BUSH FIRES ACT AMENDMENT BILL.

DISCHARGE OF ORDER.

THE MINISTER FOR LANDS moved that the order for resuming consideration of this Bill in Committee be discharged. By an amendment passed we had gone back to the original Act.

HON. C. A. PIESSE: The regulations which were passed were not understood by the people, and the Minister should take some steps to have notices posted up. In the other States everywhere he went he found notices printed on canvas explaining what the Act meant. If something of that kind were carried out here, the Act as at present framed would be workable.

HON. R. G. BURGES: If some such suggestion as that mentioned by Mr. Piesse were carried out, it would not be necessary to amend the Act. The Act was most misleading as it was at present. If amendments be (Mr. Burges) suggested had been carried out, they would have done away with that altogether; but he did not suppose the House would agree to them. He believed that under the Victorian Act a notice was put up at every watering place on the roads throughout the country. We ought to make it compulsory on the roads boards to clear a space so that men who camped could make fires with some safety around every watering place. If those notices were posted up, the Bush Fires Act could be carried out.

THE MINISTER FOR LANDS said he had no hesitation in giving an assurance that this should be done. He had indeed already given instructions that it should be, so that the Act should be made clear in the country districts.

Question put and passed, and the order discharged.

ADJOURNMENT.

The House adjourned at 6·21 o'clock, until the next day.

Legislative Assembly,

Wednesday, 19th November, 1902.

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

PRAYERS.

PETITION—SHOPS, CLOSING TIME.

MR. W. D. JOHNSON (Kalgoorlie) presented a petition, signed by (approximately) 8,000 residents of the Eastern Goldfields, against the enactment of Clause 50 of the Factories and Shops Bill.

Petition received, and ordered to lie on the table.

PAPER PRESENTED.

By the MINISTER FOR MINES: Return under Goldfields Act Regulations.

Ordered: To lie on the table.

QUESTION—SUPREME COURT LIBRARY.

MR. REID asked the Attorney General: 1, Whether it is a fact that the Law Library of the Supreme Court of this State is carried on privately by State officers, in State buildings, the upkeep of which is paid out of State revenue. 2, Whether any plaintiff or suitor who had paid his court fees and dues, and who had been conducting his own case in person, has been refused permission to consult the books containing the Supreme Court orders and rules and the other law books in the Supreme Court library. 3, Whether any plaintiff or suitor has been refused access to the Supreme Court Law Library on the ground that such library was only for use of members of the Bar.

THE ATTORNEY GENERAL replied: 1, No. The law library is composed of books purchased by the Barristers' Board, and is conducted in accord-

ance with rules approved by the Judges. 2, Mr. Weiss last week applied for a book of which a copy can be obtained at the Public Library, and was referred there. Mr. Weiss has always been allowed to see and use other books, but the library is not maintained for his special use. 3, Answered by No. 2.

QUESTION—BOILERMAKERS IMPORTED.

MR. JACOBY (for Mr. Thomas), asked the Minister for Railways: 1, Whether he is aware that advertisements were inserted in the home papers asking for boilermakers for the W.A. Government. Whether any men have been engaged as the result of this advertisement. 2, If so, whether they have been engaged on contract; if so, for what time and on what terms.

THE MINISTER FOR RAILWAYS replied: 1, Yes. 2, I shall be glad to place all the papers at the disposal of the hon. member.

LOCAL INSCRIBED STOCK ACT AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Council.

POST OFFICE SAVINGS BANK CONSOLIDATION ACT AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Council.

CRIMINAL CODE BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. Walter James), in moving the second reading, said: Members have before them a copy of the Bill, and they will see that it is entirely a question of detail, for which no second-reading speech is practicable. I purpose therefore to ask members to compare this amending Bill with the original Act, and I shall be glad to answer any question as the Bill passes through Committee. The amendments suggested in the Bill are put forward by the Parliamentary Draughtsman, following on his own experience and on objections made by others who have had experience of the Act. It embodies, to a slight extent, amendments to overcome existing difficulties, the great bulk of the suggestions being amendments to improve the existing Code. I move the second reading.

MR. MORAN (West Perth): We are, as I always say, somewhat at a disadvantage on this (Opposition) side of the House, in that we cannot criticise a Bill of this character. I cannot say I feel very satisfied with the explanation given by the Premier in a matter of this kind. I would warn the Committee that when dealing with the liberties of people, putting a Bill through in this perfunctory fashion is scarcely creditable to us. I do not know what may be contained in the schedule. If members will look at the schedule, they will find there are some alterations which may interfere with the principles of liberty that we as a whole are not inclined to interfere with. There are a tremendous lot of amendments in it. As I say, I think we are entitled to a little explanation from the Premier, say a five or ten minutes' explanation as to what these alterations are. For instance, we have a clause dealing with aborigines. It cannot be said to be an alteration of a detail of some other section, making that more perfect. It appears to be an alteration of principle altogether. It simply means that if an aboriginal native charged before justices with any offence not punishable with death pleads guilty, the justices may deal with the charge summarily. That means that any two justices in any part of Western Australia may deal summarily with an aborigine when they could not do so with a white person, I expect. I presume it means that. That is not supposed to be in keeping with the doctrine that we have the same law for rich and poor, for black and white. It means that in the far-off northern districts there is no punishment for an aborigine between three years' imprisonment and death. The justices may deal with any offence which does not merit death, but they may not impose a sentence of more than three years' imprisonment. They have full power there to deal summarily with offenders except to condemn them to death. I would like to hear some little explanation of the necessity for this when the Bill goes into Committee. I can give an idea of what it is for. It is because of the remoteness of the habitat of the aborigine and the desire to deal with him promptly on the spot. Above

all things let this House be warned that in many cases the justices who will deal with this are the men who will suffer from the depredations by the blacks. I tell the House that as an absolute fact, because I happen to know in many cases the justices of the peace are those who will be most affected personally by the depredations of the blacks. It is not unknown in Western Australia that a man has sat on the trial of a native who has just committed depredations and slaughtered his sheep and cattle. That cannot be unknown to the Premier, I am sure. The fifth paragraph of the schedule says that in Section 325 the words "the offender cannot be arrested without a warrant" are omitted. That strikes me as being an important alteration, on the face of it. It may not be, but it strikes me as being almost a radical change in the method of arresting prisoners.

THE ATTORNEY GENERAL: That is where he is charged with an attempt to commit the crime of rape. There ought not to be a warrant in such a case.

MR. MORAN: It is a big alteration in the principle.

THE ATTORNEY GENERAL: What I want to impress upon the House is to look the Bill through before we go into Committee.

MR. MORAN: In Bills of this character very often radical changes are contained without being much noticed, and this schedule is not a thing to strike the eye. We have no lawyer on this side of the House whose duty it may be to criticise these legal Bills—purely Criminal Code Bills like this.

THE ATTORNEY GENERAL: That is why I ask members to look it through and ask questions if they have a doubt.

MR. MORAN: I do not intend to oppose the second reading, but I hope the Premier will put the Committee stage off until Tuesday.

MR. F. WALLACE (Mount Magnet): I would like to say, as one member in the House who assisted in passing the Criminal Code Bill last year, and of whom many remarks have been made personally, that since receiving a copy of the Bill I have compared one or two sections in the Act as it now stands, and I find there is a necessity for members to be well versed in this measure before we get into Committee. I would point out this: I think that one of them, anyhow, the Premier can explain satisfactorily; but I only want to put members on the alert now to compare the measure before the House with the Act as it stands. I find that in Chapter IV., which deals with punishments, the marginal note to Section 19 is, "Construction of provisions of Code as to punishments." There are certain punishments, and Subsection 5 of Section 19 reads in this way: "The punishment of whipping cannot be inflicted upon a person who is sentenced to imprisonment, with or without hard labour, for a longer term than two years." It will be seen by reference to the Bill that this subsection is to be repealed. I think there should be some consideration before we agree to the repeal of that subsection. Then we come to Section 319 of the principal Act, which deals with common assaults, and the principal Act reads in this way: "Any person who unlawfully assaults another is liable, on summary conviction, to a fine of five pounds, inclusive of costs, and in default of payment to imprisonment with hard labour for two months unless the fine and costs are sooner paid, or to imprisonment with hard labour for two months in the first instance." In the Bill before the House every penalty is increased almost twofold. The fine is £10; the imprisonment is six months; and so on. There is a relaxation of the present Act in Clause 2 of the new Bill, and there is an increase on the present Act in Clause 3. I have not had time to go through the other sections. I have no intention of opposing the second reading. I only rose to put members on their guard, and ask them to make use of the Criminal Code and compare it with the Bill now before the House before we arrive at the Committee stage, in order to see that no more matters are placed on the statute-book than are fair, be a person a criminal or otherwise.

Question put and passed.

Bill read a second time.

FACTORIES AND SHOPS BILL.

RECOMMITTAL.

THE PREMIER moved that the Bill be recommitted for the purpose of dealing with amendments on the Notice Paper.

MR. MORAN: There was some agitation in connection with closing at nine o'clock on Saturday nights. He believed there was to be a large meeting of all the shop employees to-morrow night, and he would not like the Bill to go through Committee finally till we knew the result. He would like to hear what the shop employees had to say. [MEMBER: They were all in favour of it.] Some of them were not in favour of it. Some had an idea that it might give rise to a slight reduction in their wages. As far as he was concerned, he felt inclined to leave the hour at 10 o'clock. Did the Premier intend to go on and take no notice of that meeting?

THE PREMIER: That was the best way.

Question passed, and the Bill recommitted.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair.

Clause 2—Interpretation:

THE PREMIER moved that the words "any office or place of business where clerks are employed," be struck out of the definition of "factory." By no interpretation of the word "factory" could one say that an office where a clerk was employed was a place where any handicraft or work of the nature usually carried on in a factory was performed. The intention in passing the amendment when the Bill was going through the Committee was to impose certain hours of labour on office employees, and that was no doubt supported by members on the Government side of the House on the assumption that as the Bill proceeded, clauses would be inserted restricting the hours of labour. As that had not been done, the main object which actuated most members who voted for the amendment had ceased to exist. He asked, therefore, that the amendment previously inserted be struck out.

MR. HASTIE: Was there any other similar Act in New Zealand which related to clerks?

THE PREMIER: That was where there were shops. It was a special section in the Shops Act, but they did not treat it as being in the definition of a factory, as we did by this amendment.

MR. MORAN: Supposing it were true, as the Premier said, that the Committee had made this provision tentatively, with a view to diminishing the sweating evil in offices, that was done on the understanding that the Government accepted the vote and would properly redraft the amended clause. As it had not been redrafted, the Committee should adhere to their former intention.

MR. HASTIE: All the hon. member's friends had voted against an eight-hours day.

MR. MORAN: Would the hon. member back-and-fill again?

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

Ayes	...	...	15
Noes	...	...	4
Majority for	...	...	11

AYES.	NOES.
Mr. Daglish	Mr. Holman
Mr. Gardiner	Mr. Jacoby
Mr. Gregory	Mr. O'Connor
Mr. Hastie	Mr. Morau (*Teller*).
Mr. Hayward	
Mr. Holmes	
Mr. James	
Mr. Johnson	
Mr. McDonald	
Mr. Phillips	
Mr. Rason	
Mr. Reid	
Mr. Wallace	
Mr. Yelverton	
Mr. Higham (*Teller*).	

Amendment thus passed.

Clause 6—Application of Part III.:

THE PREMIER: Part III. dealt with the application of the Act. The Bill as introduced provided that it should apply to those districts only which should be proclaimed, thus following the practice of all other States which had factory legislation, and of New Zealand when its first Factories Bill was passed in 1894. In Committee we had amended this Bill so that immediately it passed it would apply throughout the State. For this there might be good reason if the definition of factory were framed so as to cover what were ordinarily recognised as factories. But "factory" was defined as a place where two or more persons were engaged, and the number must be small, else a man with six employees might subdivide his factory and escape from the operation of the Act. This wide interpretation was required in industrial centres only, where an evasion of the Act was likely; but it was clearly unreasonable to order that wherever in the State two persons worked together there should be a factory; that a blacksmith and his striker, a bootmaker

and his journeyman, should form a factory. That was never intended in this or any similar Bill.

MR. MORAN: If a blacksmith and his striker constituted a factory in Perth, why not in Northam?

THE PREMIER: This was the practice adopted in Queensland, New South Wales, and at first in New Zealand, where the Act was gradually extended to cover the whole colony. He moved that the following subclause be added: "(1.) This part shall only have effect in such districts as the Governor may from time to time, by notice in the *Government Gazette*, declare."

MR. DAGLISH: Possibly a middle course might be better. The proposed subclause should be amended by inserting the words "municipalities and in," after "in" in line 1, with a view to making the Act apply automatically to all municipalities, as well as to any outside districts the Governor might proclaim. That would overcome Mr. Moran's objection.

THE PREMIER: No. In some municipalities there was no industrial settlement. When the Act passed it would at once be applied to all important centres, and there would then be inducement to extend it farther, so as to prevent competition.

MR. MORAN: What would be the result if the practice grew of upsetting legislation decided on after a long debate in a full House? The Government now took advantage of an attenuated House to reverse the decision of the majority. For that he did not blame the Government, but members who ought to be here to support what they had previously passed. He principally blamed the Opposition, and blamed the Labour party for a discreditable somersault which showed they were not their own masters. If not the Government, somebody else was ordering them about. [MR. HASTIE: Who?] The leader of the Labour party was silent when needed to advocate a principle which would give justice to workers in town and country alike; and that hon. member would vote against making working days equal in the temperate part from Carnarvon to the south coast.

MR. JOHNSON: Take Kookynie.

MR. MORAN: Well, why should a blacksmith's striker work longer hours in Kookynie than in Perth?

MR. JOHNSON: The Bill did not limit the hours.

MR. MORAN: The sanitary conditions must be considered. He objected to principles being altered in a thin House. He did not blame the Government: it was their opportunity. Would the Labour party turn a complete somersault to-day, and vote in a diametrically opposite direction to that in which they voted when the Bill was before the Committee previously?

MR. NANSON: It was hopeless, and probably a waste of time, to do more than protest against the action of the Government in regard to the sittings of the Chamber and the methods they were applying in order to secure the passage of legislation in the form in which they desired it. The Government knew it would not be possible to secure the amendment of the Bill on recommittal, if the sittings of the House were held at reasonable hours, when possibly there would be a sufficient number of members to oppose the measure. But by the process of exhaustion the Government had rendered it impossible for a number of members to attend. The House was kept sitting for nine hours yesterday, and a number of members were exhausted; and now the Government brought forward the Factories Bill in the absence of these members, and with the well-drilled majority sufficient to keep a quorum tried to carry out their object. The Government could always count on the Labour party coming to their assistance and preventing their defeat. It did not tend to raise the tone of the Chamber in popular estimation when it was seen that one day members affirmed the principle that the Factories Bill should apply to the whole State, and a week or two afterwards, through the action of the Government in prolonging the sittings of the Chamber and exhausting members, it was possible to get a vote in the opposite direction. All one could do was to enter a protest against carrying legislation in that manner, and to direct the attention of the country generally to the fact that legislation passed in this way was passed by a

minority of members and by a minority of the constituents.

MR. HASTIE: The members for the Murchison and West Perth seemed to know how the Labour party were going to vote; and these members had stated that the Government could always depend on the assistance of the Labour party to help to restrict the operation of this Bill. The leader of the Opposition had all along told the Committee that he wished to prevent the Bill becoming law.

MR. NANSON: When was that?

MR. HASTIE: The hon. member had often spoken about the experimental nature of the legislation, and had led members to believe that he desired to see the Bill defeated, and he had the assistance of a number of members in endeavouring to prevent the Bill becoming law. When this clause was before the Committee on a previous occasion he voted for it, and he did his best to provide that the measure should be in force throughout the country. He (Mr. Hastie) tried to insert a clause embodying the eight-hours principle. The Labour party tried to get that principle embodied in the Bill; they endeavoured to make a universal eight-hour day for the country. The Bill provided also, and this was one of the reasons why the measure should extend all over the country, that the hours of women and boys should be restricted. He was in a state of doubt now whether, by making the law applicable all over the country, the Committee would not seriously endanger the measure. The members for West Perth and Murchison thought in the same direction, but those members were desirous of wrecking the Bill. On the whole, he did not think it wise for the Committee to extend the Bill to all parts of the country. Let there be some factory legislation, and if, after the Bill became law, certain portions of the country desired to come under the measure, then the operation of the law could be extended in that direction. We should consider what was the best mode of getting factory legislation in this country. His fear was that if the Bill were extended to all parts of the country, that would tend to defeat the measure. If we started factory legislation in a restricted manner, it could subsequently be extended.

MR. MORAN: It was as he had expected. He was not wrong in stating that the leader of the Labour party had gone back on his previous opinions, and intended to vote differently from what he voted the other night. He happened to know that the leader of the Labour party had been in conference with the Premier on this matter.

MR. HASTIE: Who said so?

MR. MORAN: The hon. member had consulted with the Premier on the subject, and the Premier had let the cat out of the bag the other evening when he threw the taunt across the Chamber that these things were not going to be left in the Bill: they would be altered.

THE PREMIER: There was no objection to the hon. member making these observations, but they were without foundation. No conference had been held and no agreement had been come to between himself and the Labour party. If the hon. member founded his remarks on the observations which he (the Premier) made the other night, those observations were made because he felt quite certain when members viewed the matter in a common-sense light they would reject the amendment which was carried at the instance of the Opposition.

MR. HASTIE: What the member for West Perth had stated was absolutely untrue.

MR. MORAN: This double denial would be sufficient to satisfy any ordinary man. He regretted the Premier had cast a reflection on the members of the Labour party by stating that when they voted for this proposal they were suffering from temporary aberration, from political "d.t.'s" as it were. He accepted that explanation, but in the interests of consistency he hoped the Labour party would not get these political d.t.'s and have to suffer bad recoveries the next day.

THE PREMIER: If it were not for the hon. member's bad political liquor, the Labour party would be strict teetotallers.

Amendment passed, and the subclause inserted.

On motion by the PREMIER, consequential amendments made as follow:—The words "By notice in the *Government Gazette*," lines 1 and 2, struck out, and "in like manner" inserted in lieu; also, in Clause 7, the words "commencement of this Act," lines 1 and 2, struck out,

and "application of this Act to any district" inserted in lieu; also after "shall," line 2, the words "within such district" inserted.

Clause 10—[Inspector] may require defects to be remedied:

THE PREMIER moved that the following be inserted as subclause 2:—

> If the applicant is dissatisfied with the requirements of the inspector, as specified in such requisition, he may appeal to the Magistrate of the Local Court of the district in which the factory is situated, in the manner prescribed by section seventy-seven.

The new subclause was designed to meet the views of those members who considered that a factory proprietor, when dissatisfied with the decision of the inspector, should have a right of appeal to the Local Court.

MR. HASTIE said he was not aware that the Committee had decided this matter as indicated by the Premier's amendment, which should not pass. If the directions of the inspector were contested, those directions would not be obeyed pending the decision of the local magistrates; moreover the inspector would be put to considerable expense and trouble in getting a number of witnesses to go over the factory and thereupon educating the magistrates with the aid of those witnesses. In what part of the world had such a provision been in force? Its effect would be to nullify the value of the Bill, in a large measure.

THE PREMIER: Members no doubt recollected that the clause as introduced provided that the appeal from the inspector of factories should be to the Minister. That provision was attacked and rejected, and he gathered that the desire of its opponents was that the appeal should be to the tribunal which heard other appeals, namely the tribunal mentioned in Clause 77, the Local Court. Acting on that expression of opinion he had drafted this subclause.

MR. HASTIE: But no amendment to that effect had been carried.

THE PREMIER: For personal preference he would have an appeal to the Minister, and not to the Local Court. Appeal to the Minister would involve far less expense to both sides and would result in more consistent rulings. Moreover, under such conditions there would be strict control over the inspector, of which officer the leader of the Opposition had expressed so much dread in connection with the earlier clauses of the Bill.

MR. HIGHAM: The amendment which had been referred to was one moved by himself, and he hoped the Committee would now carry the Premier's farther amendment. The clause as it originally stood provided an appeal, on refusal of license, from the inspector to the Minister. To that he had objected as an appeal from Cæsar unto Cæsar; because it meant practically that the factory owner would be appealing from the inspector to the inspector, for in the case of outlying districts the Minister could not possibly have personal knowledge of the facts.

MR. HASTIE: What personal knowledge would the magistrates have?

MR. HIGHAM: Magistrates were presumed to be men of good common sense, and they would hear evidence on both sides.

MR. HASTIE: Had the Minister no common sense?

MR. HIGHAM: Certainly he had; but one could not expect him to to go to Kookynie, for example, to ascertain whether a factory answered the licensing requirements. The new subclause afforded an easy and convenient method of appeal against the inspector's decision, which might in some cases be arbitrary or unjust. After all was said and done, so far as expense was concerned, no factory proprietor was likely to appeal on a bad case, knowing that he would have to pay the inspector's expenses as well as his own.

MR. HASTIE: This matter was of considerable importance. Unlike the member for Fremantle (Mr. Higham) he thought that a large number of factory proprietors would appeal. True, the decent and respectable section would not appeal, rather regarding the inspector as a friend; but among factory owners, as among every section of the community, there were certain individuals who would ever be anxious to score points on trade competitors, and those individuals would appeal every time. Under the proposed subclause the inspector's time would be fully occupied with appeals. The proposal that appeal should lie to the Local Court was unheard of. No such provision applied to the decisions of inspectors

of mines and boiler inspectors. He hoped the amendment would not pass.

MR. MORAN: It was strange to hear the Labour party railing against a proposal to refer to an independent board disputes arising under these provisions, in the same way as questions of hours and wages were referred to the Arbitration Court.

MR. HASTIE: Matters of inspection were not referred to the Arbitration Court.

MR. MORAN: In every case of magnitude which had come before the Arbitration Court the members of that court had inspected the premises or locality concerned. The aim of the Labour party, it was claimed, had always been to remove matters of dispute from an arena where backstairs influence could be brought to bear, to the purview of an impartial tribunal. Surely it could not be said that the magistracy of Western Australia was partial; and did anyone urge that our magistrates were incompetent to decide matters of this kind? Under the decision of the leader of the Labour party and the Premier, this measure would apply only to Perth and Fremantle. Now we knew the gentlemen on the local benches of Perth and Fremantle, and surely we would not pronounce them biassed. [THE PREMIER: Certainly not.] Decision in such disputes as here in view should not lie with anyone dependent on political support. Personally he was quite ready to trust the present Government, seeing that Perth and Fremantle were alone concerned; but he was also prepared to trust the magistrates. It had been said that the magistrates would not have special knowledge of the facts, but would their knowledge be less than that of the Minister? The magistrates would call evidence and have the dispute threshed out in open court. He begged the Labour party not to endanger the passage of this measure through another place.

Amendment passed, and the subclause inserted.

On formal motions by the PREMIER, ordered that in Clause 33 (relating to bakehouses) the words "factory which is a" be struck out, that the clause be transposed to stand as Clause 64, and that it be numbered accordingly; also that, as a consequential amendment, in Clause 45 the words "thirty-three," line 4, be struck out, and "sixty-four" inserted in lieu.

Clause 47—Districts:

MR. McDONALD moved that after "municipalities," line 2, there be inserted "or roads board districts."

Amendment passed.

MR. McDONALD also moved that the following be added as Subclause 3:—

Provided that this Act shall apply to the municipalities and roads board districts as specified in Schedule 6.

MR. MORAN: This was the same old fight again?

MR. McDONALD: Yes. The desire was that the Bill should apply to municipalities and roads board districts, as stated, instead of to the metropolitan area. When this question was before the Committee previously it was mentioned that Maylands, Bayswater, and several other places would be included. He moved to insert municipalities and roads board districts as specified in Schedule 6. All the shopkeepers of Perth and Fremantle were in favour of this amendment.

MR. MORAN: The Committee decided the matter before. [MR. HASTIE: No.] Yes. It was discussed, and the Government said they required power to bring whatever part of the State they liked under the measure.

THE PREMIER: This was not a Government amendment.

MR. MORAN: Did the Government want power to include or exclude what parts of the State they liked? Now they were allowing one of their own supporters who was a big shopkeeper to bring forward an amendment to include places——

MR. DAGLISH: There was a great agitation in Cockburn Sound.

MEMBER: And in Fremantle.

MR. MORAN: Cockburn Sound had asked for this; but by what right did the hon. member include these other municipalities around Perth?

MR. HIGHAM: The member for West Perth had stated the member for Cockburn Sound brought this amendment in because he had a big shop.

MR. MORAN: This amendment was introduced in the interests of the big shopkeepers and nothing else, and the hon. member (Mr. McDonald) kept a large shop. All the harm one wished him was that his shop might grow bigger

The Government said they would use their own discretion and apply the measure where necessary. Upon that up got one of their supporters and brought in this amendment to include several small districts which he did not represent, and with which he had nothing to do save as representing big shopkeepers.

MR. MCDONALD: An influential deputation from Perth and Fremantle had asked him to get this amendment reinstated.

MR. MORAN: That statement must be sifted. Who composed that deputation?

MR. MCDONALD said he would show the names to the hon. member.

MR. MORAN said he denied——

THE CHAIRMAN: The statement of the hon. member (Mr. McDonald) must be accepted.

MR. MORAN said he had not cast a reflection on any member's integrity. In asking the hon. member for the names of those who composed that deputation, he denied that the hon. member was approached by anybody in Leederville or Subiaco. The deputation consisted entirely of large shopkeepers of Perth and Fremantle.

MR. DAGLISH: It was an unreasonable thing to bring in an amendment like this, when it was precisely on the same lines as one which had already been defeated in a much fuller House. A division had taken place in which there were 36 members, during the early part of this month, and by one vote a proposal similar to this was defeated. Now the same proposition in a slightly altered form was brought forward, because it was thought there had been an opportunity of successful lobbying in the interval, and that it might be possible to carry the amendment. We had been told the amendment was advocated by the shopkeepers of Perth and Fremantle; but what right had the shopkeepers of Perth and Fremantle to dictate to shopkeepers outside Perth and Fremantle? He asked the Committee to take up the position that they would treat all shopkeepers and purchasers throughout the State in the same way, and not make any special legislation for any special locality. [MEMBER: What about small shops?] Small shopkeepers were simply afforded an opportunity of trading longer, on the ground that they did not by their hours of trading keep others working unduly long. The bulk of the agitation in this direction was by, and in the interests of, the large shopkeepers alone. They not only wished to govern those in their own localities, but to interfere in localities where they had no claim and no right whatever to intrude themselves.

THE PREMIER: Not for a moment did he agree with the member for Subiaco (Mr. Daglish) that those who wished for a certain amendment or a certain measure should not use whatever influence they possessed for the purpose of having the amendment adopted or the measure passed. He could see no objection to lobbying, if lobbying meant using such influence as had been referred to. He proposed to take up the same attitude as before. He was going to vote against the amendment, not because he personally would not like to use every influence he could to extend the operations of the measure, not because he did not believe they ought to be extended to these localities especially, but why should we insist that the local option we gave to all municipalities except those specified should be denied to the specified ones? Whilst he agreed with applying the measure to all metropolitan areas, he did not believe we had a right to extend it compulsorily against the wish of the majority of the local residents.

MR. HASTIE: Too much was made of the idea that the measure was to be made applicable to different localities. As a matter of fact, this was one locality from Midland Junction to Fremantle, and he had never yet heard why some special privileges should be given to any one part of that locality which were not given in any other part. There were differences in different parts of the State, but there were practically no differences whatever in such a part of the State as from Fremantle up to Midland Junction. [MR. MORAN: Could not the goldfields ask for certain treatment?] They could ask for it, but no parts of the goldfields asked for any special treatment for themselves different from what they were willing for other parts of the goldfields to be subjected to. There was one object, and one alone, sought by those who opposed this amendment by the member for Cockburn Sound (Mr. McDonald).

Those who voted against it would say that certain localities, such as Leederville, Subiaco, and one or two other places, ought to have special privileges as compared with those surrounding them. [MR. MORAN: The same privilege exactly.] What? [MR. MORAN: The privilege of getting it when they asked for it.] The amendment was opposed in order that the measure should not be applicable to Subiaco and Leederville, although it was applicable to the vast majority of other places in this locality. Presumably all those under the present Act would at once be brought under the new Act.

THE PREMIER: They would be under the new Act.

MR. HASTIE: A shopkeeper in a small locality was to be exempted, while the neighbouring shopkeepers were to be under the Act. That was the "privilege" for which the members for Subiaco and West Perth asked, and the amendment sought to place on an equal footing all within the metropolitan area.

MR. MORAN: No privilege was sought by any particular district beyond what was possessed by Perth. The last speaker wished to deprive Subiaco and Leederville of the local option to be granted to goldfields towns in respect of the extension of the Act to small shops; and this privilege was to be denied because the hon. member thought Midland Junction and Subiaco were identical, because both were on this side of the Darling Range. As well say all places on the other side were identical. If local option were granted anywhere, let it be general. The amendment was made in the interest of large shopkeepers.

MR. MCDONALD: Its advocates were prepared to give the small shopkeepers the extended hours they demanded.

MR. MORAN: In other words, they were to be allowed to live!

MR. FOULKES: In the roads board districts mentioned in the schedule—Cottesloe, Peppermint Grove, and Buckland Hill—were about 20 shopkeepers, of whom only three favoured the amendment; so the mover could hardly say he represented all shopkeepers in that district, or even a working majority; and those three shopkeepers carried on the same class of business as the hon. member. Better leave things as they were.

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

Ayes	...	...	13
Noes	...	...	16
Majority against		...	3

AYES.	NOES.
Mr. Gregory	Mr. Atkins
Mr. Hastie	Mr. Bath
Mr. Hayward	Mr. Butcher
Mr. Holman	Mr. Daglish
Mr. Holmes	Mr. Foulkes
Mr. Hopkins	Mr. Gardiner
Mr. Johnson	Mr. Jacoby
Mr. McDonald	Mr. James
Mr. Oats	Mr. Kingsmill
Mr. Rason	Mr. McWilliams
Mr. Taylor	Mr. Monger
Mr. Wallace	Mr. Nanson
Mr. Higham (*Teller*).	Mr. O'Connor
	Mr. Phillips
	Mr. Yelverton
	Mr. Moran (*Teller*).

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

Clause 48—Closing times:

THE PREMIER: This clause as drafted provided that the closing hour on one day of the week should be 10 o'clock; but on the motion of the member for Nelson (Sir James Lee Steere) this had been altered to nine. He (the Premier) favoured that amendment, because he strongly believed that trade would become accustomed to the shorter hours, and that the shop assistants would gain without loss to the shopkeepers. But since the amendment hon. members had seen how much interest it had excited in some commercial centres. There had been meetings in Fremantle, Perth, and in goldfields and other towns; and a unanimous protest was entered against closing at nine. Not being anxious to cause any serious dislocation of business, he moved that the word "nine," wherever occurring, be struck out and "ten" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

On motion by the PREMIER, consequential amendments made in Clause 49.

Clause 50—Closing time for small shops:

MR. MCDONALD moved that "Wednesday or," in line 5 of Subclause 1, be struck out. Shops closed for a half holiday on Wednesday should not be opened in the evening.

THE PREMIER: The amendment would not effect the desired object. Subclause 2 of Clause 48 provided that closing at 1 o'clock or at 9 o'clock might be effected on Wednesday or on Saturday at the option of the shopkeeper; and by Subclause 1 of Clause 50, that option was given the small shopkeeper also.

Amendment by leave withdrawn.

MR. McDONALD moved that Subclause 2 be struck out.

MR. JOHNSON supported the amendment. The object was to debar small shops from opening on Wednesday evening from six to eight, after they had closed at one o'clock for the half-holiday. Small shops should be totally closed on the Wednesday half-holiday, and he trusted the Committee would pass the amendment.

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

Ayes	...	...	17
Noes	..	...	9
Majority against		...	8

AYES.	NOES.
Mr. Atkins	Mr. Butcher
Mr. Bath	Mr. Gardiner
Mr. Daglish	Mr. James
Mr. Gregory	Mr. Kingsmill
Mr. Hayward	Mr. Moran
Mr. Hicks	Mr. Nanson
Mr. Holman	Mr. Rason
Mr. Holmes	Mr. Yelverton
Mr. Hopkins	Mr. Jacoby (*Teller*).
Mr. Johnson	
Mr. McDonald	
Mr. Outs	
Mr. O'Connor	
Mr. Piesse	
Mr. Taylor	
Mr. Wallace	
Mr Higham (*Teller*).	

Amendment thus passed, and the subclause struck out.

MR. McDONALD moved that in Subclause 3 the word "seven" be struck out with a view to inserting "eight." This would limit the time of opening in the morning.

THE PREMIER asked members not to agree to the amendment. The claim of small shopkeepers having been recognised by this Bill, it would now be ungenerous to insist that they should not open their shops before eight o'clock in the morning. There must be some casual trade between seven and eight in the morning for these small shops in supplying necessary articles of food. The case would be different if the proposal were to open all shops at seven in the morning; and as the section was a concession to the small shops, it should be maintained. It appeared that those who represented big shops had, by combination and lobbying, succeeded in compelling the small shopkeepers to close on Wednesday afternoons, not allowing them even the half-day of extra trading; but no such reasons should apply to the small amount of trade that would be done between seven and eight o'clock in the morning. Goldfields members should keep an open mind and also avoid lobbying, on a question of this kind, as the clause would not apply to them.

MR. McDONALD: If small shops were not allowed to open before eight in the morning the same as other shops, the small shopkeepers would still have eight hours a week longer to sell goods, and that was a fair allowance.

MR. MORAN said he did not like to see the animus of some members in pursuing small shopkeepers and depriving them of every little privilege. Goldfields members should allow this little privilege, because labour was amply protected in regard to small shops. Big shopkeepers should not be afraid of the small men making a shilling or two before the large shops opened in the morning.

MR. BATH: The hon. member who had last spoken should not be continually imputing to other members a desire to refuse concessions to small shopkeepers. If the hon. member had proposed an amendment to make the Early Closing Act uniform without giving privileges to any class of shopkeepers, he would have found no more ardent supporters than the goldfields members.

MR. MORAN: The argument of the member for Hannans (Mr. Bath) was that the Bill should apply everywhere, whereas a moment ago the hon. member voted that the Bill should not apply all over the country.

MR. BATH said he was not present when the vote was taken on the previous amendment.

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

Ayes	...	...	11
Noes	...	...	18
Majority against		...	7

Ayes.	Noes.
Mr. Bath	Mr. Atkins
Mr. Hastie	Mr. Butcher
Mr. Holman	Mr. Daglish
Mr. Johnson	Mr. Ewing
Mr. McDonald	Mr. Gardiner
Mr. Oats	Mr. Gregory
Mr. Piesse	Mr. Hayward
Mr. Reid	Mr. Hicks
Mr. Taylor	Mr. Hopkins
Mr. Wallace	Mr. James
Mr. Higham (*Teller*).	Mr. Kingsmill
	Mr. Monger
	Mr. Moran
	Mr. Nanson
	Mr. O'Connor
	Mr. Rason
	Mr. Yelverton
	Mr. Jacoby (*Teller*).

Amendment thus negatived.

THE PREMIER moved that Subclauses 4 and 5 be struck out, and the following inserted in lieu:—

(4.) "Small shops" are those which are registered as such, and wherein only one registered assistant (whether paid or unpaid) is engaged or employed.

(5.) Every small shop and the shopkeeper thereof, and the assistant employed or engaged therein, shall be registered annually in accordance with the regulations.

No person shall be registered or employed as an assistant unless such person is the husband, wife, child, grandchild, sister, or parent of the shopkeeper.

This amendment would carry out what was previously passed in Committee.

Amendment passed.

THE PREMIER also moved that in Subclause 7 the words "employs an assistant therein" be struck out, and the following inserted in lieu: "is assisted by or employs an unregistered assistant or any assistant."

Amendment passed.

THE PREMIER also moved that the following be inserted as Subclause 8:—

No person of the Chinese or other Asiatic race shall be registered as the keeper of a small shop.

Members must distinctly understand that by Clause 50 a privilege was being given that was not enjoyed now; and that privilege should not be extended to the Chinese or Asiatic races. As the law stood to-day, Chinese or Asiatics had the right to trade during the usual hours, and only those registered under Clause 8 enjoyed the benefits of that clause. There was no reason why special benefits should be given to races which should not be encouraged as far as shopkeeping was concerned. Different considerations applied when dealing with factories, and he did not propose to go anything like so far in regard to factories.

MR. MORAN: The amendment wa right so long as the interpretation o "Asiatic" was understood.

Amendment passed, and the clause a amended agreed to.

New Clause (districts to be declared)

THE PREMIER moved that the follow ing be inserted as Clause 51:—

Section fifty shall apply within such dis tricts only as may be declared by the Governo by notice in the *Government Gazette*.

This was proposed to meet the desire o those people of the Eastern Goldfield who did not want the privilege given b Clause 50.

MR. MORAN: Why did the goldfield require special treatment?

MR. HOPKINS: Because shops on th goldfields were all small, practically.

MR. MORAN: The member fo Kanowna wished to make it obligator for Leederville and Subiaco to com under the provisions of the Bill; the why should the goldfields be exempte by a special clause?

MR. BATH: Because they were loyal t the Early Closing Act.

MR. MORAN: Because local option wa entirely in favour of the Bill having ful sway on the goldfields.

MR. HASTIE: Some time ago in th goldfields metropolis the Act applied t Kalgoorlie and Boulder, and some peopl thought it unfair that the people in th towns of Fimiston and the Australia Block should have the privilege of keep ing their shops open practically all nigh if they liked. The desire was that suc shops might be exempted, like those o Subiaco under the Early Closing Act To-night it was sought by the membe for Cockburn Sound to apply this satis factory principle to the coast generally but this the member for West Perth would not allow, as he wished people i Subiaco to have more privileges than hi own electors enjoyed. [MR. MORAN Nonsense.] Some time ago he (Mr Hastie) had stated there was a strong feeling in Perth and Fremantle in favou of allowing small shops to keep open late than large ones, and that this feeling wa non-existent on the fields. A strong opinion had since been expressed on th fields against extra hours being allowed t small shops, and as that opinion wa unanimous it should be respected.

MR. MORAN: Then, because small shops were not by the old Act allowed to open on the goldfields, the hon. member was not in favour of the innovation under this Bill? [MR. HASTIE: Nothing of the sort.] Yet a moment ago he condemned this principle as applied to Subiaco and Leederville, which were not included under the old Act; desiring one law for the goldfields and another for the coast.

MR. HASTIE: No.

MR. JOHNSON: The petition he presented to-day was a request from the public of Hannans belt that small shops should not be specially privileged.

Question passed, and the new clause added.

Clause 51—Closing time for certain exempted shops:

THE PREMIER: It was desirable that the shops mentioned in Schedule 2 should be reclassified, some of them to close at nine and others at 10 o'clock. In this schedule the shops were already divided into two classes. For those in Part II. there was no limitation of hours, and the hours of those in Part I. were limited by Clause 51, which as drafted provided that such shops should keep open not later than 10 in the evening. After Part I. had been split in two, the schedule would stand thus: Part III. would consist of the present Part II., the shops remaining open without restriction; Part II. would include confectioners, fruit shops, vegetable shops, milk shops or dairies, and tobacconist shops. They would close at 10 o'clock. Part I. would consist of the balance of what was now Part I., namely butchers, bakers, news agents, stationers and booksellers, florists, and undertakers shops, and railway book stalls. These would close at nine; but on Saturdays, on Christmas or New Year's Eve, or on the Thursday before Good Friday, they might keep open till midnight. He moved that the words "Part I.," in line 1 of the clause, be struck out, and "Parts I. and II. respectively" inserted in lieu; that before the word "ten," in line 2, "nine o'clock and" be inserted; and that "respectively" be inserted after "ten o'clock." The schedule would be modified later.

Amendments passed.

Clause 52—Hairdressers' assistants:

MR. JOHNSON moved that the following be added to the Clause: "Provided that in the Coolgardie and East Coolgardie Goldfields Districts the closing time under Subsection 1 of this section shall be half-past seven o'clock instead of half-past six o'clock."

THE PREMIER: Why not make it 7·30 all round?

MR. HOPKINS: The hour was late enough now.

MR. JOHNSON: Half-past six did not suit the goldfields, for many miners working on Hannans belt could not reach town in time to have a shave, and had to depend on amateur barbers. Such a difficulty was not felt on the coast, where there were superior facilities of transit. The assistants desired this change, as it would increase employment.

MR. TAYLOR: Surely miners left work early enough to be shaved before 6·30; and they should have some consideration for the barbers, who worked much longer hours. For both coast and goldfields 6·30 was a reasonable closing time. As to the early closing of shops increasing the number of unemployed, the same argument could be used by every trading firm in Australia. As to the convenience of miners for getting shaved, those who worked on day shifts would not be affected by the time of closing; therefore he was in favour of hairdressers' shops closing at the same time on the goldfields as on the coast.

MR. DAGLISH: Hairdressing was a special trade that might be seriously affected by the hour of closing; but he could not see why a provision that was good for Perth should not be equally suitable for people on the goldfields.

MR. HOPKINS: If it were proposed that miners should work an hour longer each day and get an hour off for tea, we should hear about it pretty strongly. Most people in and around Perth did not cease work till six o'clock, and they could easily reach a hairdresser's shop before 6·30. Taking the large mines on the Eastern Goldfields, he instanced a number of them which were in close proximity to hairdressers' shops, and argued that there would be no inconvenience for the men employed on those mines to reach the shops before 6·30. Some of the shop assistants and some owners

of shops had asked that the closing time should be extended; but he had received private advices urging him not to listen to those representations. This was a case in which some persons needed to be protected against themselves, and we should not say that shop assistants must be tied to their employers another hour per day. It would be much more convenient for the men employed in hairdressers' shops to have the closing hour at 6·30, so that they might have the whole evening clear. If this extension were made for hairdressers' shops, claims would be made in regard to other shops, and the Perth hairdressers also would be asking for extension of time. The time fixed as the result of a previous discussion should be maintained.

MR. HASTIE: In Perth, those employers and assistants who had approached him were in favour of extension to half-past seven, though he knew that some wished to close at 6·30. He was also told that some persons had signed a petition in Perth under a misapprehension. Yesterday a deputation waited on the Premier, representing employers and employees in this trade, assuring him that they wished to have the closing time extended. On the other side there was only the assurance of the member for Boulder that there were persons on the goldfields engaged in this trade who took the opposite view and wished to close at 6·30. This was a matter on which members had no strong opinions whatever.

MR. TAYLOR said he had received a letter from the secretary of the Hairdressers' Association in Perth asking for the support of members of Parliament in making the hour of closing 6·30 o'clock, and he doubted very much if the member for Kanowna, or any other member, could bring forward evidence to show that the hairdressers preferred the closing time to be 7·30

MR. JOHNSON: The amendment was limited to the East Coolgardie Goldfields because he did not wish to apply it to the Mount Margaret district, being afraid of the opposition of the member for Mount Margaret who did not believe in early closing.

MR. TAYLOR: There was an application from his district for early closing.

THE PREMIER: Yes; from Leonora.

MR. JOHNSON: The shopkeepers and hairdressers in Leonora worked all hours. The member for Mount Margaret did not wish to limit the hours of employment in his own district. On the goldfields a miner could not go straight from "the face" into a hairdresser's shop and get shaved. He had to go to his camp first and have a wash. It was the unanimous desire of the hairdressers on the goldfields to close at 7·30, and the employees also desired the amendment.

MR. HOPKINS: The Premier was working up great hostility to the Factories and Shops Bill by swallowing such a proposal as this one. He failed to see why there existed in Kalgoorlie any desire to close at 7·30. He repudiated it as far as Boulder was concerned. Disabilities should not be placed on the hairdressers working at Kalgoorlie. He would divide the Committee on the proposal.

MR. NANSON: It was somewhat difficult for members who did not hail from the Hannans belt to vote on the question as to when to shave and when not to shave. The differences of opinion among goldfields members were puzzling to those who looked to them for guidance. Recently the idea that early closing would make employment scarce was pooh-poohed from the Labour bench; yet now the member for Kalgoorlie said one of the first results of the original Act was to drive hairdressers out of employment. If the miner could not come to the barber, could not the barber go to the miner? As the members for Mount Margaret and Boulder contradicted the member for Kalgoorlie's statement, and maintained that the present hour for closing was satisfactory to hairdressers' assistants, he (Mr. Nanson) would vote against the proviso. Ultimately the hairdressers would doubtless find their conditions of employment become worse, owing to the constant tinkering with their hours.

Amendment—that the proviso be added—negatived.

Clause 58—Hours of employment for women and children:

THE PREMIER moved that the words "under the age of sixteen years," in line 2, be struck out, boys being already provided for.

Amendment passed.

THE PREMIER moved that Clause 59 be transposed to follow Clause 72.

Amendment passed.

Clause 60—Hours of employment for waitresses:

THE PREMIER moved that the words "under the age of sixteen years" be struck out.

Amendment passed.

THE PREMIER also moved that the word "forty-eight" be struck out and "fifty-two" inserted. If the hours of women were restricted to 48 in hotels, coffee palaces, eating houses, etc., their employment at an occupation for which they were specially adapted might be prevented; and it was already provided that women might work in shops for 52 hours per week.

MR. DAGLISH opposed the amendment. As 48 hours was a sufficient week's work for a man, it was surely long enough for a woman to be on her feet as a waitress. Most waitresses worked harder than shop assistants.

Amendment passed.

New Clause (restriction of Chinese, etc.):

THE PREMIER: Several amendments had been made in Committee with the object of restricting Chinese and other Asiatics who occupied factories, all the amendments providing that no such person should be registered or employed in a factory. This he maintained was going too far; and he therefore moved that the following be inserted to stand as Clause 73:—

No person of the Chinese or other Asiatic race shall be—(*a*) Registered as the owner or occupier of a factory unless he satisfies the Minister that he carried on the business which he proposes to carry on in such factory before the first day of November, 1902; or (*b*) Employed or engaged by the occupier of a factory in or about the factory, unless the occupier satisfies the inspector that such person was so employed or engaged on the date last aforesaid.

The existing law allowed factories to be carried on without registration; and if an Act were passed that no Chinese or other Asiatic should be registered, that would take away an existing right and deprive men of a means of livelihood they had for some time enjoyed. The success of the new clause would depend on its administration. If competition were feared from none but Chinese already in the State, he would not favour such provisions; but by the adoption of the Federal Constitution the State was open to Chinese from all parts of the Commonwealth, and an influx might take place at any time. The clause did no injustice to men established prior to 1st November, 1902.

MR. DAGLISH: The new clause did not go far enough, and was incomplete without provision for effective administration. All knew how easily Chinese could impose on inspectors and other officials by such means as forged immigration certificates. There were one or more Chinamen trading outside the country in the sale of forged certificates, to enable Chinese from Singapore or Hongkong to enter this country. He asked the Premier whether, on reconsideration, this clause was really sufficient. The Premier had stated that it would not be just to take away from Chinese in our midst any right they now enjoyed; but in reply to that, the whole principle of early closing when introduced three years ago did take away from Chinese shopkeepers a right they had previously enjoyed in being allowed to keep open till all hours.

THE PREMIER: It also took that right away from others.

MR. DAGLISH: The Early Closing Act took away the right of shopkeepers to trade during the whole 24 hours; therefore we had passed legislation to abolish so-called rights. If this clause were adopted, we should have to photograph every Chinaman employed in a factory and every Chinese owner of a factory, so that the inspector might be able on any future occasion to identify individuals who attempted to use certificates, forged or otherwise, for re-entering this country. The clause might be amended by striking out of Subclause (*a*) all words after "factory," also all words after "factory" in Subclause (*b*). This would put the clause on the lines of the amendment given notice of by the member for Cue (Mr. Illingworth) previously, but not then proceeded with because of the assurance that it was the intention of the Government to deal with the clause in that direction.

MR. HASTIE asked the Premier to provide regulations so that the inspectors should be in a position to identify

Chinese who had been in this country and might return to it. There was always the danger that it would be impossible to identify some of the Chinamen.

THE PREMIER: That was a question of administration. The framing of the clause left it entirely to the discretion of the inspector; and one could not readily suggest any better way to carry out the intention. The amendment proposed by the member for Subiaco would be a gross injustice. We had no right to take away privileges which Chinese in the country already enjoyed, by turning them adrift and depriving them of their means of livelihood.

MR. DAGLISH: They deprived our people of the means of livelihood in certain trades.

THE PREMIER: Chinese carried on their occupations in this country now, and we had not got to that stage of competition which would enable us to say these men were crushing out anybody from the same lines of business. We all agreed that the competition of Chinese or other Asiatics was undesirable; but some of that undesirable element would be removed by providing that those persons must carry on their occupations in factories, under conditions similar to those which applied to European workers in factories. It would be going too far to say we would not allow those men to be employed in factories, but would turn them adrift. Therefore an amendment which would cause so great an injustice should not be adopted.

MR. DAGLISH said the Chinese engaged in the furniture trade had deprived many of our people of the means of livelihood by driving them out of that trade. It was not only the employers who complained, but the workers also. In one instance that came under his notice, a french-polisher was offered employment in a factory in Perth carried on by a Chinaman, and the wage offered was 5s. a day for 10 hours, the manufacturer stating that he could get Chinamen to work on these terms. In the furniture trade we must say whether Chinese or Europeans must be driven out, there not being room for both in that trade. Members had now to decide that question on the amendment. The great bulk of the furniture sold in Perth at the present time was made by Chinese, and it was carted to the shops of some of the most reputable furniture dealers in Perth, and carted in such a way as not to show any connection between Chinese and those furniture shops. We could not get at the evil except by stringent legislation, and we must protect not only white workmen, but white women and white children.

MR. JOHNSON supported the amendment. While realising that the question was difficult to deal with, yet unless we drove the Chinese out of the furniture trade, the Chinese would have control of it, as they had practically driven out white people from that trade in Perth. By adopting the amendment, white workers might be able to drive the Chinese out of that trade.

MR. JACOBY: Chinese were considerably more repulsive to him than were the aborigines of Australia; and if we allowed Chinese a firmer footing in our commercial life, we could not prevent them from obtaining a footing in our social life. The most reasonable course was to restrict them in every way.

MR. HOPKINS: Chinamen were now engaged in certain pursuits, they were the owners and occupiers of certain factories, and the amendment said they should no longer be factory owners. Surely the Committee would not take upon itself to say that any section of the community in possession of certain properties in certain industries should not carry on businesses, without giving compensation. The Chinese had developed an industry, and it was not right to turn them adrift now. Chinamen were not desirable, but we should not throw them out unceremoniously. Would it not be better to inquire as to the value of their businesses, give them so much compensation and ship them off to China? What was the use of turning a man out of one business when he would at once start in another. The Committee could not say that a man should not trade, and that if he did trade he should be put in gaol. That did not seem to be reasonable. A return might be furnished showing the number of Chinese engaged in trade and what remuneration they received, then the Chinese could be bought out and sent back to their country; but it was not right to harass them.

MR. TAYLOR: The Chinese had a monopoly in the furniture trade of Australia; no European could compete with them. He recognised the severity of the amendment of the member for Subiaco (Mr. Daglish) and the hardship that would follow; but this trouble would have to be grappled with in Australia, and every day it was allowed to go on the hardships would be greater. The Chinese had a monopoly in other industries besides the furniture trade, which could well be carried on by white people. If the question was not dealt with now it would be more difficult to deal with later on.

MR. WALLACE: The amendment proposed by the Premier was most reasonable. Under the Commonwealth laws we could not take upon ourselves to remove the Chinese from this country, and the Premier had taken the precaution to provide that no fresh manufactories should be started by Chinese or Asiatics. The Chinamen here should be allowed to make a livelihood.

MR. BUTCHER: There was no reason why we should not grapple with the question straight away and have done with it. Some years ago the Chinese became a trouble on the Sharks Bay pearling grounds. The Government bought up all the plant owned by Chinese and sold it. The Chinese received the money from the Government and went away to Singapore; since then the industry had been carried on satisfactorily. Why could not the same thing be done in regard to the furniture trade? He would not advocate turning the Chinese out of their factories without giving them compensation. He would support the amendment of the member for Subiaco.

MR. YELVERTON: Every opportunity should be taken to get rid of the Chinese, as they were a blot on our civilisation. If the Government would accept the amendment and come to the House and ask for money to compensate the Chinamen, members would deal fairly with the proposal. The Chinese should be got rid of at once. It was no use saying that by turning the Chinese out of their factories they would become unemployed, because the ingenuity of the Chinese was well known.

MR. JOHNSON: It was not desired that the Chinese should be turned out of their factories without compensation, but if the amendment were carried the Government could then come down and ask for means wherewith to compensate those who were deprived of their living.

MR. ATKINS: While agreeing that the Chinese should be got rid of, it would not be fair to deprive them of their living without paying compensation. Would it not be better to state that the Chinese now in possession of factories, and those now employed in those factories, should be allowed to continue, but that no more factories would be allowed to spring up, and no more men would be allowed to be employed in those factories?

THE MINISTER FOR WORKS: That was what the Premier proposed.

MR. ATKINS: The amendment said that no more factories should be opened; it did not deal with the number of Chinese employed in factories.

THE MINISTER FOR WORKS: Subclause (*b*) did.

MR. ATKINS: What would prevent the factory owners putting on more men at the present time? He supported the buying out of the Chinese. We had allowed these people to come here, had given them the same rights and privileges as we ourselves had, therefore we should not turn round now and rob them. The Chinese should be compensated if they were to be turned out.

THE MINISTER FOR MINES: No one would accuse him of being a friend of the Asiatics, as since he had been in charge of the Mines Department he had refused to issue miners' rights or business licenses to them. The clause proposed by the Premier went farther than the present law. It said that no Asiatic, unless it was conclusively proved that he had been engaged prior to November of this year, should be allowed to work in a factory. The amendment in effect proposed that the Chinese should be turned out of their factories. Up to the present time Chinamen had been allowed, and encouraged, to enter into business, and it was not right, with one fell swoop, to turn them out.

MR. JACOBY: Only tolerated, not encouraged.

THE MINISTER FOR MINES: Chinese were encouraged, and by the

wives of the working men; in fact the white workers or their wives and families were the great supporters of Chinamen and other Asiatics in trade. The new clause provided that no Asiatics would be registered save those engaged in business prior to the 1st November 1902. It was absurd to talk of compensating and banishing Chinamen. To compensate, a new Act would be required, and to expel without compensating would be absolutely unfair. The new clause would reduce the danger of a Chinese influx.

MR. HOPKINS: In this matter haste was inadvisable. It was necessary to buy out all Chinamen and ship them from the country: but none desired their places to be taken by hordes of Chinese from the Eastern States. By a resolution, the House should invite the Federal Parliament to consider the question of deporting all Chinamen from Australia. What advantage would there be in throwing a Chinese out of one job and letting him take another, or of expelling him from this State and letting his place be filled from Melbourne? He supported the Premier's proposal, which would conserve the right of none but those Chinese now at work.

MR. HASTIE: The position was very serious, for by a definition any building or premises in which a Chinese worked became a factory; and thus Chinamen would be prohibited from working.

Amendment (Mr. Daglish's) put, and a division taken with the following result:—

Ayes	...	...	10
Noes	...	...	15
Majority against	...		5

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Butcher	Mr. Diamond
Mr. Daglish	Mr. Foulkes
Mr. Hastie	Mr. Gardiner
Mr. Holman	Mr. Gregory
Mr. Jacoby	Mr. Hayward
Mr. Johnson	Mr. Hicks
Mr. Oats	Mr. Hopkins
Mr. Taylor	Mr. James
Mr. Yelverton (*Teller*).	Mr. Kingsmill
	Mr. McDonald
	Mr. Rason
	Mr. Reid
	Mr. Wallace
	Mr. Higham (*Teller*).

Amendment thus negatived.

MR. DAGLISH: Had the Government the power to provide by regulation that Chinese factory-owners and factory-workers should be photographed, or must this be provided in the Bill? Unless those men were photographed, the clause could not be successfully administered.

THE PREMIER: The powers given to the inspector should be sufficient. Any conditions could be insisted on, the inspector being the sole judge of whether a Chinese had been at work prior to the 1st November.

MR. TAYLOR: Ah Sam could easily become Ah Fat.

THE PREMIER: There would be difficulties, but the clause could be amended if unsatisfactory. Its administration would depend on the strength of the inspector.

Question passed, and the new clause added.

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

New Clause (amendment of Health Act, appeal as to noxious trades):

THE PREMIER moved that the following be added as Clause 74:—

(1.) Section 146 of the Health Act, 1898 is amended, by inserting after the word "therein," in line four, the words "or of the Minister on appeal from the Local Board"; and by omitting the words "Central Board," in line 53, and inserting "the Minister."

(2.) Any person who applies under the said section to a local board of health for consent to the establishment or carrying on of any of the following works or establishments—

Abattoirs or slaughter-houses, bone mills or bone manure depôts;
Fellmongeries, tanneries, or wool-scouring establishments;
Fish-curing establishments;
Glue factories, laundries, manure works, soap or candle works;

or for consent to add to or extend any building or premises used for any such purpose, and whose application is refused, or granted subject to conditions, may appeal from the decision of the Local Board to the Minister administering the said Act in the prescribed manner.

This was an amendment dealing to a certain extent with the Act of 1898. Section 146 of that Act provided that any person desiring to establish or carry on certain defined businesses had to apply to the local board of health in the particular district for a license to do so, and if the board refused to grant the license, there was no appeal against the board's decision; but if the local board granted the application subject to conditions specified, there was an appeal to the Central Board of Health. The effect of that provision was to give a

great power to local boards of health; and even if the power were exercised in a most arbitrary manner, as had been the case in some of the suburbs around Perth, there was no means provided for appealing against the refusal of a license. It appeared to be the desire of the members of suburban roads boards to regard their particular districts as first-class residential areas; and an impression was abroad that the businesses indicated in the proposed new clause, such as bone mills, manure depôts, tanneries, and so on, should not be carried on in the suburbs of Perth. The provisions of the Act were very drastic, even where licenses were granted to carry on what were known as noxious trades, the Act requiring that they should be carried on in such a way as not to be offensive, and certainly not to be a nuisance. One would think that with such safeguarding provisions there would be great readiness on the part of suburban roads boards to grant permission to establish and carry on these industries. As the section originally stood in the Act, it provided that the consent of the local body should be necessary only when it was desired to establish these businesses in a city or town. There was no doubt that businesses of this kind, unless the cases were exceptional, should not be established or carried on in towns or cities; but there was no reason why businesses of this kind should not be carried on in suburban districts around Perth, as they were carried on in the neighbourhood of cities in other States of Australia. The amendment provided that if a person applied under Section 146 of the Health Act and was refused a license, he should have a right of appeal to the Minister, whose decision on the question should be final; and as we had also provided that such appeals should be to the Minister in charge of the particular Act, so this clause provided in like manner that the right of appeal should be to the Minister instead of to the Central Board of Health. We did not provide in this case that the special right of appeal should cover all classes of noxious trades or businesses, but only those which were called "factories," or were carried on in factories. Therefore members would see that we were specifying the class of works in respect of which appeal should lie to the Minister. In regard to the other works mentioned in Section 146 of the Health Act—such as fish-curing establishments, marine stores, piggeries, places for storing or drying bones, works for boiling down meat or offal, and other such works—this amendment of the Act would not interfere with the discretion of the local board of health, because boiling-down works and other such businesses were usually offensive in their nature, and we gave way to local opinion in respect of those works. This clause was taking out of Section 146 of the Act those classes of business which were usually carried on in factories, leaving the other noxious businesses as they stood in the Act.

MR. JACOBY supported the clause as a necessary provision. Unfortunately very large manure works had been prevented from being started in this State owing to the arbitrary action of one of the local public bodies referred to by the Premier. Chemical works for utilising some of our natural products, such as guano from the Abrolhos Islands, had been prevented from being established here, which was unfortunate because those works, if established, would have resulted in greatly cheapening the cost of manures to farmers in this country. Similar works had been in existence in Victoria for 30 years in a very populous suburb, without complaint; also in South Australia, close to Mr. Hardey's vineyard, and in another case close to the railway station at Port Adelaide.

New clause passed, and added to the Bill.

Schedule II. (option as to closing time):

THE PREMIER moved that the following new part be inserted in Schedule II.:—"Confectioners, fruit shops, vegetable shops, milk shops or dairies, tobacconists." These places of business would close at 10 o'clock. Such other shops as were kept by butchers, bakers, news agents, stationers, booksellers, and florists would close at 9 o'clock.

MR. HASTIE: Bakers' and butchers' shops usually closed at 6 o'clock; but under this amendment they could remain open after that hour.

THE PREMIER: Keepers of these shops wished to open before 8 o'clock in the morning.

MR. HASTIE: There was no reason why they should remain open till nine at night.

Amendment passed.

THE PREMIER moved that Part II. of the schedule stand as Part III.

Amendment passed.

Bill reported with farther amendments.

CONSTITUTION ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the previous sitting; the PREMIER in charge.

Clause 29—Electoral districts:

On motion by the PREMIER, the words "forty-seven" altered to "forty-eight," in first line.

MR. HOPKINS moved that the following words be added to the clause:—

Provided always that the number of electors in each Electoral District shall be, as nearly as practicable, determined in the following manner:—(1.) A quota shall be ascertained by dividing the number of the electors appearing on the Assembly rolls for the State, as shown by the latest statistics of the State, by the number of electoral districts.

If the amendment were carried, farther provisions would have to be inserted to bring the Bill into line with the Federal Constitution. As there was every probability of two Chambers being continued, the Assembly should reflect the matured will of the people. The matured will of the people was practically equivalent to the will of those sufficiently matured to get their names on the rolls, whose votes should be equal in value irrespective of their locations or their occupations.

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

Ayes	...	...	6
Noes	...	...	17
Majority against		...	11

AYES.	NOES.
Mr. Bath	Mr. Butcher
Mr. Hastie	Mr. Diamond
Mr. Holman	Mr. Ewing
Mr. Hopkins	Mr. Foulkes
Mr. Reid	Mr. Gardiner
Mr. Taylor (*Teller*).	Mr. Gregory
	Mr. Harper
	Mr. Hayward
	Mr. Hicks
	Mr. Jacoby
	Mr. James
	Mr. Kingsmill
	Mr. McDonald
	Mr. Moran
	Mr. Rason
	Mr. Wallace
	Mr. Higham (*Teller*).

Farther amendment thus negatived, and the clause passed.

Clause 30—Boundaries of electoral districts:

MR. HOPKINS: Would it not be well to appoint a commission to make recommendations as to boundaries?

THE PREMIER: Deal with that in the Redistribution of Seats Bill.

Clause passed.

Clause 31—Qualification of members of Assembly:

MR. HOPKINS moved that the words "two years," in line 4 of Subclause 1, be struck out. It was unreasonable that a man should have to be a two-years resident before being qualified for election to the Assembly. He had intended to substitute "six months," but would accept a compromise.

MR. DIAMOND: Twelve months would be fair.

THE PREMIER: Three years' residence in the Commonwealth was necessary as a qualification for the House of Representatives. That six or twelve months' residence in the State should qualify for this Assembly would be reasonable if the candidate came from another State, but unreasonable if he came here from abroad, and knew nothing of Australian conditions.

MR. HOPKINS: The Premier would not accept the Commonwealth Constitution as applied to electoral districts, but appreciated its qualification for members of the Lower House.

THE PREMIER: The hon. member was wrong. The Federal Constitution said nothing of districts. They were defined in an Electoral Act.

MR. HOPKINS: Practically the same thing. That none but residents for two years and over should be qualified in a measure restricted the people's choice.

Question passed, and the words struck out.

MR. HOPKINS moved that "one year" be inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 32 to 38, inclusive—agreed to.

Clause 39—Vacancy by absence:

MR. HASTIE: A member's seat was to be declared vacant if he were absent without permission for two consecutive months. Some members were of opinion that absence for a fortnight without per-

mission should be long enough; but one month should be sufficient, and the member should then be obliged to apply for leave. He moved, as an amendment in the first line, that the word "two" be struck out with a view to inserting "one."

THE PREMIER: This was the present law.

THE CHAIRMAN: The Standing Orders would also have to be altered.

MR. HASTIE: If it was understood that members could go away for two months at a time, this would show that in the opinion of this House it did not matter much whether members came here at all. One month without communicating with the House should be sufficient; and now that we had the opportunity of making this alteration, it should be made.

Amendment negatived, and the clause passed.

Clause 40—Qualifications of electors (Assembly):

THE PREMIER moved, as an amendment in the first line, that all words after "the" be struck out, also that after "The" in the first line all the words there be struck out, and the following inserted in lieu: "qualification of electors of members of the Assembly shall be such as may be determined by the Parliament."

Amendments passed, and the clause as amended agreed to.

Clause 41—agreed to.

Clause 42—Aboriginal native not to be registered:

THE PREMIER: In connection with this clause there was some doubt as to what was the position in relation to half-castes being entitled to vote.

MR. MORAN: One supposed that the Premier was not prepared to follow the example of the Federal Parliament in this matter. The aboriginal native of Australia was not excluded from the franchise in the Federal Act, because it was considered not to be right to exclude the original inhabitants of the soil; not that this meant very much, but it would be well for us to follow the example. The original inhabitants of Australia were our own people; and though there was a reason for excluding any aboriginal inhabitants of Asia or Africa, there was none for excluding the aboriginal inhabitants of this State.

THE PREMIER: As had been pointed out in speaking on the Electoral Bill, unless the aboriginal natives were disqualified, there would be a danger that persons who desired to get the political control of an electoral district, such as the two Kimberleys, might make use of the natives in such a way as to control the voting power. Such a person might hold the votes of 50 natives, and would thus be able to control the position unless another candidate, in order to beat him, could obtain the votes of 51 aboriginal natives. The same might occur in the Ashburton or in the Gascoyne districts. An aboriginal native might be put up for election in one of those northern districts, though he (the Premier) would not mind that; but to confer the franchise on aboriginal natives would be opening too wide a door to abuse, especially in regard to northern constituencies. This was a practical question which we could decide for ourselves without regard to the precedent of the Federal Parliament, the question in their case being theoretical, while here it was practical.

MR. MORAN: At the present time the people of this State were looked upon by those in the old country as being rather harsh in our treatment towards the aboriginal population; and if we were to exclude the aborigines from the franchise, it might be quoted against us by the Exeter Hall party, and be contrasted with the more liberal principle in the Federal Constitution. The fair fame of this State was always worth bothering about. In the case of adverse critics such as the Exeter Hall people, we might put them to the proof when they made imputations in regard to our treatment of the aborigines of Western Australia. He would resent the impertinence of any Englishman who told him that the white people in this State did not know how to treat the aboriginal population.

MR. BUTCHER supported the clause as it stood. The idea of giving to Australian natives the right to vote for members of Parliament was an absolute absurdity. If the franchise were to be given to them, for goodness give it to every white boy and girl above 10 years of age; for the natives were only children in intelligence, and the average white boy of 10 years had far more intelligence than the oldest aborigine.

Clause passed as printed.

Clause 43—One adult one vote:

MR. HASTIE: The Federal Electoral Act, of which he had a copy, provided the principle of man one vote by enacting that the voter should have a vote only for the division in which he resided. The Commonwealth law recognised a residence qualification, and a residence qualification alone. If we passed this clause in its present crude form, the man who had a property or other qualification in more districts than one would be able to choose the district in which he should vote.

THE PREMIER: The hon. member (Mr. Hastie) was entirely astray. The matter was one to be dealt with in the Electoral Bill. This clause merely provided that no person should be entitled to vote more than once at the same election of members of the Assembly. Under this clause, if the qualification were residential, a man would be able to vote only once. This clause merely provided that no person should be entitled to vote more than once at the same election of members of the Assembly. Under this clause, if the qualification were residential, a man would be able to vote only once; and if it were a property qualification, he would still be able to vote only once. The electorates of the Federal Lower House consisted of half a dozen of our electorates; and, therefore, the special provision referred to by the member for Kanowna was necessary in the case of the Commonwealth law.

MR. HASTIE: In view of the fact that Clause 40 had been struck out, he recognised the force of what the Premier had said.

Clause passed.

Clause 44—At general elections all elections to take place on the same day:

MR. JOHNSON said he desired to move an amendment providing that the day on which general elections were held should be proclaimed a public holiday.

THE PREMIER: Had that amendment been placed on the Notice Paper?

MR. JOHNSON: No.

THE PREMIER: Surely the Government had a right to be informed of such amendments.

MR. JOHNSON: The amendment was but a small one.

THE PREMIER: By no means.

MR. JOHNSON: The matter had been discussed for years, and had been brought prominently to the notice of every member of Parliament.

THE PREMIER: This was too much a matter of detail to be dealt with in a Constitution Bill. It could better be dealt with in the Electoral Bill.

MR. JOHNSON: Would an opportunity be afforded of discussing the matter on the Electoral Bill?

THE PREMIER: Yes.

Clause passed.

Clauses 45 to 49, inclusive—agreed to.

Clause 50—Disqualification of Members:

MR. HASTIE: Subclause 4 disqualified a clergyman or minister of religion from becoming a member of Parliament. That disqualification prevailed in Great Britain, in so far as clergymen of the established churches of England and Scotland were concerned. In Australia, there seemed to be no reason why the choice of electors should be thus limited. Even under this clause a clergyman could be elected to Parliament so long as he sent in his resignation of his clerical charge on the day of his nomination as a candidate for a seat in Parliament. There was no particular reason why a clergyman should not become a member of Parliament. Why should one section of the community, and one alone, be specially penalised in this respect? He moved that the subclause be struck out.

MR. FOULKES: There were two sides to every question. The reason why this provision was adopted in Great Britain, and also here, was that it was considered the cause of religion would not gain by ministers of religion taking part in politics. In Great Britain, he thought, the disqualification applied not merely to ministers of established churches, but to ministers of all churches. [MR. HASTIE: That was not correct.] If a minister of religion wished to enter Parliament, this clause would not prevent him, since he became eligible for election immediately on resigning his clerical appointment. The clause should stand as printed.

MR. TAYLOR: If in order, he would like to deal with Subclause 2.

THE CHAIRMAN: In that case the amendment of the member for Kanowna

(Mr. Hastie) must be withdrawn, at all events temporarily.

Amendment by leave withdrawn.

MR. TAYLOR: An interpretation was desired from the Attorney General of Subclause 2, which disqualified "any person who is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of any part of the King's dominions by imprisonment for one year or longer." How would that provision affect a person previously convicted?

THE PREMIER: It would not apply to a person previously convicted, except in the case of treason only.

MR. TAYLOR: The clause was badly worded. It should follow the wording of the corresponding section of the Federal Electoral Act, which dealt with criminals and misdemeanants only.

THE PREMIER: A man under sentence of imprisonment for six months, or even three months, ought not to be able to stand for Parliament.

MR. TAYLOR: After the man had completed his sentence?

THE PREMIER: The meaning of the clause was that no one could stand for Parliament if he had been convicted and was undergoing sentence. The hon. member was making a similar mistake to that which he made in connection with the Roads Bill. The corresponding provision in the Federal Constitution Act was practically word for word the same as this. The question was one of drafting, and he thought we should be safe in following the Federal Constitution almost word for word.

MR. HASTIE again moved that Subclause 4 be struck out. Clergymen of the established Church of England and of the established Church of Scotland alone were debarred from becoming members of Parliament, and that on the ground that they were in the pay of the State—that their salaries were paid directly or indirectly by the country at large. Practically, they were civil servants, and as such debarred from becoming members of Parliament. The member for Claremont (Mr. Foulkes) had hinted at another reason for excluding clergymen from Parliament, and that was that they had more influence than other sections of the community. It was true that in some directions clergymen did exercise influence; but nevertheless their influence was, comparatively speaking, narrowly circumscribed. It did not extend beyond a small number of people; but even if clergymen had considerable influence, why should we be afraid of them? Our passing this clause would be regarded as an expression of our fear of opposition from clergymen in the same way as the Federal Parliament had expressed its fear of the opposition of State members.

MR. HOPKINS: The objection was not so much to a clergyman becoming a member of Parliament, as to a person officiating as a minister of religion and holding a seat in Parliament at the same time. The wish of the hon. member (Mr. Hastie), and that of the Committee generally, would perhaps be met by inserting after "is," line 1, some such words as "officiating as."

MEMBER: That would not do at all.

Amendment negatived.

MR. BUTCHER moved that in Subclause 1 all the words after "state," in line 2, be struck out. The subclause disqualified for a seat in Parliament all persons directly or indirectly interested in contracts, except members of or shareholders in a company of not less than 20 persons. There was no reason for the limitation. One person might have a greater interest in a contract entered into by such a company with the Government than another person interested in a contract entered into by a partnership or company comprising only two persons. Either anybody ought to be able to take a contract, or else nobody ought to be able to take a contract.

THE PREMIER: The effect of the amendment would be that a member could not retain his seat if he were a shareholder in a company which had some contract with the Government; it might be a big company, such as a colliery, a gold-mining company, a brewery, a bank, or a newspaper company. Exemptions would be found everywhere.

MR. BUTCHER: Let the number be five.

THE PREMIER: If the number were five, that would make the matter worse. Twenty was a fair thing.

MR. HASTIE: Supposing there happened to be one or two members in this

House who had an interest in a newspaper, and that newspaper entered into a contract with the Government about some advertising, would they, according to the clause, be liable to vacate their seats?

THE PREMIER: No; not if there were 20 persons in the company.

MR. HASTIE: Supposing there were not?

THE PREMIER: If there were not 20, they would be penalised.

Amendment negatived.

MR. MORAN said he wished to add a new subclause, though it had been drafted hurriedly. It would affirm a great principle; and though it might clash with another statute which had gone through the House, if it did clash he hoped it would be to the destruction of the other statute. He wanted to have a provision inserted that no person should receive a salary from the State as well as an allowance as a member of Parliament. He wanted to make it impossible for a member of Parliament, for example, to receive £100 a year as a member of the Fremantle Harbour Trust as well as as his parliamentary salary. If we allowed that sort of thing, it would open a way to gross bribery and corruption. He had the Harbour Trust in view because this House had affirmed by a majority that members of Parliament should not be put into those positions. A suspicion was abroad in this country that positions were made for certain members, and this House was of opinion they should not be put into any public positions and be members of this House as well. He believed that this was altered yesterday a few minutes after the House met. That great principle was violated, he believed, at the request of another place. He regretted very much that this sort of thing should be going on in Western Australia, that this Assembly should be vetoing its own decisions a few days after they were come to, and more particularly that the Assembly should give way to another place. He moved that the following new paragraph be added:—

Or is in receipt of any regular emolument or salary or fees from the State other than as an allowance as member of Parliament.

THE PREMIER suggested the words should be "is in receipt of any fee."

MR. HOPKINS: It was necessary to say "other than the parliamentary allowance."

MR. MORAN altered the wording thus: "or is in receipt of any fees from the State other than his parliamentary salary." It must be thoroughly understood that he did not want any unfair vantage ground to be taken. He did not mean to exclude members from such things as royal commissions, or to exclude expenses of travelling or that sort of thing.

THE PREMIER: The hon. member meant regular fees?

MR. MORAN: Right.

THE PREMIER: In the Harbour Trust Bill we inserted a clause for the express purpose of saying that the receipt of fees should not be deemed an office of profit; because had it not been for that clause the receipt of those fees would have made a person the holder of an office of profit under the Crown, within the meaning of Subclause 5 of Clause 50. The existing law was quite sufficient to meet the case the hon. member had in his mind, where a member took an office which had attached to it regular fees. We could make it legal to pay those fees only by inserting a special provision, just as was done in regard to the Harbour Trust.

MR. MORAN: It was, he thought, possible to insert a clause which would clash with that.

THE PREMIER said he did not think any Constitution Act could effect that. Would it not be better to deal with this matter on recommittal?

MR. MORAN said he accepted the invitation of the Premier, and would invite members to be present when the matter was discussed in order that the Assembly might vindicate themselves. He did not think we ought to give way to any other Chamber on a matter of this kind. We ought not to be dictated to, and admit in a measure of this kind a principle affirming that members of Parliament might be appointed to an office of profit under the Crown and draw big salaries. He could not imagine anybody who would have raged so much on this point as the Premier would have done had he been in Opposition, and had someone else done this. One was sorry that the Premier, after the Assembly put its foot down, had not loyally stood by

the decision, even although it was against the clause as introduced by the Government.

Amendment withdrawn, and the clause passed.

Clauses 51 to 54, inclusive—agreed to.

Clause 55—Member becoming responsible Minister vacates his seat:

MR. MORAN said he did not know whether the Premier had given any consideration to the question of doing away with the present constitutional necessity of making a member of Parliament vacate his seat and go to the expense of re-election on becoming a Minister. He spoke subject to correction, but he believed that in the two most advanced States of Australasia—New Zealand and South Australia—it was no longer necessary, when once a man had been elected as a member of Parliament, for him to go back and be re-elected on becoming a Minister. Every member of Parliament ought to be able, if called upon, to fulfil a Ministerial position. He was not a radical out and out altogether. He did not want to be looked upon as one taking away any safeguards or that sort of thing. What was the theory of making a member go back to his constituents to be re-elected? He had publicly stated before to-day that he did not think it was a fair thing, and he vigorously opposed Ministers having to go back to their electorates. That theory he carried out in connection with the election of the member for East Perth (Hon. Walter James). The provision would deter a poor man from taking the position of Minister, because he would have to go before his constituents again. Why should there not be a provision that a member who changed his principles should go before his electors?

THE PREMIER: There was a great deal to be said in favour of the amendment of the law in the direction pointed out by the member for West Perth. But the experience we had in this State was distinctly in favour of the law as it stood. There could be no doubt that had it not been for the existence of this provision in our Constitution, the politics of this country might have been very different. When the Morgans Ministry came into power they had behind them a majority in the House, but as the result of the elections they had not a majority. Whatever our views on the issues then raised might be, on that occasion the election indicated a strong desire to give the Leake Ministry an opportunity of testing themselves. That was an instance in which the House by an adverse vote against the Leake Administration showed itself out of touch with the country. There was also this great safeguard in the principle: whilst the mere changing of a seat from one side of the House to another was nothing, and carried with it no financial gain—[MR. MORAN: Why not?]—the fact of a member changing his position from that of a private member to a seat on the Ministerial benches meant that as a private member he was receiving £200 a year, and as a Minister he would receive £1,000 a year. There were some people who thought that unless there was the check of an election constantly kept in the minds of members, they might be inclined to allow the desire to draw £1,000 a year to unduly influence their views. His experience of Parliament was that there was no foundation for such thoughts; that those in Parliament acted with a desire to do what they believed to be best in the interests of the State. The practice of Ministers going up for re-election sprung from the old country, where Parliaments are elected for seven years; but under triennial parliaments members were kept in close touch with their constituents. A member very rarely did anything to forfeit the confidence of his electors during the first session, and during the second year there was not much fear where there were triennial Parliaments, for a member could not help keeping before him the fact that the year after he would again have to go before his electors to seek re-election. There might be abundant reason for this practice in countries where Parliaments extended over seven years, but the principle applied with less force where there were triennial Parliaments; but, having regard to the fact that we had had one instance here which had proved the principle to be effective, it would be better to retain the present practice. The old practice was justified by the experience of the old country and most of the sister States, and to a certain extent it was justified by

the recent experience we had had in Western Australia.

MR. HASTIE: There were two sides to this question; but he could hardly agree with the Premier in saying that experience showed that the provision was a wise one. In Great Britain and elsewhere it very rarely happened that Ministers going for re-election were ever defeated, and in many instances the seat was not contested. Unless there was a very strong wave of public opinion, or some strong political excitement, a Minister was rarely ever opposed. There were times, however, when this provision was a wise one. When the Morgans Administration was formed, he (Mr. Hastie) was one of those who believed that we should take advantage of the situation to see what the feeling of the country was on the question. He could not agree altogether with the opinion of the Premier that general experience justified the retention of the clause. There was an important point mentioned by the member for West Perth. To go up for re-election was often ruinous to a poor man, and in many instances the best men for that reason did not take office. In this House and elsewhere we were ready to declare that administration was a very great thing; that frequently Ministers had not sufficient administrative ability. No doubt the provision in the Bill had prevented several good administrative members from becoming Ministers, and it would do so in the future. There certainly were a large number of people who would take office. There was the class of people who were always cock-sure that they could persuade their own electors to return them. On the other hand there might be some good administrators who had a doubt on the point and could not afford the expense. He was doubtful as to the value of the provision, and if an amendment was moved and there was any chance of it being carried to wipe out the proposal, he would feel inclined to vote for it.

MR. TAYLOR: The experience of Australia taught him that it would be best to leave the clause as it stood. When a person was returned to Parliament the electors did not think he was likely to become a Minister until he had had some experience in parliamentary matters. If trouble arose in Parliament by which a Ministry was defeated, and a scratch team —he might say—were to take the reins of Government, the knowledge that a member had to go before his electors would cause him to be more careful in accepting the position. During the last political turmoil in this State a number of members of Parliament were asked to join Ministries, and the fear of going before their electors deterred them from accepting the position. When the Government was formed and the members of it went to the country, they were cock-sure they could convince the electors that they were the proper Government to lead the country as it should be led; they thought they were the makings of admirable Ministers; but three of those Ministers were defeated, and that defeat altered the whole tone of the politics of this country. If there had not been that safeguard the politics now in this State would not perhaps have been what they were. Speaking as a Labour member, this clause was one of the safety-valves of the Labour movement. Certain influence might be brought to bear upon a Labour member to accept the position of a Minister; but if that Labour member knew that he had to go before his electors, he would know that the acceptance of a position in a Government was directly against the principles of his party, and he would know that he would not be returned to Parliament as a Minister of a Government, unless in a Labour Government. He believed in the clause as a member of Parliament, and as a Labour member he believed in it more strongly. He could not conceive a Labour member of the House opposing the clause, as it was viewed by Labour members as the great safety valve of political life. Labour members had accepted positions in the Ministries in other States, and when they had gone before their electors they had been rejected. There were any number of members returned who changed their views, and when they went before their electors they were rejected. [MR. HOPKINS: Not always.] He hoped the Committee would pass the clause as printed.

THE MINISTER FOR WORKS: When the first Constitution Act was being framed, he urged the insertion of this important safeguard. However inconvenient it might be to the members accepting Cabinet rank, without it there

might be a continual formation of fresh Ministries, and Ministers not having the confidence of the country might accept or retain office as they chose. A new Minister seeking re-election was rarely opposed unless there was very strong reason to believe that he or his Ministry did not enjoy the people's confidence; therefore it was well that there should be re-elections, so that the opinion of constituencies might be ascertained.

MR. HOPKINS: The first requirement was stable government, and the clause, if it tended to secure stability, should be retained. At the next general election the present Government might come back to power supported by a majority at the polls, yet the Opposition and the Labour party, or the cross-benches and the Opposition, might, in defiance of the wishes of the country and to gain the spoils of office, defeat the Government and fill the Treasury bench till the defeated Ministry could strengthen their forces and reverse the position. Take as an example the occasion when the member for the Williams (Hon. F. H. Piesse) was asked to form a Ministry. Had it not been that the gentlemen on whom he relied as colleagues were afraid to face their constituents, he would have formed his Administration and taken his chances—(HON. F. H. PIESSE: Hear, hear) —and Mr. George would not have been Commissioner of Railways to-day, but would have gone with other members to the country, and stayed there. The Morgans Administration went to the country and were defeated; yet with half the concession asked for by the opponents of the clause they could have filled their ranks and carried on the Government contrary to the wishes of the people.

MR. MORAN: Did the provision produce such dire results in New Zealand and South Australia?

MR. HOPKINS: The experience gained by members who had gone through last session here was as valuable on this point as that of older members of this or any other Parliament. He congratulated the Government on having the provision in the Bill, and hoped the Premier would not allow it to be altered, but that Government supporters would stiffen their vertebræ and retain the clause, which was indispensable to stable government.

MR. MORAN: Some hon. members were so fond of stable government that one would think they kept a livery stable.

HON. F. H. PIESSE: When they had it for ten years they did not like it.

MR. MORAN: Ministers could not keep in office by their own votes; nor did the clause prevent them from holding office by sharing their emoluments with private members. With the exception of the extraordinary Leake Government, no Government could hold office if in a minority in the House. One would have thought Ministers in a minority would, in common decency, resign. And the same duty lay on a private member.

MR. HOPKINS: The Opposition could not or would not put out the Leake Government.

MR. MORAN: The Leake Government were not to blame. They credited themselves with their salaries; but a man was a cur who retained his seat feeling that he had not the confidence of his electors.

MR. TAYLOR: Many did that.

MR. MORAN: Corrupt Ministers could keep themselves in power just as well by distributing their salaries or other favours in the form of sops. How could that be prevented? Last session members repeatedly changed their places in the House. Some who had spent their whole public career advocating one Government suddenly trimmed their sails to the wind. How obviate that?

MR. HOPKINS: Leave it to the honesty of the electors.

MR. MORAN: How deal with a man returned pledged to one Government who crossed the floor of the House? Yet he, as well as Ministers, was responsible for keeping the Ministry in power.

MR. HOPKINS: Was it not rare to have a member elected as an out-and-out supporter of one Government?

MR. MORAN: Surely not. All were not returned as rail-sitters.

MR. DIAMOND: At the last general election few were returned to support any Government.

MR. MORAN: And they did it well; they very evenly distributed their favours. From one day to another it was never safe to predict the state of parties. The clause was a conservative provision originally framed to make election as difficult as possible. As a safeguard

against change of opinion it was useless; for none but Ministers must seek re-election. Other members could change from side to side as they chose. The Premier considered the clause sacred because it was in the British Constitution, where it had been inserted to render difficult entry to public life. The property qualification had been swept away, though it was defended as a safeguard. One never heard nowadays of a "stake in the country." There was a highly limited franchise for the Upper House. This was another conservative provision designed to make the poor man go twice to the country, to fight money and to be defeated by money.

HON. F. H. PIESSE: Or by bluff, as on a recent occasion.

MR. MORAN: Yes. The result of the Morgans elections was one thing, but quite another thing would have resulted had the Leake Ministry gone to the country three months later. That Ministry lost its popularity entirely, as admitted publicly by the late lamented Premier. But for the addition of a new and popular head, the four never-changing Ministers would now have been out of office. Here was a change of leader, and yet the four gentlemen in question had not gone to their electors to find out whether the country approved of the new leadership.

Clause passed.

Clause 56—Ministers changing office not to vacate seat:

MR. HASTIE: A Minister re-elected on taking office ought not to be required to vacate his seat on taking an additional office or on making an exchange of offices. On the other hand, the words providing that if one office were accepted in lieu of and in immediate succession to the other——

THE PREMIER: This was the only way in which Ministerial changes and rearrangement of portfolios could be effected.

MR. HASTIE: The latter part of the clause was entirely unnecessary. He moved that the words "in immediate succession to" be struck out.

THE PREMIER: The hon. member's amendment would not effect the object in view. It would prevent Ministerial changes.

MR. HASTIE: Under the amendment, Ministerial changes would be allowed.

THE PREMIER: Would the hon. member state what he wished to effect? Was it the hon. member's desire that a member re-elected once on taking Ministerial office should have the right to re-accept office without going to the country for re-election? Was the desire that a Minister relinquishing office on account of Ministerial changes, or going out of office for a month or two and then resuming office, should not go to the country for re-election?

MR. HASTIE: The object of the amendment was simply to raise discussion. In his opinion, an alteration ought to be made.

THE PREMIER: While disapproving of the amendment, he wished to put it in order; and he therefore suggested that the hon. member (Mr. Hastie) should move that all the words after "seat," line 5, be struck out.

MR. MORAN: Electors generally regarded the Premier as being head of the Cabinet and as dominating the policy of the Government. Did the Premier regard it as a feasible and workable proposition that every member of a Cabinet should be allowed in turn to take the Premiership and to form a new Administration without seeking the approval of the country? Surely, if the acceptance of the office of Minister for Mines, for example, necessitated re-election, the acceptance of the office of Premier necessitated re-election far more urgently still. Under the amendment there would be nothing to prevent a member of Parliament from becoming Premier and changing the whole policy of the State without ever going to the country.

THE PREMIER: The position was clear enough.

MR. MORAN: What about the change of Premiers?

THE PREMIER: This clause did not deal with the change of Premiers. The word "Premier" was absolutely unknown to the Constitution. A reference to Executive Council records would show the hon. member that no such person as a Premier was recognised in or known to the Constitution. The hon. member must agree that we could not insert in this Bill a clause providing what should happen when a Premier resigned.

MR. MORAN: The acceptance of a Premiership was surely a more important matter than the acceptance of an ordinary portfolio.

THE PREMIER: We had seen recently that in England the fact of a subordinate Minister taking the position of Premier involved no re-election. Moreover the Postmaster General having accepted another office, Mr. Austen Chamberlain became Postmaster General and took a seat in the Cabinet without going to the country. The hon. member would agree that this clause as it stood was a good clause, since it provided that a Minister re-elected to-day ought not to be able to pop in and out of office during the whole parliamentary term of three years. If Clause 55 stood, Clause 56 should stand also.

MR. MORAN: Certainly.

MR. HASTIE: Seeing that there was not much chance of his views being adopted, he asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause passed.

Clause 57—Member may accept office of Administrator without vacating his seat:

HON. F. H. PIESSE: Time would be saved if the Premier would explain this clause in the first instance.

THE PREMIER: This clause was taken from previous legislation of our own—54 Victoriæ, No. 6, which provided:—

> No member of the Legislative Council or Legislative Assembly shall vacate his seat by reason of his accepting the office of Administrator of the Government of the colony, and any member of either House duly appointed thereto may hold the said office.

The provision was very necessary; because, although the office of Administrator was generally conferred on the Chief Justice, when circumstances rendered the appointment of the Chief Justice impossible the only other person available would be the President of the Legislative Council or the Speaker of the Legislative Assembly.

MR. MORAN: One of the Puisne Judges would be better.

THE PREMIER: That was a matter of opinion, and in his opinion the President or the Speaker came after the Chief Justice.

MR. FOULKES: This was the most comical and extraordinary provision ever brought forward: indeed, it was a palpable joke. Any member of Parliament under this clause could become Administrator of the State. Various members had favoured the Committee with dissertations as to what took place when the Morgans Ministry went to the country for re-election, and the same state of affairs might occur again. Under this clause, however, even during a strong conflict of parties, a corrupt Ministry would be in a position to elect one of its members to the office of Administrator.

THE PREMIER: The hon. member was talking rubbish. The Administrator's commission came from the King.

MR. FOULKES: No doubt; but it was well known how these things were arranged. It was universally admitted that the post of Governor or Administrator should be held by a person free from political bias of any kind. That was the theory, which had so far always been given practical effect. The Chief Justice when acting as Administrator invariably took the utmost care that no political bias or prejudice should be shown. If we had a member of the Lower House elected—because that was what it came to—to the office of Administrator, we could not expect from him the same impartiality and the same freedom from bias. [MEMBER: Why not?] It was simply not to be expected.

THE PREMIER: Would the Speaker of this House not be impartial and unbiassed?

MR. FOULKES: The provision did not mention the Speaker specially, but applied to any ordinary member. The Administrator of the State was practically a civil servant. To-night we discussed rather informally the question as to whether members of Parliament could be appointed on the Harbour Trust, and members in this House were practically unanimous that it was a most unwise thing that members of Parliament should hold offices of this kind; yet the Government came forward this evening and said that although they did not believe in appointing members of Parliament upon this board, they were quite prepared to appoint them to positions very much more important.

THE PREMIER: The Ministry did not appoint the Administrator: the King did so.

MR. FOULKES: The Government were placing it in the power of this House and another Chamber practically to put a man in a position to hold an office of that kind They refused a few minutes ago to allow a member to be appointed upon the Harbour Trust, and ten minutes afterwards they were anxious that every facility should be given to a man to hold an office ten times more important. One would like to know whether that state of affairs had existed in any other British community. If this was to apply with regard to an Administrator, he did not see why it should not also apply to a Judge. In that case we might have a man coming as member of Parliament in the evening and then sitting in the Supreme Court. A man might be a member of Parliament and become Administrator, and he would be in the position of selecting the Premier of the day.

MR. HOPKINS: Oh no. The people would select him; let the hon. member make no mistake about that.

MR. FOULKES: No; it was the Governor or Administrator.

MR. HOPKINS: The people had an opportunity of rejecting the appointment.

MR. FOULKES: Anyway, it was the Administrator or Governor who had the power of selecting his chief Minister. The clause should be struck out.

MR. HOPKINS: The clause was all right as it stood. We had seen a few Governors who had come from the old world in the last few years of Australian history, and he was firmly convinced that even in this Chamber, small as it was, we could find gentlemen just as fitted; we could find gentlemen on the Supreme Court bench just as capable, and probably more so, of filling that position with satisfaction to the country, than those who had been specially brought from beyond the sea, who had in many instances not filled it to the satisfaction of the people.

MR. BATH: Whilst the Chief Justice occupied his position as such he was supposed to be impartial, but did anyone wish to state that the Chief Justice did not hold certain political opinions? The very fact that he was put into the position of Chief Justice and had the intelligence to fill that post necessarily implied that he held certain intelligent opinions on the politics of the day; but whilst he occupied that post he made those opinions subsidiary to the position of Chief Justice and possibly Administrator. Though as members of this Assembly we held certain definite political opinions, it did not follow that if any member was elevated to the post of Administrator he would carry that political bias into the position. The contention was altogether untenable. There was sufficient honesty of purpose in any member of this Assembly to, if elected to such a position, fill it without displaying any undue political bias towards one party or the other.

MR. MORAN: The clause simply stated that if a member of this House were elected Governor, he would not be called upon to resign his seat in the House. If the clause were struck out, there would be nothing in the world to prevent a member of this or any other Chamber from being elected. What he objected to was the absurdity of the member for anywhere being Governor of Western Australia. When a member was elected Governor of the State that moment he should resign, or it should be automatic, so that the moment he accepted the office of Governor he should cease to be President, Speaker, or any other member.

MR. HOPKINS: Let the clause be amended by saying a member "shall" vacate his seat.

MR. MORAN: It was incompatible that a man should be a law-maker and Governor of the State at the same time. The Administrator was supposed to be absolutely above all parties, but if a man was a member of Parliament he belonged to a party; if he was Speaker, he was member of a party. The clause should be struck out. It was not advisable that a member should be Administrator whilst we had Supreme Court Judges available. The Supreme Court Bench should be exhausted before we came to Parliament for Administrators, unless the member chosen was prepared to resign. Once a member left Parliament he could take any office of profit.

MR. DAGLISH: It was with considerable surprise he saw that this clause was included in the Bill, because he could not imagine the reason that dictated its inclusion. The power of appointment of the Governor was unlimited. A Governor could be selected at present from any-

where, and this did not widen the area of selection, but it gave to an Administrator selected in Parliament the right of coming down and making a strong speech against the motion of the member for Boulder to reduce the Governor's salary, while he was actually drawing a salary, whatever it might be, from the post.

THE PREMIER: He would be able to speak with experience.

MR. DAGLISH: But his vote would not be unprejudiced.

THE PREMIER: It would be an enlightened vote.

MR. DAGLISH: Then, again, the Administrator would have to go and make laws or else neglect his duty, and afterwards either assent to or dissent from them. The clause was altogether absurd. He would certainly like to know why it was put in.

THE PREMIER: It had been explained that this was in the constitutional system of 1889.

MR. DAGLISH: If it had been in the Constitution since 1889 it must be good, because the acme of political wisdom was reached in Western Australia. If that principle was to be adopted, it was utterly absurd to establish a Parliament at all.

THE PREMIER: The hon. member had asked him.

MR. DAGLISH: What he asked for was the reason, and not a statement of that description, which contained no reason whatever. If we were simply to re-enact a thing because it was the old law, the Premier should not have any new Bill at all. The Premier had made a number of experiments, some of which were very good, but one was surprised he used such an argument as that which had been taken up. He hoped the hon. gentleman would call a very loud "aye" when the question of striking out the clause was put.

MR. HASTIE: As the clause stood he took it to mean that a member of Parliament might accept the temporary position of Administrator, because it was only when a Governor was temporarily absent from the State that a gentleman was made Administrator.

THE PREMIER: That was the only case which could arise.

MR. HASTIE: In that case this clause might be very useful. It had been objected by the member for Claremont (Mr. Foulkes) that some political complications might occur and that it would not do to allow any person connected with Parliament to choose the Ministry; but so far as he (Mr. Hastie) could see, surely the Speaker of this House would be as likely to wisely choose a Premier as would a gentleman from England with very little experience, and he would be as likely to be fair in choosing the Ministry as a Chief Justice, who at a comparatively recent date, as a rule, had been a political partisan; so those objections did not seem to his mind to be very strong.

MR. MORAN: The Speaker would choose the man who made him Speaker.

MR. HASTIE: Was it not our experience in this House, and in every House we knew of, that in the main Speakers were as impartial as any other persons in the community?

MR. MORAN: Certainly.

MR. HASTIE: If they were impartial in this House, had we any reason to assume that they would not be equally impartial if they were temporarily Administrators?

MR. MORAN: So they were all honest men.

MR. HASTIE: Some members of this House were wonderfully suspicious. They saw great danger in somebody else perhaps getting appointed to a position they themselves were not likely to be in, and they thought that by pointing out that danger they themselves were singled out by people as being thoroughly above suspicion. On the other hand, we had to remember what the suspicion meant. It meant these men were conscious that was how they would act if they were put into that position. It was impossible for a man to attribute motives to any man other than those he felt himself. This clause might be very useful. There might be a position in which the Chief Justice of the State would not be available to act as Governor, and, no doubt, the Speaker of the Assembly would be the next best person to accept this temporary appointment. He hoped the Committee would allow the clause to stand.

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

Ayes	...	...	20
Noes	...	...	6
Majority for	...	...	14

Ayes.	Noes.
Mr. Bath	Mr. Butcher
Mr. Diamond	Mr. Daglish
Mr. Ewing	Mr. Foulkes
Mr. Gardiner	Mr. Moran
Mr. Gregory	Mr. O'Connor
Mr. Hastie	Mr. Jacoby (*Teller*).
Mr. Hayward	
Mr. Holman	
Mr. Hopkins	
Mr. James	
Mr. Johnson	
Mr. Kingsmill	
Mr. McDonald	
Mr. McWilliams	
Mr. Piesse	
Mr. Rason	
Mr. Reid	
Mr. Taylor	
Mr. Wallace	
Mr. Higham (*Teller*).	

Clause thus passed.

On motion by the PREMIER, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at six minutes past 10 o'clock, until the next day.

Legislative Council,

Thursday 20th November, 1902.

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

PRAYERS.

QUESTION—PREMIER DOWNS SYNDICATE, LAND APPLICATION.

HON. W. MALEY asked the Minister for Lands: 1, How many applications for pastoral leases in the Eucla Division were dealt with by the Crown Lands Department during the quarter ended 30th September, 1902. 2, The total area approved during the quarter. 3, The names of the successful applicants. 4, Were any applications refused. 5, Did the Premier Downs Syndicate apply for pastoral leases early in July. 6, Were their applications strictly in accordance with the Land Regulations. 7, Were their applications dealt with during the September quarter. 8, If not, why not. 9, How long did the Government hold the applicants' (P.D. Syndicate's) money before dealing with the applications. 10, Did the Government hope to tire the patience of the applicants by silently holding their money. 11, Did the syndicate complain of the treatment. 12, Did the Government offer a portion of land so dealt with to a Mr. Paterson, of Dover Street, Adelaide, or any other person at the instance of Mr. Christie. 13, If so, on what date. 14, Has a reply yet been received to the overtures made. 15, Have the Government despatched a party to bore for water in the Eucla Division since receiving all the applications made during the September quarter. 16 (*a*), Have the Government since refused the applications of the Premier Downs Syndicate; (*b*), Have the Government since accepted the other applications. 17, Why did the Government single out the syndicate for refusal of every block applied for, and accept the other applications during the same quarter. 18, Do the lands approved adjoin those applied for by the syndicate.

THE MINISTER FOR LANDS replied: 1, 167. 2, 179,000 acres. 3, Messrs. Talbot, Budge, and Anderson, G. B. Scott, and F. W. Beere. 4, Yes. 5, Yes. 6, The separate applications were in order, but the manner in which the blocks were located with respect to each other raised a question. 7, Yes; dealt with, but not approved. 8, Answered by reply No. 7. 9, About four months elapsed before the applications were finally refused. 10, No. 11, No; but wrote on 3rd November stating that they intended to make arrangements for stocking the land, and asked for the issue of the leases. 12, 13, and 14, No such offer was made to Mr. Paterson, or to any other person. 15, No; the party