

debate was being protracted in a light way by the very men who professed sincerity.

MR. TROY: There was an increase of £25 on this item, and he was not satisfied.

MR. GORDON: It was £35.
Vote put and passed.

[12.20 o'clock, midnight.]

THE MINISTER moved that progress be reported and leave asked to sit again.

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

Ayes	...	...	...	18
Noes	...	...	...	8

Majority for ... 10

AYES.

Mr. Angwin
Mr. Brown
Mr. Gordon
Mr. Gregory
Mr. Hastie
Mr. Hayward
Mr. Holman
Mr. Jacoby
Mr. Johnson
Mr. Lynch
Mr. N. J. Moore
Mr. Moran
Mr. Nanson
Mr. Nelson
Mr. Scaddan
Mr. Taylor
Mr. Frank Wilson
Mr. Gill (Teller).

NOES.

Mr. Bolton
Mr. Heitmann
Mr. Henshaw
Mr. Needham
Mr. Watts
Mr. A. J. Wilson
Mr. F. F. Wilson
Mr. Troy (Teller).

Motion thus passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 25 minutes past 12 o'clock, until Wednesday afternoon.

Legislative Council, Wednesday, 14th December, 1904.

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

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Report of Royal Commission on Immigration of non-British Labour.

QUESTION—AIR SPACE IN GOVERNMENT OFFICES.

HON. G. RANDELL asked the Minister for Lands: 1, What cubic space is available for each employee in the Government Printing Establishment, stating for compositors, pressmen, and bookbinders separately? 2, What cubic space is available for the officers of the Government Savings Bank? 3, Are the ventilation and light provided in the public room of the Land Titles Office considered sufficient for the comfort and health of the officers employed therein?

THE MINISTER FOR LANDS replied:

1. Government Printing Establishment:—

Compositors—	46 with	535 cubic ft. ea.
	47 "	823 "
	1 "	3,864 "
Pressmen—	2 "	1,784 "
	4 "	1,449 "
	2 "	2,047 "
	9 "	1,850 "
	4 "	7,570 "
Bookbinders—	47 "	889 "
	12 "	1,789 "
Readers—	10 "	386 "
Publishers—	4 "	1,953 "
Clerks—	3 "	1,190 "
	2 "	2,310 "

Caretaker—	1	„	2,520	cubic ft. ea.
Government Printer—	1	„	4,305	„
2. Government Savings Bank :—				
Present building :				
23 officers,	807	cubic ft. ea.		
6	601	„		
New building :				
1 officer,	3,000	cubic ft.		
2 officers,	3,202	„ ea.		
2	3,300	„		
8	2,248	„		
16	4,133	„		

3. The ventilation and light provided at the Titles' Office are not considered sufficient, but in the opinion of the Registrar of Titles it is impossible to do more with the present building than has already been done. There are 17 officers in the room, and the cubic space available for each is 1,387 feet.

PUBLIC SERVICE BILL SELECT COMMITTEE.

MOTION—THE PREMIER TO GIVE EVIDENCE.

HON. W. KINGSMILL (without notice) moved :—

That the Legislative Assembly be requested to grant leave to the Hon. Henry Daglish, Premier, to give evidence before the select committee of the Legislative Council appointed to consider the Public Service Bill.

Question passed, and the request transmitted to the Legislative Assembly.

BILLS, FIRST READING.

LAW OF LIBEL AMENDMENT ACT (IMPERIAL) ADOPTION, introduced by Hon. J. W. Wright.

AGRICULTURAL BANK ACT AMENDMENT, introduced by the Minister for Lands.

BILLS OF EXCHANGE ACT AMENDMENT, introduced by the Minister for Lands.

BUSINESS DAYS AND HOURS, ADDITIONAL.

THE MINISTER FOR LANDS moved :

That for the remainder of the session the House shall meet for the despatch of business on Friday at 4.30 p.m., and shall sit until 6.30 p.m., and if necessary from 7.30 p.m. onwards. It was the desire of the Government to close the session before Christmas, and in order that we might be able in this Chamber to get through all the legislation it was necessary we should sit an extra day.

HON. R. F. SHOLL (North) : There was no objection to meet on Fridays ; but if the Government had sent down more work we could have been more advanced than at present. It was only last Tuesday that Dr. Hackett proposed that the debate on the Municipal Bill should be adjourned, and the Minister then moved the adjournment of the House until the following Tuesday, although there was business to go on with. We were now asked to sit on Fridays so that Bills could be rushed down, with the hope that they would be passed without due consideration. He protested against any Government keeping important business back and rushing it through at the tail-end of the session. The reason was quite obvious. The House should let it be understood that we would not consider important Bills at the end of the session, but that they should stand over until the next session. He objected to the House being trifled with by keeping important Bills back and trying to rush them through at the tail-end of the session when the weather was so hot.

THE MINISTER FOR LANDS : The hon. member expressed disagreement with the adjournment which occurred two weeks ago. Before moving the motion he consulted every member present in the House, and all were of the opinion that there was not sufficient business likely to come forward to justify calling members together. That was the reason why the House was adjourned. The Municipal Bill he believed was on the Notice Paper, but members had not had time to give consideration to the matter. As to delay, the Government had no intention of that kind. There was an Opposition in another place, and although that party had been extremely fair, the members had to criticise certain measures brought forward by the Government. Consequently the Government were not able to push forward the legislation as speedily as they might wish. The Government only came into office in August last, and a large amount of legislation had to be introduced. The Government had not been able to put forward the legislation owing to criticism.

HON. G. RANDELL (Metropolitan) : No harm would be done by passing the motion, for if there was no necessity to sit on the Friday the Minister could move

to adjourn over that day. But members ought to give the Government assistance to transact the business. As far as the consideration of the Bills was concerned, members would exercise their own judgment when the Bills were brought before them. It was right to give the Government assistance in a matter of this kind, for there was a desire on the part of several members to be released from service in the House.

THE PRESIDENT: Although the motion might be passed, if there was no business on the Notice Paper for Friday the Minister could move that the House adjourn over that day.

Question put and passed.

RETURN—NEW PARLIAMENT HOUSES, ANNUAL COST.

HON. G. RANDELL (Metropolitan) moved:

That a return be laid on the table of this House, showing the increased annual cost of the transfer of the business of Parliament to these buildings.

He was curious to know what additional cost had been incurred by the transfer of the business of Parliament from the old Legislative Council buildings to the new premises. In using the term "annual cost" he was aware that the year had not expired, and the annual cost would have to be ascertained as near as possible. It was desirable that members should know what were the increasing expenses of the Parliament of the country.

Question put and passed.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the previous day.

[New Clause (moved previously by the Hon. M. L. Moss)—Section 7 of the Municipal Institutions Act Amendment Act 1902, No. 3, is hereby amended by striking out the word "within" in the said section, and substituting in lieu thereof, "by the Council of":]

HON. M. L. MOSS: From interjections by members, there seemed to be an idea that it would be unfair to pass the amendment so that persons would have to take out licenses in more than one municipality. Still it was thought some arrangement might be made that

adjoining municipalities should divide the fees.

Clause put and negatived.

New Clause—Municipal Bonded Store:

HON. R. D. MCKENZIE moved that the following be added as a clause:—

Any council being the owner or lessee of a licensed warehouse established under the provisions of "The Customs Act 1901" may enter into and execute any such bonds or undertakings as may be required under the said Act for the purpose of securing to the Commonwealth Government the payment of duty on goods lodged in such warehouse. Such bonds or undertakings shall be for a specified maximum sum, and shall be charged and secured upon the municipal revenue of the council in the same manner as debentures issued for the raising of loans under the provisions of the principal Act are charged and secured; and the provisions of the principal Act relating to the charging and securing of debentures shall apply in the same manner to the charging and securing of any bonds and undertakings entered into by any council under the powers conferred by this section.

The Kalgoorlie municipality were building a bonded warehouse, and would have to enter into a bond with the Commonwealth Government. The new clause would enable this to be done.

Question put and passed.

Postponed Clause 6—Amendment of Section 52:

HON. F. M. STONE had moved the following amendment:

That all the words after "hereby," in line 1, be struck out, and the following inserted in lieu: "amended by striking out all the words in the said section after the word 'thereof' in line 16."

HON. J. W. HACKETT asked for explanation. The Minister in charge of the Bill ought to be able to give us a lead.

HON. F. M. STONE: The object of the amendment was to provide that the person who paid the rates, whether landlord or tenant, should be entitled to be on the electoral roll. As it at present stood, if the landlord paid the rates the tenant still had the vote; and that seemed unfair. In reply it had been argued that virtually the tenant paid the rates; that the landlord in many cases added the rates to the rent. In his experience he had not come across any such case. The tenant had to pay the rates for this reason, that the landlord never knew what the rates were going to be. One year they might be so much, and the

next year they might be double. If there were a case where the landlord added the rates on to the rent, he would like the tenant to have the vote, but he did not know how we were to get over the matter. In looking farther into the question he doubted whether even striking out the latter part of the clause would accomplish the object in view; because the occupier was the person liable to be rated.

MEMBER: The occupier could be de-stained upon.

HON. F. M. STONE: Yes; but he could come back on the landlord and compel him to pay, and could also sue him for damages on account of the distress put in. The whole principle of the Act was that the occupier was the person liable to be rated; therefore one rather inclined to the view that if we were to strike out the latter part of the clause the occupier would still be entitled to be on the electoral list; and we should have to go farther and alter a considerable number of the sections of the Act. At this late stage of the session he was not prepared to suggest to the Committee what farther alteration we should have. There would be no end of complications, and he would much prefer to leave the matter as it stood. He begged leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause put, and division taken with the following result:—

Ayes	...	...	...	5
Noes	...	...	...	20

Majority against ... 15

AYES.

Hon. G. Bellingham
Hon. T. F. O. Brimago
Hon. J. M. Drew
Hon. R. D. McKenzie
Hon. J. A. Thomson
(Teller).

NOES.

Hon. E. M. Clarke
Hon. J. D. Connolly
Hon. C. E. Dempster
Hon. J. W. Hackett
Hon. V. Hamersley
Hon. S. J. Haynes
Hon. W. Kingsmill
Hon. J. W. Langsford
Hon. R. Laurie
Hon. W. T. Loton
Hon. W. Maley
Hon. E. McLarty
Hon. M. L. Moss
Hon. G. Randell
Hon. R. F. Scoll
Hon. C. Sommers
Hon. F. M. Stone
Hon. Sir E. Wittenoom
Hon. J. W. Wright
Hon. W. Patrick
(Teller).

Clause thus negatived.

Postponed Clause 11—Repeal of Section 106:

HON. J. W. HACKETT: This clause was postponed at his request. He had gone into the matter, and now thought it was all right. Under the Act there were two counterfoils. There was a division of the voting paper, and one counterfoil was sent to the returning officer, but the Act said nothing as to what was to be done with the other part. The other counterfoil was for the use of the deputy returning officer.

Clause put and negatived.

Postponed Clause 15—Amendment of Section 167:

HON. W. KINGSMILL moved that the following be inserted after Sub-clause 28A:—

Prohibiting the wholesale sale of fish except in markets established within the municipality, or prohibiting the wholesale sale of fish within the municipality when a market for the wholesale sale of fish is established in another municipality. For the purpose of any by-law made in this subsection, the seashore and the sea and any river abutting on the boundary of the municipality shall be deemed within the municipality.

In other parts of the world each large municipality controlled the local sale of fish; and if this were the practice here, a valuable food-product would be greatly reduced in price and improved in quality. A group of municipalities such as Fremantle and suburbs would not need a fish-market in each; but those which had not markets could prohibit the wholesale sale of fish within their boundaries, so as to confine the sales to the nearest fish-market in any neighbouring municipality. The second part would prevent the by-law from being defeated by the sale of fish in boats.

HON. J. W. HACKETT: If the five Fremantle municipalities passed such a by-law, to whom would the foreshore belong?

HON. W. KINGSMILL: A by-law made by a municipality which had not a foreshore or a river frontage would not be operative on any shore or river frontage.

HON. M. L. MOSS: The distinction between a wholesale and a retail sale was not obvious.

HON. W. MALEY: The word "fresh" should appear before "fish," otherwise the amendment would interfere with the sale of dried or of tinned fish, and would

entail hardship, especially on the gold-fields.

HON. J. A. THOMSON: The amendment was not clear; but if municipalities had not power to restrict the wholesale sale of fish to a particular centre, they ought to have it. In the old country all fish and meat had to be taken to a specified market and inspected, before distribution to the retailer.

THE MINISTER: The amendment seemed dangerous. In many municipalities there was no fish market.

HON. W. KINGSMILL: To such it would not apply. It simply gave municipalities power to make by-laws, if desired, to restrict the wholesale sale of fish to certain places, so that the quality of the fish might be subject to inspection, and underhand dealing between the middleman and the fisherman be prevented.

HON. C. SOMMERS supported the object of the amendment, though the wording seemed objectionable. Municipalities should have power to insist on fish sold therein being absolutely pure. There was now no supervision. In all the large centres in the Eastern States, fish markets were provided.

HON. R. LAURIE: The late Government erected a small fish market on the Fremantle wharf; but the market was never used, because the municipality could not take it over. The fish were landed at East Fremantle, without supervision. This was surely undesirable, though recently arrangements had greatly improved, most of the boats being now fitted with wells and carrying ice. Notwithstanding, quantities of fish had sometimes to be taken out to sea and thrown overboard, and bad fish was sometimes sold in and around Fremantle. Municipalities should have the right to control the wholesale trade.

HON. F. M. STONE sympathised with the object of the amendment, which, however, appeared to go too far. It would apparently empower a municipality to prohibit the wholesale sale of fish, not only within its boundaries but without. This might prevent a Perth resident from bringing to Perth fish he had bought at Geraldton. It was right that a boatload of fish brought to Perth should not be sold except in a municipal fish market;

but the amendment should not go farther. It might prevent the sale of dried fish.

HON. J. W. HACKETT: All agreed with the principle of the amendment. There was nothing so dangerous as the sale of stale fish, which must continue in the absence of proper regulations and of a wholesale market. It was obvious the word "fresh" must go in. As to tinned fish, it was fish all the same; but the clause would prohibit the selling of fish wholesale between Perth and Fremantle, if there were a wholesale market for fish at Bunbury or Geraldton. The amendment needed redrafting to make the intention clear. All the municipalities bordering on the sea in the Fremantle district might claim the seashore as being within their boundary, according to the second part of the clause. The matter should be postponed for consideration.

HON. W. KINGSMILL was willing to postpone it, but would rather have heard better arguments than those advanced against the clause. He admitted that the people of Fremantle would have a legal right under the clause to prohibit the wholesale dealing in fish if there were a wholesale market at Geraldton. The word "fresh" should go in before "fish." Seeing that this clause had been drafted by the Parliamentary Draftsman, he did not know whom to appeal to for amending the drafting.

THE MINISTER hoped the new clause would be postponed.

HON. C. SOMMERS: If a wholesale dealer contracted to supply a dealer with a ton of fish delivered at Fremantle, for instance, that fish would not be for public sale; but there should be some provision for inspecting it.

On motion by Hon. W. KINGSMILL, new clause postponed.

Postponed Clause 27—Valuation of gas mains and electric lines:

HON. R. D. McKENZIE moved an amendment:

That after the word "gas" wherever occurring, the words "or water" be inserted. It was necessary that private persons owning a water supply in a goldfields town, for instance, should be rated the same as persons who supplied gas.

THE MINISTER asked that the clause be postponed, as he was obtaining information from municipalities in reference to the assessment of gas companies' mains.

Motion postponed.

Postponed Clause 30—Appeals:

HON. J. W. HACKETT moved an amendment—

The Local Court and the Supreme Court, respectively, may make such order as the court may think fit for payment of costs by either party to the appeal to the other party, such costs to be fixed by the order, or taxed by the proper officer.

This was a matter to which he had already referred. It would be known to hon. members that there was an appeal in the first instance from the valuer of lands in a municipality to the council, that there was a farther appeal from the decision of the council to the Local Court, and in certain cases there might be an appeal from the Local Court to the Supreme Court. But all these appeals were under this inequitable condition, that the appellant, whether failing or succeeding in his appeal, would have to pay his own costs. This gave to municipal councils and to valuers a power they ought not to have, which would tend to prevent aggrieved persons from appealing. We might well ask that the costs of appeal to the Local Court or to the Supreme Court should be allowed to the appellant if he proved that the valuation was exorbitant or unjust; and the appellant in such case should not be put to the cost of getting his remedy. It was the more important that this amendment should be made in view of the fact that the Bill provided for another form of rating differing from that now imposed. Those favouring that provision were a band of enthusiasts, and a valuation board so formed might impose extreme values on the capital unimproved value of lands in a municipality, and might do it in order to prove the success of the new system. He knew of at least one extreme enthusiast who was in favour of the principle of unimproved capital value, and if he were appointed one of the valuers for the city of Perth, there would probably be such high values imposed that most of the owners would feel it necessary to appeal. Therefore the

remedy he proposed in regard to the costs of appeal became more necessary.

HON. C. SOMMERS supported the amendment. Recently he appealed against a municipal valuation of £20 an acre, and succeeded in getting it reduced to £10 an acre. But though succeeding in his friendly appeal to the council, he did not get costs allowed. This amendment would remedy such a case as that.

Amendment passed, and the clause as amended agreed to.

Bill reported with amendments, and the report adopted.

LICENSING ACT SUSPENSION BILL.

SECOND READING—AMENDMENT.

THE MINISTER FOR LANDS (Hon. J. M. Drew), in moving the second reading, said: This Act suspends the granting of liquor licenses for a period of 12 months. The Government intend next session to introduce legislation dealing comprehensively with the liquor question; and in the meantime, it is their desire that no new vested interests shall be created until Parliament has had an opportunity of dealing with the existing law. A fair proportion of the licensing benches throughout Western Australia have exercised undue liberality in granting licenses for many years past; and as a result, the number of licenses in existence in Western Australia is out of all proportion to the number in existence in other parts of the Commonwealth. I shall just give members some idea as to the number of licenses issued under the Wines, Beer and Spirits Sales Act during the year 1903. Of publicans' general licenses, 540 renewals were granted, and there were 29 new issues, totalling 569. Of provisional certificates, 19 were issued. Of wayside house licenses, 188 were renewed and 20 fresh licenses were granted, totalling 208. Of hotel licenses, one was renewed. Of wine and beer licenses, 53 were renewed. Of spirit merchants' licenses, there were 44 renewals and 10 new issues, totalling 54. Of gallon licenses, there were 278 renewals and 41 new issues, totalling 319. Of colonial wine licenses, there were 44 renewals and 9 new issues, totalling 53. Of club licenses, there were 15 renewals, and seven new issues. The total renewals amounted to 1163, and the new issues to

135; the total licenses in existence being 1,298. In 1903 there was one license for the disposal of wine, beer, or spirits for every 104 adults between the ages of 21 and 65. The total population was 226,954. The total adult population between 25 years and 65 years was 136,172. On this basis there was one license to every 174 people—men, women, and children.

HON. J. W. HACKETT: What is it in the other States?

THE MINISTER: I have not had time to get the comparison, but I remember reading a return some time ago; and from my recollection, Western Australia was certainly far ahead of anything in the world.

HON. J. W. HACKETT: In the amount we drank per head, but not per adult head.

THE MINISTER: Per male, I think it was. So far, the public have had no say, or very little say, in regard to the granting of these licenses. No official poll has been taken. The only medium to approach the licensing bench is by petition; and as members must know, a great many people do not care to sign petitions as the step might deprive them of livelihood. It is, in one sense, open voting. There should be some means adopted to enable the public to decide secretly, upon the principle of an election, as to whether licenses should be granted in a certain locality or not. The present method is very cumbersome, and it is the intention of the Government to deal with it in the measure to be introduced next session. Vested interests are fully considered under this Bill. Perhaps members may think they have been too fully considered; but in no respect have these interests been affected. The Governor has power to suspend the operation of the Act in any place where there is no licensed house within a radius of five miles. New settlements may arise, and it may be necessary for licenses to be granted, and the Governor has full power to suspend the operation of the Act. Moreover this Bill will only be in operation for 12 months.

HON. J. W. WRIGHT: Will it not create a big monopoly?

THE MINISTER: If we go on for two or three years more, there will be a far greater monopoly to be faced. The Bill

will certainly create a monopoly; but the monopoly will be greater unless some steps are taken. Perhaps in five or six years there will be a greater number of licenses, and the monopoly will be greater than at present. I beg to move that the Bill be now read a second time.

HON. W. KINGSMILL (Metropolitan-Suburban): I have not many remarks to make about the Bill; and I regret that the only remarks I have to make will be condemnatory. I do not think the powers of Parliament, which should be used with a great deal of caution, should be taken advantage of for the purpose of a temporary expedient; and I do not believe in legislation of this kind being introduced piecemeal. The Minister has said the Bill is simply a forerunner of a measure the Government intend to introduce next session. The Government are taking it for granted to a great extent, in the terms of the measure we have before us, that the Bill to be introduced next session will pass as they introduce it. Judging from their past experience, are they justified in forecasting that result in face of the fact that most of the Bills they have introduced have, to put it delicately, been somewhat amended in their passage through Parliament? Are they justified in forecasting a calmer and more successful passage through Parliament for a Bill next session than that of the Bills they have introduced so far? It is a peculiar thing that, whenever we have legislation dealing with the liquor law, we find the two extremes meet. As a matter of fact, if I may be allowed to make a joke, it would be the best thing in the world for an impecunious Treasurer to introduce liquor legislation to make ends meet; because on every occasion, when this class of legislation is introduced, the two extremes—the hotel-keepers and publicans on the one hand, and the teetotalers on the other—seem to combine on common ground against that class of the community which greatly outweighs both, the persons of moderate views. It is not likely that hotel-keepers at this stage, at all events, will take any exception to the Bill introduced. They are secured for a period of 12 months—and may I remind members that this period of 12 months did not appear on the Bill as introduced in another place, and that it is an amend-

ment—in a comfortable little monopoly, and without any fear of farther opposition. May I ask the Minister what their attitude will be when the 12 months are up, or when the new Bill is introduced? Will they not take up the attitude of antagonism to any farther legislation? Will they not use every influence in their power to have things left as they are? Will they not say, "We are very comfortable under existing legislation. All that we want is that it should be perpetuated?" Who may be considered the best judges as to the necessity for licenses, Parliament, which has very little evidence to go on and which does not trouble itself to a great extent about the business, or the licensing benches appointed by the Government, whose duty it is to collect evidence and carefully sift it as to the desirability of granting licenses? Which of these two bodies are we to consider the best judges in this particular? Undoubtedly, so far as I am concerned, I say the licensing benches, to whom the introduction of this Bill is neither more nor less than a gratuitous insult. They are the best judges. I do not know that I have more to say in connection with this measure. I may have missed some points; but I have much pleasure in moving an amendment:

That the Bill be read a second time this day six months.

HON. S. J. HAYNES (South-East): I have pleasure in supporting the amendment. Mr. Kingsmill has given good reasons why the Bill should be thrown out. From my experience of the present Licensing Act, I am perfectly satisfied the public will be protected, and that there would not be the grumbling or trouble there is now if the Act were properly administered, and if the Government of the day would pay attention to amending the Act (although the provisions are strict enough if the licensing benches would do their duty) by improving the standard of hotels and seeing that the liquor sold is good and proper liquor for those who drink it, and seeing that the public are treated with what they should expect from a proper inn, the necessary refreshment at the right time. A few years ago, Mr. Stone referred to the fact that a local option might block any licenses.

Some comment has been made as to petitions. I have in my time used petitions and I have found them very effective; the benches pay great attention to them. The effect of the Bill will be to grant a monopoly to the present licensees, and there will be a struggle to keep the monopoly in existence. I trust the amendment will be carried. I do not care what Bill the Government may bring in, there will be trouble. The great evil would be avoided if more attention were paid to administration and less to legislation.

HON. J. W. HACKETT (South-West): I am entirely in accord with the remarks of Mr. S. J. Haynes. This Bill places Parliament in a position that should not be the object of legislation. The Licensing Act for the time being is to be suspended; the Government come to Parliament to demand the carriage of a Bill so that all licenses shall be suspended for the time being. If we pass the measure, such a state of things will be brought about that Parliament will be anxious to pass legislation next session probably against its own convictions. Parliament should be unfettered and untrammelled in dealing with legislation of this kind to enable Parliament to give judgment in a free fashion. I am prepared to say that all legislation on this matter should cease until an effective and thorough Bill is presented for the consideration of Parliament. These tinkering Bills only do mischief. I am at a loss to know where the Government got their precedent from. There is only one precedent, and that is the case of the Irish Church where a Suspensory Bill was passed stopping the whole movement. A Bill was presented to Parliament and passed, and the next day the disestablishment took place. There is no time to deal with a question of this kind now. The Bill will establish a monopoly to those persons protected by the measure, and the measure may prevent districts in need of licenses from receiving them, and compel Parliament to accept an inferior method of dealing with the question.

HON. WESLEY MALEY (South-East): I indorse the remarks of Dr. Hackett on this question. It appears to me that an attempt is being made, for the next 12 months, to transfer the powers of the licensing benches to the Govern-

ment. I do not know how the Government expect to be approached in the matter of granting licenses, but I do think if efforts are made in the same direction as at present to secure packed benches, and if the Government are to receive deputations, or if they are to have counsel appearing for would-be applicants, it will lead to a great deal of trouble and confusion. The whole thing is better as it stands in the hands of the licensing benches than the position sought to be brought about by the Bill.

HON. H. BRIGGS (West): I beg to support the amendment moved by Mr. Kingsmill, because I think the Bill is a gratuitous insult to the licensing magistrates. I, as one of the licensing magistrates at Fremantle, can speak for my colleagues in this matter. We have been particularly careful and have taken a great deal of pains to ascertain the wants of the people throughout, and I may say that in one district we have granted only one licensed house to every 2,500 inhabitants, and in another district of Fremantle we have only given one licensed house to 1,000 people. When we look at the statistics of England we find the places where there are most public-houses to the people, that is one to 100, are Cambridge and Canterbury. The lowest place is Plymouth, that has one hotel to every 340 people. All the other places come between these. There are over 300 cities in the United States where the proportion of licensed houses is 1 to 250 inhabitants; so when we keep to the rate of 1 to 2,500 and 1 to 1,000, I cannot see that the Government should throw a slight on the licensing benches by taking this matter in their own hands. Another point that has not been brought before the House is this: licensing benches are appointed annually, and if they do not do their duty, a new licensing bench can be appointed for the next twelve months. I think that is a sufficient safeguard without bringing in a law to appoint licensing justices, and then apparently insulting them by taking away all their powers. I shall support the amendment.

HON. M. L. MOSS (West): The most objectionable feature in the Bill to my mind is the fact that the Government of the country introduced the measure in another place just before the annual meetings of the licensing benches through-

out the country. The president of the licensing court in each place is the stipendiary magistrate. I am not alluding to Perth and Fremantle, where the benches are differently constituted, but in other parts of the State all justices not interested in the liquor traffic are members of the licensing benches throughout the country. [MEMBER: No.] Not on the goldfields, but at Albany, Bunbury, and in the Eastern Districts all the justices are members of the licensing bench. The point I wish to make is that in a large number of places where licensing meetings are held a stipendiary magistrate exercises a considerable amount of influence over the other magistrates. Stipendiary magistrates are only human and watch what goes on, and when they find the Premier introducing a measure and passing it, it is almost a direction to the magistrates, turning a judicial proceeding into a farce. It is a command from the master of the stipendiary magistrates to refuse every application, which is a grossly unfair position to take.

THE MINISTER FOR LANDS: Was it not done by the James Government?

HON. M. L. MOSS: I am glad the Minister has referred to that. The late Premier (Mr. James) did interfere, and he was severely condemned throughout the country for interfering with the independence of the benches. I protest against any attempt to influence the benches throughout the State, and that is the reason why I rise to make these observations. In my opinion, speaking with a good many years' practice before licensing benches, the public have an excellent opportunity of expressing their opinions against licenses. As the law stands, no petition in favour can be received, but petitions against licenses may be received and are received, and they are a very effectual means of preventing licenses being granted. In Fremantle the justices meet about a week before the proclaimed day, and fix what is known under the Act as "the immediate vicinity" where the license is sought to be obtained for; and we know perfectly well the locality is industriously canvassed, and I believe nine out of ten of the applications brought before the bench in Fremantle are confronted with majority petitions. There is a full means of local option in

that way. In connection with amendments of the Licensing Act there is as large a clamour as in connection with amendments to the electoral law. I do not say the licensing law is perfect. We cannot expect, in dealing with a subject like this, to give, on any one occasion, perfect legislation; but there are ample means of local option. I do not believe there is anything in the argument of the Minister for Lands that the people do not like to show their hands. People do show their hands. No matter how many sign in favour of a license it goes for nothing, and those against it are counted as opponents. There are numbers of applications thrown out. I agree with Mr. Kingsmill in the amendment he has moved. This is a peculiar kind of legislation, the object of which is to tie up the whole of the licensing laws as to granting new applications for 12 months. It is a bad precedent in every way, and if Parliament agrees to it in this instance we will be confronted with amendments to stay judicial matters in other directions when a particular Government may have a majority in another place to carry a measure of this kind. It is the duty of this Chamber to say whether, in the interests of the country, the Government should be permitted to turn themselves into a licensing bench for the whole State, for the Government will then have the right to say whether they will suspend the operation of the law. While I do not wish to impute any dishonourable motives to the Government or to any member of it, this is a power I am not prepared to give to the present or any other Government, to say that by the Governor's proclamation, if this measure is passed into law, the granting of licenses will be suspended, more particularly when political influence is brought to bear. There is a full measure of local option under the Licensing Act. People have an opportunity of going before the bench and objecting. They may present petitions and give evidence in open court. We are setting up a precedent in the Bill which is very mischievous in character and isolated as an example in regard to legislation of this kind. Mr. Haynes draws attention to the fact that it is not even the magistrate who deals with these applications entirely, but a majority of the bench, and that justices have the

power to override the decision of the magistrate.

HON. J. A. THOMSON: Who sways the court?

HON. M. L. MOSS: I have no time to answer the interjections of the hon. member. If it is the intention of the Government to deal comprehensively with this very difficult question in the next session of Parliament, within a short period of five or six months, no reason has been shown in the speech of the Minister for Lands to justify the Government in asking this Chamber to agree to a measure so serious in its consequences and so wanting in precedent as the Bill we are asked to agree to.

SIR E. H. WITTENOOM (North): I do not think any evil motive is imputed to the Government in bringing in this Bill; on the contrary, I think the Government have been influenced by the very best of motives. Knowing the views of some members of the Government, I say they are trying to do away with the evils attendant on the drink traffic. For two strong reasons I find myself bound to vote for the amendment, and the first reason is that I believe we are to have a comprehensive measure brought in next session; therefore we should not tamper with the liquor legislation until this Bill has been submitted to us. But the greatest objection of all it appears to me is a business one, and that is the fact that if a monopoly is created by not granting any farther licenses for the next twelve months, vested interests already existing will become very much more valuable, and will be all the more difficult to deal with; in fact, they will become so valuable that it will suit the holders to use the very strongest efforts against any change in the system. That to my mind is the greatest objection to the whole Bill, and under these circumstances I am afraid I shall find myself compelled to support the amendment.

HON. G. RANDELL (Metropolitan): I think some motives have been imputed not creditable to the present Ministry, and I am very sorry for that. Sir Edward Wittenoom said it struck him that there were some motives. I desire to say I recognise and appreciate the very earnest and honest desire to cope with a great evil in our midst. It is a question, however, whether the Bill has been

wisely considered, and I think there are some objections to its passing into law. Those objections have been stated by one or two other members who have spoken, and they are of some considerable weight. One referred to by Mr. Briggs is important. The measure does seem to throw an affront on the licensing magistrates of the State; although I do not think the whole of them are like the Fremantle bench or even the Perth bench. Another objection was mentioned by, I think, Mr. Moss—the power is given to the Governor to grant licenses. As to the objection regarding the creation of a monopoly, I do not think there is the slightest weight in the argument, because a monopoly cannot be created. The applications for licenses between now and 12 months hence will be very few indeed. Apparently public opinion is working pretty effectively on the minds of magistrates throughout the State, and they are determined I think to see there is actual necessity for the creation of a new license before they grant it. I think that can be gathered from the reports in the newspapers. I rejoice that public opinion is being created in the direction of temperance legislation and preventing the enormous evils which have resulted from the drink traffic in this State. The amount of money spent on drink in Western Australia is a scandal, and I think that every man who desires the best interests of the State will do whatever lies in his power to mitigate and to ameliorate the conditions which prevail at the present moment. I am pleased to see the Government of the day are honest enough to listen to the opinion that has been given to them by some of the best citizens of the State in this direction. At the same time I cannot conceal from my mind the fact that this particular kind of legislation is objectionable, and I shall not vote for the Bill. I should have been very glad to do so, because I am entirely in sympathy with the Government in the effort they have made to cope with this great evil. I should have been glad to see my way to support the Government, even if I and the Minister were the only ones voting on the same side of the House; but the objections to this kind of legislation are so far-reaching, at least the effects of legislation of this kind are so far-reaching—

HON. J. A. THOMSON: What are the principal objections?

HON. G. RANDELL: They have been mentioned clearly and I think eloquently by members. I have already referred to three, and I think the hon. member could not have been listening. I have been impressed with all the arguments used with the exception of that about a monopoly, which I think is mere moonshine, and it would not weigh one iota with me. As to giving power to the Governor to grant licenses in certain cases, I agree with Mr. Moss that it is a most decided and objectionable blot in the Bill. I only rose to express my sympathy with any well considered effort to mitigate the evils of intoxicating drink which exist in Western Australia. I believe that members who oppose this Bill are animated by the same motive, and that they would like to see a better state of things. What appeared in the *West Australian* a few days ago I think clearly shows that we are ahead of all States in the world in regard to the expenditure on drink, even taking into account the special circumstances in relation to having a large male population. I only rose to express my appreciation of the efforts in promoting temperance and the good of the community at large.

HON. C. E. DEMPSTER (East): After listening to the very able reasons which have been given I shall certainly support the amendment. I do not think it is at all fair to the licensing benches of the State to impute that they have ever been too ready to grant licenses. To make it necessary to appeal to the Governor-in-Council instead of the licensing benches to obtain licenses would increase the difficulty of obtaining licenses, and I certainly do not think that provision would do any good. I must support the amendment.

THE MINISTER (in reply): I am much surprised indeed at the treatment meted out to this little measure. I was fully under the impression that it would meet with a fairly cordial reception in this House. There is a fairly strong feeling throughout the country in favour of liquor reform, and I had the impression that this feeling was reflected in the Legislative Council. The Bill is the first step in the direction of liquor reform.

Mr. Kingsmill has stated that, in introducing this Bill, the Government presumed that the measure which will be introduced at a later date will pass this House. Certainly we presume that. It is our intention that the Bill shall pass, and if it does not pass it will not be the fault of the Government. We pledged ourselves on the public platform to introduce measures dealing with liquor reform. We have defined the attitude we intend to take up, and we shall be carrying out our pledge. If this House chooses to throw out this measure, the responsibility will not rest with us but on this Chamber. I think everybody who has heard the report which I have read today, the figures showing the number of licensed premises in Western Australia, must have come to the conclusion that there are sufficient licensed houses in this State, there being one to every 104 of the population. That being so, is there any real need for the number to be increased? If one travels outside Perth, on the goldfields, he will find there are 50 per cent. more licensed premises than are actually required. The licensing benches appear to have considered not the accommodation of the public, but the accommodation of those who simply use hotels as drink-shops. I do not cast any reflection at all on the Fremantle licensing bench. From what I have heard that licensing bench has carried out its duties in a most satisfactory manner, and, if I made any reflections, no reflections were intended. In regard to new districts I think I plainly indicated that in such districts the operation of the measure can be suspended; so that no injustice can possibly be done in that respect. If the Governor-in-Council comes to the conclusion that the issue of a license in a particular locality is a necessity, a license will be granted. The Government intend to bring in the measure referred to dealing with liquor reform, and they are not likely to grant any new licenses unless good cause is shown. I hope members will reconsider their decision and enable the Government to carry out their pledges to the country. If the Bill be not passed, the Government will be placed in much greater difficulty than they would be if the measure were passed.

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

Ayes	...	...	...	20
Noes	...	...	...	5

Majority for ... 15

NOES.
Hon. G. Bellingham
Hon. H. Briggs
Hon. T. F. O. Brimage
Hon. J. D. Connolly
Hon. C. E. Dempster
Hon. J. W. Hackett
Hon. V. Hamersley
Hon. S. J. Haynes
Hon. W. Kingsmill
Hon. R. Laurie
Hon. W. T. Loton
Hon. W. Maley
Hon. R. D. McKenzie
Hon. M. L. Moss
Hon. R. F. Sholl
Hon. C. Summers
Hon. F. M. Stone
Hon. Sir E. Wittenoom
Hon. J. W. Wright
Hon. E. McLarty

AYES.
Hon. E. M. Clarke
Hon. J. M. Drew
Hon. W. Patrick
Hon. J. A. Thomson
Hon. J. W. Langsford
(Teller).

(Teller).

Amendment thus passed, and the Bill deferred for six months.

At 6:35, the PRESIDENT left the Chair.

At 7:40, Chair resumed.

DISTRESS FOR RENT RESTRICTION BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew), in moving the second reading, said: This little Bill is not a Government measure; but as it contains some provisions which are the law in sister States, I shall be glad if the House will pass it. The object is to protect from distraint for rent certain implements of trade the property of female workers, and tools of trade up to £25 in value. New South Wales passed a similar Bill in 1898, and this is the law in Victoria also. Clause 2 makes it unlawful to distrain on a piano, sewing machine, typewriting machine, or mangle. These are considered to be implements of trade for the female worker; but in the case of one owner only one piano, one sewing machine, etcetera, is exempted from seizure. As the loss of a piano would be serious to a music teacher, that of a sewing machine to a dressmaker, and that of a typewriter to a typist, I think this Bill is necessary.

HON. G. RANDELL (Metropolitan): I have not had an opportunity of considering this Bill; but I was interested, during its passage through another place, in reading of various articles proposed to

be exempt from distraint. Judging by the reports, it was considered that some members in that House were trying to poke fun at the Bill by moving the exemption of various articles. I understand that the sewing machine was the only article sought to be protected in the original Bill, and that the other articles mentioned are afterthoughts of several members as the Bill passed through the Lower House. Will the Minister inform us whether creditors other than landlords will be debarred from exercising their right to levy distress in default of payment? Why should the landlord only be deprived of his existing right? Judging from my own experience and that of others, he is the man most likely to suffer under the Bill. Some people in Perth, and others throughout the country, have a great habit of flitting without notice on Saturday nights, leaving their rent in arrear. There is sometimes difficulty in tracing such people; and the cost of suing them is heavy. The other night, in speaking of rents of houses, I related an instance of how a landlord may be victimised and subjected to peculiar difficulties. I knew a landlord who allowed a tenant to take possession on paying £1 in advance. The tenant kept possession for nine weeks, paid no more rent, and then the owner had to give him £2 to go out. The amount due was £52; and the owner would have had to take a Supreme Court action to get an eviction, at a cost of about £10. The tenant had no furniture of any value. That is only one instance, and I believe there are harder cases. I do not see why a piano should be protected against distraint for rent. Only in very few cases would a piano be necessary for the support of a household. My impression is that this legislation is going much too far; that we might as well pass an Act saying that rent should not be paid at all. I believe in protecting tools of trade up to the value of £25. As to landlords distraining for rent, I know the difficulties are very great in getting rid of a tenant who will not or does not pay, and it is not desirable to increase the difficulties. I shall support the striking out of the word "piano" among the articles protected from distraint, if any member moves to that effect.

HON. W. MALEY (South-East): I take some exception to the Bill as it stands, knowing the difficulties of dealing with tenants and in distraining for rent. If a landlord can avoid distraining, he will always be careful to take that course. I know that distraining for rent is seldom done in Perth, and this does not seem to be a time in which there is a clamour for such legislation as this; nor do I see the distinction between the landlord and any other capitalist in reference to the procedure for recovering a debt that is justly due. I think that in many cases those owners of property who live on rents can ill afford to do without this income, particularly widows and persons who live on the small margin between the amount of the rent received and the amount for interest due on mortgage; and I am satisfied the landlord is not generally the powerful individual some persons would make him out to be, but that he is, on the contrary, a good deal in the hands of tenants. In the case of women who live on rents, there is no reason why their living should be impaired or taken away for the benefit of other persons; nor do I see why any individual should be protected in the way proposed under this Bill, particularly in regard to such a thing as a piano. Take the case of a person investing £100 in the purchase of a piano. A case of this kind came under my notice to-day, in which I had a proposal for the payment of £95 for a second-hand piano. A man in that position would be secure from distraint to the extent of say £100, provided the piano were purchased in his daughter's name. That is one way of evading distraint. Suppose a landlord distrains for rent and a piano is included among the articles seized on the premises; what is to be done with the piano when the landlord takes possession? Will it remain in the building? I see no provision in the Bill under which any person could take possession of that piano; but it is to be protected for a considerable time against the landlord's reasonable claim for rent. I have known instances in which large sums have been paid in trying to get rid of troublesome tenants who did not pay their rent or who interfered unreasonably with the property. I know of one case in which 10 acres of land were given to a troublesome

tenant, who had been occupying 200 acres for a long time and got into arrear with his rent; the landlord sacrificing 10 acres rather than have any more trouble with him. This Bill presents a one-sided view of the question, but I think we may depend upon members of this House giving due consideration to the other side of the question which does not appear in the Bill. I would like members to look at the whole matter dispassionately. I am indifferent as to whether I vote for the Bill or not. I am particularly careful in dealing with tenants. I am now holding some property in Perth vacant rather than let it to unsuitable tenants; and it may remain unoccupied simply because of the difficulty of getting rid of unsuitable tenants when they once get in.

HON. H. BRIGGS (West): I think the Bill is worthy of support, because it appeals to an unfamiliar aspect of the law, the merciful side of the law. If a man has undergone hardships and is struggling to pay his way, the law in England says his tools of trade shall be protected up to a certain value, so as to give him a fresh start in life. I think that on account of the new circumstances which have arisen in modern times, it is well to have these tools of trade and instruments marked out for protection against seizure for rent in the case of women as well as men. I am not sure, however, about a sewing machine; but I am particularly strong in wishing to have protected from seizure a piano owned by a woman, for I have special knowledge of a case in which there was a very worthless father who, instead of looking after his family and supporting them, left them to the care of a daughter who, by means of giving music lessons, supported the family for many months. If the piano had not been left to her, and had been seized for rent, her means of keeping that household going would have been taken away. No doubt in Perth and other large centres there are cases in which the piano need not be looked on as an article of luxury, but as a means of getting a livelihood; though I am not quite sure about the sewing machine, as I have said.

HON. R. F. SHOLL (North): Has there been any abuse in regard to distraining for rent, or has there been

any outcry with regard to the existing Act, that it is necessary to bring in an amending Bill of this kind. With regard to the piano and the case just stated, that is an individual case; and if the piano had been going all the time, probably the rent would not have been in arrear. We cannot well pick out individual cases of hardship. If this Bill is passed, which I hope it will not be, we may amend it by striking out of the third line the words "or under hire," for the reason that a female may keep a boarding-house and may, on time payment, furnish it and get a piano on the same system. A landlord in letting a house to a tenant in these circumstances would probably be led to think he was perfectly safe because there would be the furniture visible in the house to ensure the payment of his rent. Under this Bill, if these things such as a piano, a typewriter, etc., are left in, we will have nothing to secure the landlord for rent. With considerable experience as a landlord, I have never been sufficiently unfortunate as to have to levy; so I do not speak feelingly in any way. This is a Bill brought in on the spur of the moment by some individual member who imagines there is an abuse of the existing Act. I do not know that we have had any statements that the existing Act has been abused. Therefore it is quite unnecessary to have an amendment to it. I think the second paragraph excessive. The present Act protects tools of trade to the extent of £5; and I think that is fair. Any tradesman sufficiently advanced in his trade as to hold tools of £25 in value has no right to be in such a position as to be levied on for distress for rent. I do not like moving the rejection of the Bill; but I certainly shall move in Committee to strike out those words "or under hire to."

HON. S. J. HAYNES (South-East): I am not greatly opposed to the Bill, except Clause 2. Mr. Briggs has referred to a painful case of hardship; but it is one of the solitary instances that occur in almost every department of life. It is to be regretted that it does occur; but we cannot find a remedy for it. The Bill is unnecessary. If a woman has a piano, or a typewriter, or a sewing machine, she can readily take the pre-

caution of going to the landlord and telling him that it is her property, and asking him to sign a memorandum not to seize for rent. This has been done; and I have never known a landlord to refuse that reasonable request. This course should be adopted. In common with every member in this House, I have every regret and pity for any case of hardship; but we are not to act on sentiment. There is the other side as well. I am positive that, so far as hardship is concerned, the greatest is with the unfortunate landlord. He is a man who practically gets robbed by false claims from people not deserving of pity at all. In my experience, and in the large experience of other members of the House, there are no instances known of the landlord exercising any hard measures in this regard. The landlord has been extremely lenient in many cases. Instances have been given of landlords having been put to trouble; and they are more common than the instances that Mr. Briggs has mentioned. Legislation of this kind is simply pandering to absolute roguery. There are plenty of subterfuges open at present. What would it be under this Bill? At present the female person can protect her piano in a very simple way, by going to the landlord and getting a few words in writing; and the same applies to the sewing machine or to the expensive typewriter. The woman can readily get that document. It is not refused. But when distraint takes place what do you find? The landlord has been lenient in regard to his rent, the party perhaps has paid once or twice, and when he goes in to seize property he is met with the fact that the piano belongs to the daughter, and so on.

HON. J. W. HACKETT: The landlord knows that, if this Bill passes.

HON. S. J. HAYNES: Yes; but landlords as a rule are exceedingly lenient in respect to rent. In the second paragraph no less a sum than £25 is the extent of exemption. It is the poorer classes of tenants upon whom distress is usually levied, owing in many instances to want of thrift or to intemperance on the part of the tenants. It would be far better to make rent recoverable up to a certain amount than to protect tools to the value of £25. If this clause be passed, I do

not know what implement may be dragged in under the heading of tools of trade. There might be nothing left for the landlord to seize upon. This would open the way to roguery. I would not oppose the Bill because of the second clause, but I do oppose any exemption to £25. There is no absolute protection at present in regard to tools of trade. At present the landlord can seize tools of trade or anything, but he must exhaust other articles before interfering with tools of trade up to the extent of £5. They are not altogether exempt. I would be willing to make it lawful to exempt from restraint tools up to £10 in value. I think that would be reasonable, and it would perhaps cover the sewing machine. The limit of £25 is too exorbitant. We might as well pass a Bill providing that rent up to £25 would simply be irrecoverable, and leave it to the honour of individuals to pay the rent; and no doubt it would be paid just the same as at present. By leaving in this exemption to £25 on tools we simply encourage roguery.

HON. J. A. THOMSON (Central): It will not be necessary for me to mention to members that I have noticed in the Press what has been said about this Bill; but until this afternoon the Bill had never been brought under my personal notice. The gentleman who introduced the Bill in the other House asked me to take charge of it here; but I told him I was not prepared to do so, though I would be prepared to ask that the debate on the second reading be adjourned until Tuesday next. It is such a short Bill that I cannot say I have not read it right through; but it requires some consideration, and the arguments raised by some members to-night—especially the argument that the provisions of this Bill would be in favour of people who hire or let things out to women—require consideration. I can say straight away that the provisions of the Bill only apply to articles held or hired by female persons; and I think this quite sufficient to enable hon. members to judge that the measure is intended to protect these persons. I move that the debate be adjourned until Tuesday next.

HON. J. W. HACKETT: Is the hon. member in order, having made a speech?

THE PRESIDENT: The hon. member cannot move the adjournment now.

HON. J. A. THOMSON: I am giving reasons.

THE PRESIDENT: The hon. member has extended beyond his privilege.

HON. J. A. THOMSON: Can I not give reasons for adjourning the debate?

THE PRESIDENT: No.

HON. J. A. THOMSON: Then I beg to say I am in order, and I wish members of the House to support me. I am in order in giving reasons why I should ask that the debate be adjourned.

HON. J. W. HACKETT: After the hon. member has spoken he cannot move the adjournment of the debate.

HON. F. M. STONE: I move that the debate be adjourned until Tuesday next.

Motion put and negatived.

SIR E. H. WITTENOOM (North): I am only going to make one or two remarks. This is a little Bill that appeals to me. It may do a great deal of good, and I do not think it will do a great deal of harm. Perhaps the insertion of a piano is rather a large order; but the inclusion of the other items would be of the greatest service to people who are in the poorer walks of life. It has been introduced with a very good motive, and my experience is something like that of one or two members who have already spoken. Cases may arise in which articles which would be of service to poorer people in such circumstances would be taken away. I favour the second reading of the Bill.

HON. C. SOMMERS (North-East): I am not in favour of the whole Bill. From my experience as agent in this State I find it very difficult indeed to obtain rent. As to the second clause of the Bill, we might exempt tools of trade up to £10 or £15, and I think bedding should be exempted entirely, as is the case in other States. But it is not reasonable to exempt such articles as a sewing machine or a typewriter. I hope in Committee provision will be made whereby bedding will be exempted and tools of trade exempted up to say £15.

HON. J. W. LANGSFORD (Metropolitan-Suburban): I shall be glad if the measure passes the second reading. I do not know that it is necessary to wait for any public outcry before we pass a measure of this kind. I was doubting

if £10 or £15 would cover tools of trade. It would not cover such articles as are mentioned in the first clause, a sewing machine, a typewriter, or a mangle. The only item excepted is a piano. The amount would not cover that. I know personally a number of ladies who have met with misfortune in this and other States, and who try to get a living by teaching music and singing.

MEMBER: Is that any reason why they should not pay their rent?

HON. J. W. LANGSFORD: They endeavour to pay their rent. If a sewing machine, a typewriter, or a mangle were exempted, then we ought to except a piano also.

HON. V. HAMERSLEY (East): In showing consideration to some people who have to make their living by the use of such machines as are exempted by Clause 2, we should not altogether lose sight of a certain amount of sympathy which is due to the landlords who wish to obtain their rent occasionally. We should not show sympathy on one side only. In many cases a piano represents a very large sum of money, and if we exempt a piano a landlord will not be able to distrain on it to get his rent. If we exempt these articles from distraint we should also exempt them under the Bankruptcy Act, because by only exempting these articles from distraint by the landlord we would not be treating the tenant with any kindness, for the articles might be seized by tradespeople. Unless we exempt these articles from the operation of the Bankruptcy Act, the Bill would be a direct hit against the landlord. This should not be the case. I am in favour of exemption under Clause 2 to the extent of £10. I do not see why we should single out a piano, a sewing machine, or a typewriting machine to be exempted from the operation of the law.

HON. C. E. DEMPSTER: I do not see the importance of the Bill, for I do not think it will have the effect desired. It appears to me it will protect the tenant from the landlord, but the whole of the goods of a tenant can be seized by other persons such as the butcher or the baker or anyone to whom money is owing. From my experience I do not think impecunious persons suffer at the hands of landlords. I would like to see people protected in every way possible, but I do

not think in a Bill like this we shall be doing justice to landlords, who very often are victims in the matter of rent; hence the old saying, "An empty house is better than a bad tenant." When a landlord gets a bad tenant it is very difficult to remove that tenant. I do not see that the Bill will benefit tenants in any way. I do not think the Bill is necessary at all.

HON. J. W. HACKETT (South-West): I agree altogether in regard to this Bill, excepting as to some details, with Sir Edward Wittenoom. I hope the Bill will pass the second reading, and that amendments may be made in Committee. I assume the Minister who is acting as a private member in charge of this Bill, having kindly taken it up on behalf of a member in another place, will consent to the Committee stage being postponed until to-morrow or Friday at latest. The plea which I think ought to weigh with the House is that this is merely carrying out the merciful British rule that when a man is sold up, at least he should be allowed the elementary means of obtaining a livelihood for himself, his wife and children. The same merciful consideration should be extended to women that by the old British law is extended to men. I cannot see that any hardship will be caused to the landlord, he being informed in an obvious and patent manner that he cannot dis-train on a piano, a sewing machine, a mangle, or a typewriter, which are precisely implements of trade, and stand in innumerable cases between a woman and destitution or moral ruin.

HON. C. SOMMERS: You might exempt the whole.

HON. J. W. HACKETT: A landlord knows exactly what he is about. If he proceeds to give credit to a tenant, that is his lookout. I say that implements that stand between a woman and absolute destruction—and those who have spoken against the Bill assume it is the case of a single woman—should be exempted under the Bill. We want to put on the same footing as tools of trade a piano, a sewing machine, or the other articles enumerated. It is a wicked and merciless Act that deprives a man of the means of keeping himself, his wife and children alive. There may stand between a woman and her honour perhaps, and the well-

being of her children, the possession of a piano, a sewing machine, a mangle, or a typewriter. I welcome this class of legislation, for it deals with a class of the community to whom little justice has been done in the past. I regret that a protest should have been raised in the House, especially amongst the class to which we belong, the class of landlords. It is a reproach against us that we are not willing to extend mercy to the weaker sex: it fills me with shame. [HON. R. F. SHOLL interjected.]

THE PRESIDENT: The hon. member is highly unparliamentary and must withdraw the remark.

HON. R. F. SHOLL: I withdraw the remark.

HON. J. W. HACKETT: The President has dealt with the hon. member this time. I shall deal with him if he makes such an interjection again. It is a fitting sequel to the speeches of hon. members that when a member gets up and pleads for mercy and consideration to the women of the community, it should be said that I am talking to the gallery. With regard to the second paragraph of Clause 2, I think £25 is rather high. A leap from £5 to that amount certainly requires strong grounds to advance it in the House. With regard to the first clause, considering its object it can do no harm in the smallest degree to the landlord, who knows what he is undertaking when he lets a house. He can protect himself in regard to the articles by which a woman can obtain a livelihood. I heartily welcome and shall support the Bill as a step in the right direction. I admit the measure is peculiar in some of its terms, and perhaps the motive with which it has been brought forward can be canvassed. I am not prepared to admit that the House should reject a measure which primarily gives protection to a class to whom little justice has been done in days gone by.

HON. E. M. CLARKE (South-West): I am heartily in sympathy with the spirit of this Bill, but I cannot say I am in sympathy with the wording of it. I recognise what has fallen from Dr. Hackett, which is correct to a certain extent; but I think a certain feature of this Bill has been missed by members of the House, that being as to the wording. I say straight away, to put myself right

with the House, that I am entirely in favour of protecting the implements which a female uses to earn her livelihood. We recognise that there are very many deserving females who, through no fault of their own, but through the fault of others, are brought to want, and these things may be, and indeed frequently are, used for the livelihood of the whole family. According to my reading of the Bill, it is quite competent for one lady to hold something like £100 worth of property. As I read it, it is intended that a lady should be able to hold one piano, one sewing machine, one typewriting machine, and one mangle, which the landlord will not be able to touch. Whilst I would not deprive a woman of the means of earning a livelihood, I cannot see the force of exempting all these things. I am in sympathy with putting it this way, that implements by which a woman is earning her livelihood should be exempted from the landlord to the tune of something like £20; but I would not sanction the passing of the clause as it stands. I hope some legal gentleman present will tell me whether I am right or wrong in reading the clause that way—that a woman can hold the whole of those things, in defiance of the landlord.

HON. F. M. STONE (North): I had intended to refer to what Mr. Clarke has just said, and although I am with Dr. Hackett in showing merciful consideration to a woman earning her own livelihood, yet I am not prepared to say she should be able to hold property which I calculate to be of the value of £150 for earning her livelihood, whilst she owes money to her landlord, without his being able to levy distress. We may not be protecting the woman we desire to protect, but protecting the person from whom she hires the machine, and if she cannot pay her rent, one may be sure she is not able to pay the amount for the machine. Therefore the one from whom she obtained the machine is the person who is protected. Take another case, a woman owns a piano worth £100, £80, or £50. Surely she can borrow on that instrument five or six pounds for rent; if not, we may be sure there is a bill of sale on it, and in that case we are not protecting the woman in earning her livelihood, but the bill of sale holder

from whom she borrowed the money. That shows you how careful this House should be before passing a measure of this kind. If we are going to protect a woman in regard to a piano, we should protect bedding and the rest of her furniture, for those who have to be brought up, fed and clothed, and have a place to sleep in.

MEMBER: Move an amendment to that effect.

HON. F. M. STONE: I think the measure would require a considerable amount of amendment. It is all very well to say "move an amendment," but these amendments often take a legal gentleman days to prepare. One would have to look at different Acts, and he would have to exempt the bill of sale holder, the hirer, and would have to provide that articles should only be exempt if persons made their living by the use of them. We might have a case where a person gives lessons on the piano, the typewriter, and the sewing machine. Are we going to exempt such a large amount as that?

HON. C. SOMMERS: Do not forget the maximum.

HON. F. M. STONE: Are we going to protect her to the extent of three machines by which she earns her living? Are we going to say that she earns her living more by the piano than by the typewriter, and therefore the piano shall be exempted and not the typewriter; or that she earns her living more by the typewriter than the piano, and therefore the typewriter shall be exempted, and not the piano? We have to consider the matter all round. It is easy to say "draw up an amendment," but it is when an Act has to be dealt with and construed we find that Parliament never intended what the court construes the Act to mean. I think a woman should have every consideration, but I am not going to the extent of passing such a wide measure as this, which we find has passed in another place, and which I think would have gone through this House if I had not explained some of the provisions. We have had a most impassioned address from Dr. Hackett, whose utterances carry weight, and I feel sure that after such an eloquent address the House was prepared to pass the measure. [MEMBERS: No.] I have shown aspects

of the question which had never struck the House. The point mentioned by Mr. Clarke, that a woman might have £150 worth of property which might be exempt, had never struck the House. If we are adopting the principle of exemption from distress for rent, why not carry it farther and say that a woman shall not give a bill of sale on articles by which she earns her livelihood, or they shall be exempt from seizure for debt? If a person is sued in court and execution is put in, that comes upon the landlord. I am not sure I am not prepared to carry that, not only in respect to landlords but all debts. I am a great believer in the cash system. If we are to carry out the principle of affording protection in the case of a landlord, I do not see why we should not protect a woman in the case of other debts. A woman is allowed to run into debt, and she is sued in the court and execution is put in. In that case there is no outcry to protect her. One says, "She has incurred the debt and she should pay it." I know there are cases of great hardship. It is an everyday occurrence in my profession. But if we are going to make a law for one hardship, where shall we get to? It is a great hardship, as pointed out by Mr. Briggs; but do we not know of hundreds of cases of a similar kind? Do we not know cases where the father runs into debt and the home is broken up in consequence, execution being put into the house; but we do not protect a person in a case of that kind, and the creditor gets the benefit of it? Such creditor would get the benefit of this piano or type-writing machine. As I say, however, I think the House should extend some consideration to a woman earning her livelihood. I do not like to move the rejection of the Bill, but in my opinion if we cannot in the short time at our disposal have such a clause as will get over the many difficulties I have shown, it would be better to leave the law as it is, and to bring in a farther measure next session.

HON. R. LAURIE (West): I intend to support the second reading of this measure. We have heard a good deal on both sides of the question, and it seems to me remarkable that the ablest champions for women are the only two bachelors in the House. I do not know whether this is from their lack of experience of women, or whether it is the other way

about. I would like to ask those members who spoke of four articles of furniture, how many cases would be affected? It may be wrong in principle. In every case, however, a woman has to prove that the article is hers. We will give protection to the extent of £25 for tools of trade. It has been held it is always right and merciful to give a man a start, and particularly is it merciful to give a woman a start. There are many men whose tools of trade are worth £25.

HON. J. D. CONNOLLY: How many?

HON. R. LAURIE: If there is only one, it is better to err on the side of mercy, and leave him tools of trade to the value of £25, than to cripple him. Let him make a new start, and so in the case of a woman, either in regard to a piano or a mangle. Mr. Stone and Mr. Clarke have said that one woman might have a piano, washing machine, typewriter, and mangle. If she had, what harm would it do to let her hold them? The landlord can at all times protect himself. We have heard one landlord say he would rather have an empty house than a bad tenant. I repeat, if we err, let us err on the side of mercy rather than on the other side. I intend to support the Bill, but I would go to the extent of striking out the words "or under hire." I am not at all in favour of the hire system. The chances are that if a person has a sewing machine or a piano on the hire system, she pays about three times as much for it as she would under other circumstances. I would, I say, be quite agreeable to vote for the striking out of the words "or under hire."

HON. E. McLARTY (South-West): I have a good deal of sympathy with this Bill, but the point to which Mr. Clarke referred occurred to me; and to pass the Bill in its present form would not be advisable. I cannot think it was intended in another place when the Bill was being passed through there that one person should be able to retain these four articles which have been named. Surely we should not protect a person to the extent mentioned. I do not think there are many landlords who would not prefer to lose the rent to taking away one of those articles and depriving a person from making a living. I agree with that provision, so long as only one article of each kind is to be protected. The exemp-

tion of tools of trade to the value of £25 is too high. For £10 a man can get all the tools he needs.

Question put and passed.

Bill read a second time.

FACTORIES ACT AMENDMENT BILL.

SECOND READING.

Resumed from the 1st December; the MINISTER FOR LANDS in charge of the Bill.

HON. G. RANDELL (Metropolitan): I have not much to say regarding this amendment of the Factories Act, save that I will accept any reasonable amendment. As to the clause providing for air-space for workers, I see that Mr. Kingsmill has tabled an amendment providing for a maximum instead of a minimum. I think the Minister asked for a minimum air-space.

HON. W. KINGSMILL: The amendment would really provide a minimum.

HON. G. RANDELL: If so, I have misread the hon. member's amendment, which states that the reserved space shall not be required to exceed 400 cubic feet. Clause 2 of the Bill provides that the space shall not exceed that allotted to pupils in our State Schools. I am quite prepared, on behalf of those for whom I interested myself during the discussion of the Bill last session, to accept 350 feet as a minimum space; that being the provision in South Australia. In Victoria, I understand, the minimum is 400 cubic feet; but as we wish to encourage our incipient manufactures, we ought not to burden them too heavily at first. If in practice it is found that 350 feet is not sufficient, Parliament can easily increase the limit to 400 feet. I hope Mr. Kingsmill will consent to that alteration. My only object in opposing the Bill of 12 months ago was to encourage our manufactures. Since then, our manufactures are advancing; and we may expect the establishment of various manufactories of articles in common request, if we give the opportunity. Manufacturers in this State labour under difficulties not experienced in the East. They have to pay higher wages, to pay more for raw material, and to pay higher prices for coal than are paid in any of the sister States. In these circumstances I ask members to consent to

the lowest minimum air space allotted per worker elsewhere in Australia, namely 350 feet, the South Australian minimum. I hope this will be acceptable both to Mr. Kingsmill and the Minister. If it is passed, manufacturers will realise that Parliament desires to assist them in their endeavours to establish industries.

HON. J. W. WRIGHT (Metropolitan): I am thoroughly in accord with the minimum suggested by Mr. Randell. I have had considerable experience in the administration of the Health Act, and was an advocate of the Factories Act. In addition to allowing a minimum air-space for each worker, the employer must provide extra space for the storage of his goods; which space, in nine cases out of ten, is never taken up. What I consider of more importance than mere air-space is thorough ventilation. The proper administration of the Health Act will be more effective than the amplest air-space that can be given the workers. Other sanitary provisions come before air-space. I shall support Mr. Randell's suggestion.

THE MINISTER: Mr. Randell has made a great concession, but I hope the House will accept Mr. Kingsmill's amendment; and then we shall be in line with England and the Eastern States. There is not much difference between 350 and 400 cubic feet.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Amendment of Section 27, S.s. 6:

HON. W. KINGSMILL: There was no serious objection to adopting Mr. Randell's suggestion; but when he (Mr. Kingsmill) had said that the air-space provided by his amendment would be practically the minimum, he meant that persons about to build or to extend factories would then know that if they provided at least 400 cubic feet per worker, they would be free from interference by the inspector. Far better embody such provisions in the Act than leave them to be put in regulations which might be altered at any time. He had specified 400 feet because it was alleged in another place to be the space likely to be fixed by regulation, and because it was that fixed in the Acts of other countries. He moved

an amendment that the following words be added:—

And inserting the following words in lieu thereof, "provided, however, that such reserved space shall not be required to exceed 400 cubic feet for each person working therein, and provided the Minister may, on cause shown, exempt any factory or workroom from the operation of this section."

HON. G. RANDELL: If the Government would accept this amendment, so would he. The amendment practically fixed a minimum and a maximum.

HON. W. PATRICK: To fix a maximum would be a mistake. The English Act fixed a minimum only, and unlike our Act, distinctly prescribed 600 feet of fresh air per hour per worker, whereas our Act provided only for "suitable ventilation." It had been proved by experiments of scientific men in Europe that artificial ventilation was infinitely superior to natural ventilation in supplying pure air to a building. If the mover would say "not less than" 400 feet he could agree to that.

HON. T. F. O. BRIMAGE: It was better to start from a maximum than a minimum in erecting a factory and providing for ventilation. Mr. Randell's suggestion was preferable to the amendment.

HON. J. A. THOMSON: If he as an employer was so liberal as to provide 1,000 feet or 2,000 feet for each person employed in his factory, surely he should be allowed to do so, and not be bound to a maximum.

Amendment passed, and the clause as amended agreed to.

Clause 3—agreed to.

Preamble, Title—agreed to.

Bill reported with amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at five minutes past 9 o'clock, until the next day.

Legislative Assembly,

Wednesday, 14th December, 1904.

Question: Lands Inspector, Murray District	PAID
Leave of Absence	1838
Bills: First reading—1, Tramways Act Amendment; 2, North Perth Tramways; 3, Victoria Park Tramways; 4, Defamation Act Amendment; 5, Mining Act Amendment	1837
Early Closing Act Amendment (fruit shops, hairdressers), in Committee resumed, reported	1837
Brands, Recommittal, reported	1847
Roads Act Amendment, in Committee resumed, reported	1849
Navigation, in Committee, reported	1868
Noxious Weeds, in Committee, reported	1868
Annual Estimates resumed, Justice votes completed, progress	1850

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Annual Report of Caves Board for 1903.

By the MINISTER FOR WORKS: Plan of Jandakot Railway Route.

QUESTION—LANDS INSPECTOR, MURRAY DISTRICT.

MR. NEEDHAM asked the Premier: 1, Does the Government consider it proper to appoint a landholder to the position of inspector of conditional purchases in the district in which he holds leases of land? 2, What is the name of the inspector of conditional purchases in the Murray district? 3, What is the number of blocks held by that inspector in the Murray district? 4, Has he fulfilled the necessary conditions under which he took up the land? 5, Under what conditions and when were these blocks taken up? 6, What is the name of the present holder of Block ^A₂₄₃ and for what purpose was this block used previous to being granted to the present holder? 7, What amount of money has been expended on surveying roads to the property at present held by the inspector of conditional purchases in the Murray district? 8, What are the qualifications of this inspector of lands and valuator to the Agricultural Bank?

THE PREMIER replied: 1, Yes. There is not necessarily any objection. 2, S. H. Whittaker. 3, One held by Mr. Whittaker;