to empower the municipalities of Fremantle and East Fremantle jointly to construct, maintain, and work tramways within the boundaries of the said municipalities, and to construct and maintain works for the generation and supply of electricity for motive and lighting purposes within the same districts." It is, I am sure, within the knowledge of many members of this House that Fremantle has on more than one occasion made a very earnest endeavour to make that town what it should be, the best port in Western Australia; but unfortunately agreements entered into from time with those over whom municipalities have no control have fallen through, and the municipality have now come to the conclusion that there is only one course for them to pursue, and that is to help themselves. For this purpose they have brought forward a measure to empower them to borrow money and construct these works. As far back as 1895 and 1896 an agreement was entered into with a firm to light the town, and very excellent concessions indeed were granted, but that agreement lapsed. In 1900 another agreement was entered into with a large English company to construct trams and instal light and power in Fremantle, but unfortunately that agreement, after some three years of expensive work, lapsed. The measure now before the House is to empower the municipalities to construct their own works on power being given by the Legislature to borrow a sum of £100,000. Power will then be given to the municipality to construct works by which they will be able to run their own trams and provide electric light for the town, and also power to small factories and other works. Clause 2 provides for the local authority to construct tramways. I may say that the marginal reference is somewhat wrong, because the interpretation does not show that there is any local authority. In Committee I will move to strike out the words "local authority" and insert the words "powers of the said municipality." Clause 3 stipulates the amount of money that may be borrowed. I may say that this Bill has been gone into very carefully by a committee of another place. When the Bill was first drafted a sum of £150,000 was proposed to be borrowed, but it has been found that these works can be constructed and finished for a sum of £84,000. It has been found necessary to restrict the borrowing powers to £100,000, and I am sure that this alteration will be acceptable to the people of Fremantle. The method of borrowing is also provided for, and the proportions to be borrowed by each municipality. Clause 6 provides that six-sevenths shall be raised by the municipality of Fremantle, and one-seventh by the municipality of East Fremantle.

HON. G. RANDELL: You do not deal with Clause 4.

HON. R. LAURIE: Clause 4 provides that—

> Any sum so borrowed shall not be taken into account in estimating the amount which can be borrowed for other purposes by either of the said municipalities, and shall not be subtracted from ten times the average income of either of the said municipalities in making such estimate, notwithstanding the provisions contained in Section three hundred and sixty-four of the Municipal Institutions Act, 1900.

I may say that at the present time Fremantle is in the happy position of being far from the limits of her borrowing powers, and this money being borrowed for a special purpose will in no way interfere with the borrowing powers for general purposes as provided for in the Act.

HON. J. W. HACKETT: Would this carry them over their borrowing power?

HON. R. LAURIE: Considerably; but it will not in any way interfere with the borrowing power of the municipality. Clause 6 provides how the proportion of the borrowing is to be borne by each municipality. Clause 7 provides that each municipality shall strike a special rate to cover its portion of the liability and to meet interest and sinking fund on the amount of the fund for which it is responsible, after deducting its proportion of any profit which may have been earned during the preceding year.

Clause 8 contains a provision as to dealing with any excess or deficiency in the rate. Clause 9 provides the incorporation of certain provisions of the Municipal Institutions Act, and Clause 10 gives the power to go to the Supreme Court to appoint an official liquidator in case of default of payment of principal or interest on the loan. Clause 14 is rather a bone of contention. It deals with the constitution of the board of management, and states that within nine months after the commencement of the Act the construction, carrying out, control and management of the undertakings shall be vested in a board called the Fremantle Municipal Tramways and Electric Lighting Board. It farther provides that the board shall consist of five members, and that the mayor for the time being of Fremantle shall be *ex officio* a member of the board, and that four other persons shall be elected as hereinafter provided. Clause 15 provides who shall be eligible as members of the board, and clause 17 states that the board shall assume management of the undertakings prior to the starting of work. Clause 19 deals with the application of moneys received by the board from the municipalities.

HON. G. RANDELL: How will this affect the present debenture holders?

HON. M. L. MOSS: They will take priority.

HON. R. LAURIE: The rates struck at present will provide for the present debenture holders who will take priority. Even if the Act did affect the present debenture holders it would only mean an increase of 8½d. on the rate, provided there was no return from the tramways.

HON. G. RANDELL: I only wanted to know whether they would rank equally or in priority over the tramway debenture holders.

HON. R. LAURIE: I should think there would be no doubt on that point. The present debenture holders will have priority. Clause 20 deals with the preparation of tramway electoral lists or rolls. Clause 21 provides how the roll should be revised. Clause 22 provides how the members of the board shall be elected, and I think that members will agree with me that property owners have their interests well looked after. Clause 23 provides the mode of election of the first members of the board. The clause reads:—"The first election of four members to serve on the board should be conducted in all respects on the day or days appointed by the respective mayors as if it were an election of mayor or auditors of each of the said municipalities, under the provisions contained in the Municipal Institutions Act 1900, provided as follows:—(*a.*) Every person whose name is inscribed on the tramways electoral roll (freeholders of Fremantle) shall be entitled to vote for one candidate, and every person whose name is on the tramways electoral roll (occupiers of Fremantle) shall be entitled to vote for one candidate." That is to say, the property owners will have one nominee and the occupiers will have another, both in Fremantle and in East Fremantle. This entirely protects the property owner. It has been said that if the whole of the votes were on the mayor's roll, it would mean that the occupiers would simply be able to swamp the board with their nominees, and that consequently the owners of the property who might at some future time (which I am certain will not take place) have to carry the burden, because the occupiers may remove from Fremantle at any time, would not have nominees on the board. I think the property owner by Clause 23 is very well protected indeed. By Clause 25 it is provided that members first elected shall hold office till December, 1906. Clause 26 has been left in the Bill owing to inadvertence, and I will move to strike it out in Committee. In Clause 27 the wording of the marginal reference will have to be slightly altered. This clause provides for the election of members to take the place of retiring members. Clause 28 provides for the election of chairman, stipulating that the chairman shall be elected each year. Clause 29 provides for the remuneration of members of the board and that the remuneration of the chairman shall be a sum not exceeding £200 a year, and that each member shall receive a sum not exceeding £150 in each year. For the first year there will be very little work to do, and it is not expected that the fees paid will amount to anything like the sums provided for. Clause 30 provides for the disqualification of members of the board. Exception may be taken to paragraph (*e*), which provides that a member

shall be ineligible if he be absent from meetings of the board for six weeks consecutively without permission of the board. It has been suggested that this allows too wide a margin. In Committee I will move that the paragraph read, "if he be absent from three consecutive board meetings." A member of the board should not stay away from meetings for six weeks, and then by attending a meeting be allowed to stay away another six weeks, and I think my suggested alteration would be the best course to adopt. Clause 31 provides for the filling of extraordinary vacancies, and the following clauses are all machinery clauses. There is a slight mistake in Clause 38, a typographical error which can be corrected. The word "affix" should read "fix." I think I have said sufficient to commend the measure to hon. members, and I am sure that nothing I may say would be of any avail after the exhaustive manner in which the Bill has been gone into by a select committee in another place. The people of Fremantle should be allowed, under proper guidance of Parliament, to construct and maintain their own trams and light. They have endeavoured since 1895 right up to the middle of this year to bring about the establishment of tramways and electric lighting in their town. If the ratepayers of Fremantle are prepared to take the risk—and I am satisfied there is no risk—they are simply doing their duty, not only to themselves but to the country that has spent a million and a half sterling in opening up the harbour. It is only right the ratepayers should of their own will be allowed to construct trams and maintain lighting, so that people who visit the town, if only for a few hours, can go away with the idea that the citizens of the town are prepared to see the work commenced by the State properly finished. I am satisfied that the Bill will be but slightly altered in committee.

HON. G. RANDELL: Is the casting vote of the chairman provided for?

HON. R. LAURIE: It is provided that there shall be four elected members, and that the Mayor of Fremantle shall be *ex officio* a member of the board, so that the matter of a casting vote scarcely arises. I am satisfied that if this Bill becomes law, and I trust it will, it will not only be of advantage to the town of Fremantle, but of great advantage to this part of Western Australia, for it will give visitors a good impression of the first port of call in Australia.

HON. M. L. MOSS (Minister): I will not detain the House more than a few moments. I merely rise to say that this Bill has my cordial support, and that I certainly trust it will become law; but so far as this Chamber is concerned, I do not anticipate we will have any difficulty in that desirable object being brought about. I am certain that the absence of a tramway system in Fremantle has been a very serious drawback to the settlement of the outlying portions of the town for a long time past. We have only to look at the city of Perth and to remember what the outskirts of the city were prior to the inauguration of tramways, to see how much a system of tramways has assisted in the development of Perth. I have no hesitation in saying that the same transformation will come about in Fremantle by the establishment of a tramway system in that town. Those of us living in Fremantle know well that for a considerable time past we have lost a large proportion of our population. People have found it more convenient to reside at Cottesloe Beach and at Cottesloe than about Fremantle, in consequence of the difficulty experienced in getting to the outlying portions of the town. It is a matter for great regret, I think, that the efforts made in the past to get a tramway system for Fremantle have not been attended with success, and indeed the last experience of the town has been a very sorry one, because the negotiations with the company that had the concession simply landed the town in a delay of two or three years, which would not have occurred had steps been taken to municipalise those works in the way this Bill enacts. I believe that these tramways and lighting rights will be a good paying concern, and that even from the start, at any rate, they will pay sufficiently well to provide interest and sinking fund, and leave a considerable profit. I do not know whether the members of the House have had an opportunity of perusing the very excellent report made by some experts invited to Fremantle for the purpose of examining this question in all its aspects, but it is certainly a very able report, and

I think that those who are interested in Fremantle may rest perfectly contented that these works will be undertaken, and that there will be no necessity to use the power contained in the Bill to strike a special rate to make up any deficiency likely to arise from the working of these tramways and electric light. Of course it has become necessary in a Bill to insert a provision that, in case the earnings do not provide sufficient to pay interest and sinking fund, resort will have to be had to the striking of a rate to make up the deficiency. But I think, after having carefully considered the matter and read the report, those interested in Fremantle need have no fear in that direction.

HON. G. RANDELL: Would they be able to strike a rate under the present Municipal Act?

HON. M. L. MOSS: That is doubtful; but this Bill provides in Clause 7 that:—

> Whenever any money has been so borrowed by the said municipalities, and so long as any portion thereof remains unpaid, each of the said municipalities shall, in every year, strike such a special rate as the council of the municipality deems necessary to meet the interest and sinking fund on the amount of the loan for which it is responsible, after deducting its proportion of any profit which may have been earned during the preceding year as a result of the working of the undertakings.

There is provision to deal with the question of providing any special rate.

HON. G. RANDELL: That overrides the principal Act, does it?

HON. M. L. MOSS: Yes. My main reason for rising is that the Mayor of East Fremantle, who has been taking a very energetic part in connection with this scheme, thinks that the provision contained with reference to the constitution of this board, or the election of this board, operates unfairly in the case of East Fremantle, and I propose, with a view of testing the feeling of the House, to move an amendment when we get to Clause 20 in Committee, having for its object the carrying out of the ideas of the Mayor of East Fremantle; but I hope the House will be against me in regard to that, and that the measure will pass even in its present form, because I think it will be quite a calamity as far as Fremantle is concerned if we delay the construction of this very necessary work for any farther lengthened time. The Mayor of East Fremantle has pointed out to me that there are in East Fremantle 990 owners of property and 310 occupiers who are not owners. Sixty-nine per cent. of the persons are owners of property and they will elect one member under this Bill, while 31 per cent. are occupiers and they also will elect one member. He appears to think that is unfair, and it seems to be the opinion held by a large number of people in Fremantle who have interested themselves in these works. They think that in the case of East Fremantle one member of the board should be elected by the owners of property and the other by those who are both owners and occupiers. I shall move an amendment when we get to Clause 20 with the object of seeing if that can be brought about. With that exception, I am prepared to support this Bill to the very utmost, and I hope the House will be unanimous in passing the measure into law, because I believe Fremantle is suffering very considerably from the want of these powers.

HON. C. E. DEMPSTER: How will you find room down High Street?

HON. M. L. MOSS: It is only a single line, and there will be plenty of room. High Street is not much narrower than Hay Street.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): I rise principally for the purpose of stating I desire to support this Bill, and I wish to congratulate the members who represent the West Province upon the necessity for the introduction of such a measure here. It is abundant evidence of the prosperity of Fremantle, which I feel will be greatly added to by the measure before the Chamber. At the same time it is my intention to move a slight amendment in the direction of protecting other municipalities adjoining Fremantle, an amendment which I think should exist in every Tramways Act where other municipalities are likely to start tram services of their own. The amendment I desire to move, which I propose to put in the form of a new clause, and a copy of which I will give to Captain Laurie, reads as follows:—

> If at any time hereafter tramways are constructed by the council of any municipality adjoining the said municipalities, or either of them, or by the council of the municipality of North Fremantle (which shall be deemed an

adjoining municipality), such tramways may be connected with, and the carriages of the council of any such adjoining municipality may be run upon the tramways authorised by this Act on such terms and conditions as may be agreed upon between the said municipalities or the board, and the council of any such adjoining municipality, or, in case of disagreement, as may be determined by the Minister for Works.

I think there can be no objection to that clause, as it ensures a connection of any tramways that may spring up outside the bounds of the area affected by this Bill with the tramways which this Bill authorises. That in my opinion is a very desirable thing, and is a sufficient protection to the inhabitants adjoining the municipalities affected by the Bill. Members will see that the terms and conditions are to be agreed upon between the said municipalities or the board created under this Bill, and the council of the adjoining municipality, or in case of disagreement the Minister, has to adjust the terms in such a way as seems to him in his discretion to suit the wishes of the two conflicting parties. I hope there will be no objection to this clause, which I consider a valuable one, and which, as I have already said, should in my opinion exist in all tramway Bills for the convenience of the municipalities themselves, and of the travelling public. I beg to support the second reading.

HON. G. RANDELL (Metropolitan): I cannot discover a clause which affects the telegraph and telephone wires. That is a provision which has been inserted in all these things in recent years, and I hope the Colonial Secretary will keep a lookout in that respect. It is highly necessary that telephone and telegraph wires should as far as possible be protected, and at the cost of the persons constructing the tramline and erecting these poles and so forth for that purpose. I hope that if the Bill is passed, and I presume it will be, that it will come up to the expectations of the promoters, and be the means of largely influencing in a right direction the interests of Fremantle.

HON. W. T. LOTON (East): I desire to congratulate, I suppose I may say, the ratepayers of Fremantle on the courage they have displayed with regard to this project, which I trust will prove a financial success. However successful it may be, it is probable that in its early stages, perhaps the first year or two, or probably longer, there may be some deficiency. I should say at all events there is bound to be a deficiency in the first year, because they have to borrow the money and go on with the works and get them into working order before there will be any receipts whatever. Perhaps the hon. member opposite would devote his attention to Clause 7, with regard to striking a rate. [Clause read.] It seems that under this clause they may go on working this practically for a year, and find that at the end of the year they are deficient, and there has been no rate struck to meet the deficiency. Apparently an alteration will be necessary in that clause, so that the Council shall be able to strike a rate in the first instance in order that they may be prepared to pay whatever deficiency there may be. I think Captain Laurie will see it would not be a desirable position for the municipality of Fremantle to find after the system had been running six or nine months that there was a deficiency, and that no rate had been struck. How would they pay the amount? According to this clause they may apparently go on working, and not strike a rate until the succeeding year. Surely it is necessary to provide in the first instance for payment of interest and sinking fund in addition to working expenses, for they would not be justified in making use of the money available from rates levied for other purposes.

HON. M. L. MOSS: You mean that the time may have gone past in which you could strike a rate under the Municipal Act?

HON. W. T. LOTON: Precisely so.

HON. M. L. MOSS: It seems to me very deficient in that respect.

HON. W. T. LOTON: That is what I call attention to. [Interjection]. I am sorry to hear any member of this House suggest that a body would pay interest and sinking fund out of their ordinary rates. I believe its principles are of a much higher standard than that, otherwise I should be strongly disinclined to support the second reading of this Bill. I have nothing more to say in the matter. I hope the venture will be successful, but if there is any failure in the first stages trouble may be looked for, and I trust the board will be protected and fore-

armed in relation to paying any sum that may fall due which is not available from profits. At the same time my humble opinion is that in the early stages there will be a deficiency of income from the working of the system, and that it will be necessary to fall upon the rates.

HON. E. M. CLARKE (North-West): I admire Fremantle for taking these things into its own hands, and I congratulate it on the venture; but knowing something about ratable matters I take it that Mr. Loton has sounded a note of warning which it will be well for any municipality to bear in mind, that is that it is desirable to make provision for any deficiency that may occur. Of course it goes without saying that if there is no deficiency the money will not be wanted; but it would be far better if the municipality would be prepared to levy a rate straight away, for it would be a welcome piece of news to ratepayers that, after running some time, the system would pay all expenses and no farther rate would be required. It goes on the principle that we can very easily reduce a rate, but that there is always considerable opposition to any increase in a rate. I think the note of warning sounded by Mr. Loton is well worthy of the consideration of the Fremantle municipality, but I congratulate Fremantle on the venture and hope it will be a success.

Question put and passed.

Bill read a second time.

## TRAMWAYS ACT AMENDMENT BILL.

### SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: This little Bill is one which has been brought in to amend the provisions of the Tramways Act of 1885, the general Act prescribing the conditions under which tramways may be built and the necessity for bringing in special Acts for each tramway under which all the tramways in this State are run. The necessity for bringing in this Bill arises at present from the fact that the Perth Electric Tramways Company have found it necessary, I am very glad indeed to say, to duplicate the line which runs to Subiaco. They wish to do this at the earliest possible moment, but they found upon looking into the law upon the matter that, for this purpose, it was necessary to bring in a new Act. By Clause 14 of the Tramways Act, 1885, the Minister is allowed from time to time to revoke, amend, extend, or vary a provisional order by a farther provisional order; but unfortunately by Clause 15 the life of the provisional order is limited to a period of two years. More than two years have elapsed since the provisional order was obtained by the Perth Tramways Company, and it was therefore necessary to get a special Act for this purpose. It seemed to the Government that this might be almost looked upon as a flaw in the general Tramways Act, and in order to make things easier for the owners of tramways, it is proposed to bring in a provision, which hon. members will see in Clause 2, whereby the promoter may substitute double lines for single lines, to which I do not think hon. members will object, and make sidings and loops with the consent of the local authority, which again is good. All the plans and the works entered into by the promoter have te be submitted for inspection to the Minister for Works, and the work must be carried out and finished to the entire satisfaction of the local authority, and their engineer and the Minister for Works. So hon. members will see that the interests of the local authority, and the interests of the State generally, are safeguarded by the provisions which appear in this Bill. Clause 5 provides that the new works, which are constructed under the authority of this Act and which are confined, as members will see, to loops, sidings, and duplications, shall be deemed part of the original works authorised under the provisional orders relating to the tramways, on which such alterations are to be effected. I am informed by the representative of the local authority principally affected by this Bill—the Subiaco Municipal Council—that the Bill is of the utmost importance, that it should go through as quickly as possible, and that every hour is an object, because the Tramway Company wish, if possible, though it will be a great strain on their resources, to get the duplicate line down before the first of the year in order to cope with the heavy traffic that may be expected at that period. I propose to move that the Standing Orders be suspended in regard to this Bill, so

that the Bill may pass through all stages at one sitting. I think that the Bill is a tribute to the prosperity of Perth and suburbs, and I am very glad that the company has found it necessary to move in the direction indicated. I feel sure that no hon. member will place any obstacle in the way of the company carrying out the work as quickly as may be.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Standing Orders suspended.

Bill read a third time, and *passed*.

## KALGOORLIE ROADS BOARD LICENSE VALIDATION BILL.

SECOND READING.

HON. J. D. CONOLLY (North East), in moving the second reading, said: It will not be necessary to detain the House many minutes. On the 29th of May of last year an agreement was entered into between the Kalgoorlie Roads Board and Kalgoorlie Electric Power and Lighting Corporation, Ltd., whereby the roads board agreed to allow the company to erect poles and cables in the ordinary way to convey their current through the district's roads. At that time the board thought they had the power under the Road Act which a municipal council has under the Municipal Institutions Act, to give the tramway company the necessary permission to erect these poles and cables. It was found, however, later on that under the Roads Act no such power existed, and this short Act is simply to validate that agreement which is contained in the schedule of this Bill. I move that the Bill be read a second time.

HON. C. A. PIESSE: Have they no authority under the Roads Act to grant this power?

HON. J. D. CONNOLLY: No.

HON. T. F. O. BRIMAGE (South): I have very much pleasure in supporting this Bill, and I think Mr. Connolly has explained the matter fully. Permission was granted by the roads board to this company to carry cables to the various mines in the district. It has been found by some of the mines that electricity is cheaper than steam power, and many of them are using this power for the purpose of driving their machinery and winding plants. The roads board evidently overlooked the fact that it had acted illegally, and this Act will validate their past action.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Passed through Committee without debate, reported without amendment, and the report adopted.

## MINING BILL.

IN COMMITTEE.

Resumed from the previous sitting.

Clause 3—Interpretation:

HON. Z. LANE moved that in the definition of "Crown Land" the words "or any land held under any tenure established under this Act" be inserted after "granted," in line 4.

THE COLONIAL SECRETARY: With regard to the amendments of which notice had been given, he had consulted the Crown Law Department and the Mines Department, and he would not be speaking for himself but would be expressing the views of those departments. As to this particular amendment, he was advised it could not be agreed to for two reasons. In the first place it was unnecessary, and in the second place it would prevent any mining from taking place on homestead leases. One essence of the contract with regard to homestead leases was that there should be liberty to mine upon them, and it would be dangerous to grant homestead leases under any other conditions. If the amendment were passed we should be face to face with the problem whether we should abandon homestead leases. He did not think we should abandon holdings which had turned out so well as homesteads on the mineral leases of this State had.

Amendment negatived.

HON. Z. LANE moved that the words "on the surface" be added to the definition of "dam."

THE COLONIAL SECRETARY said he did not think it mattered much whether the amendment was passed or not. If the hon. member particularly wished

it, he was prepared to meet him in the matter.

Amendment passed.

THE COLONIAL SECRETARY moved that in the definition of "lease" the word "issued" be struck out, and "granted or approved" inserted in lieu. Leases passed through three stages; first the application stage, secondly the approval stage, and thirdly, when the instrument was actually issued. The amendment made it plain that the instrument was to be regarded as a lease only in either of the latter two stages.

Amendment passed.

THE COLONIAL SECRETARY moved that in the definition of "goldfield" the words "portion of Crown land" be struck out, and "lands" inserted in lieu. Very often leases and holdings were taken up in country which was not a proclaimed goldfield, and it might be argued that as these leases were taken up when the land was not a goldfield, therefore they were not part of the goldfield, and possibly might not come within the jurisdiction of the warden of the goldfield. That would give rise to numberless complications, and it was wiser to make the amendment proposed, to prevent such complications from arising.

Amendment passed.

On farther motion by the COLONIAL SECRETARY, a like amendment was made in the definition of "mineral field."

Clause as amended agreed to.

Clause 4—Repeal, Schedule I:

HON. Z. LANE moved that the following be inserted as Subclause 1:

> Nothing in this Act contained shall in any way prejudice or abridge any rights or privileges acquired under any Act or Acts repealed hereunder.

He did not think it was the intention of the framers of the Bill that the measure should be retrospective, as it would be if the clause remained as it stood at present. If the clause remained as at present it would jeopardise the leases in existence. Those who held leases were entitled to protection for the work which had been done.

THE COLONIAL SECRETARY: It had been pointed out to him by the Mines Department in the first place that this Bill gave greater concessions to lessees than the lessees had ever had before, and in the second place that this amendment was absolutely one-sided. If they wished to partake of the very numerous and substantial advantages given under the Bill, it was only fair to expect them to conform to all the other provisions. Again, if this subclause were inserted, it would mean that the old Acts which were repealed or should be repealed by this Bill would practically be in force so far as they related to these holdings. That meant that the Mines Department would have to keep themselves absolutely in touch with all these old Acts. The Mines Department were very strong indeed upon this point, and said they could not possibly see their way clear to accept the amendment.

HON. J. D. CONNOLLY supported the amendment. Though aware certain privileges were given by this Bill, and that nothing but small rights were taken away by it, he thought a principle was infringed in the confiscation of certain rights. Persons who took up leases under a prior Act were entitled to the rights given under that prior Act. The House should not establish a precedent by allowing the confiscation of acquired rights.

SIR E. H. WITTENOOM supported the amendment. The time had arrived when we should seriously consider the effect of the continual alteration of the titles and privileges of people who took up leases. Under the system of retrospective legislation leaseholders did not know their positions and people lost confidence in the country. It was all the better if this Bill gave more privileges to the leaseholders. The more privileges given to leaseholders the better it was for helping the industry along.

THE COLONIAL SECRETARY: The amendment was altogether too wholesale. The proposer should specify the privileges taken from leaseholders by the Bill, and should oppose the clauses which took them away, rather than practically destroy the effect of the Bill by having this amendment passed.

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

| | |
|---|---|
| Ayes ... ... ... | 11 |
| Noes ... ... ... | 10 |
| Majority for ... ... | 1 |

| AYES. | NOES. |
|---|---|
| Hon. T. F. O. Brimage | Hon. J. M. Drew |
| Hon. E. M. Clarke | Hon. S. J. Haynes |
| Hon. A. Dempster | Hon. W. Kingsmill |
| Hon. C. E. Dempster | Hon. R. Laurie |
| Hon. A. G. Jenkins | Hon. W. T. Loton |
| Hon. Z. Lane | Hon. E. McLarty |
| Hon. C. A. Piesse | Hon. M. L. Moss |
| Hon. J. E. Richardson | Hon. B. C. O'Brien |
| Hon. Sir E. H. Wittenoom | Hon. G. Randell |
| Hon. J. W. Wright | Hon. J. A. Thomson |
| Hon. J. D. Connolly (*Teller*). | (*Teller*). |

Amendment thus passed.

HON. Z. LANE moved a farther amendment—

That in Subclause 2 the words "subject to the provisions of Subclause 1 hereof" be added.

THE COLONIAL SECRETARY: In order to give members a chance of reconsidering the vote just given, which would have a serious effect on the future of the Bill, he intended to divide the Committee on this amendment. The concluding words in the minute of the Minister for Mines concerning these amendment were: "I would sooner have the Bill thrown out than have this amendment carried." The Minister evidently looked upon this point as a vital point of the Bill.

SIR E. H. WITTENOOM: Leaseholders looked upon it as a vital point also.

THE COLONIAL SECRETARY: Was this amendment the result of the combined action on the part of leaseholders?

HON. Z. LANE: No.

SIR E. H. WITTENOOM: The representatives of leaseholders desired the amendment.

THE COLONIAL SECRETARY: What leaseholders?

SIR E. H. WITTENOOM could not give names.

THE COLONIAL SECRETARY: Was Mr. Lane representing any leaseholders?

HON. J. D. CONNOLLY: The hon. gentleman represented the Metropolitan-Suburban Province.

HON. Z. LANE: Apart from the fact that he represented the Metropolitan-Suburban Province, he thought he knew as much about mining law as the Minister for Mines or anybody else. He was managing director of several companies, and he thought that a retrospective matter like this Bill would have a bad effect. We had to consider the laws of the British companies in reference to these matters. It was only sought that the clauses should not be made retrospective where they touched upon any rights or privileges of leaseholders.

HON. W. T. LOTON: Could the hon. member give any instances?

A MEMBER: There was the question of amalgamation of leases.

HON. Z. LANE: There were several points in the Bill regarding the rights and privileges of leaseholders, and there were a number of new matters. Unless a number of these proposed alterations were deleted it would be necessary to take up new leases.

HON. M. L. MOSS: Why did the hon. member not attack the different clauses as they were reached?

THE COLONIAL SECRETARY: The proper way to deal with these matters was to attack those clauses which it was considered would bring about a loss of privileges, and to attack them as they occurred in the Bill, if they did occur. One member talked of the conditions relating to amalgamation of leases, but these conditions were made twice as favourable to leaseholders by the Bill, and it was for this reason that the Mines Department objected so strongly to the amendment, and the Minister for Mines had inserted the words in his minute that he would sooner have the Bill thrown out than the amendment carried.

SIR E. H. WITTENOOM: Leases were taken up under certain conditions which the leaseholders understood, and under which they desired to work. Should the Mines Department liberalise the conditions it was so much better for the leaseholders; but this amendment preserved the rights under which the leases were taken up in the first place.

HON. M. L. MOSS: The effect of the amendment was that, so far as all privileges granted under any prior Acts were concerned, the old laws would prevail, and that this new measure, best calculated to suit the circumstances of the State, would only apply to rights acquired in the future. He was the last to be desirous of doing anything to interfere with vested rights, but it was absolutely necessary to interfere with them occasionally in the interests of the general public. Mr. Lane should have pointed out what clauses in the Bill would interefere with the rights acquired in the past. If we were going to consolidate the mining laws it was very undesirable that, with regard to leases granted prior to the passing of

the Act, we should have to go to the old statutes, and with regard to leases granted in the future we would have an altogether different code. Unless there were such drastic alterations in this Bill as would interfere with privileges granted up to the present, it was inexpedient to have two mining laws in force. The hon. member should show where privileges would be taken away and rights trenched upon, as one would anticipate from the moving of such amendment.

HON. Z. LANE: Clause 89 provided that any amalgamation of leases might be cancelled by the Minister at the request of the lessee, or on the transfer, surrender, or forfeiture of any lease included in the amalgamation, and the Minister might in his discretion cancel any amalgamation of leases effected before the commencement of this measure. There were any amount of clauses of this sort. If the Minister had that power, he could cancel amalgamations and the British companies would have to suffer.

HON. M. L. MOSS: The hon. member should read all the clause.

HON. Z. LANE: One knew how the British capitalists would be frightened away by anything of this sort. They had always been saying they had not any security of tenure; and we wanted to give them all the security of tenure we could.

HON. T. F. O. BRIMAGE: They could get that under this measure.

THE COLONIAL SECRETARY: If what the hon. member adduced was the most glaring example of the loss of privilege which he had to bring forward, he (the Minister) did not think the hon. member had based his amendment on very solid ground.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 11 |
| Noes | ... | ... | 11 |
| A tie | ... | ... | 0 |

| AYES. | NOES. |
|---|---|
| Hon. T. F. O. Brimage | Hon. J. W. Hackett |
| Hon. E. M. Clarke | Hon. S. J. Haynes |
| Hon. J. D. Connolly | Hon. W. Kingsmill |
| Hon. C. E. Dempster | Hon. R. Laurie |
| Hon. A. G. Jenkins | Hon. W. T. Loton |
| Hon. Z. Lane | Hon. E. McLarty |
| Hon. C. A. Piesse | Hon. M. L. Moss |
| Hon. J. E. Richardson | Hon. B. C. O'Brien |
| Hon. Sir E. H. Wittenoom | Hon. G. Randell |
| Hon. J. W. Wright | Hon. J. A. Thomson |
| Hon. A. Dempster *(Teller).* | Hon. J. M. Drew *(Teller).* |

THE CHAIRMAN, to give opportunity for farther consideration, voted with the Ayes.

Amendment thus passed.

THE COLONIAL SECRETARY moved that the words "or they," in line 4 of Subclause 3, be struck out. He did not know that it was worth while troubling about these amendments, but as a matter of form he would move this. [MEMBER: The hon. gentleman was severe.] He thought members were severe in dealing with a Bill of this kind, which had occasioned a great deal of time and trouble, and which they desired to destroy apparently. The Mines Department had probably given ten times as much time to the Bill as any member of either branch of the Legislature. In the opinion of that department the amendment which had been passed was practically inimical to the Bill, and it must be very discouraging now for the department to find that their time and trouble were apparently considered of no account. However, he supposed he would have to abide by the result.

SIR E. H. WITTENOOM: Those who had to work under the Bill had as much right to say what they considered fair measures as those who administered the Bill. The people who developed the industry knew best what was suited for them. The Bill should be administered in the interests of those who had to work the industry—[THE COLONIAL SECRETARY: Hear, hear]—and not in the interests of those who administered the Bill. Therefore he thought the amendments might be looked upon in a more charitable spirit than the hon. member exhibited.

THE COLONIAL SECRETARY: It was not the fact of the amendment but the form of the amendment to which he took objection. The hon. member knew perfectly well the Government were ready to consider the question of loss of privilege wherever it occurred throughout this measure. Adoption of the amendment we had passed meant that we were going to have two Mining Acts in existence at the same time, and that was an absolutely impossible position from an administration point of view.

HON. J. W. HACKETT: It would have to be repealed next year.

Amendment (to strike out the words "or they") put and passed, and the clause as amended agreed to.

Clauses 5 to 9—agreed to.

THE COLONIAL SECRETARY: On consideration of the position, he would prefer that progress be reported, if members had no objection, in order that he might farther consult his colleague with regard to steps to be taken in the future.

Progress reported, and leave given to sit again.

At 6·30, the PRESIDENT left the Chair.
At 7·30, Chair resumed.

## FACTORIES BILL.

### IN COMMITTEE.

THE COLONIAL SECRETARY in charge of the Bill.

Clause 1—Short Title:

HON. G. RANDELL moved that the word "January" be struck out and "July" inserted in lieu. We were rather too near the end of the year to have the Act commence in January. It would be far fairer to commence the operation of the Act in July.

THE COLONIAL SECRETARY accepted the amendment.

Amendment passed, and the clause as amended agreed to.

Clause 2—Interpretation:

HON. G. RANDELL moved that in the interpretation of "boy" the word "sixteen" be struck out and "fourteen" inserted in lieu. It was provided in another part of the Bill that a boy under sixteen should be certified to by an inspector before being employed in a factory. The parents of the boy were the best judges as to his being able to work, and it would be a pity to prevent a boy between the age of fourteen and sixteen from earning money, and becoming fitted for work in after life. In days gone past boys were apprenticed to trades at fourteen. The Education Act provided that boys were not to leave school until they reached the age of fourteen, and that age was a reasonable age when boys should be allowed to go out and earn their living. In the interests of the parents boys should be able to make themselves useful in this direction, because of the high cost of living in this country.

THE COLONIAL SECRETARY hoped the amendment would not be carried.

MEMBER: Would it wreck the Bill?

THE COLONIAL SECRETARY: It would not wreck the Bill. This was not a Bill which had taken a public department five or six months to prepare. Mr. Randell drew attention to the fact that parents were the right persons to decide on the conduct of their children. That might be so if we could trust the parents; but the hon. member was aware that the whole tenor of the Education Act and of its penalty provisions was to protect children against parents. One of the principles of the Factories Bill was to protect growing youths and girls, and it was surprising Mr. Randell was not in sympathy with the idea. It was the most delicate age between fourteen and sixteen. Members would see that by Clause 25 a boy or girl under fourteen could be employed in special cases authorised by an inspector and approved of by the Education Department, and that in another place provision was made for the employment of youths between fourteen and sixteen. Care, however, was taken that boys and girls should be protected at an age when they should be utilising all their strength in growing.

HON. G. RANDELL: In running through the streets.

THE COLONIAL SECRETARY: At this stage boys and girls should not be overworked, as the attitude of the hon. member led one to believe they ought to be.

Amendment put, and a divison taken with the following result:—

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 14 |
| Noes | ... | ... | 4 |
| Majority for | ... | ... | 10 |

| AYES. | NOES. |
|---|---|
| Hon. T. F. O. Brimage | Hon. W. Kingsmill |
| Hon. E. M. Clarke | Hon. M. L. Moss |
| Hon. A. Dempster | Hon. J. A. Thomson |
| Hon. C. E. Dempster | Hon. B. C. O'Brien |
| Hon. S. J. Haynes | (*Teller*). |
| Hon. Z. Lane | |
| Hon. R. Laurie | |
| Hon. W. T. Loton | |
| Hon. G. Randell | |
| Hon. J. E. Richardson | |
| Hon. Sir George Shenton | |
| Hon. Sir E. H. Wittenoom | |
| Hon. J. W. Wright | |
| Hon. J. M. Drew | |
| (*Teller*). | |

Amendment thus passed.

HON. G. RANDELL moved as an amendment:

That the word "two," in subclause (1), be struck out, and "six" inserted in lieu.

He believed an amendment would be moved on this amendment.

HON. J. W. WRIGHT moved as an amendment on the proposed amendment that "ten" be the number inserted.

THE COLONIAL SECRETARY: There might be some reason for Mr. Randell's amendment, but that by Mr. Wright was phenomenal.

HON. J. W. WRIGHT: Last year we made the number 20, and he would rather that we now had that number.

THE COLONIAL SECRETARY: In Queensland, South Australia, and New Zealand the number was two. The reason was that people should not evade the conditions of this factory legislation by hiring separate rooms and employing small numbers of persons in each. He recognised that the attitude of this Chamber was one of intense hostility to this measure. He was prepared to accept some of Mr. Randell's amendments to this Bill because he thought them fair; but he did not see why Western Australia should differ widely from her sister States and practically the rest of the civilised countries of the world. This measure was the least drastic and most acceptable Factories Bill to be found in Australasia to-day.

SIR E. H. WITTENOOM: They did not seem to want it.

THE COLONIAL SECRETARY: Possibly they did not. Medicine was not always liked, but it was good for the system. He might agree to Mr. Randell's amendment, perhaps, but he could not agree to Mr. Wright's.

HON. G. RANDELL: The circumstances in Western Australia were altogether different from those in other parts of the world. Factories had been established in England many years before a Factories Bill was introduced, and in Victoria there had been factories for 15 or 16 years before there was such legislation. Moreover, Victoria proposed to retrace her steps in regard to some of the most drastic sections in the Act.

THE COLONIAL SECRETARY: No portion of this Bill had been taken from the Victorian Act.

HON. J. W. WRIGHT: The Minister should not have said members had an antagonistic spirit towards this Bill. He (Mr. Wright) advocated on the platform a Shop and Factories Act, but he never went away with the idea of two persons being a factory. Perhaps a woman and daughter, or a man and his son might be working in a house, and were we going to assert that such house was a factory —[THE COLONIAL SECRETARY: No]— simply because someone with a big amount of capital was likely to run separate rooms? He did not believe a man in the country with a decent business would use a private house, and call it a room to avoid the Act. The idea was absurd. This House carried "ten" last year and we should not go back on that decision.

THE COLONIAL SECRETARY: Had the hon. member read the Bill he would have noticed that the instance he gave applied to paragraph (*f.*) where the limit was four. It was found necessary in places which recognised the necessity for factory legislation to graduate the number. That was why in the Queensland, New Zealand, and South Australian Acts the number was two.

HON. J. W. WRIGHT: We could gradually decrease the number.

THE COLONIAL SECRETARY: Anyone who did not profit by the experience of other people must be blind to his own interests.

HON. J. W. WRIGHT: We did not desire to cripple people.

HON. T. F. O. BRIMAGE: The Minister was having a bad time.

THE CHAIRMAN: Order! The hon. member must not be interrupted. He (the Chairman) had no desire to enforce his powers to prevent interruptions.

THE COLONIAL SECRETARY did not believe he was going to have a bad time, but even should he have a bad time he trusted he could take it as well as anybody else. He knew that the Bill represented the result of the experience of years in other countries, and that if we did not take advantage of that experience we were undoubtedly blind to our own interests. Mr. Randell kept harping on the Factories Act of Victoria, which was acknowledged to be an extremely drastic one. On Mr. Randell's part it was a case of unconscious bias, but the hon. member must realise that

the Victorian Act, which he held up as the model of all factory legislation and the bugbear of manufacturers, in no way entered into the composition of the Bill before the House, which was founded on the moderate legislation of Queensland, South Australia, and New Zealand. Mr. Wright's amendment would render the Bill inoperative and absurd. He (the Colonial Secretary) would be prepared to accept Mr. Randell's amendment (to insert "six") in order to arrive at a moderate conclusion.

HON. R. LAURIE opposed Mr. Wright's amendment (to insert "ten"). During the debate on the second reading it was made manifest that there was no intention to knock the measure out, and that it was to be dealt with in a fair way. Should a Factories Act not be passed this session it would be passed next session, so it would be better for us to deal with this Bill in a fair way and pass it in such a manner as seemed desirable, or throw it out altogether. There was necessity for a Factories Act. He could, if necessary, call attention to many people being huddled together in an iron structure during the hot months of December and January. He considered Mr. Randell's amendment (to insert "six") a very fair one. It could be accepted as going some way towards splitting the difference between the proposal of the Government ("two") and the proposal of Mr. Wright ("ten"), who, he thought, had not seriously considered the question. By accepting Mr. Randell's amendment ("six") we would be accepting what we would probably have to accept in a lesser degree later on. The Factories Act had to come. That being the case we should mould a fair measure, as members indicated during the debate on the second reading, and one which would be acceptable to the House.

HON. E. M. CLARKE supported Mr. Randell's amendment (to insert "six"). He admitted "two" was two small. There was a movement in the direction of having a Factories Act, and he would like it to leave this House in such a state so that, should it be necessary later on to decrease the number from "six" to "two," we could be prepared to do so. Many manufacturers regarded the Bill as a troublesome one, and said that it would hinder the operations of the factories. That being the case, it was his intention to see the Bill through as far as he possibly could with most of the amendments proposed by Mr. Wright, but not with this particular amendment (to insert "ten").

HON. J. A. THOMSON: There was a considerable amount of reason in Mr. Randell's amendment (to insert "six"), though he was previously inclined to support the Bill as it stood. Members did not seem to be aware that we had a large number of manufacturing businesses springing up in Western Australia. Since the Federal tariff came into force boot and leather factories were giving considerable employment in Perth and Fremantle, over 1,000 being employed in these two trades alone. Many boot manufacturers informed him that it was absolutely necessary to have employees protected by an Act of Parliament. Some members laid stress on the fact that the health officials could deal with all the matters contained in the Bill; but health officials could not deal with matters of ventilation, the lining of buildings, or with increased air-space. Members should listen to reason, and Mr. Randell's amendment (to insert "six") was a reasonable one.

HON. C. A. PIESSE: Clause 41 of the Bill constituted a place in which one person worked as a factory.

THE COLONIAL SECRETARY: What was the person?

MEMBER: A Chinaman.

HON. C. A. PIESSE: It did not matter. The clause provided that if a person gave out work to any other person the place was constituted a factory.

THE COLONIAL SECRETARY: Quite right.

HON. C. A. PIESSE: A storekeeper would not be able to show practical sympathy to a struggling widow because of the clause.

THE CHAIRMAN: The hon. member was not talking to the amendment before the House.

HON. B. C. O'BRIEN: The most hostile to the Bill admitted there was need for a Factories Act, and that being admitted, the Bill must apply to everything in the shape of a factory. It was said that to create a place in which two worked as a factory was ridiculous.

So it might be in one sense, but within the meaning of the Act the place would be a factory. The Bill would be impractible if some such provision was not made whereby we could control those places where a few hands were employed. In large factories where there were 40 or 50 men we did not want a Bill. These large concerns regulated themselves, complying with the Building Acts, sanitary arrangements, and everything else. The measure was required in small concerns. He trusted Mr. Randell would come back to his original amendment, and he would be prepared to accept that compromise, although he thought the number high.

HON. J. W. WRIGHT: After the heat of the day and in the cool of the evening, if a man's wife were making jam and his daughter greasing the tins, that place would have to be shut up. [MEMBERS: No.] He hoped the amendment would be carried.

HON. G. RANDELL: There were, he had been informed, 52,000 less pairs of boots made here this year than last. That was attributed to the sliding scale and the fact that it was cheaper to import boots from Victoria than to make them here.

HON. J. A. THOMSON: It had been part of his business to supply a number of factory people with machinery, and he made it a point to see the heads of these factories and make inquiry. They believed a Factory Act necessary to protect them against undue competition.

HON. W. MALEY: The amendment by Mr. Randell would be supported by him. Being fully convinced that a Factories Act was necessary, and the objectionable features of the previous Bill having been eliminated, he would have pleasure in supporting this measure. The labourer must have his share of protection as well as the proprietor.

HON. C. E. DEMPSTER: In a petition brought before the House the petitioners made a distinct statement as to the unsatisfactory way in which the Factories Act worked in the other States. In his opinion factory legislation was unnecessary, and it would prevent industries from being established which would be of great importance to the State.

The word "two" struck out.

Amendment (to insert "ten") put, and a division taken with the following result:

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 11 |
| Noes | ... | ... | 12 |
| Majority against | | ... | 1 |

| AYES. | NOES. |
|---|---|
| Hon. A. Dempster | Hon. E. M. Clarke |
| Hon. C. E. Dempster | Hon. J. D. Connolly |
| Hon. S. J. Haynes | Hon. J. M. Drew |
| Hon. Z. Lane | Hon. J. W. Hackett |
| Hon. W. T. Loton | Hon. W. Kingsmill |
| Hon. C. A. Piesse | Hon. R. Laurie |
| Hon. G. Randell | Hon. E. McLarty |
| Hon. J. E. Richardson | Hon. M. L. Moss |
| Hon. Sir George Shenton | Hon. B. C. O'Brien |
| Hon. J. W. Wright | Hon. J. A. Thomson |
| Hon. T. F. O. Brimage (*Teller*). | Hon. Sir E. H. Wittenoom |
| | Hon. W. Maley (*Teller*). |

Amendment thus negatived.

HON. S. J. HAYNES moved, as an amendment, that "eight" be inserted. If we made the number "eight" we could "climb down." If we now fixed the number at six, next session we would be asked to reduce it to three or four. Factory legislation was not required at the present time, but members were willing to pass a reasonable measure.

THE COLONIAL SECRETARY: To meet the wishes of members he had sacrificed his belief, which was that the right number was two, and he had multiplied the number by three. Those who voted in the last division did so with the idea that if "ten" were not adopted "six" would be inserted.

HON. S. J. HAYNES: It was a close division.

HON. G. RANDELL: The Chamber of Manufactures, with which he thought nearly all the large factories were connected, had requested him to insert "ten." He thought "six" was a moderate number, and the Minister had been good enough to accept it. He suggested that the hon. member (Mr. Haynes) should withdraw his amendment. There was practically no difference between "six" and "eight" as far as the establishment of small factories was concerned. We wanted to encourage them, so that these industries could grow into larger ones as the State grew.

HON. S. J. HAYNES could not see his way to withdraw the amendment.

Amendment (to insert "eight") put, and a division taken with the following result:—

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 7 |
| Noes | ... | ... | 16 |
| Majority against | | ... | 9 |

| AYES. | NOES. |
|---|---|
| Hon. A. Dempster | Hon. T. F. O. Brimage |
| Hon. C. E. Dempster | Hon. J. D. Connolly |
| Hon. S. J. Haynes | Hon. J. M. Drew |
| Hon. C. A Piesse | Hon. J. W. Hackett |
| Hon. J. E. Richardson | Hon. W. Kingsmill |
| Hon. J. W. Wright | Hon. R. Laurie |
| Hon. Z. Lane (*Teller*). | Hon. W. T. Loton |
| | Hon. W. Maley |
| | Hon. E. McLarty |
| | Hon. M. L. Moss |
| | Hon. B. C. O'Brien |
| | Hon. G. Randell |
| | Hon. Sir George Shenton |
| | Hon. J. A. Thomson |
| | Hon. Sir E. H. Wittenoom |
| | Hon. E. M. Clarke (*Teller*). |

Amendment thus negatived.

Question (to insert "six") put and passed.

HON. G. RANDELL moved as a farther amendment—

That in line 5 of Subclause (1), definition of "factory," the words "dealing with" be struck out.

These words were too comprehensive, and might be applied to the injury of persons not connected with manufacturing at all.

THE COLONIAL SECRETARY: There was no objection to the amendment as the words were rather superfluous. It was his desire to treat the Bill as reasonably as possible, and he did not desire to oppose any amendment which could be made within reason.

SIR E. H. WITTENOOM: The words "dealing with" should be retained and the words "or for sale," which occurred later in the clause, struck out. The clause would not then extend to hotels and mercantile houses.

Amendment put and passed.

SIR E. H. WITTENOOM moved that in lines 6 and 7 of Subclause (1), definition of "factory," the words "or for sale" be struck out.

HON. W. T. LOTON: Should the amendment be carried the clause will be reduced to an absurdity. Goods were not manufactured which were not for sale.

SIR E. H. WITTENOOM: The previous amendment made a mess of the clause altogether. By striking out the words "or for sale" there would have been no necessity for excising the words "dealing with." A man could manufacture things for his own use, and there was nothing ludicrous in the idea. His amendment would make the clause less extensive, and would enable an hotel-keeper to manufacture his own soda, or an ironmonger to turn out goods.

THE COLONIAL SECRETARY: The object of the amendment was to protect places which could not be classed as factories, but that was sufficiently done by striking out the words "dealing with." Sir Edward Wittenoom's reasons were extremely ingenious, but one could not help smiling at them for they did more credit to the hon. member's head than to his heart. This amendment, if carried, would make a mess of the clause. Should an hotel-keeper manufacture his own soda water and employ six persons in doing so, it would be a factory, and rightly so.

Amendment (to strike out "or for sale") put and negatived.

HON. G. RANDELL: There was an amendment placed by him on the Notice Paper to strike out of this subclause the words "or any laundry," because he thought that they were sufficiently covered by the next clauses. However, a number of laundries in Perth were run by Chinese, and it was not desired to give them facilities that were not given to our own race. Nevertheless he did not favour limiting them any farther than we limited white men, but he would not move his amendment.

HON. J. A. THOMSON moved that the word "public" be inserted before "laundry" in the last line of Subclause (1).

THE COLONIAL SECRETARY: The amendment was unnecessary, seeing that it was not likely there would be any private laundry in which six persons were employed.

HON. J. A. THOMSON: When he had this amendment in view the clause contained the word "two," but as "six" had been passed he would not press the amendment.

Amendment withdrawn.

HON. G. RANDELL moved that the words "dealing with" be struck out of Subclause (3.)

Amendment passed.

HON. G. RANDELL moved that the words "or packing them for transit" be struck out of Subclause (3.) If those words were retained the Bill would embrace persons we did not intend it to include, who, it seemed to him, had nothing to do with a factory.

THE COLONIAL SECRETARY: Packing was really a recognised trade, and was often very unhealthy owing to the nature of the stuff used. People engaged in it needed more protection than some in other classes of manufacture which would come under this Bill.

Amendment negatived.

HON. G. RANDELL, referring to an amendment of which he had given notice, to strike out all the words after "prison," in paragraph (*a.*)—"or any industrial or reformatory school"—said he had an opinion that it was desirable to exercise supervision over these industrial institutions, but perhaps it would be advisable not to include them just now. If we placed these restrictions on factories here, we should, if we were to be logical, impose the same restrictions on an industrial or reformatory school where such work was carried on. It then might be open to misconception. He would not throw any impediment in the way of the managers of these institutions making them as profitable as possible. He thought there was a considerable amount of supervision exercised over them, and he hoped it would be increased rather than otherwise, for fear of difficulties arising in the employment of children within those institutions. In several places in the old country abuses had occurred, and the Government had had to interfere.

HON. J. W. WRIGHT: These reformatory schools were, he understood, for children under 14, yet if what was proposed were carried out we should allow them to come into competition with private enterprise. He moved that the words "or any industrial or reformatory school" be struck out.

THE COLONIAL SECRETARY: These institution had all to be approved by the Governor in Council, and if children and grown-up people in factories only worked under such good conditions as those in our reformatory schools, there would indeed be no need for a Factories Act. As to their entering into competition with private enterprise, the idea was absurd.

HON. J. W. WRIGHT: What about the institution for the blind?

THE COLONIAL SECRETARY: That was neither an industrial school nor a reformatory.

Amendment (Mr. Wright's) put and negatived.

HON. G. RANDELL moved that the word "four," in line 4, be struck out, and "six" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 3 to 5—agreed to.

Clause 6—Application:

HON. G. RANDELL moved that the clause be struck out. If restrictions of this kind were desirable, they should be set forth in the Act. The first part of the clause was exceedingly open to objection. There were some Acts in relation to which it was desirable to have regulations, but in a Bill of this kind we should have everything stated within the four corners of the measure. Factory owners and also inspectors should know what they had to deal with. It would be wrong in some instances to exempt districts and to compel other districts to conform to the Act. In his opinion factories should be classified. One would not think of classifying places where blacksmiths, carpenters, ironworkers, tank-makers and plumbers were employed, with establishments where bootmaking or tailoring was carried on. He thought the Bill was aimed principally against tailoring and bootmaking establishments as being most likely to be open to abuse, and perhaps it was directed against factories where machinery was used. As to whether the Act should come into operation at once in certain districts, that matter should not be subject to the opinion of the Ministry of the day.

THE COLONIAL SECRETARY: If this clause were struck out, the Bill would presumably have universal application, both as regarded locality and class of factory, thus taking away any chance of exempting, say, agricultural pursuits. [HON. G. RANDELL: They were mentioned in the Bill.] Certain classes of agricultural pursuits might come under this measure. The striking out of this clause would make the operation of the Bill a great deal more drastic, and would take away that discretion which a Minister should be allowed to exercise for the good of the community and a certain class of factories. The clause was a valuable one, and undoubtedly in the interests of the manufacturer.

HON. E. M. CLARKE: This was one of the most saving clauses in the Bill. The clause said the Minister might do this, that and the other. The Minister might exempt certain districts, but one saw no machinery whereby the governing power could be moved in that direction. Supposing, for instance, Bunbury did not want the Act applied there. By what means were they going to approach the Government to get exemption, or, on the contrary, if they wanted the Act applied, how were they to get it done?

HON. W. T. LOTON: Members had heard some strong opinions from the leader of the House, and from some of his supporters, on the absolute necessity for a Factories Act; but if a Factories Act was required to control the work and management of factories in one part of the State, it should be also necessary for the same kind of factories in any other part of the State. To argue that the Act was necessary for one part of the State and not for another part, was to argue that there was no necessity for the Bill. He supported the amendment.

THE COLONIAL SECRETARY: With regard to the method of bringing the wants of a district before the Governor in Council, on which Mr. Clarke sought information, it was the first time he (the Colonial Secretary) had found any inhabitant of Bunbury at a loss as to how to approach the Government. If the inhabitants of all parts of the State pursued the tactics of approaching the Governor in Council through the Ministers, as they knew how to do in the past, it would not be necessary to do any more. With regard to the argument raised by Mr. Loton, it appeared that some hon. gentlemen who opposed the Bill and he (the Colonial Secretary) had rather changed sides, and that he was now protecting the factory owner while certain members were rather hard upon manufacturers. He was certainly surprised to see this development of animosity towards the manufacturers. However, this discretion should be left in the hands of the Government, who should be able to exempt districts from certain classes of factories. Speaking unofficially, he thought it was a power with which the Government, or any Government of the past, could well be trusted.

HON. J. W. HACKETT entirely agreed with the view taken by the Colonial Secretary. He always looked in a Bill for social legislation for some clause of this kind. Why so much social reform legislation was a dead letter, was because it was found impossible to apply it without undue harshness in some directions, and acts were allowed to go into desuetude. To leave these powers to the Governor-in-Council was the saving feature of such legislation, because the powers would only be employed to mitigate any harshness or rigour which undoubtedly must occur. We must pass this Bill in such a shape as to recommend it to the great body of employers as well as the employees, and it was only by means of allowing an outlet such as this by which the factory owner, who might otherwise be crushed out of existence, could escape, that we could recommend this sort of legislation to employers.

HON. G. RANDELL: The remarks of Dr. Hackett had confirmed his (Mr. Randell's) previously expressed opinion, for the hon. member had shown how dangerous it was to leave this power in the hands of the Government. If the Bill was worth passing well it should be applied to all persons. Reliance on the Government of the day was reliance on a broken reed. Such a useful Act as the Registration of Firms Act was, in the hands of the Government, a dead letter.

THE COLONIAL SECRETARY: How long had it been a dead letter?

HON. G. RANDELL: For a considerable time; but it was sufficient for his purpose to say that it was a dead letter at the present moment. The control of the liquor traffic was left in the hands of the Government also, but this to a large extent was a dead letter. He could not altogether lay the fault of this latter at the hands of the Government; but in the former matter the Government acted unfairly to some persons who were honourable and honest enough to register their firms. The same would occur if this clause remained. There would be injustice or jealousy or something of the kind, and if persons who approached the Government were persuasive, clever, and successful in their application for the removal of disabilities or for the granting

of privileges, it condemned the clause straight away.

HON. T. F. O. BRIMAGE opposed the clause. All portions of the State should have a taste if this obnoxious legislation should it be passed. He failed to see why Bunbury should be excluded from the administration of the Act any more than Perth or Fremantle. This kind of legislation fell most heavily on the largest centres, but he could see no reason for it. Factories started in outside centres should have the right to enjoy or suffer, whichever it might be. He trusted the clause would be struck out, and that the Act would be made to apply all over the State, and its qualities enjoyed. Should it be applied to people in distant parts of the State and people disliked the provisions, the Act would not last very long. He was convinced it was not wanted, and he believed the sooner it was thrown out the better.

HON. M. L. MOSS: If factory legislation was a necessity--[HON. G. RANDELL: The premise was denied]—and that principle was affirmed by the passing of the second reading, in order to make the Act workable in a country like this it was necessary the clause should stand. It would not be contended any Government would dare to make the Act operative so far as the metropolis were concerned, and inoperative in outside centres. A Government which would do so would soon be brought to its bearings, for there would be an outcry through the Press. In Western Australia, where new localities might spring up at any moment, in which buildings would spring up which were within the meaning of the Act, it might not always be necessary that these buildings should exactly comply with the statute. If in the early days on the goldfields the provisions of this Bill had been applied to places put up speedily, many desirable establishments in these centres would not have been erected. We had to distinguish between the settled community and one likely to spring up at a moment's notice. It was to meet cases of this character that Clause 6 was inserted. Those gentlemen in favour of striking out Clause 6 were going to make this Bill far more stringent than it had been drawn, whereas he understood the object of Mr. Randell and other members was to limit to a large extent the application of this measure. We could make the Bill general in settled communities, but we must not have the same system in relation to new communities which sprang up when least expected. To impose the same conditions on such new communities would undoubtedly be a great encumbrance and burden. The Government must be entrusted with matters of administration of this kind. If the clause stood and the Bill were passed, the measure could be applied to any particular district by means of a proclamation published in the *Government Gazette*. If a proper case were made out, the Ministry would be bound to yield.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 8 |
| Noes | ... | ... | 12 |
| Majority against | | ... | 4 |

| AYES. | NOES. |
|---|---|
| Hon. T. F. O. Brimage | Hon. E. M. Clarke |
| Hon. A. Dempster | Hon. J. D. Connolly |
| Hon. C. E. Dempster | Hon. J. W. Hackett |
| Hon. Z. Lane | Hon. S. J. Haynes |
| Hon. W. T. Loton | Hon. W. Kingsmill |
| Hon. G. Randell | Hon. R. Laurie |
| Hon. J. W. Wright | Hon. W. Maley |
| Hon. C. A. Piesse (*Teller*). | Hon. E. McLarty |
| | Hon. M. L. Moss |
| | Hon. B. C. O'Brien |
| | Hon. J. A. Thomson |
| | Hon. J. M. Drew (*Teller*). |

Amendment thus negatived, and the the clause as amended passed.

Clause 7—Factories to be registered:

HON. G. RANDELL moved—

That all the words down to "district," in line 3, be struck out, and "six months after the passing of this Act no person shall" inserted in lieu.

THE COLONIAL SECRETARY: We had decided to keep in Clause 6, so this amendment would need remodelling. It would be far better to put the amendment in the form of striking out the word "three" and substituting "six."

Amendment by leave withdrawn.

HON. G. RANDELL moved that the word "three" be struck out, and "six" inserted in lieu.

HON. C. A. PIESSE moved as an amendment to the amendment that the word "nine" be inserted. Before a factory could be registered it had to be subjected to an inspector's visit. A person might have to pull down all his building and erect a new one.

THE COLONIAL SECRETARY: "Six" was, he thought, about as far as he was inclined to go; he would support the clause as it stood.

HON. J. D. CONNOLLY: The Act would not come into force for six months, so that would make a total of 12 months.

HON. C. A. PIESSE: If it could be shown that there would be an additional six months, he would withdraw his amendment.

Amendment (Mr. Piesse's) by leave withdrawn.

HON. G. RANDELL: Although the Act would not come into operation until the 1st July, persons trying to establish factories should have reasonable time to make arrangements, and six months would not be too long after the proclamation had been issued for a district.

THE COLONIAL SECRETARY: When inclined to accept Mr. Randell's amendment, he had forgotten that the Act would not come into force for six months.

HON. G. RANDELL: That had nothing to do with this. This referred to the time after the proclamation. It might be six years before a proclamation would be made.

THE COLONIAL SECRETARY: The Act would probably be applied within six weeks of the commencement of the Act.

HON. W. MALEY: It would be found necessary to apply the Act to new districts some time after the Act first came into operation, and in those cases six months' notice should be given. If it was necessary to give six months' notice of the coming into force of the Bill, it was equally necessary to give the same notice in declaring that a district should come under the operations of the Act.

THE COLONIAL SECRETARY: Districts would be proclaimed not fit to be proclaimed now; but factories in those districts would grow up with the knowledge that, as soon as they reached a certain stage, the Act would be applied. Therefore their owners would construct them in compliance with the conditions of the Act, and three months' notice would be ample.

HON. G. RANDELL: One would think a most terrible condition of affairs existed in this State, and that there was a great hurry to have the Act come into operation.

HON. S. J. HAYNES: The amendment was a reasonable one and practically provided twelve months' notice. The general public would not know of the conditions of the Act until about March next.

THE COLONIAL SECRETARY: The people most interested would have ample opportunity of knowing what was to be done.

HON. C. A. PIESSE: The Minister should not take credit for having provided that the Bill would not come into force for six months.

THE COLONIAL SECRETARY: The Government consented to the alteration.

HON. W. MALEY: Factories would not grow up in such a manner as the Colonial Secretary indicated. He did not believe any attention would be paid in outside districts to the conditions of the Act until the Act was applied to those districts. Owners of factories would rather trust to a change of public opinion which might bring about an alteration in the Act. Where an Act was not in force the greatest latitude was taken, and when we brought in what some members considered drastic legislation we should bring it in as gently as possible so as not to cripple any industries.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 13 |
| Noes | ... | ... | 7 |
| Majority for | ... | ... | 6 |

| AYES. | NOES. |
|---|---|
| Hon. T. F. O. Brimage | Hon. J. D. Connolly |
| Hon. E. M. Clarke | Hon. J. M. Drew |
| Hon. A. Dempster | Hon. W. Kingsmill |
| Hon. C. E. Dempster | Hon. E. Laurie |
| Hon. J. W. Hackett | Hon. M. L. Moss |
| Hon. S. J. Haynes | Hon. E. C. O'Brien |
| Hon. W. T. Loton | Hon. J. A. Thomson (*Teller*). |
| Hon. W. Maley | |
| Hon. E. McLarty | |
| Hon. C. A. Piesse | |
| Hon. G. Randell | |
| Hon. J. W. Wright | |
| Hon. Z. Lane (*Teller*). | |

Amendment thus passed, and the clause as amended agreed to.

Clause 8—Application for registration:

HON. G. RANDELL moved that paragraph (*f*) be struck out. This paragraph provided that a factory owner, when registering, should give such farther information as might be prescribed; but quite sufficient information would be provided by the factory owner when he complied with the other paragraphs of the clause. To retain the words in the

clause would give a considerable amount of annoyance and trouble to owners of factories. It was one of the indications of the strenuousness of the attempt to burden the factory owners of this State unnecessarily.

THE COLONIAL SECRETARY: The clause followed the wording of similar clauses in Bills dealing with other subjects. One could not see what was the objection to it was unless the factory owner had something to conceal. Registration occurred once, and once only, unless it was rendered null by misconduct. He could not see what owners of factories could have to conceal, but he could see how circumstances might arise whereby it might be necessary, before a factory was registered, that farther particulars should be provided. The amendment presupposed on the part of the Government a strenuous effort to burden the factory owners of Western Australia. There was absolutely no such wish. The principle of the Bill was the protection of life and property; the protection of the young; the protection of females (to which there could be no objection), and the prevention of factory owners from sweating their employees, to which also there could be no objection. It was claimed the clause put a burden on factory owners. The inference was that some people must be contravening the provisions of the Bill. He did not think they were, but if people came to the State who wanted to do so, it was right and proper we should have a Bill to prevent it. The particulars asked for would not be unreasonable, and they were invariably confidential.

HON. G. RANDELL: If the particulars as set forth in the clause to be provided were not sufficient, he did not know how far the Government would go. It was not likely a man would be asked what money he had.

THE COLONIAL SECRETARY: That was not at all likely.

HON. C. A. PIESSE supported the amendment.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 10 |
| Noes | ... | ... | 5 |
| Majority for | ... | ... | 5 |

| AYES. | NOES. |
|---|---|
| Hon. T. F. O. Brimage | Hon. E. M. Clarke |
| Hon. A. Dempster | Hon. J. D. Connolly |
| Hon. C. E. Dempster | Hon. J. W. Hackett |
| Hon. Z. Lane | Hon. W. Kingsmill |
| Hon. W. T. Loton | Hon. R. C. O'Brien (*Teller*). |
| Hon. W. Maley | |
| Hon. E. McLarty | |
| Hon. G. Randell | |
| Hon. J. A. Thomson | |
| Hon. J. W. Wright (*Teller*). | |

Amendment thus passed, and the clause as amended agreed to.

Progress reported, and leave given to sit again.

## ADJOURNMENT.

The House adjourned at 9·51 o'clock, until the next day.

# Legislative Assembly,

*Thursday, 10th December, 1903.*



THE SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

## PAPER PRESENTED.

By the MINISTER FOR WORKS: By-laws of the Cuballing Roads Board.

Ordered, to lie on the table.

## QUESTION—ALIEN LABOUR ON PUBLIC CONTRACTS.

MR. WALLACE asked the Premier: Whether the Government will make it a condition in all future contracts for the public works that no alien labour will be employed.