

had read it closely. The report was made after a good deal of consideration, and after the committee had held a great number of meetings; and as a large number of witnesses were examined, he ventured to think the report was extremely moderate and fair. The select committee expressed their pleasure at the cleanliness of the Hospital, which in this respect was undoubtedly beyond reproach; but the committee found considerable friction amongst members of the medical profession, and were of opinion that the friction was detrimental to the best interests of the institution and of the community. It was thought there should be a change in the mode of management. In other colonies, notably Victoria, the hospital committees were composed entirely of laymen and chosen by subscribers; whereas in Perth, the medical profession or some of the profession seemed to have almost the entire control of the Public Hospital, with the result that there had been a close corporation, leading to friction and jealousy. One notable case which had come before the select committee was the investigation into the death of the man Rodgers. His case had been mentioned in moving for a select committee, and the committee were unanimously of opinion that the jury who inquired into that case did their duty in a thoroughly efficient manner; but the committee found that the depositions taken at that inquest were very incomplete, that most important matters had been entirely left out of them, and that therefore it was not surprising the Colonial Secretary wrote his minute to the effect that the verdict was in accordance with the evidence. The Colonial Secretary was right so far as the evidence tendered to him went; but it had been acknowledged by the officer who took the evidence that the evidence was incomplete; and, therefore, although the depositions were read over to and signed by the witnesses, the committee, finding them to be incomplete, were decidedly of opinion that in such cases *verbatim* records should be taken. The friendly societies complained of the management of the Hospital, inasmuch as their members were excluded from its benefits. The member for North Murchison (Mr. Moorhead), when shown the report, had laughingly said that he had been a

member of the Perth Hospital Board, but had not attended for three years, because he had found that the medical profession almost entirely ran the institution. The report might well be left in the hands of the House. It had been arrived at after prolonged consideration, and the cost of this committee had been some £22 10s. only; and that, in comparison with the cost of many other similar committees was extremely small. He moved that the report be adopted.

On motion by MR. QUINLAN, debate adjourned.

#### ADJOURNMENT.

The House adjourned at 10:55 o'clock, until the next day.

### Legislative Council,

Tuesday, 4th December, 1900.

Paper presented—Question: Northampton Railway Station—Question: Patriotic Poem, Mr. F. L. Weiss  
—Railways Amendment Bill, second reading, etc.—  
—Boulder Health Rates Validation Bill, second reading, etc.—Resolution: Public Service, to grade and classify—Conspiracy and Protection of Property Bill, second reading, etc.—Water Street (North Fremantle) Closure Bill, second reading, etc.—Bank Holidays Further Amendment Bill, second reading, Division (negated)—Public Service Bill: Administrator's suggested Amendments—Industrial Conciliation and Arbitration Bill: Assembly's further amendment (amount of security)  
—Assembly's Resolution: Military Contingents, W.A., thanks to soldiers, sympathy to sufferers—Bills of Sale Amendment Bill, second reading, etc.—Perth Electric Tramways Lighting and Power Bill (private), second reading, Amendment (six months) passed—Criminal Law Amendment Bill (age of consent, etc.), second reading, etc.—Motion: Guano (Abrothos), to permit export (adjourned)—Adjournment.

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

PRAYERS.

## PAPER PRESENTED.

By the COLONIAL SECRETARY: Annual report of Registrar of Patents.

Ordered to lie on the table.

## QUESTION—NORTHAMPTON RAILWAY STATION.

HON. R. S. HAYNES asked the Colonial Secretary:—1, Have any complaints been made to the Resident Engineer at Geraldton with reference to the condition of the Northampton Railway Station? 2, If it is a fact that the station is in an unfenced and unprotected state, and if so, when do the Department intend to erect a fence? 3, If it is a fact that pigs are to be found disporting themselves under the station verandah? 4, If it is a fact that the station premises are used as a camping ground for stock, and, if so, does the Minister realise the consequences from a sanitary standpoint? 5, When were the stock trucking yards (situated close to the passenger platform) last cleaned out? 6, Is there any truth in the rumour that the condition of the station premises is a menace to the health of the town? 7, Are the buildings to be placed in a state of repair, or is it intended to remove the station to a less objectionable locality?

THE COLONIAL SECRETARY replied: 1, Yes. 2, The station is unfenced, and it is not considered necessary that it should be fenced. 3, No; the station master, on one occasion only, let his two pigs out for a run, and they chanced to wander into the station yard. 4, No. 5, Time not sufficient to allow of this information being obtained. 6, No. 7, The buildings are in a state of repair. It is not proposed to remove them to another site.

## QUESTION—PATRIOTIC POEM, MR. F. L. WEISS.

HON. R. S. HAYNES asked the Colonial Secretary: 1, Was a communication sent from the Premier's Department to Mr. F. L. Weiss on the 18th August last, expressing pleasure at the perusal of Lord Wolseley's letter respecting Mr. Weiss's patriotic poem "Rally, Comrades, round our Empire Flag unfurled"? 2, If so, are the Government prepared to lay a copy of the communication on the table of the House?

THE COLONIAL SECRETARY replied:—1, Yes. 2, Copy of the letter referred to is attached hereto.

## RAILWAYS ACT AMENDMENT BILL.

## SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell): In moving the second reading of this Bill, I have only a few words to say. It appears that a decision was recently given in the police court of Perth which has made this Bill necessary. It was held that the book containing the tolls hung up at the railway stations was not sufficient to meet the requirements of the Act, and the case which was taken into court was dismissed on that ground. It was held to be necessary that a list of all the tolls should be published on the toll board, and posted in a conspicuous place at each railway station. The practice is to have white letters on a black board or black letters on a white board. Inasmuch as the tolls are of very great length, the Railway Department are unable to place them all on the board; therefore this Bill is brought in for the purpose of legalising the posting of the book of tolls at railway stations. As much as possible of the tolls will be painted on the toll board for the information of persons using the railways. Hon. members will see it is very desirable that this Bill should be passed, and that the Railway Department shall have this protection. I am informed it is a very important Bill, and is brought forward in the interests of the railways.

Question put and passed.

Bill read a second time.

## IN COMMITTEE, ETC.

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

Read a third time, and passed.

## BOULDER HEALTH RATES VALIDATION BILL.

## SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This is a Bill to validate two rates made by the Boulder Local Board of Health in the years 1899 and 1900 respectively; but I am sorry to say I

have not much or any information to lay before hon. members. The Bill was introduced by a private member in another place, but adopted by the Government, by whom it is considered necessary the rates made by the local board should be validated. I think there was something informal in regard to the levying of the rate, as I am not aware there is any other reason why the rate was not so made as to be correct. It is stated the rates were lawfully made as required by Section 27 of the Municipal Institutions Act, 1895, but doubts have arisen, and therefore, it was deemed expedient to introduce this validating Bill. By the passing of the Bill, the local board will be able, subject to an appeal, to collect their rates in accordance with the Act.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE, ETC.

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

Read a third time, and *passed*.

#### RESOLUTION—PUBLIC SERVICE, TO GRADE AND CLASSIFY.

##### ASSEMBLY'S AMENDMENT.

The Council having passed a resolution for the appointment of a Royal Commission to grade and classify the public service, and the Assembly having amended the resolution by striking out the words "Royal Commission" and inserting "board" in lieu, the Assembly's Message was now considered.

#### IN COMMITTEE.

THE COLONIAL SECRETARY moved that the amendment made by the Legislative Assembly be agreed to. The Government had carefully considered the question, and had decided that in the interests of the public servants it would be best to appoint a board, not necessarily of civil servants, though probably some members of the public service would be on the board in any case. The *personnel* of the board had not yet been fixed, but it was highly desirable some of the heads of the departments should be members, seeing that they had an intimate acquaintance with matters that would come under consideration, and would be able to deal more effectively with these than could

any outside commission. He hoped hon. members would agree to the amendment proposed by the Legislative Assembly.

Question put and passed, and the Assembly's amendment agreed to.

Resolution reported, and the report adopted.

#### CONSPIRACY AND PROTECTION OF PROPERTY BILL.

##### SECOND READING.

HON. R. S. HAYNES (Central), in moving the second reading, said: The Bill, which has been introduced in the Legislative Assembly for the purpose of amending the law having reference to trades unions and trades disputes, is based on an Act which was passed in England in 1875, and has been in force there ever since. Only recently a prosecution was laid against some persons who had only done in this colony what was perfectly lawful in England. As the law here was not up to date, the defendant had done that which was an offence in Hay street, but which would be perfectly lawful in Oxford street, London. The attention of Mr. Ewing, a member of the other Chamber, was drawn to this matter, and that gentleman deserves credit for having drafted this measure to remove what is undoubtedly an anomaly in our law. Clause 2 provides—

An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

As the law stands at present, trades unions are illegal, and all persons joining them are under certain circumstances liable to be prosecuted for conspiracy. I do not suppose anybody would have the rashness to proceed against workmen under the present law, or that any jury would be found to convict; but if what I have stated is law, that law ought to be amended. Certain provision is made in the Bill to see that the measure is carried out fairly, and this clause is identical with Section 3 of the English Act of 1875. Clause 3 provides that breach of contract by persons employed in the supply of gas and water is punishable; and the object of that is to prevent

strikes in gas factories or water works, because such occurrences would simply mean ruin to trade, and practically bring disaster on any city. This clause also is an exact copy of Section 4 of the English Act of 1875. Clause 4 provides—

Where any person breaks a contract of service or of hiring, without giving seven days' notice of his intention so to do, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, he shall, on conviction thereof by a Court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding Ten pounds or to be imprisoned for a term not exceeding one month, with or without hard labour.

This is an excellent clause, and a copy of Section 5 of the English Act. Clause 5 validates trades unions, and without this clause, it seems to me, trades unions are unlawful. This provision is not in the English Act to which I have referred, but is contained in another English Act. Clause 6 provides a penalty for neglect by a master to provide food and clothing, etc., for servants or apprentices; and this is a copy of Section 6 of the English Act. Now I come to perhaps what is the most important clause of all, namely Clause 7, which reads—

Every person who, with a view to compel any other person to abstain from doing, or to do, any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority: (1.) Uses violence to, or threatens with violence, such other person, or his wife or children, or injures his property, real or personal; or (2.) Persistently follows such other person about from place to place; or (3.) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of, or hinders him in the use thereof; or

And these are the important words :

(4.) Watches or besets the house or other place where such person resides, or works, or carries on his business, or happens to be, or the approach to such house or place; or (5.) Follows such other person, with two or more other persons, in a disorderly manner in or through any street or road, shall be liable to a fine of £20 or to imprisonment for three months.

HON. D. MCKAY: Is that the law in this colony?

HON. R. S. HAYNES: It is absolutely illegal in this colony, because it is practically conspiracy; but the Bill does

not in any way authorise such practices, but says that if a person does indulge in them he shall be liable to the penalty I have mentioned. My impression is that in all these cases tried before a court of summary jurisdiction, it is much better to punish a person by fining him £5 or £10, and thus call attention to the fact that there is a breach of the law, than to go to the trouble of trying to punish one for conspiracy, which would occasion a great outcry, the result being that the law would not be carried out at all. The principle upon which the Judges proceed now is that of quick decisions, just judgments, and very light punishments. This provision is taken from Section 7 of the English Act, and unfortunately one portion of the section has been cut out. That is a very important portion, dealing with the word "besetting." It says:—

Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section.

That practically means that picketting under certain circumstances is not unlawful, and I take it that without that provision the Bill is practically useless. Why that provision has been left out, I cannot understand, but I have had a communication from the member who introduced the Bill in another place, and he assured me the omission was against his will. The provision was excised by some hon. member who took charge of the measure while he was away. It seems to have slipped out in some manner or other, and I trust to slip it in when we are in Committee. If we are to have the Bill, let us have it on English principles. "Picketing" is pretty well a legal definition. Persons may speak to you, but they must not intimidate you. At the present time if a person is near the door, he is breaking the Act, and this provision is put in to make the Act workable. I entreat the House to pass these measures as much as possible upon the very words of the English Act, and for this reason: all these sections have gone to the House of Lords, and we have had decisions in the House of Lords upon them. If we are to alter them, we shall not know where we

are; but we shall know what the law is if we pass the Bill in the same terms as those contained in these sections. Clause 8 refers to power for an offender under this Bill to be tried on indictment and not by court of summary jurisdiction. That gives him the right which a person has in England, where it is conferred by Section 9, because it may be a most important matter. In England one may demand to be tried by a judge and jury in nearly all cases where the fine is, I think, over £10—I am not sure as to the amount—or the punishment is over one month. We have not got as far as that in this colony yet. That is a step in the right direction. Clause 9 of the Bill deals with proceedings before a court of summary jurisdiction, and it is simply Section 10 of the English Act. Appeal is given in the same manner as in England. There is a provision in the Bill that “nothing in this Act shall apply to seamen or apprentices to the sea service.” That is not in the English Act, but I think it is a proper thing to insert. Still it does not affect us very much, because we have not any very large coastal marine business or marine service in the colony. Clause 12 provides that a master is not to act as magistrate, etc., and I think everyone will approve of that; but I do not think it is really necessary to be in the Bill, because if it were not in the Bill I think the Supreme Court would probably set such person aside. Clause 13 deals with definitions of “municipal authority” and “public company.” The English Act goes very much further. There are very many definitions and so on in it, but they are absolutely unnecessary for the purposes of this Bill. I have much pleasure in moving the second reading of the Bill, and I hope the House will be with me in inserting the clause which I propose to move. I ask the Colonial Secretary whether I shall have time to send it to another place and to get it back. If not, I wish the Bill to be passed as it is.

**THE COLONIAL SECRETARY:** There will be some risk, I think.

**HON. R. S. HAYNES:** At all events I have much pleasure in moving the second reading of the Bill, and if it be passed in its present form, I shall propose an amendment next session.

**THE COLONIAL SECRETARY:** Parliament will be prorogued at half-past three to-morrow.

**HON. R. S. HAYNES:** I have now pleasure in moving the second reading of the Bill.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE, ETC.

Clauses 1 to 6, inclusive—agreed to.

Clause 7—Penalty for intimidation or annoyance by violence or otherwise:

**HON. R. S. HAYNES** moved that the following paragraph be added to the clause:—

Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section.

Put and passed, and the clause as amended agreed to.

Clauses 8 to 13, inclusive—agreed to.

Preamble and title—agreed to.

Bill reported with an amendment, and the report adopted.

Read a third time, and returned to the Legislative Assembly.

#### WATER STREET (NORTH FREMANTLE) CLOSURE BILL.

##### SECOND READING.

**THE COLONIAL SECRETARY** (**Hon. G. Randell**), in moving the second reading, said: I understand the municipality of North Fremantle have consented to the closing of the street, and that the street is not now used at all. I do not think I need say more than that the street is not now wanted, and it can therefore be transferred to Her Majesty.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE, ETC.

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

Read a third time, and passed.

#### BANK HOLIDAYS FURTHER AMENDMENT BILL.

##### SECOND READING.

**THE COLONIAL SECRETARY** (**Hon. G. Randell**), in moving the second reading, said: In connection with this Bill, I

am informed that considerable inconvenience is experienced in various parts of the colony by the Act which was passed last session, in which it is provided amongst other things that whenever any holiday falls on any day of the week which is not a Monday, the holiday shall be kept up on the following Monday. I anticipated trouble and difficulty at the time the Bill was passing through this House, and I suggested to Mr. Kidson that he had better make some alteration in the measure. However, he thought otherwise, and I moved no further in the matter. Representations have been made that it is exceptionally inconvenient, especially to business people and to those in trade; and now that the steamers are calling at Fremantle, it is inconvenient to the shopkeepers and traders at the port. There are other reasons why this Bill should be passed. I believe the same opinion is held in Perth. I think Monday is an exceptionally inconvenient day on which to close a bank. It exposes business people who have received considerable sums of money on the Saturday to risk for a longer time than they should be so exposed. I am in agreement with the Bill. If the measure is passed, holidays will be held on the days on which they occur. I move the second reading of the Bill.

HON. J. M. SPEED (Metropolitan-Suburban): Before this Bill passes I should like to make a few remarks. It appears to me that this Bill is to be passed for the convenience of Fremantle, and that the people in other parts of the colony are not to be considered. There is not the slightest doubt that last year when the Act was passed it received a certain amount of consideration, and there were good reasons given why the Act should become law. The chief reasons were the advantages afforded to clerks and employees who reaped benefits under the Bill. It seems a rather unfair proceeding, as far as they are concerned, that this alteration should be made in a hurried manner. It would have been far better if the Government had devised some means by which the holiday could be held on some other day than Monday in Fremantle and allow the Act to remain as it is to apply to the rest of the colony. I believe the people generally are quite satisfied with the Act, as it enables people

very often to take short trips which they otherwise would not be able to do. The civil servants also reap considerable advantage by the law as it at present stands. I shall certainly vote against the Bill unless some very much stronger reasons are brought forward by the Colonial Secretary in favour of it. The Government might gazette the holidays at different times for Fremantle instead of having them fixed for a Monday. At the same time we should acknowledge the custom, as it is convenient for the rest of the colony.

HON. T. F. BRIMAGE (South): I cannot support the Bill from a goldfields point of view. When a holiday takes place, as it does on a Monday now, it affords residents who live in the country an opportunity of visiting the metropolis. That has been the custom for some time, and the country people have felt the advantage of the holiday. In South Australia a similar Act proved a great success, and I trust if Fremantle or Perth require an alteration, the Bill will be so amended that the people living away from the metropolis are enabled to enjoy the privilege which the Act affords them.

HON. J. W. HACKETT (South-West): I hope the Bill will be carried. The interruption and annoyance in business are intolerable at the present time. This is one of the bits of experimental legislation that was brought forward in South Australia, and which has not been introduced into any other colony except this one. It afforded an opportunity to some member getting a Bill passed and his name attached to it, and in that way the Act was run through. To business people in Perth the Act is a perfect nuisance. As to the civil servants, they are quite able to look after themselves. They get so many holidays and they go in at nine o'clock in the morning, have an interval of one hour in the middle of the day, and knock off at four o'clock.

HON. R. G. BURGESS: Before that.

HON. J. W. HACKETT: Yes. If one stands on the steps of the Government offices he has a chance of being knocked down by the rush as the clerks come down the stairs. I have often timed my watch by the punctuality at which the civil servants appear in the streets.

HON. A. P. MATHESON (North-East): I certainly shall oppose the Bill. Speaking as a business man, I may say that directly I have found the existing Act very convenient indeed. Before the Act was passed I never knew from week to week what unexpected holiday might be shot at me. A clerk would come into my office and say: "To-morrow is a holiday," which would be the first I would hear of it. Now one knows all the holidays, and people make their arrangements a fortnight in advance, and we hear all about the holiday in advance, which is a great convenience.

HON. J. W. HACKETT: There are too many holidays.

HON. A. P. MATHESON: I quite agree with the hon. member, but we cannot get rid of them, so we must marshal them in such a way as to be convenient to the public. An objection has been raised that Monday is mail day. I want to say in that respect that if Monday is mail day nearly every man in business has his letters finished by Saturday. The mail closes at 10 o'clock, it is a mere accident if it closes at 4, and owing to the postal arrangements, people must be prepared to post their letters at 10 o'clock in the morning. Now and again we find a notice in the papers that the mail will close at 4 o'clock. If a person has to write 30 or 40 letters, as I have every mail, he must have those letters written in advance.

HON. J. W. HACKETT: It never closes before 4 o'clock now.

HON. A. P. MATHESON: The hon. member is now prophesying.

HON. J. W. HACKETT: But it does not close before 4 o'clock now.

HON. A. P. MATHESON: It may be that there is a favourable state of the weather and the mail closes at 4 o'clock, but it has usually been the practice to close at 10 o'clock.

HON. J. W. HACKETT: The mails are posted to close at 10 a.m., but they do not close till evening.

HON. A. P. MATHESON: Dealing generally with the question, Mr. Hackett's objection to the existing Act is that it is a fad. That is the only real objection or argument which has been raised against the Act. I have not heard any real reason why this amending Bill should be passed at all.

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

Ayes	...	...	...	6
Noes	...	...	...	9

Majority against ... 3

AYES.	NOES.
Hon. E. G. Burgess	Hon. G. Bellingham
Hon. J. W. Hackett	Hon. T. F. Brimingham
Hon. W. Mailey	Hon. C. E. Dempster
Hon. D. McKay	Hon. J. T. Glowrey
Hon. G. Randell	Hon. A. P. Matheson
Hon. J. E. Richardson	Hon. M. L. Moss
(Teller).	Hon. C. Sommers
	Hon. J. M. Speed
	Hon. A. B. Kidson
	(Teller).

Question thus negatived, and the Bill rejected.

### PUBLIC SERVICE BILL.

#### ADMINISTRATOR'S SUGGESTION OF AMENDMENT.

The Legislative Assembly having, on the suggestion of the Administrator, amended the Bill in Clause 30 (public holidays) and in Clause 41 (classification of the public service), the further amendments were now considered.

#### IN COMMITTEE.

THE COLONIAL SECRETARY (referring to the first suggested amendment) expressed regret that the Bank Holidays Further Amendment Bill had not met with the concurrence of hon. members, because he thought in consequence of the rejection of the measure, the business of the country must suffer to a considerable extent. Because a few people from different parts of the country liked to take advantage of the Saturday-to-Monday holiday to come down to the coast, this should not be a sufficient reason why the business of the country must suffer to the extent he was informed it had suffered. Ship-masters arriving at Fremantle on a Monday were put to much inconvenience when there was a holiday, inasmuch as a day must be lost or double wages be paid; and this circumstance was calculated to injure the port in the eyes of ship-masters. The whole matter was much more important than most hon. members thought; and it seemed supremely ridiculous that a holiday occurring on a Tuesday should not be held until the following Monday. In such case, and he spoke from knowledge of what had been common report and

expression of opinion, the interest was taken away from the holiday; therefore he hoped hon. members would now reconsider their decision. The proposal had not been brought forward without good information being afforded to the Government that the Act was working mischief. Mr. Hackett had addressed himself generally to the question, and there was now no necessity to detain the House, except to say this was a serious matter. It was not a question of a holiday to permit of persons reaching the coast, but a question of the business of the country as represented in Perth and Fremantle; and to disagree with the Message would have the most prejudicial effect, not only in the coastal districts but other parts of the country as well. He moved that the recommendation No. 1 be agreed to.

HON. A. P. MATHESON: The Colonial Secretary appeared to have overlooked the fact that this Message only applied to civil servants, and not to the shipping or mercantile community, or any other branch of business. This Message was doubtless a consequential amendment on the measure which had just been rejected, and the Council should decline to agree to His Excellency's recommendation.

Question put and negatived, and the suggested amendment not agreed to.

THE COLONIAL SECRETARY moved that the second recommendation of His Excellency (as to classifying the public service) be agreed to. This was quite another matter, and no doubt hon. members would agree to it.

Question put and passed, and the second amendment agreed to.

Resolutions reported, and the report adopted.

#### INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

##### ASSEMBLY'S FURTHER AMENDMENT.

The Legislative Assembly having further considered the Council's amendments, having also withdrawn its objection to amendments numbered 2 and 12 made by the Council, and having further amended No. 5 amendment by reducing the amounts of security to one-half, this further amendment was now considered.

#### IN COMMITTEE.

On motion by the COLONIAL SECRETARY, the Assembly's amendment on the Council's amendment was agreed to.

Resolution reported, and the report adopted.

#### ASSEMBLY'S RESOLUTION—MILITARY CONTINGENTS, W.A.

##### THANKS TO SOLDIERS—SYMPATHY TO SUFFERERS.

Message from the Legislative Assembly considered, requesting concurrence in the following resolution:

That the best thanks of this Parliament be and are hereby accorded to the officers and members of the W.A. Contingents, who so patriotically volunteered to serve the Empire in the South African war, and whose services and valour have been so highly appreciated and commented upon by the Commander-in-Chief and his Generals. Also, that the heartfelt sympathy of Parliament be extended to those who have suffered wounds or ill-health in carrying out their duty to the British flag; and to the relatives of those whose lives have been lost in fighting for the cause of the Empire.

THE COLONIAL SECRETARY (Hon. G. Randell): This is a matter of some interest and importance, and I rise to move that the Assembly's resolution be agreed to. I heartily reciprocate the sentiments expressed in the resolution, and I feel sure hon. members will do the same. I do not wish to detain the House by any lengthy remarks, but it is a source of satisfaction to the colony as a whole that the officers and men who were sent from here to engage in warfare in a distant part of the world on behalf of the Empire, have discharged their duties well and faithfully to the entire satisfaction, apparently, of the commanding officers of the forces in South Africa. It must be extremely gratifying to find that the soldiers of Australia have won so many laurels in the battlefield, not only by loyalty to their comrades, but by self-denying and self-sacrificing efforts to rescue their brethren in arms when the latter have been wounded in the field and under the fire of the enemy. Our troops have also manifested powers of endurance and an aptitude for the rôle of soldiers, especially in the kind of warfare in which they have been engaged. If in the distant future, and I hope it may be far distant, there be heard the sound



of warfare in Australia, we may hope that the reputation gained by our soldiers in the field in South Africa will be fully maintained in the defence of their own country. I think I need do no more than again read the resolution which has been arrived at by the Legislative Assembly, and move that it be concurred in.

HON. J. W. HACKETT (South-West): I have great pleasure in seconding this motion. It is one of those matters on which little indeed need be said, for it is a case of painting the lily or gilding refined gold; and I need only point out that the success of our representatives in South Africa has come as a surprise to the Empire, to the world, and even to ourselves in Australia. It forms, I believe, an epoch in the history of the British Empire. I am satisfied that the less we say, the more distinct and emphatic will be our expression of approval and admiration of the brave deeds of our soldiers in South Africa. Therefore without more words I second the motion.

Question put, and passed unanimously.

#### BILLS OF SALE AMENDMENT BILL.

##### SECOND READING.

HON. J. M. SPEED (Metropolitan-Suburban), in moving the second reading, said: This is a short Bill, adding to the exceptions in the original Act. These articles are now obliged to be registered, and there is a considerable amount of expense incurred over them. I understand the mercantile community are desirous of having a change, and they consider in the interests of the community it is better to allow these different articles to be dealt with as they were before the passing of the Act last year. I intend to move in Committee that the words "musical instruments" be inserted instead of "organ," and that the words "agricultural implements" be added. I do not know that it is necessary for me to say anything more on the Bill.

Question put and passed.

Bill read a second time.

##### IN COMMITTEE, ETC.

Clause 1—agreed to.

Clause 2—Amendment of Section 54 of principal Act:

HON. J. M. SPEED moved that the word "organ" be struck out, and "musical

instruments, agricultural machinery and implements" be inserted in lieu.

HON. A. B. KIDSON: Either all hired things or none should be exempted.

HON. J. M. SPEED: The community were desirous of having this alteration because these things were generally sold on the hire-purchase system, and it was rather hard to put the expense on persons who took these different articles.

HON. A. B. KIDSON: Did not that apply to all?

HON. J. M. SPEED: So far as agricultural implements were concerned the provision was made especially for the benefit of the agriculturists themselves. He was informed that people often got these implements on the hire-purchase system from the different merchants, and it was an assistance to be able to get them without having to incur the extra expense of having them registered.

HON. M. L. MOSS: Last year we passed a Bills of Sale Act, the effect of which was to consolidate all the laws relating to bills of sale. Up to last year a person who hired goods on the hire-purchase system was in possession of the whole of this property, and was getting a considerable amount of credit on the assumption that he was the owner of all the property in his possession; whereas when persons got a judgment against him and an execution was issued, they were met by an unregistered hire agreement. It had been considered that this was improper and very misleading to people who had transactions with persons in possession of household furniture. The Act passed last year said hiring agreements should be deemed bills of sale, and that they would have to be registered exactly in the same way as bills of sale; but an exception was made in regard to hiring agreements relating to pianos, as it was felt that to compel registration in such cases would press unduly and not carry the matter much further. The object of the law was more to get at those houses of furniture which were sold under this hire-purchase system. Besides pianos, other articles, including billiard-tables and agricultural machinery, were sold upon the time-payment system. Speaking for one large firm—Messrs. Sandover and Co.—that firm had approached him in reference to this matter, and said the law was operating

very detrimentally to the sale of these machines. That firm took the precaution to have all these transactions properly fixed up. He believed that in the majority of cases vendors of agricultural machinery had been going on in blissful ignorance of the alteration, and a good deal of hardship had taken place. In most instances vendors of this machinery resided in Perth or Fremantle, whereas the person taking it resided in the country. The amendment proposed by the hon. member was worthy of the consideration of the Committee. There was only one thing he (Mr. Moss) regretted. Early in the session Mr. Stone proposed to amend the Bills of Sale Act in other respects, and he (Mr. Moss) said it was a pity we were continually dealing with an important matter affecting mercantile transactions session after session. The other Bill having been dropped, or lost in its journey through one branch or the other of the Legislature, next session we should be obliged to attend to this subject again. The matters in Clause 2 were so important that in the interests of the business people in this community we were certainly bound to pass that clause.

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

Preamble and title—agreed to.

Bill reported with an amendment, and the report adopted.

Read a third time, and returned to the Legislative Assembly with an amendment.

#### PERTH ELECTRIC TRAMWAYS LIGHTING AND POWER BILL (PRIVATE).

##### SECOND READING—AMENDMENT.

HON. R. S. HAYNES: The Colonial Secretary moved the first reading of this Bill.

THE COLONIAL SECRETARY: I do not remember, but if I did so it was because no one was here to take charge of the Bill.

HON. J. M. SPEED (Metropolitan-Suburban): I move that this Bill be discharged from the Notice Paper, as there seems to be no one in charge of it.

HON. R. S. HAYNES: I think I am in possession of the Chair.

HON. J. M. SPEED: The hon. member came into the Chamber and said he did not know who was in charge of the measure.

THE PRESIDENT: The hon. member (Mr. Speed) cannot do any good by moving that motion now.

HON. R. S. HAYNES: Let the hon. member move it, if he likes. We can take the sense of the House.

THE PRESIDENT: The hon. member (Mr. Haynes) will retire, so that Mr. Speed can submit his motion.

HON. J. M. SPEED: I move that the Order of the Day be discharged, and I have many reasons to give why the Bill should be discharged. This is an attempt —

THE PRESIDENT: Would it not be a better and simpler plan for the hon. member to move that the Bill be read this day six months, after the second reading has been moved?

HON. J. M. SPEED: This is really an attempt which is being made to obtain the rights of the city of Perth, behind the backs of the City Council as the local authority.

THE PRESIDENT: Does not the hon. member think it would be better to have the discussion on the second reading?

HON. J. M. SPEED: I will take a division on the Bill now and settle the question, and I would like to say a few words in support of my motion. A majority of the members of the Perth City Council, with the exception of two or three, are against this Bill.

HON. D. MCKAY: Does the Bill not go before the ratepayers?

HON. J. M. SPEED: It may go before the ratepayers, but the Bill should not go behind the backs of the local authority. According to the Electric Lighting Act of 1892, ample powers are given to the city of Perth or any corporation to deal with any contractors on a question of this kind, and I think the mayor and corporation of the city of Perth are the proper persons to deal with the proposed company. It is not necessary for me to say more, except that at the last municipal election every member of the Perth City Council, from the mayor downwards, was pledged to municipal lighting. If the Bill be passed, municipal lighting in Perth will not exist for at least 20 years. I am not speaking on behalf of the Perth Gas Company or any company, but on behalf of the citizens of Perth who are in favour of the municipalisation of the lighting of the city. This is a matter for

the Perth Council and the ratepayers of Perth to fight out with any persons who wish to have a concession granted to them. This Bill is a slight on the Perth Council. An attempt is being made to get behind the feelings of the ratepayers of Perth; and I think the local authority for the time being have a right to be consulted, as they represent the citizens more closely than this House can, for this House represents all parts of the colony. If the persons who have brought forward this Bill are not able to obtain the consent of the Perth Council, is it right for Parliament to go behind the feelings of the ratepayers and pass a Bill of this kind?

HON. C. E. DEMPSTER (East): I second the motion.

HON. A. P. MATHESON (North-East): I cannot agree with what Mr. Speed has said in respect to this Bill, more particularly as to what he said in regard to the Electric Lighting Act of 1892, because as a matter of fact a special provision is made in this Bill that the measure is to be incorporated with the Act mentioned, and the undertakers are to be deemed to be undertakers within the meaning of that Act.

HON. R. S. HAYNES: Take a division first on the motion that the Order be discharged.

THE PRESIDENT: I think it would have been better for Mr. Speed to have taken a division on the second reading.

HON. J. M. SPEED: I will withdraw my motion.

HON. R. S. HAYNES: It cannot be withdrawn now. Let the motion go to a division.

Motion put and negatived.

HON. R. S. HAYNES (Central): I beg to move the second reading of this Bill. It has been before a select committee of the Legislative Assembly. I do not know if the select committee's report is here, but it naturally accompanies the Bill. It is sufficient for me to say the undertakers are granted a license to supply electricity to the city of Perth under the Electric Lighting Act of 1892. Clause 3 limits the Bill to the municipal boundaries of the city of Perth; therefore it is a matter entirely applying to the city of Perth. The company is granted power to supply electricity subject to the Bill for a period of twenty-one years. The design and

material of all poles, pillars, standards, and other erections in the streets have to be approved by the local authority, and no pole, pillar, standard, etcetera, is to be erected in the street for electric lighting purposes without the approval of the local authority, and power is given to lay wires underground, so that very full powers are reserved to the local authority. In the absence of any special contract with the local authority, the price to be charged by the undertakers for all electric lights supplied to the local authority shall be less by ten per cent. than the price charged to private consumers. Until otherwise fixed, according to the Bill, the maximum price at which electricity for electric lighting purposes shall be sold shall not exceed 7d. per unit. That in itself is a safeguard to the citizens. At the present time the price of electricity is 10d. per unit in the city of Perth.

THE COLONIAL SECRETARY: What price?

HON. R. S. HAYNES: The maximum price to be charged according to the Bill is 7d., at present the price is 10d., and I have ascertained that 7d. or 8d. per unit is the lowest price at which electricity can be supplied. In Fremantle, I understand, the contract price is fixed at 1s.

HON. M. L. MOSS: Tenpence.

HON. R. S. HAYNES: This Bill fixes the price at 7d. as the maximum. The rent of meters shall not exceed 15 per cent. on the cost price in Perth. Power is given for the local authority to appoint inspectors of meters. There is power given to compulsorily purchase the works of the undertakers. Clause 11 says:—

It shall be lawful for the local authority at any time after the first day of January, one thousand nine hundred and twenty, upon giving to the undertakers six calendar months' notice of their intention so to do, to purchase all the lands, works, assets, and property of and belonging to the undertakers and used in connection with the matters aforesaid, but not including goodwill, at such price and upon such terms and conditions as shall or may be mutually agreed upon between the undertakers and the local authority.

There is the usual clause in regard to arbitration, the saving rights to Her Majesty, and the Bill is to be deemed a public Act. The works are to be commenced within six months from the 1st January next year, and within one year

and six months the company are to be able to supply electricity to the public; in default the Bill becomes void and the money deposited by the undertakers may be forfeited. There is a provision as to giving notice, and another important clause has been inserted giving 2 per cent. of the gross earnings to the local authority. Not only are the Perth Council to get light at a much lower price than private consumers, but they are to get a profit on the gross earnings.

THE COLONIAL SECRETARY: Whether the company make any profit or not.

HON. R. S. HAYNES: Books of account are to be kept and are to be open to inspection. Now I come to one of the most important elements of the Bill. It is left entirely to the ratepayers to say whether they will have electricity supplied by this company or not, and although Parliament may pass the Bill, it is left to the ratepayers to say whether it shall become law or not:—

If within one calendar month after the passing of this Act the local authority pass a resolution that the ratepayers of the municipality of Perth be consulted in reference to this Act, the following provisions shall apply.

I take it the local authority would be bound in the interest of the ratepayers to pass a resolution to submit the question to the ratepayers:

(a.) By the same or any subsequent resolution, a day shall be fixed, not more than two months after the passing of this Act, upon which the votes of such ratepayers shall be taken upon such question. (b.) The local authority and the undertakers may each appoint, in writing, two scrutineers for the purposes of such poll. (c.) After having ascertained the result of the poll in the manner provided by the said Act, the person acting as Returning Officer shall declare the number of votes for and against the rights given by this Act being conferred upon the undertakers, and shall certify such result in writing to the local authority and promoters. Such certificate shall be conclusive and binding.

The City Council appeared before the select committee, and it was decided they should pay their costs, because they were looking after the interests of the ratepayers. I do not think it was even due to the select committee that the clause was put in, but this, I believe, was due to Mr. James. I find other Bills with a similar clause have been introduced, and it is a safe provision, leaving the rate-

payers by a majority to decide whether it should be adopted or not.

HON. M. L. MOSS (West): I do not see why a statute is required to carry out the purposes contained in Clause 20 of the Bill.

THE PRESIDENT: Is the hon. member seconding the motion for the second reading?

HON. M. L. MOSS: I am not.

Question again put.

HON. M. L. MOSS: I was saying I do not see why a statute was required for the carrying out of the purposes of Clause 20 of the Bill. The Electric Lighting Act of 1892 contains ample provisions within its four corners to enable the City Council of Perth, if they think necessary, to enter on a contract with the Perth Electric Tramways Company to carry out a system of electric lighting in Perth. Are we to be asked to pass legislation in respect of every municipality throughout the colony, whenever a scheme is proposed for the purpose of giving electric lighting to those towns? I have always understood that the Electric Lighting Act of 1892 was one comprehensive measure, passed for the purpose of enabling local authorities to make contracts with persons for the purpose of electric lighting: and when we look carefully at the provisions of the Bill, that will be seen. I invite hon. members to look at the side notes of the clauses, and ask themselves whether any of the matters contained therein from Clause 3 down to Clause 20 should not be more properly incorporated in any contract which the City Council may make with the Tramway Company. Take Clause 24, "License granted to undertakers under Electric Lighting Act." If the City Council are left free to make a contract in the matter, they are bound to guarantee the contract under the Electric Lighting Act of 1892, and we do not require legislation. Then the local authority can approve plans; and what could be more simple than to incorporate that in a contract? Then the local authority is given power to alter the situation of works; and that is another matter for contract and not for legislation. Sub-clause 2 of Clause 6 gives power to require works to be laid underground; and that also is a matter for contract. Are we to be asked in the case of municipalities which require a system of

electric lighting, to pass a Bill of this kind?

HON. J. M. SPEED: When it suits them.

HON. M. L. MOSS: I do not know the object of the Bill. There may be something hidden in the measure, but so far as I can see, the matters might well be the subject of contract under the Act of 1892. Clause 7 provides for the price of electricity to local authority. Other towns of the colony which have adopted electric lighting have put in a maximum amount to be charged in respect of the electric lighting concession; and that again is a matter of agreement, as is also that of the rent of meters. And now, perhaps, I come to one part of the Bill where there is a penalty which may be recovered before two justices; but I do not think this in itself is sufficient to justify the power of Parliament being called into play to pass the measure. Then Clause 9 gives power to the local authority to appoint an inspector of meters; and that is a matter which might well be incorporated in an agreement. Then we find the licensing of engineers, compulsory purchase, and the saving of Her Majesty's rights, provided for; but, without the Bill, Her Majesty's rights are protected, and the probable effect of the Bill is to trench on somebody else's rights which are not saved. However, I will not go further, but it seems to me that the Act of 1892 confers on the City Council and every municipality all the powers necessary. There is one principle in the Bill which I think should be objected to. I know the Colonial Secretary has said it is not right to take a referendum on every conceivable subject, because such a course is not beneficial to the community. I agree it is only on large and important questions that such cumbersome means should be brought into operation, but there is a provision in the Bill that the opinion of the ratepayers is to be taken on the question. What is everybody's business is nobody's business; and where you have on the one hand a wealthy company like the Tramways Company, they can by the expenditure of a little money turn any ballot in their favour. There is one thing the House ought to demand, not only in regard to this Bill, but in regard to other measures sent down on the last day of the session. We are asked to swallow

the whole Bill in one act, and Mr. R. S. Haynes has given no explanation of its provisions. In another place this Bill was referred to a select committee, who asked witnesses some 2,023 questions, and examined some 35 witnesses. But what is this Chamber asked to do? We are asked to take the Bill for granted on the last day of the session, without any consideration whatever. We have legislation on the statute book to enable the Perth City Council to contract with the company, and as the Bill does no more, the good sense of the House should reject the measure. I am told by Mr. Speed, who speaks with some authority on City Council affairs, that this Bill is opposed to the opinions of a majority of the City Council.

HON. J. M. SPEED: A great majority.

HON. M. L. MOSS: I do not know whether that is the case or not. I have not been able to peruse very carefully the report of the select committee, but I cannot find anything in it which shows that the City Council approve of the measure. I think this Chamber might usefully leave in the hands of the City Council the right to deal with the matter, and not as the Bill says. Clause 4 provides that a license may be granted to the undertakers under the Electric Lighting Act.

HON. C. E. DEMPSTER: Taking it out of the hands of the City Council.

HON. M. L. MOSS: The Bill really takes out of the power of the City Council of Perth the right to make a contract under the Electric Lighting Act of 1892. As we are honoured with the presence of the Mayor of Perth (Hon. W. G. Brookman), it would be interesting to know whether the Bill meets with the approval of the City Council. The attitude I take up is that existing legislation is sufficient to enable the local authority to make contracts, which can contain the whole of the provisions of the Bill. Under these circumstances, I do not see why the Legislature should interfere, and I move

That the Bill be read this day six months.

HON. A. P. MATHESON (North-East): I do not quite agree with what has fallen from Mr. Speed or Mr. Moss on this matter, but there is one fatal blot on the Bill which neither gentleman has alluded to.

HON. M. L. MOSS: That is what I say; we have not had time to consider the Bill.

HON. A. P. MATHESON: And it is very likely that if these gentlemen had read the Bill four or five times, they would have overlooked the blot.

HON. J. M. SPEED: I suppose you would see it in one reading!

HON. A. P. MATHESON: I was prepared for the blot. I may inform the House I happen to have considered the question of contracts very closely, in reference to electric lighting, and therefore I was quite prepared to look at the vital clauses straight away. This Bill is to be read in conjunction with an agreement which the Tramways Company have already entered into with the local authority, or the Perth City Council.

HON. M. L. MOSS: Why do they want an Act of Parliament?

HON. A. P. MATHESON: The hon. member does not seem to see I am rather assisting him than otherwise.

HON. M. L. MOSS: I beg your pardon.

HON. A. P. MATHESON: When they started this undertaking—

HON. W. G. BROOKMAN: Electric Lighting is the subject before the House, and the City Council did not enter into any contract at all.

HON. A. P. MATHESON: When the Perth Tramways Company started their undertaking—

HON. W. G. BROOKMAN: Not for electric lighting.

HON. A. P. MATHESON: They entered into a contract with the local authority, the Perth Council, and under that contract the local authority could at the end of 21 years purchase the undertaking on terms; and if they failed to exercise the right of option, then the Council, at the end of 35 years, by effluxion of time acquired the whole of the assets of the Tramways Company without any compensation whatever, except in respect of the one item of freehold property, which could be purchased at cost price with no interest added. In America, where this matter is very carefully gone into, it is a common practice to overlay one agreement with another, and sometimes a third or a fourth, and the first agreement having fallen out of sight, it is impossible to exercise the rights of the

local authority under any one of the agreements at all. I do not say that is the deliberate intention under the present Bill, but Clause 11 has been so worded that it will have that effect. If hon. members will refer to the clause, and also keep in their minds the terms of Clauses 8 and 10 of the agreement between the Tramway Company and the local authority, they will find they do not agree in dates or terms. The company distribute the light with the same plant which works the tramways, and with regard to which there is a different agreement as to purchase. That makes it absolutely impossible for the Bill to go without amendment; and as we cannot amend the measure now with any chance of its passing, I shall certainly vote against the second reading. I will read to the House the important points of the agreement. First, Clause 8 of that agreement reads:

The local authority shall have the right at the end of twenty-one years from the date fixed for the completion of the works by the Provisional Order, upon giving six calendar months' notice of such their intention, to purchase the whole of the lines, plant, rights, undertaking, lands and buildings of the promoter. The price to be paid by the local authority therefor shall be ascertained by arbitration in manner provided by "The Arbitration Act, 1895." Provided that in estimating the amount so to be paid, all freehold and leasehold lands shall be valued at the actual price paid by the promoter for the same, without interest, and nothing shall be allowed for good-will.

When the local authority endeavour to exercise their rights under Clause 11, they may be met by the rejoinder that all the machinery was being used for electric lighting, and therefore the Tramways Company were entitled to keep it. Although I thoroughly approve of the project, I am absolutely compelled to support the amendment of Mr. Moss.

At 6:30, the PRESIDENT left the Chair.

At 7:50, Chair resumed.

HON. A. P. MATHESON (continuing): I should like to be thoroughly well understood on the subject, and I find a certain number of hon. members are still in doubt as to the drift of my remarks. Shortly, the point is that two separate agreements will be in force in respect to

the same machinery, if this Bill become law. First we have the agreement of the 17th April, 1897, between the Tramways Company and the Municipal Council, providing for the construction of the tramways. That gives to the Municipal Council, in 35 years from a certain date, the absolute right to the complete plant of the Tramways Company for nothing. The only purchase clause in the Bill now before us is one which gives the Municipal Council the right to buy on a valuation and the clause is extremely badly expressed—on the first day of January, 1920. To put this Bill in order, there ought to be a clause similar to the clause in the agreement I have just mentioned, enabling the Municipal Council, supposing they do not take advantage of this option of purchase, to still become the possessor of all the plant of the Tramways Company used for electric lighting on exactly the same terms at the end of 35 years. It is a common practice in America to have two, three, or four agreements with different dates and different terms, all affecting the same plant, simply because the plant is used in one capacity in one agreement, and in another capacity in another agreement. It is a very old trick in America for tramway companies to have two or three agreements like that, because it prevents the local authority from executing any one of the agreements, and the company become possessed of a monopoly or right in perpetuity. What occurred to me when I read the Bill was that it seemed to me that Clause 11 was altogether superfluous, because the wording of the clause in the agreement of the 17th day of April, 1897—which I have unfortunately given to *Hansard*—was of such a very expansive nature that it embraced, to my mind, the whole of the plant belonging to the Tramways Company, whether it was used for the creation of electric current for lighting, or used for the electric current for tramway purposes.

HON. J. W. HACKETT: Could you not read that again?

HON. A. P. MATHESON: I would have been pleased to give it to the hon. member, but I lent it to the *Hansard* reporter to copy, and have not been able to get it back; but it will be forthcoming directly. I had the extracts taken in the Municipal Council's office for the purpose

of this debate, and to be absolutely certain of what I am saying. If my contention be right, it should have been quite unnecessary to insert Clause 11, because any plant belonging to the Tramways Company would of necessity be handed over to the local authority on the given date without any compensation.

HON. R. S. HAYNES: Thirty-five years.

HON. A. P. MATHESON: Thirty-five years from a given date. I cannot give you the date, for I have it not before me. That made me wonder why the clause was inserted, and it was not until I referred this Bill to a lawyer that he pointed out the obvious intention of inserting this clause was to complicate matters. I have had a draft made of an amendment which would, if adopted by us at the Committee stage, bring the Bill into line with the agreement of the 17th April, 1897, dealing with the Tramways Company. This is the agreement (returned by *Hansard* reporter) of the 17th April, 1897, and I will read it in full:

If the local authority shall not exercise the right of purchase mentioned in the preceding clauses hereof, then at the end of 35 years from the date fixed for the completion of the works by the provisional order, the whole of the tram lines mentioned in the schedule hereto together with all extensions thereof, and together also with the entire undertakings, rights, plant, works, freehold and leasehold lands and buildings used in connection therewith, shall be handed over to the local authority in good working order and condition and free from all liens, mortgages, or other encumbrances, upon the following terms, that is to say: As to all the present proposed lines and all extensions made within ten years after the date fixed for the completion thereof, without payment of any sum except the actual price (without interest) paid by the promoter for the said freehold and leasehold lands; and as to all extensions made after the said period of ten years, upon payment of an amount to be fixed by arbitration in the manner provided in Clause 8 hereof.

Clause 8 provides that the price to be paid by the local authority therefor shall be ascertained by arbitration in manner provided by the Arbitration Act 1895, provided that in estimating the amount, and so on and on. I contend that unless such a clause as that is inserted in the Electric Lighting Bill, the result will be that the municipal council will not be able to exercise the rights granted under the agreement of the 17th April, 1897,

because the promoter or the parties interested will say: "This particular plant is essential to our electric lighting, and you cannot touch that: you can only take as much of the plant as is used for tramway purposes." If that contention is right, Clause 11 is superfluous. If the agreement of the 17th April gives the municipal council the right to take everything, then Clause 11 is altogether unnecessary, because full provision is made in the agreement of the 17th April, 1897. Supposing the Bill goes into Committee, and I am strongly in favour of the principle of the Bill, and we pass the necessary amendments, what chance is there of the amendments being adopted? I do not think there is any; I do not think there is time for alterations to be made in the Bill, and for the measure to be transmitted to another place and come back here.

HON. R. S. HAYNES: Amend it next session.

HON. A. P. MATHESON: You cannot pass Acts of Parliament in that way and amend them next session.

HON. R. S. HAYNES: But we do.

HON. A. P. MATHESON: That opens up a very large question, which no doubt the hon. member would like to see ventilated again. The Legislature with its eyes open should not do anything of that kind. I shall support the amendment by Mr. Moss that the Bill be read a second time this day six months; not that I object to the principle of the Bill, because it is an admirable one, but because it is impossible to amend the measure so as to protect the interests of the citizens of Perth.

Amendment (six months) put, and a division taken with the following result:—

Ayes ...	...	...	8
Noes ...	...	...	5

Majority for ... 3

AYES.  
Hon. C. E. Dempster  
Hon. A. B. Kiddson  
Hon. H. Lukin  
Hon. A. P. Matheson  
Hon. E. McLarty  
Hon. J. E. Richardson  
Hon. J. M. Speed  
Hon. W. Spencer  
(Teller).

NOES.  
Hon. J. T. Glowrey  
Hon. J. W. Hackett  
Hon. R. S. Haynes  
Hon. G. Randell  
Hon. D. McKay  
(Teller).

Amendment thus passed, and the Bill arrested.

# CRIMINAL LAW AMENDMENT BILL.

[AGE OF CONSENT.]

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This Bill has received consideration in another place, and I may mention for the information of hon. members that the Bill is in harmony with the statute which is in existence in England at the present time, and which has existed there for some time. The age is raised from 13 to 14 years in one case, and from 14 to 16 years in another. The ages fixed in the Bill are the same as in the English Act. The Bill is supported by a very large number of persons, has been passed by the Legislative Assembly, and I believe it will recommend itself to the good judgment of members of this House. It is desirable that protection should be thrown around young girls of very tender age, because after all 13 years is a tender age. Section 4 of the Act, which is to be amended, reads:

Any person who unlawfully and carnally knows any girl under the age of 12 years shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without whipping.

Section 6 of the principal Act has also been amended by Clause 2 of this Bill by striking out "twelve" in line 4, and inserting "thirteen" in lieu thereof. This section now reads:

Any person who unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any girl being of or above the age of 12 years and under the age of 14 . . . Clause 3 of the Bill deals with permitting a girl to be on any premises for the purpose of prostitution, which is a much greater offence than that provided for in the preceding section. I do not think there is anything more despicable or terrible than for a person to keep a house for prostitution with grown-up women, but when it comes to young girls it is something terrible.

HON. J. W. HACKETT: Read the section so that we may see where the 14 and 16 come in.

THE COLONIAL SECRETARY: The section says:

Any person who, being the owner or occupier of any premises, or having, or acting, or



assisting in the management or control of any premises, induces or knowingly suffers any girl of such age as is in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally—

Shall, if such girl is under the age of 12 years, be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court, to be kept in penal servitude for life or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour and with or without whipping, and

If such girl is of or above the age of 12 years and under the age of 14 years, shall be guilty of a misdemeanour and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour and with or without whipping.

No one can think for a moment that the age is too high. Section 13 of the principal Act is amended by striking out the words "sixteen" in paragraphs (a.) and (b.), and inserting "seventeen" in lieu thereof. That section reads:

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and—

(a.) Is under the age of 16 years; or

(b.) Being of or over the age of 16 years, and under the age of 18 years, is so detained against her will, and against the will of her father or mother or of any other person having the lawful care or charge of her.

Clause 5 amends Section 15 of the principal Act by striking out the word "sixteen" in line 3, and inserting "seventeen" in lieu thereof. The section reads:

Where on the trial of a person charged with an offence under this Act it is proved to the satisfaction of the Court that the seduction or prostitution of a girl under the age of sixteen has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, it shall be in the power of the Court to divest such father, mother, guardian, master, or mistress of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian until she has attained the age of twenty-one, or any age below twenty-one as the Court may direct, and the Supreme Court, or a Judge thereof, shall have the power from time to time to rescind or vary any such order by the appointment of any other person or persons as such guardian, or in any other respect.

Section 16 of the Act reads:

No girl under the age of fourteen years shall be deemed capable of consenting to any indecent assault, and no girl or woman under the age of 17 years shall be deemed capable of consenting to any indecent assault committed by the guardian, teacher, or schoolmaster of such girl or woman.

That deals with particular persons having the care or guardianship of girls.

HON. R. S. HAYNES: Raise the age to twenty-one.

THE COLONIAL SECRETARY: The age is raised from 16 to 17, and this is the only clause which differs from the English Act, in which the age remains at 16.

HON. R. S. HAYNES: All the clauses require amendment.

THE COLONIAL SECRETARY: The clause was to some extent a compromise, and I hope hon. members will agree to it in the interests of the girls in the colony.

HON. R. S. HAYNES (Central): I rise with a good deal of pleasure to support the Bill. I quite agree with all that has fallen from the Colonial Secretary in reference to the necessity of raising the age; indeed, I would like to see the age made considerably higher than proposed, because in reference to introducing young girls into brothels, I think the age is much too low. However, this is a step in the right direction, and I hope that during the next session the good people who have been working so hard to have this measure introduced will take further steps, because I am sure this House, to a man, will support every attempt made to raise the age of consent. France is frequently spoken of as an immoral country, but, as a matter of fact, the French code of honour in reference to single girls under 21 years of age is much superior to that of England, and I wish we could take a leaf out of the Frenchman's book in this respect. As to Clause 4, the age is high, but in this we must look to the object of the provision, which aims at persons who are in such a position that girls place great trust in them and look to them for protection; and if a man under these circumstances turns out to be a foul fiend, I do not think the age of 17 is a bit too high, or any punishment the law can devise can be too severe for a person who thus takes advantage of his position. I would like to see the clause amended

in another respect. There are many instances, known chiefly to lawyers, appalling cases, where relationship is not that of teacher and pupil, but a much more sacred relationship, and in which persons have taken advantage of their position and seduced and destroyed the character of persons who were there as their guests. I would like to see the clause amended in this direction, and the next time a Bill of this description is brought in, I shall endeavour to introduce some amendment to meet the case of these horrible monsters who go about masked as men, but who in reality are fiends in human shape. I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE, ETC.

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

Read a third time, and *passed*.

#### MOTION—GUANO (ABROLHOS), TO PERMIT EXPORT.

Debate resumed from 21st November, on the motion by Hon. R. S. Haynes "That it is unnecessary that the restriction on the exportation of guano from the colony should be further enforced."

HON. C. E. DEMPSTER (East) : I hope the House will see the importance of not in any way interfering with the restrictions which have hitherto been enforced in regard to the exportation of guano. The importance of these fertilisers is fully established throughout the colony, inasmuch as the last three or four years have shown how really necessary these fertilisers are for the advance of agriculture in every way. The guano of the Abrolhos Islands is known to be a very valuable fertiliser, and it would be a suicidal policy to give any further concession in the way of removal of these restrictions, which removal would lead to these valuable manures being taken to all parts of the world and not made use of here. I earnestly hope, therefore, that the House will see the importance of conserving these manures for the colony. It would certainly be most unwise in the extreme to remove these restrictions, because we know by experience that this guano is one of the most valuable fertil-

isers that can be used for a great many of the different kinds of soil under cultivation in the colony.

HON. J. E. RICHARDSON (North) : I sympathise with hon. members who desire to keep this manure in the country.

HON. R. G. BURGESS : Your sympathy is not worth much.

HON. J. E. RICHARDSON : But there are one or two points I would like the House to consider before exportation be further stopped.

HON. R. G. BURGESS : The lease has four years more to run.

HON. R. S. HAYNES : But the lessees must shut down.

HON. J. M. SPEED : All the better for the colony.

HON. J. E. RICHARDSON : Will the farmers of the colony take all the guano these islands produce?

HON. R. G. BURGESS : Yes.

HON. J. E. RICHARDSON : I do not think they will.

HON. R. G. BURGESS : You do not know anything about it.

HON. J. E. RICHARDSON : You have to recollect that this guano does not answer for all soils. I have tried it at my place, and it is not good for me.

HON. R. G. BURGESS : Then you are not a farmer.

HON. J. E. RICHARDSON : It is only heavy clayey soils the fertiliser is good for.

HON. R. G. BURGESS : Absurd! Nonsense!

HON. J. M. SPEED : That is why Mr. Richardson does not trouble about it.

HON. J. E. RICHARDSON : If the lessees of the islands cannot dispose of all the guano here, because the farmers will not take it, why prohibit the exportation?

HON. R. G. BURGESS : The lessees need not carry on the business any longer.

HON. C. E. DEMPSTER : They are not bound to continue the lease.

HON. J. E. RICHARDSON : If farmers will not take the guano, the lessees will throw up the lease and the farmers will not get any.

HON. R. G. BURGESS : Will they not?

HON. J. E. RICHARDSON : Or else the lessees will put on such a prohibitive price, that the farmers will not be able to buy it.

HON. C. E. DEMPSTER: Not only farmers, but cultivators of the soil of every kind are concerned.

HON. J. E. RICHARDSON: If the lessees give a guarantee they will supply the farmers with all that is required, I would be in favour of allowing them to export.

HON. R. S. HAYNES: That is in their lease.

HON. J. T. GLOWREY (South): I have listened to the debate on the guano question with a good deal of interest, and I have come to the conclusion that I must oppose the motion of Mr. Haynes, because I do not think that hon. member has shown that the colony will get any benefit by the exportation of guano, while, on the other hand, I presume farmers and agriculturists in the colony will require more in a few years. I think it safe to assume we are bound to progress—that the colony is not going to remain in the state it is at the present time—and I hope we will improve in our agriculture and grazing. Even if the guano be not required at the present time, we are quite justified in retaining it in the colony in the hope it will be put to good use here.

HON. C. E. DEMPSTER: There are large quantities required.

HON. E. McLARTY (South-West): I intend to oppose the motion, because, in my opinion, it would be very unwise to remove the restriction. I cannot see that anything has transpired since the restriction was imposed to alter the conditions. I understand that the total supply of guano on the islands is about 100,000 tons.

HON. R. G. BURGESS: That is according to the Government, but according to the lessees' report it is 25,000 tons.

HON. E. McLARTY: Even giving credit for the larger amount, that is not a great quantity for a colony like this.

HON. R. G. BURGESS: It is a mere handful.

HON. E. McLARTY: It is said that farmers take only 500 tons a year, but from my own experience I know that guano is gaining in favour every year, and, for my own part, I have certainly given up the use of phosphates in favour of guano. There is no comparison between the results of guano and those of phosphates, the results from guano being

far superior to those from phosphates. If the lessees of these lands would prepare their guano—it would cost a little more, a few shillings a ton—so that the farmers could utilise it with the seed drills, its use would become as common and as necessary as that of the binder. One complaint the farmer has is that this guano will not go through seed drills. There are so many stones. If the lessee would sift the guano and charge the actual cost, the farmer would readily pay the extra amount, and guano will be very largely availed of. In this colony we have hundreds of thousands of acres of land which in its natural condition will not produce crops, but which will pay for cultivation with the assistance of a little fertiliser (either guano, bone dust, or something of the kind), that will produce good crops; and if afterwards the land requires cropping, the pasture will repay for clearing and cultivation. I certainly must oppose the motion. Guano is no good on the coast, but people must go inland. This restriction was brought about by the resolution at the Producers' Conference a few years ago. There we had a representative body of men—farmers from all parts of the colony—who were competent to give an opinion, and that opinion was unanimous that we should stop the exportation of this valuable fertiliser. I see no reason why that resolution should be altered. It has been said if we prohibit exportation, the present lessees will close up their business; but doubtless if they stop, someone else will start. I am quite satisfied the present lessees have made a very good thing out of it, and there is not the least fear of their giving it up. At the same time I must say this of the lessees, for I think it is their due: I have had business with them for years, and the firm has been a very satisfactory one.

HON. R. G. BURGESS: What firm?

HON. E. McLARTY: Broadhurst, McNeil, and Company.

HON. R. S. HAYNES: People say, most unsatisfactory.

HON. E. McLARTY: I have found them very satisfactory people to deal with. Their charges are reasonable.

HON. R. G. BURGESS: They do not send it in proper order.

HON. E. McLARTY: One must try and impress that upon them.

HON. R. G. BURGESS : It has been done.

HON. E. McLARTY : Without taking up any further time, I must oppose the motion.

#### ADJOURNMENT.

HON. R. S. HAYNES asked that the motion be adjourned until to-morrow. It would not be fair to take the vote on an important matter like this now, as members who had spoken and were in favour of the motion were away. We wanted the sense of the House, and not that of a minority, and inasmuch as this motion had received the support of the Government, members ought to consent to have the matter adjourned until to-morrow.

THE PRESIDENT : The hon. member could not move the adjournment, as he had already spoken.

HON. R. S. HAYNES said he thought he had the right of reply.

THE PRESIDENT : Yes ; but the hon. member had no right to move the adjournment of the debate.

HON. R. S. HAYNES said he hoped some other member would move it for him.

HON. J. M. SPEED moved that the debate be adjourned for six months.

HON. C. E. DEMPSTER seconded the motion.

THE PRESIDENT : The motion moved by the Hon. Mr. Speed was most peculiar. According to strict parliamentary procedure, members should vote either Aye or No.

HON. J. M. SPEED said he was quite prepared to withdraw it, if that was desired.

HON. R. S. HAYNES said he would move that it be put.

HON. J. M. SPEED said he himself was not in order.

THE PRESIDENT : The hon. member was in order, but the ordinary way for members to deal with motions to which they were opposed was to vote No.

HON. J. M. SPEED said he would withdraw the motion with the consent of the President and the leave of the House.

HON. C. E. DEMPSTER was willing for the motion to be withdrawn.

HON. R. S. HAYNES : Contrary to all precedent, the hon. member moved that motion with a view of burking discussion. Hon. members who had spoken

were not here. He was always willing to meet the House in a sense of fairness, and he was not asking members to vote on the main question.

THE PRESIDENT : A member always had a right to ask the permission of the House to withdraw a motion.

HON. R. S. HAYNES : The House was not bound to grant it.

THE PRESIDENT : The hon. member (Mr. Speed) had asked permission to withdraw his motion, and it was for the House to say whether he should withdraw it or whether it should go to the vote. The question was that permission be given to the hon. member (Mr. Speed) to withdraw his motion.

Put and passed, and the motion (Mr. Speed's) withdrawn.

HON. H. BRIGGS moved that the subject of debate be adjourned until to-morrow.

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

Ayes	...	...	...	7
Noes	...	...	...	5

Majority for ... 2

AYES.		NOES.	
Hon. H. Briggs		Hon. R. G. Burgess	
Hon. R. S. Haynes		Hon. C. E. Dempster	
Hon. D. McKay		Hon. H. Lukin	
Hon. G. Randell		Hon. J. M. Speed	
Hon. J. E. Richardson		Hon. J. T. Glowrey	
Hon. W. Spencer		(Teller).	
Hon. E. McLarty	(Teller).		

Motion thus passed, and the debate adjourned.

#### ADJOURNMENT—PROROGATION.

THE COLONIAL SECRETARY moved that the House at its rising do adjourn until 3 o'clock to-morrow. The prorogation would take place at half-past 3, but there was generally some business to be transacted, and it was for the purpose of transacting that business he mentioned 3 o'clock.

Question put and passed.

The House adjourned at 8:44 o'clock, until the next afternoon.