

## Legislative Council,

Thursday, 29th August, 1895.

*Donnybrook Land Resumptions—Assisted Schools: appointment of Joint Committee—Fertilisers and Feeding Stuffs Bill: third reading—Railway and Theatre Refreshment Rooms Licensing Bill: third reading—Mines Regulation Bill: committee—Adjournment.*

The PRESIDENT (Hon. Sir G. Shenton) took the chair at 4.30 o'clock, p.m.

## DONNYBROOK LAND RESUMPTIONS.

THE HON. J. C. FOULKES: I have to ask the hon. the Minister for Mines, whether the papers in connection with the Donnybrook Land Resumptions have been laid on the Table.

THE PRESIDENT (Hon. Sir G. Shenton): I may say I think it is highly irregular for the hon. member to be continually adopting this course without notice. The House, yesterday, allowed the hon. member to ask the same question without notice, and I do not think he ought to further pursue this course.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I can only say that I am most willing to give all the information I can, even at a moment's notice, and this has been shown by the promptitude with which papers have been laid on the Table during the present session.

THE PRESIDENT (Hon. Sir G. Shenton): I shall rule that if the hon. member wishes to proceed, he must give notice.

THE HON. J. C. FOULKES: This House, three weeks ago, passed a resolution that these papers should be laid on the Table, and, that resolution not having been carried out, the House has not been treated fairly.

THE PRESIDENT (Hon. Sir G. Shenton): I understood the explanation given by the Minister was that the papers would be laid on the Table as soon as possible.

THE HON. J. C. FOULKES: That is no answer.

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member must, if he wishes to ask a further question, give notice.

THE HON. J. C. FOULKES: Then I beg to move the adjournment of the House. The reason I do so is that the House, some three

or four weeks ago, passed a resolution that these papers should be laid on the Table. I have asked why that resolution has not been carried out, and I am told that the papers will be laid on the Table as soon as possible. That is no answer to the resolution, and I think we are entitled to know the reason.

THE HON. J. W. HACKETT: I formally second the resolution.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I can assure hon. members that the reason these papers have not been laid on the Table is out of no disrespect to the House. There is, I may say, a difficulty in regard to these particular papers which the Government are trying to overcome. As soon as possible I will give a thorough explanation to the hon. member and to the House. At present I can only give the same reply that I did yesterday.

THE HON. J. C. FOULKES: I must again say that the hon. the Minister has given no explanation as to why the papers had not been laid on the Table. We are told there are difficulties, but we are not told what they are. The excuse made hitherto—

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member cannot go into fresh matter.

THE HON. J. C. FOULKES: As there seems to be some difficulty, I shall let the matter drop, and get someone to take the matter up in another place.

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member is exceeding his right of reply.

THE HON. J. C. FOULKES: I ask leave to withdraw the motion.

Motion by leave withdraw.

## ASSISTED SCHOOLS.

## APPOINTMENT OF JOINT COMMITTEE—PERSONAL EXPLANATIONS.

THE PRESIDENT (Hon. Sir G. Shenton): Before proceeding with the business I wish to bring before hon. members a matter in reference to the ballot which took place yesterday. The hon. Mr. Kidson, to-day, communicated with the Clerk, and said he thought a mistake had been made in regard to the voting papers, and that the Minister for Mines had agreed with him that that was so. With regard to the appointment of Select Committees, the procedure is laid down in Standing Order 305 which says: "Select Committees shall be framed in the manner following:—Each member present shall give

the Clerk a list of the names of such two members, exclusive of the mover of the motion, as he may think fit and proper to be upon such Committee; and when all the lists are collected, the Clerk, together with the mover and one other member to be named by the President, shall ascertain and report to the President the names of the two members having the greatest number of votes; which two members, together with the mover of the motion, shall compose such Committee. In case of a tie between two or more members, the President shall determine by lot which shall be chosen." Yesterday a ballot was taken and the Minister for Mines, who moved that the Committee be appointed, was of course, one of the scrutineers. I appointed the hon. Mr. McKernan as the other. Subsequently the list was handed to me, and it appeared on the face of it that there was a tie between the hon. Mr. Kidson and the hon. Mr. Crowder. Under the Standing Order I drew lots, with the result that the hon. Mr. Crowder was elected. No mistake has been made, and I cannot understand how any question can be raised as to the ballot.

THE HON. J. W. HACKETT: What is the point?

THE PRESIDENT (Hon. Sir G. Shenton): The hon. Mr. Kidson raised a point with the Clerk that he had actually received a higher number of votes than some of those who were declared elected.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Perhaps I can throw a little light on this subject, and possibly I may have been unconsciously responsible for what has occurred. I understood that the two gentlemen we balloted for had a higher number of votes than some of those who were elected, and I mentioned the matter. I now find that there were two ties. The hon. Mr. Congdon and the hon. Mr. McKernan were ties with 11 votes each, and the hon. Mr. Crowder and the hon. Mr. Kidson ties with 8 votes each. In conversation with the hon. Mr. Kidson, I was under the impression that he was one of those who had the 11 votes, but I now find that he was one of those who received only 8 votes. I do not think I said a mistake had occurred, but I remarked that the system was not a good one, which allowed gentlemen with a lesser number of votes to be elected, while those who had the greater number, but happened to tie, should be excluded. As I have said, I find I have made a mistake. If any disrespect has

been shown to you, Sir, in connection with the matter, I beg to apologise for it in every way I can.

THE PRESIDENT (Hon. Sir G. Shenton): It was mentioned to me that I had made a mistake. I am not answerable for the ballot papers; I only declare the result on what is handed to me.

THE HON. A. B. KIDSON: I hope you, Sir, do not think there was any intention of disrespect. The way the matter cropped up was that the Clerk reminded me by telephone that the Committee sat to-day, and I said I did not think I was upon it. Then it was that I mentioned that perhaps there had been some mistake, and in so doing I was simply repeating what the hon. the Minister for Mines had told me.

THE PRESIDENT (Hon. Sir G. Shenton): I do not say there was any disrespect, but I think it is a pity any such remark should have been made, because hon. members must know that I have simply to declare what is handed to me by the scrutineers.

#### FERTILISERS AND FEEDING STUFFS BILL.

##### THIRD READING.

This Bill was read a third time and passed.

#### RAILWAY AND THEATRE REFRESHMENT ROOMS LICENSING BILL.

##### THIRD READING.

This Bill was read a third time and passed.

#### MINES REGULATION BILL.

##### IN COMMITTEE.

Clauses 1 to 9 agreed to.

Clause 10 "Upon miner making complaint Inspector to make enquiry:"

THE HON. F. M. STONE: Under this Clause a miner can be continually making complaints. Whenever he does so, the Inspector is bound to inspect the Mine, and in this way the mine owner may be very much harassed. I move that progress be reported, so that we may consider how we can amend the Clause.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I do not think it is necessary to report progress. If the hon. member will look at Clause 8, sub-section 2, he will see that an Inspector may at all times examine a mine, but he must not impede or obstruct the working. This would prevent harassing the mine owner. If this clause were out of the Bill, the miner

could still make complaints, but he would not necessarily obtain an inspection. I do not think there is any difficulty about the matter, but if the hon. member thinks there is, and will move an amendment of a reasonable character, I shall be glad to accept it.

THE HON. F. M. STONE: I will withdraw my motion to report progress, and move that the Clause be struck out. We can then recommit the Bill and insert the Clause in an amended form. By this Clause it is compulsory, as soon as a miner makes a report, for an Inspector to at once inspect the mine. Even if the Inspector thinks there is nothing in it, he is still bound to inspect. Any miner might have a row with his employer, and might be continually reporting.

THE CHAIRMAN (Hon. Sir G. Shenton): The consideration of the Clause might be postponed and then considered at the end of the Bill. In the meantime notice might be given of any suggested amendment.

THE HON. S. J. HAYNES: We might get over the difficulty by providing that three miners should make the complaint instead of one.

THE HON. F. M. STONE: If the inspection is to be made it should be at the instance of one miner and not three, because, towards the end of the Clause, the name of the person making the complaint is not to be divulged. I do not think we should make it compulsory for an Inspector to inspect under any circumstances.

THE HON. A. B. KIDSON: I think the point raised by the hon. Mr. Stone is an important one. I would suggest that the Clause read that the Inspector, on receiving a complaint, may, if he think fit, go and inspect.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I do not think that suggestion would meet the case. We must remember that the owners are the powerful men, and it is the duty of the Government, and of this House, to see that the weaker parties—the miners—are protected. The object of this clause is to give the miner a chance of having a mine inspected. The miners have to take the risk of working in the mine, and it is only right that they should have some remedy against unscrupulous owners. Although we shall get the best Inspectors we can, it is possible that in some instances it might suit the Inspector to side with the mine owner rather than with the miner. If we take this

Clause out, there would be nothing to compel an inspection of the mine.

THE HON. D. K. CONGDON: A miner under this might complain seven times a week.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): But the hon. member does not expect that an Inspector would inspect seven times a week.

THE HON. F. M. STONE: He would have to under this Clause.

Motion that progress be reported, by leave, withdrawn.

THE HON. F. M. STONE: I move that the Clause be struck out.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I would suggest that we amend the clause by adding a sub-section providing that any miner who makes an unfounded or frivolous complaint shall be guilty of an offence against the Act. This means that, under Clause 4, he would be liable to a penalty not exceeding £10.

THE HON. H. J. SAUNDERS: I shall support the Hon. Mr. Stone, because I think the clause will put companies to considerable expense and annoyance at the instance of men who may have been dismissed.

THE HON. J. W. HACKETT: I am inclined to follow the course that you, Sir, first suggested, and postpone the consideration of the Clause. In the meantime, the hon. Mr. Stone, or the hon. Mr. Kidson, will be able to put down the amendment they wish on paper, and we shall not then be fighting a matter with no materials to work upon. We have to look at the interests of both mine owners and miners, and we must remember that the miner has not the same influences on his behalf as the owner has. If the Clause is struck out, the miner could complain and the Inspector would not be bound to do anything, and it would be practically the same thing if the hon. Mr. Kidson's amendment were agreed to, because it would be discretionary with the Inspector as to whether he inspected or not. Then I do not think the amendment suggested by the hon. the Minister would do, because it would directly contradict the first part of the Clause. The first part forbids the name of the informant being divulged, and the suggested amendment means that not only would the name be given up, but that the informant might be prosecuted as well. All this shows the necessity of having full notice of the amendments, and I suggest, therefore, that the consideration of the Clause be postponed.

THE HON. F. M. STONE: I shall adopt the hon. member's suggestion, and move that the Clause be postponed.

Question, that the clause be postponed, put and passed.

Clause postponed.

Clause 11 "Inspection by representatives of miners":

THE HON. F. M. STONE: I think it advisable to postpone this Clause also, because we may find that we can make one Clause out of Clauses 10 and 11.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I hope hon. members will give notice of their amendments. This Bill has been carefully prepared on lines similar to the Acts in force elsewhere. Notwithstanding this, we find that hon. members come here and think they can write out an amendment at five minutes' notice. This Bill has been before the House for two or three weeks, and no one has taken the trouble to give notice of any amendment. Now hon. members propose amendments, and a fair opportunity of considering them is not given.

THE HON. H. J. SAUNDERS: I do not think we should rush this Bill. These are very important clauses, and I have been trying to obtain information before giving notice of amendments. The Hon. Mr. Stone is only asking to have the Clause postponed.

Clause postponed.

Clause 12 "Managers to be appointed":

THE HON. F. M. STONE: I propose that the words "Assistant Manager" be inserted after the word "Manager." I do this because there are many managers of these mines who are in England, and I think it is necessary that there should be a manager at the works. There might be some confusion as to which manager was meant, if we did not insert some such words as these.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): That is provided for by the Interpretation Clause, which says that "manager" shall include "deputy-manager."

THE HON. F. M. STONE: I do not think that would meet the case, because the Deputy-manager is the person referred to in Clause 14.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that progress be reported, so that hon. members may have an opportunity of tabling their amendments. We can then know exactly what we have to deal with.

Question, that progress be reported, put and passed.

#### ADJOURNMENT.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved that the House, at its rising, adjourn until Wednesday, 11th September, 1895, at 4.30 o'clock, p.m.

Question put and passed.

The House, at 5.20 o'clock p.m., adjourned until Wednesday, 11th September, 1895, at 4.30 o'clock p.m.

### Legislative Assembly,

Thursday, 29th August, 1895.

*A Correction—Establishment of an Experimental Farm—Appointment of Resident Magistrate and Medical Officer at Esperance Bay—Ecclesiastical Grant Abolition Bill: first reading—Married Women's Property Bill: consideration of Committee's Report—Crown Suits Bill: in committee—Sale of Goods Bill: second reading—Estimates, 1895-6: further considered in committee—Adjournment.*

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

#### A CORRECTION.

MR. R. F. SHOLL: I should like to correct an error in a statement I made last night in dealing with the "Miscellaneous" vote on the Estimates, under the head of "Incidentals." Quoting from a return which had been laid on the table showing the various items in detail, I stated that the cost of the trip to Donnybrook had been £406, whereas, as a matter of fact, it only cost £40 6s. The return had been so carelessly copied and the figures so jumbled together that I mistook one amount for the other. I now wish to correct the statement I made last night, so that it may not go abroad