Motion (progress) passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 17 minutes past 11 o'clock, until the next day.

# Legislative Council,

*Friday, 11th December, 1903.*


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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Regulations under Rabbit Act, Cemeteries Act, Land Act; By-laws under Roads Act.

Ordered, to lie on the table.

AGRICULTURAL BANK ACT AMENDMENT BILL.

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

QUESTION—POISON LEASES, STOCKING CONDITIONS.

The HON. W. MALEY (for Hon. C. A. Piesse) asked the Colonial Secretary: If it is a fact that the "stocking conditions" in connection with poison leases are not insisted upon by the Lands Department, and that titles are issued on the inspector's report that the land is free from poison.

THE COLONIAL SECRETARY replied: The regulations under which most of the poison leases in the State are held contain no "stocking conditions," but, nevertheless, it is not the practice of the department to grant the fee simple of land so held before it has been stocked.

PRIVILEGE—ABSENCE WITHOUT LEAVE.

HON. J. W. HACKETT (South-West): Before the Orders of the Day come on, I desire to raise a question of privilege, and the Colonial Secretary knows that the matter may be either decided off-hand or referred to a select committee. The question of privilege to which I have to draw attention is that of the vacancy caused by the absence of the Hon. W. G. Brookman. I believe you, sir, reported from the Chair on the 8th December that Mr. Brookman had not obtained leave of absence entered upon the journals for two months. If that be so, and I presume it is correct, Mr. Brookman's seat is gone as absolutely as if he were dead. The words are expressed in the Constitution Acts Amendment Act, which provides that if any member of the Legislative Council or Legislative Assembly after his election fails to give his attendance in the Legislative Council or in the Legislative Assembly, as the case may be, for two consecutive months of any session thereof without permission of the said Council or Assembly, as the case may be, entered upon its journals, his seat shall thereupon become vacant. If your report is well founded, and two months have elapsed and permission for the absence of Mr. W. G. Brookman is not entered on the journals, the seat is gone, and has in due course to be declared vacant. So far as I know, there is no possible way of evading that conclusion. I beg also to draw the attention of the House as to this question of privilege with regard to seats, which is the most important of all questions of privilege, that such questions are invariably decided at once; but in the case of Mr. Brookman I assume that the leader of the Government in this

House and the members generally are reluctant to move without very clear evidence on which to base conclusions. Therefore I am aware that no seat has been declared vacant and been filled up on the declaration of that vacancy by yourself, sir, in this House, or by the Speaker of another place, since the granting of responsible government.

THE COLONIAL SECRETARY: For this cause?

HON. J. W. HACKETT: Yes, for this cause; and it argues carefulness and even tenderness on the part of both Houses that this should be the fact. My memory takes me back to one case when the member for Subiaco failed to give his attendance for two months, and the Speaker at the time reported the fact to the House, but no action was taken. It always seemed to me a very singular thing, but it is not for us to comment upon the actions of another place.

THE COLONIAL SECRETARY: How long ago was that?

HON. J. H. HACKETT: About five years ago.

THE COLONIAL SECRETARY: It was the member for North Perth.

HON. J. W. HACKETT: For North Perth. I take it that the proper course to adopt in cases like this is to at once refer the matter—I make the suggestion—without any delay to a select committee to consider the President's report, to examine the journals, to see whether the leave has been given, and then to make a report to this Council, with whom the ultimate step will rest. I may point out that in the North Perth case a dissolution was near at hand, and I believe that was the reason alleged why action was not taken; but in this case that does not apply.

THE COLONIAL SECRETARY: It is very much the same position.

HON. J. W. HACKETT: If the seat is vacant, we ought to proceed to declare it vacant, and allow the Metropolitan-Suburban constituency its undoubted privilege of not remaining unrepresented, and of returning a member. I do not know whether the hon. gentleman intends to take any action. If he would prefer it, I am prepared to move that the matter be referred to a select committee, of which the hon. gentleman would be a member, and we could take your report, sir, into consideration and the farther report of the committee.

THE PRESIDENT: Of course this matter cannot remain in the position in which it stands at the present time. I reported to this House on Tuesday last that the Hon. W. G. Brookman had been absent from the House without leave for a period of two months. To-day is Friday, and no action has been taken. This House should arrive at some decision or other as to what it intends to do. If the matter is not dealt with before we reach No. 8 on the Notice Paper, it may have to stand over until next week. No doubt the simplest way would be to refer the matter to a select committee. That I think is the procedure adopted by the Imperial Parliament. In the case of a disputed election the matter is referred to a select committee, which reports, and on the report of the committee the House deals with the matter. In this case the two clerks will have to be examined as to whether they are positive that the hon. member has absented himself beyond the stipulated number of days, and whether the votes and proceedings are correct. If they are correct, there is no doubt that under the constitution the hon. member has vacated his seat. If my memory serves me correctly, a similar case happened in Queensland last year, or the year before, when the seat was declared vacant owing to the member failing to attend within a certain time. Certainly the matter cannot remain on the Notice Paper as it is at present. Some action must be taken. Either the hon. member, Mr. Brookman, must be declared to be the holder of the seat, or an election must be held, because otherwise it would be unfair to the constituency.

THE COLONIAL SECRETARY: I think members will realise that whatever the work of the leader of the House may be, it is an extremely invidious thing to move a motion to declare the seat of an hon. member vacant. Moreover, there are, I believe, precedents in another place, if not in this Chamber, of hon. members having been absent for a period of more than two months, and their seats not declared vacant.

THE PRESIDENT: Only one case, I think.

THE COLONIAL SECRETARY: I have heard rumours of other cases, but I

presume now that they are incorrect. Now the matter of this absence has been brought before the House, some action must be taken, and so far as I am concerned I am perfectly willing to fall in with the suggestion of Dr. Hackett that this matter should be referred to a select committee. I must confess that I have wanted to think the thing over, as I think any member in my place would wish to do very fully before taking the action which I am informed by the President should devolve upon me. I am perfectly willing that we should on Monday, or if we reach it to-day, go into the thing at once.

HON. J. W. HACKETT: A question of privilege must be decided at once.

THE COLONIAL SECRETARY: Very well, it can be decided at once. I think that if we refer it to a select committee to report on Monday or Tuesday, the thing could be done at once. I beg, therefore, on this question of privilege, to move:

That the consideration of the vacancy now made in the Metropolitan-Suburban Province, caused by the absence of the Hon. W. G. Brookman without leave, for a period of more than two months, be referred to a select committee of three.

HON. G. RANDELL: I second the motion.

HON. T. F. O. BRIMAGE (South): I only rise to say that Mr. Brookman, who is a gentleman I know very well, during the last year had a tremendous amount of trouble, both in health and other matters, and that a short time ago he left for Colombo for a holiday. He certainly did not leave word with me to ask for leave of absence for him.

SIR E. H. WITTENOOM: He has returned now?

HON. T. F. O. BRIMAGE: I do not know that, but at any rate he did not ask me to obtain leave of absence for him, and of course I did not feel it my duty, either as a friend or as one who knew him, to ask for the leave. I trust that his seat will not be declared vacant, for it will establish a bad principle.

SIR E. H. WITTENOOM: What about the law?

HON. T. F. O. BRIMAGE: If the law says his seat is to become vacant, I think we should declare it vacant.

DR. J. W. HACKETT: We could not declare it vacant otherwise.

HON. T. F. O. BRIMAGE: I will leave that to the select committee. My knowledge of Mr. Brookman is that he was in a very bad state of health during the latter portion of the year, and I think that if he is excused for this session he will come back renewed in vigour, and be able to represent his constituents in a right and proper manner.

Question put and passed.

Ballot taken and a committee appointed, consisting of Hon. G. Randell, Hon. J. W. Hackett, also Hon. W. Kingsmill as mover, with the usual powers; to report on the 14th December.

## KALGOORLIE ROADS BOARD LICENSE VALIDATION BILL.

Read a third time, and *passed*.

## EVIDENCE AMENDMENT BILL.

### SECOND READING.

HON. M. L. MOSS (Minister), in moving the second reading, said: I rather regret that the Parliamentary Draftsman, instead of asking us to put before Parliament a measure of four clauses, has not submitted to us a Bill which will enable us to get rid of the large number of statutes in force relating to this matter. As shown in the index at the end of last year's volume and leaving out the Imperial adopted statutes, we have 35 Acts of Parliament dealing with this very intricate and important branch of the law. Although it is the intention of the Government during next session to deal with this matter in a consolidating Bill, it is absolutely necessary to pass this little Bill to remedy a small defect existing at the present, and which was recognised in England over 30 years ago when the Prevention of Crimes Act was passed. These four clauses are an exact transcription of Sections 18 and 19 of that Imperial statute. Those who have read the clauses will see that very little explanation is required as to the necessity for them. The effect of Sections 2 and 3 is that where proceedings are taken against a person charged with having stolen property in his possession we are going to make it lawful, as it is in England and everywhere else in Australia, to give evidence at any stage of the proceedings that there was found in

the possession of such person any other thing stolen or obtained by unlawful means within the preceding period of 12 months, and that such evidence may be taken into consideration for the purpose of proving that such person knew the property which formed the subject of the proceedings taken against him to have been stolen or unlawfully obtained at the time he had it in his possession. Clause 2 provides that where a person had property in his possession which had been stolen or unlawfully obtained, but not necessarily property on which there was a committal, the fact might be taken into consideration. Clause 3 provides that the fact that any person had been convicted within five years immediately preceding any criminal proceedings must be taken into consideration as evidence of the fact that the property in his possession at the time of the later proceedings was known to the person as having been stolen. Clause 4 is a very necessary clause, and will become more necessary as the circuit courts in the various parts of the State are opened. A man may have convictions against him at Albany, Bunbury, or Geraldton, and may be tried at some other place. The clause obviates the expense of sending persons from the place where the conviction was recorded to prove the identity of the person accused, and provides that the production of a record of the conviction and proof of identity shall be evidence against the accused of the prior conviction. Hon. members can see there is necessity for this legislation. Although it is intended to consolidate all these laws relating to evidence, by the enactment of these very few clauses a matter of injustice might be prevented in the meantime.

Question passed.

Bill read a second time.

IN COMMITTEE.

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

## MINING BILL.

IN COMMITTEE.

Resumed from the previous day.

MINISTERIAL STATEMENT.

Clause 10—Proclamation of goldfields:

THE COLONIAL SECRETARY: Before moving an amendment to this clause, he would like to explain to the Committee that he had talked over with his colleague, the Minister for Mines, the question of the amendment carried last night by a very narrow majority, and the hon. gentleman had decided to go on with the Bill for the present, but had asked him to recommit it to obtain a farther expression of opinion on the amendment, and if the House was of the same opinion as that expressed last night, the Minister for Mines regretted that, owing to this fact rendering the working of the Bill from an administrative point of view impracticable, the measure would have to be withdrawn. Having made this explanation, he now moved as an amendment that the words "portion of Crown land" be struck out, and "lands" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 11, 12—agreed to.

Clause 13—Proclamation of mineral fields:

On motion by the COLONIAL SECRETARY the words "portion of Crown land" struck out, and "lands" inserted in lieu.

Clause as amended agreed to.

Clauses 14 to 16—agreed to.

Clause 17—Application for Miners' Rights:

HON. Z. LANE moved that all the words after "Miner's Right," in line 4, be struck out. He supposed he was entitled to make a personal explanation. He could assure the Colonial Secretary and the House that it was not his intention to wreck the Bill, and it never was so. As he said in his remarks on the second reading, we wished to pass the measure, but to put it into a workable position and one which would tend to enhance the privileges which should be extended to the mining interest. He objected to the attitude of the Colonial Secretary when the hon. gentleman came down every time he was defeated and said "You wrecked the Bill." That was the first expression he heard from the hon. gentleman's lips when he (Mr. Lane) opposed the Machinery Bill, and that was what we heard last night. Every member who voted with him (Mr. Lane) last night was as much entitled to his opinion as the Colonial Secretary or anyone else. As far as the opinion of the Crown Law officers was concerned,

those officers were not always right, but generally wrong. He had had counsel's opinion on this very clause, and was told that his amendment did not wreck the Bill.

THE COLONIAL SECRETARY: It rendered the Bill impracticable.

HON. Z. LANE: There was a difference of opinion. He hoped that the opinion of the House backing up his view would be strengthened. As to Clause 17 there was no need to make it compulsory for a man employed on any lease or claim to be the possessor of a miner's right; the possession of such a right did not make a man a better miner. We might as well say that a man working in a timber mill should have a timber license, or that one working in a coal mine should have a mineral license. It would be a great hardship upon men in the back country, for it would practically debar a man who might be 100 miles from a warden's court from working a mine, if he had not a miner's right. Not a single miner actually working in the mines in the immediate vicinity of Kalgoorlie paid for a right. What was proposed might serve the revenue, but already quite enough revenue was received from the mines and miners. Instead of legislating in this way we should do everything we could to farther the industry, and not hamper it.

THE COLONIAL SECRETARY: With regard to amendments generally, the hon. member perhaps did not realise the fact that Bills were brought in by the Government as part of their policy. If amendments were introduced which in the opinion of the Government did not fit in with their policy, or which rendered the Bill unworkable, it was the privilege of the Government to drop the Bill, if they so desired. As to the present amendment the price of a miner's right had been reduced from 10s. to 2s. 6d. If these words were struck out, it would be necessary to raise the price to 5s. [HON. J. W. WRIGHT: Let it be kept at 5s.] He had every respect for the opinions of the House, and he proposed recommitting the clause which had been referred to in order that a farther expression of opinion might take place.

HON. A. G. JENKINS: This clause was in the original Mining Act of 1895, and was then found practically unworkable. It had often caused hardship. Men might have to go 60, 70, or 100 miles to get their miner's right. Why should a company be taxed if they wanted to employ men? Did the industry not give sufficient revenue already to the State? In other classes of employment employers were not taxed for putting on men. Where a company employed hundreds of men the providing of these rights would mean a considerable item. This additional tax should not be placed on persons engaged in developing the mining industry. We could raise the price of a miner's right to 5s., which would be a fair thing; but by debarring men from obtaining work because they did not possess miner's rights we would be adopting a bad principle.

THE COLONIAL SECRETARY: Members apparently expected these miners to go to these remote districts—few of which were not within fairly decent distance of a registrar's office—without passing through a centre where they could obtain these rights, and members also supposed these miners would be without the money with which to buy their rights. Members failed to recognise that these men would realise the possession of these rights helped them to obtain employment. It was the easiest thing in the world for companies to insist on the men having these rights, for there was no lack of labour on the goldfields. The men would soon get into the habit of carrying rights if they knew their chance of employment depended upon their possessing them.

SIR E. H. WITTENOOM: The leader of the House could be assured that he (Sir E. H. Wittenoom) was prepared to give every support in passing the Bill, but he was not willing to pass this clause without sufficient reason being adduced by the Colonial Secretary for compelling all these men working on mines to buy rights. The Chamber of Mines strongly objected to the clause. Personally he did not mind whether the clause was left in or not, because he was not particularly interested in mining. However, when it came to these particular innovations we ought to have good reasons as to why we should put them in the Bill. Members heard good reasons why this clause should not be put in. Representative bodies of men did not

want it in, which was almost enough to convince the House not to pass the clause.

HON. J. D. CONNOLLY: Like Sir E. H. Wittenoom he had heard very good arguments why this part of the Bill should be struck out, but he had heard no reason from the leader of the House why it should be retained.

A MEMBER: The leader of the House could not give one.

HON. J. D. CONNOLLY: No. It was understood that those who searched for gold should possess miners' rights, and they should pay at least 5s. for them. No member would object to an increase in the price, but the Committee should seriouly consider why men working on mines should be compelled to take out licenses. We might just as well ask the labourers in the streets or on the wharves to take out licenses.

HON. B. C. O'BRIEN: Then why should we have rights at all? They might just as well be wiped out.

HON. J. D. CONNOLLY: Members not familiar with the goldfields should remember that there was a great distinction between the prospector and the man working on a mine. There was every reason why the prospector should hold a right, because he obtained something for it and had the right to search for gold on Crown lands; but why should the Crown demand 2s. 6d. as a fee from a man who wanted to work on a mine? If the object was to secure revenue, the price could be raised; but the Government already received considerable revenue from the mining industry.

HON. COLONIAL SECRETARY: Not directly.

HON. J. D. CONNOLLY: There were many ways of raising revenue directly from the mining industry now neglected. The Government could enforce the local registration of companies, and so have their directors in the State. We would then not have to pay the British income tax on dividends, and we should have the money distributed here. Thousands of pounds were lost to the people of the State in this direction.

HON. COLONIAL SECRETARY: The Chamber of Mines would not say that.

HON. J. D. CONNOLLY: No. In addition to the British income tax, exchange had to be paid at Adelaide. By directly raising revenue from the industry in this direction we would do good to the whole of the State and not inflict a wrong on a few hard-working miners.

HON. B. C. O'BRIEN: A rather bad note was struck by the hon. member when he said that the price of miners' rights was two low, and appeared to be not in sympathy with the prospector who would be compelled to take out rights. The object of the Government in reducing the price of a miner's right was to make it as liberal as possible, so that each individual could possess a right. A little over nine years ago the State charged £1 for a miner's right, and after considerable agitation the price was reduced to 10s. The Government now saw fit to reduce the price to 2s. 6d., and it was very reasonable to expect that every miner who went on the goldfields would buy one of these rights. The miner was only asked to pay 2s. 6d. a year, and it was well known that every miner, if he had any claim to the name, was always more or less ambitious to try and secure for himself a lease, or a block of ground, or an interest in a claim of some description. From his experience it was the ambition of miners to secure rights, and the Government were liberal enough to reduce the price so as to allow each man to hold a right. Miners would take very good care, if it was compulsory to have rights in order to gain employment, to be possessed of them.

HON. J. D. CONNOLLY: The hon. member was a very nice advocate for the miner.

HON. B. C. O'BRIEN: If the hon. gentleman sought proof he would find that two-thirds of the miners on the goldfields possessed rights.

HON. J. A. THOMSON: If we were only starting mining now the law should stand that every miner before being employed should hold a right. That would be fair and equitable, but now many thousands were employed on mines, and probably not one in a hundred possessed a right. It would mean that miners would have to take out rights, or it would be an unjust call on the employers to do so. Therefore, looking at the question from both sides, he would support the amendment unless some reason was given by the Colonial Secretary in support of the clause.

HON. W. MALEY: These certificates carried certain privileges with them and were enjoyed by miners throughout the country, but when we found that by Act of Parliament the proprietor or company of a mine was prevented from employing free labour, men who had not union certificates and not miners' rights, we must admit that such proprietor or company was placed at considerable disadvantage. At present his inclination was to vote for the elimination of that portion of the clause referred to, but he was open to conviction.

THE COLONIAL SECRETARY: The reasons which actuated the Government in this respect were, he regretted to have to say, sordid ones. When the Bill was introduced there was no mention of the necessity of men employed in mines having miners' rights, but when it was decided to reduce the charge for a miner's right it was thought that those employed in mines should have miners' rights. If this amendment were carried, the price of a miner's right would be raised to 5s., which was the amount originally in the Bill.

Amendment passed, and the clause as amended agreed to.

Clauses 18 to 25—agreed to.

Clause 26—Privileges conferred by miner's right:

HON. T. F. O. BRIMAGE wished information as to what "authorised holding" would include.

THE COLONIAL SECRETARY: In the interpretation clause "authorised holding" was defined as "any mining tenement other than a lease, an application for a lease, or a claim."

HON. Z. LANE moved that in Subclauses (3.) and (4.) the words "in accordance with the provisions of regulations framed for such purpose" be inserted.

THE COLONIAL SECRETARY: There was no reason for this amendment. If the hon. member would look at the first lines of the clause he would see the words "the holder of a miner's right shall, subject to this Act and the regulations."

Amendment withdrawn and the clause passed.

Clauses 27 to 42—agreed to.

Clause 43—Exemption of lands from lease:

HON. Z. LANE moved that the words "which in the opinion of the Minister is likely to contain alluvial gold, except such land as in his opinion," be struck out, and the following inserted in lieu: "Land which is proved to the satisfaction of the Minister to consist of payable alluvial ground, except such land as in the opinion of the Minister." With regard to the exemption of alluvial ground from a lease it was very evident it should not be left to the opinion of the Minister as to whether this land was likely to contain alluvial gold or not, but it certainly should be proved to the satisfaction of the Minister.

THE COLONIAL SECRETARY: It was impossible to prove whether alluvial ground was payable without working it. If only the opinion of the Minister was called into request when it was decided what ground would be leased and what would not be leased, there would be some force in the contention, but we had within easy distance of any leases where this question was likely to arise Government officials whose duty it was to report.

HON. Z. LANE: They might not be within hundreds of miles.

THE COLONIAL SECRETARY: It was the duty of these officers to proceed to any place to which they might be sent. The Minister was guided in his opinion in these cases, which very seldom arose, by the opinions of his officers. If this amendment were inserted and strictly carried out, it would practically mean that all ground could be leased whether it was fit for alluvial mining or not.

HON. Z. LANE: This very provision as to the "opinion of the Minister" not so long ago led to open rebellion and almost bloodshed. We knew that the police had to be called out to protect the ground. If there had been a section that it should be "proved" whether the ground was alluvial or not, there would have been no trouble.

THE COLONIAL SECRETARY: The hon. member should remember that the opinion of the Minister did not enter into that matter at all, but that it was the precipitate adoption of a regulation that incensed unreasonable persons to such an extent that it was with difficulty bloodshed was averted.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 8 |
| Noes | ... | ... | 9 |
| Majority against | ... | | 1 |

| AYES. | NOES. |
|---|---|
| Hon. T. F. O. Brimage | Hon. E. M. Clarke |
| Hon. A. Dempster | Hon. J. M. Drew |
| Hon. C. E. Dempster | Hon. J. W. Hackett |
| Hon. J. T. Glowrey | Hon. W. Kingsmill |
| Hon. A. G. Jenkins | Hon. M. L. Moss |
| Hon. Z. Lane | Hon. C. Sommers |
| Hon. W. Maley | Hon. J. A. Thomson |
| Hon. J. W. Wright (*Teller*). | Hon. Sir E. H. Wittenoom |
| | Hon. B. C. O'Brien (*Teller*) |

Amendment thus negatived, and the clause passed.

Clauses 44 to 51—agreed to.

Clause 52—Area of coal-mining lease:

HON. Z. LANE moved that in line 2 the words "three hundred and twenty" be struck out, and the words "two thousand five hundred" inserted in lieu. The amendment would allow coal-mining leases to be taken up to an area not exceeding 2,500 acres. Coal-mining in this State was carried on under different conditions to those which prevailed in other places, because the seams were horizontal. A lease of 320 acres in ordinary circumstances would be exhausted inside 12 months. The seam ran 1 in 10, and to show how horizontal they were the Collie Proprietary Co., although only working practically half time, had in three years covered an area of 800 acres.

THE COLONIAL SECRETARY: What was the thickness of the seam?

HON. Z. LANE: About 6ft. to 7ft., but companies could only take out about 25 per cent. of the coal, the balance having to be left for pillars. It would not pay a company to put efficient machinery and establish railway communication on a 320 acre block, for there would not be more than 12 months' work. Had the Collie Proprietary Co. worked full time, over 1,000 acres would have been covered in three years.

HON. J. W. HACKETT: According to the proposal of the hon. member, with a vertical seam a company would have the whole of a coalfield.

HON. Z. LANE: That was correct.

HON. M. L. MOSS: The life of a coalfield in Western Australia would not be very long according to the hon. member. Seven years would work out a field.

HON. Z. LANE: There were 45 miles of drives at the Collie Proprietary after three years' work. To haul the stuff over such a considerable distance greatly increased the cost of the coal above the cost of hewing in the first instance. A lease of 2,500 acres would not be very large considering how horizontal our coal seams were.

THE COLONIAL SECRETARY: The Committee should not accept the amendment. An area of 320 acres was ample when we considered that at present a lease contained not more than 160 acres, and that the amalgamation clauses would enable twice as much land to be held as now. By amalgamation 2,560 acres could be held in future. There was no object in increasing what was already double the present area that could be held under a lease. In Queensland and Tasmania the area allowed was the same as provided in the Bill.

HON. Z. LANE: There were vertical seams in those States.

THE COLONIAL SECRETARY: The coal seams here were not horizontal.

HON. Z. LANE: They were 1 in 10.

THE COLONIAL SECRETARY: That gave a greater quantity of coal in a lease than if the seam were horizontal. The State Mining Engineer had made some calculations as to the amount of coal in a lease, and he based his calculations on a 4ft. seam. Mr. Lane owned up to having a 6ft. to 7ft. seam, and in the properties at Collie if the companies could take out the top coal, the width would be from 12ft. to 13ft.

HON. Z. LANE: That top coal could not be taken out.

THE COLONIAL SECRETARY: According to the figures of the State Mining Engineer, taking a 4ft. seam and making allowance for leaving in pillars to support the roof, one acre would turn out 2,500 tons of marketable mineral, and 320 acres would turn out 800,000 tons of coal that could be sold, while 2,560 acres would give a total output of 7,680,000 tons.

HON. Z. LANE: That was nonsense and absolutely wrong. What about the pillars?

THE COLONIAL SECRETARY: Fifty per cent. was allowed for pillars. Members who represented the mining industry seemed to think that they had the Government going on this Bill, and that

because the Government had given them the most liberal Mining Bill in Australia and one of the most liberal Mining Bills in the world, they had only to reach out for more to get it.

SIR E. H. WITTENOOM: Why should not members help to perfect the Bill?

THE COLONIAL SECRETARY: It all depended on the definition of "perfection," or upon the elysium in mining the hon. member desired to reach. The Government had gone farther than had ever been gone before, but some members seemed to think that the Bill must be onesided. To tell the truth, so it was. This Bill amended the conditions of mining altogether too much in favour of the mine-owner. In the case of coal-mining the position of the mine-owners was, under this Bill, twice as good as under the present Act.

SIR E. H. WITTENOOM: How many leases was an individual entitled to? As far as he could see this clause only referred to one lease.

THE COLONIAL SECRETARY: That was all. So far as two or more coal-mining leases were concerned, an aggregate area not exceeding 2,560 acres, with a 4ft. seam, allowing for pillars, with an output of nearly 8,000,000 tons of coal, was a very reasonable proposition if the seam was horizontal: if there was a dip, the proportion might be increased.

SIR E. H. WITTENOOM: Presumably that meant that an individual could hold eight leases.

THE COLONIAL SECRETARY: Yes; one might hold more than eight leases, but the measure allowed them to amalgamate eight for the purpose of working. If one held 16, he must divide them into two collieries.

SIR E. H. WITTENOOM: Then, according to that, one could hold as many leases as he liked?

THE COLONIAL SECRETARY: Yes; as long as he put the labour on.

HON Z. LANE: It was said that if one took 16 leases he would have to take up two or more collieries. The question of coal was one of demand, and the hon. gentleman knew there was not demand enough in this State for the output of one colliery. If these leases were split up in this way, people would be compelled to have three or four pits. A man would be compelled to work each of his 320-acre blocks unless he could get them together.

HON. M. L. MOSS: They need not be adjoining.

HON. A. G. JENKINS: An area of 320 acres seemed too small, and he was prepared to see that struck out, but would like a somewhat smaller area than that proposed by Mr. Lane.

HON. B. C. O'BRIEN: Considering there was such a great margin between the area mentioned in the clause, 320 acres, and that proposed by Mr. Lane, 2,500 acres, he (Mr. O'Brien) must vote for the clause as it stood.

HON. J. W. WRIGHT moved that the area be 640 acres.

HON. J. T. GLOWREY: There was apparently a good deal in Mr. Lane's contention. The measure should provide for an area of a horizontal lead, and an area for a vertical lead. He was inclined to support Mr. Wright's amendment. The area proposed by Mr. Lane was, he considered, too large.

HON. M. L. MOSS: If Mr. Lane's amendment were passed, and we passed Clause 88, we should be enabling persons to hold eight areas of 2,500 acres each. The area of these mines had been extended from 160 acres to 320 acres. He had no objection to anyone holding any quantity of territory in Western Australia, provided it was legitimately worked for the purpose for which it was taken up. He was afraid that if anyone got eight areas of 2,500 acres each, a large quantity of country would be monopolised, and not worked to the advantage of the State.

HON. Z. LANE: We could not amalgamate any areas exceeding a total of 2,500 acres. He was prepared to withdraw his amendment in favour of that proposed by Mr. Wright.

Amendment withdrawn.

THE COLONIAL SECRETARY: The Government in doubling the size of a coal mining lease were going as far as they should be expected to do. On a previous occasion remarks had been made about harassing the coal-mining industry, and something had also been said about locking up the land. It would be interesting for members to know the number of men who should be employed in coal mines, and the number of those

who actually were employed.—[Interjection by Mr. LANE.]—The Government were under no obligation to burn anybody's coal. The use which had been made of these special licenses for which the Bill provided was something wonderful. He would like to point out what the state of affairs was a little while ago—and it had not altered very much—through the exercise of these special licenses, which were a direct concession to coal-mine owners. In the case of one company, which had a holding of 6,917 acres, the number of men employed by virtue of special license granted was 16, whereas if the labour conditions were carried out in accordance with the regulations there would be 346.

HON. Z. LANE: No demand for the coal.

THE COLONIAL SECRETARY: That company held 22 leases. The next company held 32 leases, aggregating 10,240 acres 29 poles; the number of men employed by virtue of the special license was 42, whereas the number that would be employed if the labour conditions were carried out in accordance with the regulations was 480.

HON. Z. LANE: That was a member of Parliament.

THE COLONIAL SECRETARY: No, the hon. member had the wrong one.

HON. Z. LANE: There were no others working.

THE COLONIAL SECRETARY: Now we came to another company which had 20 leases, the aggregate area being 5,932 acres, 3 roods, 22 poles. The men employed by virtue of special license numbered 136, whereas if the labour conditions were carried out in accordance with the regulations the number would be 303. The Mines Department was willing to go to the utmost to meet the circumstances existing there. There was not the slightest necessity for this amendment, because the same thing was effected by special license, which had never been refused by the Minister.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 7 |
| Noes | ... | ... | 11 |
| Majority against | ... | | 4 |

| AYES. | NOES. |
|---|---|
| Hon. T. F. O. Brimage | Hon. E. M. Clarke |
| Hon. A. G. Jenkins | Hon. A. Dempster |
| Hon. Z. Lane | Hon. C. E. Dempster |
| Hon. C. Sommers | Hon. J. M. Drew |
| Hon. Sir E. H. Wittenoom | Hon. J. W. Hackett |
| Hon. J. W. Wright | Hon. W. Kingsmill |
| Hon. J. T. Glowrey (*Teller*). | Hon. R. Laurie |
| | Hon. M. L. Moss |
| | Hon. B. C. O'Brien |
| | Hon. J. A. Thomson |
| | Hon. W. Maley (*Teller*). |

Amendment thus negatived, and the clause passed.

At 6·35, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

Clauses 53, 54—agreed to.

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

## AGRICULTURAL LANDS PURCHASE ACT AMENDMENT BILL.

### SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: This very small Bill is introduced for the purpose of somewhat altering the position under which land may be sold to applicants for it in cases of estates purchased from private persons by the Crown, and for the purpose of allowing a larger area than 1,000 acres being sold to one person in cases where the land is of inferior quality. Of course hon. members will realise that cases may arise where the whole of the land in a property offered under the principal Act is not of such description as to be all suitable for agricultural selection, but as the owner of the property invariably offers his estate as a whole for a lump sum, the inferior land has to be taken by the Government in order to secure the good land. In the case of one estate recently purchased by the Government—an estate over which a good deal has been said in this House and out of it, the Mount Erin estate—this statement is very applicable. Unfortunately while there is a proportion of good land in that estate there is a very large amount of bad land, and it is necessary to increase the area which may be sold to private individuals by the Government in order to render the disposal of that estate possible. This Bill has therefore been introduced, and the maximum area in the case of second-class land that can be sold is now increased to 3,000 acres. It is provided that it may exceed 1,000, as is the case at

present, but must not exceed 3,000 acres. In cases of third-class land 5,000 acres is to be the maximum. Where the land is partly second-class and partly third-class, the maximum to be sold to any one person must not exceed 4,000 acres. I do not think any other explanation is necessary. The Bill is clearly worded, and explains itself practically. I therefore move the second reading.

Question passed.

Bill read a second time.

IN COMMITTEE.

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

## FACTORIES BILL.

IN COMMITTEE.

Resumed from the previous day.

Clause 9—Inspector to examine factory:

HON. G. RANDELL moved that the words "as soon as practicable after the" be struck out, and "upon" inserted in lieu. In his opinion the word "impracticable" was too indefinite.

THE COLONIAL SECRETARY did not see that the amendment made any difference; he did not object to it.

Amendment passed.

HON. G. RANDELL moved that between "shall" and "examine" the words "without delay" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 10—And may require defects to be remedied:

HON. G. RANDELL proposed that between "any" and "respect" "material" be inserted. The amendment would cause an officer to be on his guard, and the officer would not take trivial objections.

THE COLONIAL SECRETARY: There was no great objection on his part to the amendment, but he did not think it necessary. One objection he had to unnecessary amendments was that they offered so many points of attack in another place.

Amendment passed, and the clause as amended agreed to.

Clauses 11, 12—agreed to.

Clause 13—Registration fee:

HON. G. RANDELL moved that the clause be struck out. He did not see why different prices should be charged for the same service. Registration of a factory, whether the factory was large or small, was the same amount of trouble. This Bill seemed to be brought in entirely in the interests of one section of the community, the employees, and doubtless it would press more or less hardly upon the owner or occupier of a factory. When we called upon persons to do what was not necessary for carrying on their business, and subjected them to many obligations, we should not impose a fine upon them.

THE COLONIAL SECRETARY: It was customary to charge these registration fees, and we were justified in calling upon these persons to pay a fee which he could only describe as absolutely nominal. If it were an annual registration he could understand the hon. member's anxiety, but such was not the case. A factory was registered once for all so long as it did not by its own fault cancel the registration.

HON. G. RANDELL: If one sold the factory, registration had to be renewed.

THE COLONIAL SECRETARY: There was a fee for registration, certainly. Where the maximum number of persons engaged in a factory did not exceed six the registration fee would be 5s.; exceeding six and under 15, 10s.; exceeding 15 and under 30, a guinea. The Government followed the practice of asking those to pay more who apparently could best afford it. If an average was struck, and a fee of one guinea fixed, it would not be too excessive for a man's lifetime, but the hon. member might think it would weigh heavily on persons employing only six hands. To ask persons to pay five shillings once in a lifetime was merely nominal.

HON. G. RANDELL: It was a bad principle to make one person pay more than any other person for the same thing. That principle was formerly adopted in the Education Act, but as it was found to be unjust it was withdrawn. However, he would not push his amendment.

Amendment by leave withdrawn, and the clause agreed to.

Clauses 13, 14—agreed to.

Clause 15—Powers of Inspectors:

HON. G. RANDELL moved that in line 3 the words "at the time" be inserted between "is" and "employed." Without these words the clause would be vague. If a man worked at night time in a factory the inspector should have the right to pay a visit to the factory; but it was not reasonable to allow the inspector to visit a factory when it was closed up at night time. The inclusion of the words would to some extent be a safeguard, and do no harm.

THE COLONIAL SECRETARY: The word "is" made the clause sufficiently explicit, but he would accept the amendment.

HON. G. RANDELL: It was a case of construction. The inclusion of the word simplified the clause.

Amendment passed.

On the motion of the HON. G. RANDELL, the words "or to have been within the preceding two months" struck out of Subclause (4).

Clause as amended agreed to.

Clause 16—Occupiers to allow entry and inspection:

HON. G. RANDELL: This constituted the factory inspector an inspector under the Health Act, but the local board of health had full power to deal with factories, yards, and premises.

THE COLONIAL SECRETARY: They had not used it.

HON. G. RANDELL: A factory owner informed him that he had five visits from inspectors in one week.

THE COLONIAL SECRETARY was glad to hear that.

HON. G. RANDELL: What about the unfortunate manufacturer?

THE COLONIAL SECRETARY: No harm was done to the manufacturer if he had nothing wrong with his premises.

HON. G. RANDELL heartily concurred with everything that tended to the protection of the health of employees.

THE COLONIAL SECRETARY: Clause 58 provided that the factory inspectors should carry out their health inspections under the control of the boards of health.

Clause put and passed.

Clause 17—agreed to.

Clause 18—Records to be kept in factory:

HON. G. RANDELL moved that paragraph (*c*) of Subclause 1 be struck out. It was his intention to have moved to strike out the whole of the clause, but any other hon. member could move to go farther than he now intended.

THE COLONIAL SECRETARY was surprised at the hon. member throwing out such a suggestion.

HON. G. RANDELL: Some members thought him rather too liberal in dealing with this Bill; but in the first place he only intended in regard to this clause to strike out this paragraph, which contained the words "such other particulars as are prescribed." He had no objection to the factory owner being compelled to keep a book showing the names of all persons employed in the factory, and the ages of all those over 18. That obligation would not be too hard on the factory owner. He was doubtful, however, about the factory owner being required to show the kind of work of each and every kind of person employed in the factory, because employees might be changed from one branch of the work to another. The clause was evidently put in at the instance of the Trades and Labour Council, because they desired to keep every man to his place, and desired to dictate to factory owners what their employees should do. This kind of interference we should oppose. On recommittal he might move to have the paragraph dealing with this matter struck out, but at present he would confine his amendment to striking out paragraph (*c*), as the same words had already be struck out of another clause.

THE COLONIAL SECRETARY hoped the amendment would not be pressed. Though the words had been struck out of a previous clause, it would not be wise to strike them out of this clause. The conditions in factories in a growing community changed very rapidly, and it might be necessary to prescribe other conditions. A factory owner might go in for another branch of manufacture.

HON. G. RANDELL: In that case he would have to register afresh.

THE COLONIAL SECRETARY: That was the case; but circumstances might easily occur whereby inspectors might want to know, and would have the right to know, something more than was touched upon by the other paragraphs of the clause. By leaving in the paragraph we would add considerably to the value of the Bill.

HON. C. E. DEMPSTER: We did not want the Bill.

THE COLONIAL SECRETARY: The hon. member was an extremist in this direction, and had a great animus against the Bill because Chinese were affected.

HON. G. RANDELL: That would not affect the hon. member.

THE COLONIAL SECRETARY: No; but it affected Chinese; and that was what Mr. Dempster objected to.

Amendment put and passed.

On motion by Hon. G. RANDELL, the words "such other particulars as are prescribed" in paragraph (*g.*) of Subclause 2 struck out.

Clause as amended agreed to.

Clause 19—Observance of awards of Arbitration Court:

HON. G. RANDELL moved as an amendment—

That the clause be struck out.

By an oversight he had omitted to place this amendment on the notice paper.

THE COLONIAL SECRETARY: It was a wonder how the hon. member had missed the clause.

HON. G. RANDELL: Did the leader of the House think the clause objectionable?

THE COLONIAL SECRETARY: No; but this was one of the few clauses on which the hon. member had not given notice of amendment.

HON. G. RANDELL: This clause would make the inspector an officer of the Arbitration Court, which should be competent to see its awards carried out. In any case the officers of the Trades and Labour Council would soon find out any breaches of awards. We might safely leave it in their hands to carry out the order of the Court. The inspector might lose his case, and who would pay the costs in that event? Presumably the Government would have to do so. The Arbitration Court was quite capable of taking care of itself. There was no necessity for this clause, which indeed was to some extent an invasion of the powers of the Court.

THE COLONIAL SECRETARY: In respect to reporting any breach of an award this clause was just as much a protection to the employers as to the employees, and undoubtedly the clause was very fair. Mr. Moss informed him that it provided a method of summary jurisdiction in these cases, which meant a great saving of time, trouble and expense to both sides.

HON. G. RANDELL: The clause was all on one side.

THE COLONIAL SECRETARY: The hon. member was not fair in making that assertion. An inspector was bound to report any breach of an award of the Arbitration Court.

HON. J. W. HACKETT: This clause was simply to keep the nose of the employer to the grindstone. If an employer, in construing an award of the Arbitration Court, found he made a mistake, there was a way provided in the Arbitration Act by which he could be brought to his senses in the Arbitration Court. He (Dr. Hackett) as an employer protested against this summary jurisdiction, which placed employers absolutely at the mercy of an inspector. He did not suppose that as long as he was connected with the business managed by himself they would have any serious quarrels, but if there was an opening to create discord between employer and employee it was afforded by this clause. He would protest against such enormous inquisitorial powers being put in the hands of any inspector.

HON. M. L. MOSS: Either a master or a servant was liable to a prosecution, if he committed any breach of an award. It was desirable there should be this provision, besides the Arbitration Court. The Arbitration Court consisted of a Judge and two assessors, and the work of the Court was assuming such magnitude that a Judge of the Supreme Court had to devote pretty well the whole of his time to it. Speaking for himself he believed that if the Arbitration Act was to remain on the Statute Book, the Government would be compelled to appoint another Judge. This clause would lessen to some degree the work cast upon the Supreme Court Judge, because it would confer summary jurisdiction upon magistrates to punish workmen or employers failing to carry out an award of the Arbitration Court. A person would not be at the mercy of an inspector. An inspector had to lay an information. In cases of infliction of a fine of £10 and upwards one would have a full right of appeal by way of re-hearing in the Supreme Court, and if there were a dispute on a point of law one

could appeal even if the amount in question were only a shilling.

HON. J. W. HACKETT: The clause meant that an inspector could interfere in every detail in the management of the business. This arbitration principle was of modern adoption, and was on its trial. We selected a Judge of the Supreme Court and got assessors, one of whom was supposed to represent the employees and the other the employers; and then, if this clause were passed, the enforcement of the Court's award would be handed over to any Tom, Dick or Harry who chose to call himself an inspector by virtue of nomination by a body in whom we had no confidence. Not only that, but, instead of having the Court which made the award to interpret it, we were sent off to a couple of honorary justices. He hoped the Committee would put its foot down and say an Arbitration Act should contain arbitration clauses, and Factories Acts factory clauses.

HON. W. MALEY: The clause should be struck out. It was all very well to talk about summary jurisdiction before justices, but if the matter went before justices it would not be dealt with to the satisfaction of the parties concerned.

HON. E. M. CLARKE: The Arbitration Act should stand absolutely alone. We wanted to see how it would operate. In this clause the two Acts were, as it were, dovetailed into each other. If the clause were passed and an award were given against an employer, the inspector would step into a factory and insist upon the owner carrying out the provisions to the letter, and he would insist that the employer should carry out the award. That would be all very well if the award was against the employer, but if the award was against the employees, could he do so? During the last few days it was shown to be impossible to enforce an award against employees without imprisoning a whole lot of men. All that an employee had to do to defeat an award against him was to ask for his time and leave the job; and this idea was borne out by the experience of New Zealand. He would like to see the Bill passed as purely and simply a Factories Act, and one that did not interfere with any other Act.

HON. R. LAURIE: Was the clause put in from the necessity of something wanting in the Arbitration Act? Was the factory inspector required to find out any breaches of the award, so that matters on which trouble arose could be dealt with before courts of summary jurisdiction? If so, would it not be better to have an inspector appointed under the Arbitration Act?

HON. J. W. HACKETT: Was this an original clause?

THE COLONIAL SECRETARY: Yes. The clause was put in for the more efficient working of the Arbitration Act. Mr. Clarke had only one instance to bring forward with regard to what could be done to employees who committed a breach of the Arbitration Act. It remained yet to be seen what could be done. Proceedings were to be taken against certain persons who had committed breaches of the Arbitration Act, but Mr. Clarke had no warrant in saying that nothing could be done. Undoubtedly means were provided for punishing persons who committed breaches of the Arbitration Act, and possibly, if the offences were proved, certain persons would be punished.

HON. J. W. HACKETT: They could only be put in gaol.

THE COLONIAL SECRETARY: Certainly. The employer also had that option.

HON. J. W. HACKETT: The employer would not put his workmen in gaol.

THE COLONIAL SECRETARY: Many of them would be glad to have the chance.

HON. B. C. O'BRIEN: It appeared from some of the speeches made by hon. members that there was a considerable amount of bias displayed against the Bill, which bias was not conducive to the good working of any Act. There was nothing to show that the Arbitration Act would not be a success. Since its initiation it had been most successful as a medium whereby peace reigned in industrial and mining communities. Members seem to lose sight of the fact that the inspector, if granted the powers proposed by the clause, would act as an intermediary, and in many cases would smooth over difficulties that might exist between master and man. Members looked at the Bill from one side only, and from some of the speeches one could imagine that the inspector was to be paid by the employees.

Members forgot that the inspector was a Government officer supposed to carry out his duties in a fair and impartial manner. If we were to have a Factories Act, we should have it a fair and reasonable one, and we should extend the same freedom to the employees that members desired to give to the employers. From the remarks made it appeared that the inspector had only one duty, and that was to harass the employer.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 12 |
| Noes | ... | ... | 3 |
| Majority for | ... | ... | 9 |

| Ayes | Noes. |
|---|---|
| Hon. T. F. O. Brimage | Hon. W. Kingsmill |
| Hon. E. M. Clarke | Hon. M. L. Moss |
| Hon. A. Dempster | Hon. B. C. O'Brien |
| Hon. C. E. Dempster | (*Teller*). |
| Hon. J. M. Drew | |
| Hon. J. W. Hackett | |
| Hon. R. Laurie | |
| Hon. W. T. Loton | |
| Hon. W. Maley | |
| Hon. G. Randell | |
| Hon. J. W. Wright | |
| Hon. J. D. Connolly (*Teller*). | |

Amendment thus passed, and the clause struck out.

Clauses 20 to 23—agreed to.

Clause 24—Restrictions as to deductions from wages, rules as to meals, etc.:

On motion by Hon. G. Randell, the words "and properly" inserted between "actually" and "done," in lines 5 and 10 of Subclause 1.

Clause as amended agreed to.

Clause 25—agreed to.

Progress reported, and leave given to sit again.

## FREMANTLE TRAMWAYS BILL (Private).

### IN COMMITTEE.

Hon. R. Laurie in charge of the Bill.

Clauses 1 to 25—agreed to.

Clause 26—Rotation of retiring members.

Hon. R. LAURIE moved that the clause be struck out. The clause was unnecessary.

Amendment passed, and the clause struck out.

Clause 27—Mode of election in case of members retiring annually.

Hon. R. LAURIE moved that after the word "members," in line 2, "in 1906 and every second year thereafter" be inserted.

Amendment passed.

Hon. R. LAURIE moved that the words "in every year," in line 3, be struck out.

Amendment passed, and the clause as amended agreed to

Clause 28—Election of chairman:

Hon. M. L. MOSS: Under this clause the chairman would be elected every year. His duration of office on the board would be two years. Was that intended?

Hon. R. Laurie: Yes.

Clause passed.

Clause 29—agreed to.

Clause 30—Disqualification of members of the board:

Hon. R. LAURIE moved that the word "the," in line 1 of paragraph (*e*.), be struck out, and "three consecutive" inserted in lieu.

Amendment passed.

On farther amendment by Hon. R. Laurie, the words "for a period of six weeks consecutively" were struck out of paragraph (*e*).

Clause as amended agreed to.

Clauses 31, 32—agreed to.

Clause 33—Statement of accounts and balance-sheet to be made up annually in November and duly audited:

Hon. R. LAURIE moved that the word "November" be struck out, and "October" inserted in lieu. It had been necessary to insert a new clause for striking an additional special rate in the case of loss on the working of the tramways, and the object of this amendment was to make the financial year of the Tramways Board end in October instead of November. That would permit of a special rate being struck. The accounts would be made up to the 31st August, giving plenty of time to have them audited and examined before the 31st October, and under the new clause a special rate, if necessary, could then be struck. If the clause was allowed to remain, it would not allow time for the special rate to be struck to meet any special loss that might take place. The amendment would meet the case.

Amendment passed.

On motion by Hon. R. Laurie, the words "30th September" struck out, and "31st August" inserted in lieu.

Clause as amended agreed to.

Clause 34—agreed to.

Clause 35—Copy of account book:

On motion by HON. R. LAURIE, the word "November," in line 2, struck out and "October" inserted in lieu, and the clause as amended agreed to.

Clauses 36 to the end—agreed to.

Schedule—agreed to.

New Clause—Additional special rate in case of loss:

HON. R. LAURIE moved that the following be added as Clause 9:—

> If on the examination of the accounts of the board, as provided in Section 33 of this Act, it shall appear that the operations of the board during the year have resulted in a loss, each of the said municipalities shall in each year strike an additional rate, as the councils of the municipalities deem necessary to defray the amount of such loss, and if the proceeds of such additional special rate are in excess of the sum required for the purposes of this section, such excess shall form part of the ordinary income of the municipalities.

This clause would meet the difficulty pointed out by Mr. Loton on the second reading. The clause had been drafted by Mr. Moss, and provided for the striking of the rate in the event of any loss being made on the trams during any year. He was satisfied there would be no loss, and that the trams would be a great success from the time they were started. It was necessary also in the clause to provide what should be done with any excess collected.

HON. W. T. LOTON: The clause would not meet the difficulty. There would probably be a loss during the first twelve months, and the councils should strike a rate at the beginning of the first twelve months.

HON. R. LAURIE: What rate should be struck?

HON. W. T. LOTON: That was for the councils to decide. So much interest and sinking fund had to be raised. By waiting until the end of the year to strike a rate the obligation could not be met for many months until the rate was collected. How was it proposed to pay interest on the borrowed money during the first year?

HON. R. LAURIE: That was provided for in the Act.

HON. M. L. MOSS: Interest and sinking fund were paid out of profits and then out of a special rate.

HON. W. T. LOTON did not desire to see the people of Fremantle in the position of being unable to pay interest at the end of the first year, but they could not pay the interest unless a rate was struck to cover it.

HON. R. LAURIE: The Bill provided that a special rate should be struck each year.

HON. W. T. LOTON: It appeared that the rate was to be struck after the loss was ascertained. There was no objection to the clause if the legal adviser of the member in charge of the Bill thought it sufficient.

HON. M. L. MOSS (Minister): Though not the draftsman of the measure he was responsible for this new clause, which was provided to cover one weak spot in the Bill. He clearly saw the argument of the hon. member that, during the time the works were in construction, there would be a loss, and absolutely nothing with which to meet the interest during the first year, because with a rate struck at the end of the year the greater part of the next year would go by before the amount could be collected. The board of management should not be confronted with that difficulty.

HON. G. RANDELL: Interest would accrue during the construction of the works, and would probably be paid half-yearly if not quarterly. Probably the idea of the councils was that interest should be paid out of capital and charged up to construction account.

HON. R. LAURIE: No.

HON. M. L. MOSS: That was really the only course to be pursued.

HON. E. M. CLARKE: The member in charge of the Bill should accept the view of Mr. Loton. There would be a loss on the works during the first year, and the councils would find themselves on the horns of a dilemma.

HON. M. L. MOSS: The clause might be passed, and altered on recommittal to meet the difficulty of a loss during the first year.

HON. R. LAURIE: Evidently there had been a mistake in Clause 7. He thought the clause had been drafted with the idea that the first and second year a special rate struck would be sufficient to meet the interest and sinking fund without regard to profit. There could be no profit during the course of construction.

HON. G. RANDELL: There would be no sinking fund for the first two years.

HON. R. LAURIE: No. Clause 8 provided that the council should make good the deficiency out of the ordinary income, but should in the next ensuing year add such deficiency to the amount of the rate raisable for that year. He thought the course suggested by Mr. Moss was correct, and he would be pleased to follow it.

New clause passed, and added to the Bill.

New Clause—Running powers:

HON. M. L. MOSS moved that the following be added as Clause 38:—

If at any time hereafter tramways are constructed by the council of any municipality adjoining the said municipalities, or either of them, or by the council of the municipality of North Fremantle (which shall be deemed an adjoining municipality), such tramways may be connected with, and the carriages of the council of any such adjoining municipality may be run upon the tramways authorised by this Act on such terms and conditions as may be agreed upon between the said municipalities or the board, and the council of any such adjoining municipality, or, in case of disagreement, as may be determined by the Minister for Works.

It would be seen that the object of the clause was to provide for North Fremantle being connected with the system in the future.

HON. R. LAURIE had no objection to the additional clause. Indeed, he thought it rather a right thing. He fully expected that within the next three or four years, or probably sooner, there would be no necessity for those people to take advantage of these powers, because people in the outlying municipalities would find it advantageous to join the present municipality, and thereby save the expense of all these small offices and other things connected with little municipalities around one large centre. Only a week ago this view was voiced at East Fremantle, the municipality of which was now associated with Fremantle in relation to this scheme.

Question passed, and the clause added.

New Clause—Free passes:

HON. M. L. MOSS moved that the following be added as Clause 19:—

The board shall not have the right to grant more than ten free passes over the tramways in any one year, and such passes shall not be available for a longer period than twelve months, and shall terminate on the 31st day of August next succeeding the issue thereof, and the Board shall cause the reasons for the issue of such free passes to be set forth in the minute-book of the proceedings of the board: Provided that this section shall not extend to persons employed by the board.

This was the first attempt at municipalising tramways here. Hitherto these works had been constructed by private companies, and those private companies had given free passes, as they were justified in doing, because they were dealing with their own property. In the case of a board constituted as this would be, holding office for two years, it was absolutely necessary that the measure should contain something providing exactly what the board should be entitled to do in relation to free passes. This clause was not drafted on behalf of the Government, but it was his own personally.

HON. R. LAURIE: This was a very proper clause in more than one sense. It would prevent a number of passes from being given by a new board which might wish to make itself popular, and it would protect members of the board from being rushed for free passes.

Question passed, and the clause added.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

## ROADS ACT AMENDMENT BILL.

### SECOND READING.

HON. M. L. MOSS (Minister), in moving the second reading, said: Of course members are aware that during last session we consolidated the Acts which were then on the Statute books relating to the various roads boards of the State. In the working of that measure it has been discovered that we require to make certain alterations where the Act has proved to be somewhat defective. In the first place, under Clause 2 we propose to alter and give a more extended definition of the word "occupier." Then by Clause 4 we propose to amend defects existing at the present time. Under the measure which we adopted last session we provided for the taxation of land on the unimproved capital value, and, although we did that, in the clauses relating to the number of votes which electors were entitled to provision was merely made for allotting

those votes on the basis of the annual value, no provision being made for the allotment of votes on the basis of the unimproved capital value. In order, therefore, to remedy this obvious defect, Clause 4 is submitted. Clause 9, the next to which I think I ought to draw the attention of the House, is merely to provide an extension of the power to make by-laws. Clause 15 is one to which I should certainly direct attention.

HON. G. RANDELL: I would like reference made to Clause 13.

HON. M. L. MOSS: The clause reads:—

> Section one hundred and forty-one of the principal Act is amended by omitting the words "allotment of ratable land" and by inserting the words "any ratable land, or, if the board think fit, each of the several lots into which any ratable land may be subdivided.

Section 141 of the principal Act provides that—

> A minimum rate of two shillings and sixpence may be levied on any allotment of ratable land the annual rates in respect of which would not amount to two shillings and sixpence.

We now propose to take out the words "allotment of ratable land," and to provide that where land is subdivided a rate of 2s. 6d. may be levied on each subdivision. I do not ask the House to agree to the Committee stage to-night. I have not yet thoroughly looked at all the clauses; and I should have a better idea of what they are aiming at when we are in Committee. Clause 15 is an important one. When we were considering the Roads Act last session, as members will remember, certain roads boards were specified in the schedule as those to which the extended powers were to be applicable. It is now intended to strike out the whole of that schedule, and make clause 158, which at present specifies that the Act shall apply only to those boards mentioned in the schedule, read as follows:—"This part shall apply only to such districts as the Governor may direct," thus giving the Governor-in-Council the right to extend these additional powers to other roads boards than the eleven mentioned in Schedule 17. Clauses 18 and 20 contain similar provisions as are given under the Municipal Institutions Act to recover rates by selling after notice is given.

HON. G. RANDELL: That is a new principle in Roads Acts?

HON. M. L. MOSS: Yes; it seems to me that is inevitable. In our Roads Act we are including a large number of these board districts, and conferring on them almost as extensive powers as are given to municipalities. The last clause in the Bill is an exceedingly good one. A similar clause appears in the Criminal Code. The Roads Act is an important measure, and we do not want to be tinkering with it always. We want to avoid, in the case of these amendments, the necessity of consolidating a number of these amending Acts, so it is provided that when amendments are made from time to time, the Government Printer will have authority to print them as if they were amendments to the principal Roads Act.

HON. G. RANDELL: We have already adopted that principle.

HON. M. L. MOSS: It has been adopted in the Criminal Code, and I think it is a principle we should also adopt with regard to the Municipal Institutions Act and Roads Act. I move the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—Short Title:

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 9·34 o'clock, until the next Monday afternoon.