

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

ADJOURNMENT.

The House adjourned at 9:45 o'clock, p.m.

Legislative Council,

Thursday, 10th October, 1895.

Electoral Bill: third reading—Width of Tires Bill: second reading; committee—Goldfields Bill: committee; third reading—Mines Regulation Bill: Legislative Assembly's Amendments—Appropriation Bill: first reading—Stock Diseases Bill: committee; third reading—Engine Sparks Fire Prevention Bill: second reading; committee; third reading—Appropriation Bill: second reading; committee—Explosives Bill: second reading; committee—Width of Tires Bill: third reading—Adjournment.

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

ELECTORAL BILL.

THIRD READING.

This Bill was read a third time and passed

WIDTH OF TIRES BILL.

SECOND READING.

THE HON. S. H. PARKER: I have no doubt hon. members are aware that there is a body of gentlemen in this colony known as the Bureau of Agriculture. These gentlemen represent the pastoral and agricultural interests of the colony, and devote a large amount of their time for the public good. Amongst other things they have taken into consideration is, the wear and tear on our roads in consequence of the narrow tires used on vehicles which convey heavy loads. I am told, and I have no reason to doubt the truth of it, that half the damage to the roads, and consequently half the cost of repairs, is caused by nothing but these narrow tires. I am informed that if vehicles were bound to have

wheels with tires of a reasonable width proportionate to the loads they carry, our roads would not suffer nearly as much as they do, and the cost to the public funds would be at least half what it is now. Bearing this in mind, the Bureau prepared this Bill and asked me to introduce it. I must apologise for introducing it so late in the session, but I believe the reason of the delay is that the Bureau has been trying to induce the Government to take steps in the matter, but they have been so worried and wearied with other Bills, that they have found it impossible to take this subject into consideration. The Bureau, however, thinks it so important in the interests of the community, and in the interests of the public fund, as well as in the interests of preserving good our roads, that even at this late period of the session they have asked to have this Bill passed. I hope, therefore, hon. members will not see fit to throw it out, but will pass it on to the Assembly. The Bill provides that the width of tires on wheels shall be proportionate to diameter of the axle arm. It is presumed that no person in his senses will put more than a certain weight on a certain axle, and, therefore, it is thought to be quite sufficient to provide that, as the diameter of the axle increases so shall the width of the tire. I may say that this Bill applies only to waggons, drays, carts or lorries, and does not include vehicles intended solely for the carriage of passengers. I need not mention the proportionate width of tires as they are plainly set out in Clause 2. These widths have been considered by the Bureau, which is composed of of practical men, and it is considered that they are reasonably proportionate to the strength of the axle arms. It will be observed that after the 1st January, 1896, no person shall import any vehicle unless the tires upon it are of the prescribed width. Again, it is provided that after the 1st May, 1896, no person engaged in the building or making of vehicles, shall build or sell any vehicle unless the width of the tires is proportionate to the diameter of the axle as mentioned in Clause 2. Further it is provided that after 1st January, 1899, no person shall use any vehicle the tires of which are not of the prescribed width, and that if any person does so, he will be subject to a penalty not exceeding £5. Power is given to local authorities such as Municipal Councils and Roads Boards, as regards roads within their

districts, and to the Director of Public Works and police constables as regards public roads, to measure the axle arms and tires of any vehicle, and there is a penalty for refusing to allow such measures to be taken. There is a further provision that after 1st January, 1899, the owner of any vehicle shall have his name, the width of tire, and the diameter of the axle arm painted upon it. Power is given to the local authorities to make by-laws, but they are not to have any force until they are approved by the Governor-in-Council and published in the *Gazette*. These are the principal provisions of the Bill. So far as the dates are concerned, if hon. members deem it advisable to postpone them, I shall offer no objection to what is the desire of the majority. I now move that the Bill be read a second time.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I have much pleasure in seconding this motion, because for years past I have been trying to influence the authorities to bring in a Bill of this description. I have not gone into the details of this Bill carefully, but after 19 years experience on one Roads Board and nine or ten years experience on another—experience chiefly connected with bush roads—I can bear out all the Hon. Mr. Parker has said in reference to the evils of narrow tires. It has been brought home to me forcibly how the natural roads especially have been cut up with heavy loads on narrow tires. It stands to reason that a load of four or five tons on a tire the thickness of the back of a knife must cut up a macadamised road, much more a natural one, whereas the same weight on a four or five inch tire compresses the road and keeps it in good order. I consider that this Bill is in the interests of the colony and in the interests of good roads, besides which it will be an economy to the Government, inasmuch as they will not have to provide so much in the future for keeping our roads in order.

THE HON. J. E. RICHARDSON: I have much pleasure in supporting this Bill. I think it is a pity it was not introduced two or three years ago. The Perth-Fremantle Road has been cut up tremendously by the narrow tires. The Bill may work a little hardship, but we must, I think, legislate in the direction of the greatest good to the greatest number.

THE HON. F. T. CROWDER: I move, as an amendment, that the Bill be read a second time this day six months. It is with regret that I do so, because, as far as the principle of it is concerned, I am sure we all agree with it.

The reason I move the amendment is this: We are within two or three days of the closing of the session, and I consider that a Bill of this sort should have greater discussion and more thought and attention than it can have at the present time. The Bill, as now brought forward, is not one which I think will be acceptable to the inhabitants of the colony. I take it that Clause 3 is not necessary, because we can attain all we require by altering Clause 2. Clause 3 states that "On and after the First day of January, One thousand eight hundred and ninety-six, no person shall import into Western Australia any vehicle, the tires on the wheels of which vehicle are not of the width prescribed by or specified in the preceding section, and if any such vehicle be imported, no person shall use or employ it upon any public road." How is it possible for countries such as America and Germany to know that this Bill has become law? Then again Clause 7 states "On and after the First day of January, One thousand eight hundred and ninety-nine, every vehicle in use on any public road shall have the Christian and surname and place of abode of the owner and the diameter of the axle arms and width of tires painted on some conspicuous part on the off side thereof, in white letters on a black ground, such letters not being less than two inches in length and of a breadth in proportion; and the owner of any vehicle who neglects to have such name, abode, and measurement painted as aforesaid, or who has the same so painted incorrectly, shall, upon conviction, forfeit and pay for each and every such offence a sum of not less than Five shillings nor more than Five pounds; and each and every day during which any vehicle shall continue to be used as aforesaid without having the name, abode, and measurement correctly painted as aforesaid shall be deemed a fresh offence": Here there is no provision made for firms, some of which have very long names. I think it is sufficient if the name of the owner is painted on the vehicle. In some cases we shall hardly be able to get a dray big enough to have painted on it the Christian and surname of the owner, the width of the tire and the size of the axle arm. Apart from these objections I think the country should have a chance of considering this Bill before it is passed, and if we postpone its consideration for six months no harm can be done.

THE HON. A. B. KIDSON: I have much pleasure in seconding this resolution, and I

do so because at this late hour of the session we have not the time we should have to look into a Bill of this kind considering its importance.

THE HON. E. McLARTY: As one who has an interest in the upkeep of our roads, especially in the country districts, I must support this Bill. I have been for 20 years connected with Roads Boards, and for several years I have been Chairman, and I have always seen the necessity of a Bill of this kind. The principle of this Bill has been again and again discussed by the Roads Board to which I belong. It has been found impossible to maintain our roads properly when they are broken up by narrow tires. When the railway was being constructed, our roads were cut up by the heavy waggons of the contractors, which had only $2\frac{1}{2}$ inch tires, and the work of years was very quickly destroyed. I am satisfied that this Bill will have the approval of country settlers generally, and I shall support it.

THE HON. E. W. DAVIES: I have much pleasure in supporting this Bill, although I think three years is not sufficient notice to give our small farmers to do away with their waggons. To many, a waggon means the saving of several years, and when in committee I shall move an amendment so as to give our small farmers longer notice.

THE HON. E. ROBINSON: I also shall support this Bill. I think it is a very useful one and I am sure it will do a great deal of good. I agree with the hon. Mr. Davies that three years are not long enough to give people to wear out their present vehicles. I should like to see the time extended to five years.

THE HON. D. K. CONGDON: For the past six or seven years it has been prominently brought under my notice, how great is the damage done to the roads by narrow tires. In Fremantle it has cost thousands of pounds for repairs to roads which have been cut up by narrow tires. I think we have suffered much through a similar measure not having passed years ago.

THE HON. S. H. PARKER: I thank hon. members for the kindly reception they have given to this Bill, for I notice that even the hon. gentleman who has moved the amendment approves of the principle of it. It has been said that the time mentioned in the third Clause is too short. All I can say is that I shall be prepared, in committee, to accept any

reasonable amendment hon. members may think fit to propose. The particular reason why this Bill should pass now is to prevent persons building and importing vehicles, which admittedly do so much damage to our roads. Even if the House were only to pass the first clauses of the Bill a great deal would be done.

Question—That the word proposed to be struck out stand part of the Question—put.
The Council divided.

Ayes	9
Noes	5

Majority for...	4
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AYES

Hon. D. K. Congdon
Hon. J. W. Hackett
Hon. E. McLarty
Hon. J. E. Richardson
Hon. E. Robinson
Hon. H. J. Saunders
Hon. F. M. Stone
Hon. E. H. Wittenoom
Hon. S. H. Parker

(Teller.)

NOES

Hon. W. Alexander
Hon. E. W. Davies
Hon. S. J. Haynes
Hon. A. B. Kidson
Hon. F. T. Crowder
(Teller.)

Question—That the Bill be now read a second time—put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1 agreed to.

Clause 2—"Width of tires prescribed":

THE HON. F. T. CROWDER moved as an amendment, that the word "selling" be inserted after the word "constructing" in the second line.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 3—"No vehicle to be imported unless tires of prescribed width":

THE HON. F. T. CROWDER: I move that this Clause be struck out. If people import, and the tires are not of the necessary width, they can be altered on arrival of the vehicle here.

THE HON. S. H. PARKER: I am bound to oppose this amendment, because one of the things the Bureau desires to prevent is the importation of vehicles having narrow tires. It is all very well to say let people import and alter the tires afterwards, but we know, once they are imported, they will be used, and it will be difficult to prove whether they were imported after the Act came into operation or before.

THE HON. F. T. CROWDER: I cannot agree with that. If a person makes me a present of a vehicle and sends it here, I do

not see why I should be liable to a penalty because it arrives, especially when it is provided that before it is used the tires must be of a certain width.

THE HON. F. M. STONE: I would point out that the Hon. Mr. Crowder is hardly consistent in his amendment, because by Clause 2, he says that no person shall build a vehicle with tires of less than the prescribed width, and now he wishes to allow the importation of such vehicles.

THE HON. S. J. HAYNES: I think the time mentioned in this Clause is not sufficiently distant. A number of people are coming to the colony and these, together with many of our own colonists, will not be able to get possession of the Act until March or April next.

THE HON. F. T. CROWDER: I am willing to withdraw my amendment if the mover of the Bill will substitute the year 1899 for 1896.

THE HON. S. H. PARKER: Certainly not. That is ridiculous.

THE HON. F. T. CROWDER: Why should you stop importing on 1st January, 1896, and only fine people for using after 1899?

THE HON. S. H. PARKER: We want to stop the importation at once, but we postpone the time for using so as to give existing vehicles a chance to become worn out.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I think this Clause should be passed exactly as it stands, for if people know that there is a law on the subject, they will not take the trouble to import or build vehicles which they may ultimately have to alter.

Question put and negatively.

THE HON. D. K. CONGDON moved, as an amendment, that the words "first day of January," in the first line, be struck out, and that the words "thirtieth day of June" be inserted in lieu thereof.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 4 to 6 agreed to.

Clause 7—"Vehicles to have name of owner &c., painted on conspicuous part":

THE HON. E. W. DAVIES moved, as an amendment, that the words "eight hundred and ninety-nine," in the second line, be struck out, and the words "nine hundred and one" be inserted in lieu thereof.

Amendment put and negatively.

THE HON. S. H. PARKER moved, as an amendment, that the words, "Christian and surname and place of abode of the owner and

the," in the third and fourth lines be struck out.

Amendment put and passed.

THE HON. S. H. PARKER moved, as a further amendment, that the words "and width of tires," in the fourth and fifth lines, be struck out.

Amendment put and passed.

THE HON. S. H. PARKER moved, as a further amendment, that the words "in white letters on a black ground, such letters not being less than two inches in length and of a breadth in proportion," in the sixth and seventh lines, be struck out.

Amendment put and passed.

THE HON. S. H. PARKER moved, as a further amendment, that the words "name, abode, and," in lines 8 and 9, and lines 13 and 14, be struck out.

Amendment put and passed.

Clause, as amended, agreed to.

The remaining Clauses were agreed to, and the Bill reported.

GOLDFIELDS BILL.

IN COMMITTEE.

Postponed Clause 11:

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved, as an amendment, "That, all the words after 'Registrar,' in the ninth line, be struck out, and that the following words be inserted in lieu thereof:— 'There shall also be kept in the office of the Minister of Mines in Perth, in respect of each goldfield or district, a register, wherein shall be registered all leases and applications therefore and transfers thereof, and of any shares or interests therein respectively, and all liens, charges, and other dealings and transactions relating thereto respectively.'"

(2.) No transfer of any lease, or of any share or interest therein, nor any lien, charge, or other dealing or transaction relating thereto respectively shall be valid until registered as aforesaid.

Amendment put and passed.

Clause, as amended, agreed to.

Postponed Clause 83 agreed to.

New Clause:

THE HON. S. H. PARKER moved, that the following New Clause be added to the Bill, to stand as No. 12:—"Except in the case of fraud, no person contracting or dealing with, or taking or proposing to take a transfer from the registered holder of any lease, shall be required or in any manner

concerned to inquire or ascertain the circumstances under or the consideration for which such holder or any previous holder thereof was registered, or to see to the application of any purchase or consideration money, or shall be affected by notice, actual or constructive, of any trust or unregistered interest, any rule of law or equity to the contrary notwithstanding; and the knowledge that any such trust or unregistered interest is in existence shall not of itself be imputed as fraud":

Question put and passed.

Schedules agreed to.

Bill to be reported and report adopted.

THIRD READING.

The Bill was then read a third time and passed.

MINES REGULATION BILL.

LEGISLATIVE ASSEMBLY'S AMENDMENTS.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved that the amendments Nos. 1 to 8 in the Legislative Assembly's Message No. 46 (*vide* p. 1284 *ante*) be agreed to.

Question put and passed.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved that the new clause contained in Message No. 46 (*vide* p. 1285 *ante*) be agreed to.

THE HON. F. M. STONE: This is a similar clause to the one which we threw out, and I hope the committee will not allow it to be re-inserted. It does not state for how long a place is not to be interfered with.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I was not in favor of the clause which was eliminated, but with the alterations made by the Assembly, I think it will be an advantage. Miners are not likely to demand an inspection and have the work stopped without good cause, for the reason that they would not only lose their own wages, but all the other men on the mine would also have to cease work. If no inspection can be demanded, however, the mine owners are apt to become very careless. Considering that personal injury has to be shown to have occurred, there is no chance of a mine being shut down for a trivial cause.

THE HON. F. M. STONE: The Hon. the Minister for Mines has not met the objection. I wish to know how long the place in which an accident has occurred is not to be interfered with. It may be for days and days.

THE MINISTER FOR MINES (Hon. E.

H. Wittenoom): The hon. member will see that under clause 27, if personal injury occurs, a mine manager has to report to an inspector within 24 hours.

THE HON. F. M. STONE: That does not meet it.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): You can amend it then.

THE HON. F. M. STONE: It is not my place to amend it.

THE HON. J. W. HACKETT: I think where the Hon. Mr. Stone puts himself in the wrong is when he says that sooner than give us the benefit of his assistance to amend, he will try to have the clause struck out. Many of our miners come from places where far more stringent protection is afforded them than is contained in this Bill, and they will certainly look even for more protection than we propose to give them. The Hon. Mr. Stone rather considers the mine owner, but I think it is the miners who are the ones deserving of the consideration. They are fifty to one, and they may be injured and lose their work through the carelessness of a mine owner, whose loss, at most, can only amount to a few pounds in money. I hope the Committee will not go with the Hon. Mr. Stone.

THE HON. A. B. KIDSON: I entirely agree with what has fallen from the Hon. Mr. Hackett, and I shall, therefore, support the clause.

Question put and passed.

Clause agreed to.

Resolutions reported and report adopted.

APPROPRIATION BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

STOCK DISEASES BILL.

IN COMMITTEE.

This Bill was considered in committee agreed to without amendment, and reported.

THIRD READING.

The Bill was then read a third time and passed.

ENGINE SPARKS FIRE PREVENTION BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): In moving the second reading of this Bill, I may say the object of it is to preserve the pastures and fields through which trains run, and to save them from being laid

waste by fire. It will be within the memory of many hon. members that in years past very many crops have been destroyed through sparks and cinders which have come from engines when travelling. It is proposed by this Bill to impose a penalty on persons who use locomotives without spark arresters fitted to them, and which have not steam jets in the ash pans. Clause 1 states that the Act shall only apply to such parts of the colony as the Governor may direct, and this is provided because there are certain parts of the colony where no damage can arise from sparks or ashes being emitted. Clause 3 states that engines are to be fitted with spark arresters and steam jets, and Clause 4 provides that owners of railways are to see that the grass and bushes are cleared on each side of the line to a width of 66 feet in order to minimise the danger of fire. Clause 5 provides for the inspection of engines, and Clause 10 states that nothing in the Act shall apply to the Government Railways. It would be absurd to render the Government liable to a penalty because it would only be taking the money out of one pocket and putting it into another, although the Government are still liable to any individual for any damage they may do. The Government are bound to take precautions, and if they do not, pressure may be brought to bear upon them by the public, but no amount of pressure can be brought to bear on private companies, and hence this Bill, which I now move be read a second time.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 9 agreed to.

Clause 10—"Act not to apply to Government property":

THE HON. E. McLARTY: I cannot see why we should make private companies liable and exempt the Government.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): If the Government were fined it would amount to nothing, because the money would go from the pocket of the Railway Department into the pocket of the Department of Justice. Hon. members, however, may rest assured that every precaution will be taken by the Government.

Clause agreed to.

Bill reported, and report adopted.

THIRD READING.

The Bill was then read a third time and passed.

THE PRESIDENT (Hon. Sir G. Shenton) then left the chair for an hour.

On resuming,

APPROPRIATION BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I rise to move the second reading of this Bill, which is for the purpose, as is set out in the preamble, of applying out of the consolidated revenue the sum of £1,333,681 11s. 8d. for the services of the year ending June, 1896. Hon. members will see that attached to this is a sum of £863,460 under loan accounts. There has been a departure this year in regard to the Loan Estimates. Hitherto it has been the custom to lay these Estimates before this House after they had passed the Lower House, but a question has arisen in adopting this course of procedure, whether this House, should it desire to do so, could take any exception to them. In order to give this House a full opportunity of dealing with them, the Government have decided to attach them to the Appropriation Bill, and in that way this House can make suggestions under Section 23 of the Amending Constitution Act. A precedent for acting in this way is to be found in Queensland. It is not done in the other colonies, and, in South Australia, Loan Estimates are not laid on the table of the Upper House at all, it being considered sufficient authority for the Government to spend the money if the Lower House agrees to it. It has been argued that this plan might lead to deadlocks, and might to some extent endanger the Appropriation Bill, but the Government think that the good sense of this House will not permit such a course, unless hon. members are conscientiously of opinion that it is absolutely necessary. At present the Government are perforce compelled to expend any loan moneys they may require after the 30th June in each year, illegally, because all votes expire on that date; but in future, with the adoption of this plan, if the Government require an advance, the approval of Parliament will be asked in the same way that it was during the present session, when £200,000 was asked for and obtained to enable the Government to carry on with until this Bill could be passed. Hon. members will see that large demands are made on the Government for developing the resources of the colony in all directions, and consequently it is necessary that the expenditure must be large. Hon.

members have no doubt carefully studied the details of this Bill, and, therefore, it would be superfluous for me to go into them on the present occasion. I now move that the Bill be read a second time.

THE HON. F. T. CROWDER: I am aware that it is perfectly useless for me to raise any objection to the passing of this Bill. At the same time I protest against its being passed through all its stages this evening. If we allow this we shall only be making a laughing-stock of legislation, for no member has had time to glance through it, let alone to study it. We have been sitting here for four months, and country members have been dragged here week after week, with nothing brought before them, and now, because the other House wants to prorogue, we are supposed to rush through all the business. Within the last twenty-four hours, we have had eight or ten important Bills sent up to us, and we have had no time whatever to consider them. As a member of this House, I protest against it, and I hope the time will come when hon. members will see fit to resent this course of action on the part of another place.

THE HON. J. W. HACKETT: Putting aside the question of the Appropriation Act, I do join with my hon. friend, Mr. Crowder, in the strong protest he has made against some of these Bills being sent to this House at this late stage of the session. Some of them could have been introduced a week or a fortnight ago, and I say it is putting a great strain on the loyalty of this House, and on the patience of hon. members, to insist that we should consider them at this accelerated pace. We do not desire to throw the business of the country into confusion by rejecting them, nor do we wish to unduly delay the prorogation, but I do say that, if proper regard had been paid to the feelings of this House, at least half these Bills should have been introduced before. We make this protest year after year, and I am afraid it is not properly paid attention to. To make it efficacious is to delay the financial legislation of the country, which every member of this House, and every man of common sense and patriotic feeling, is unwilling to do. I hope the Minister for Mines will represent to the Government as strongly as he can what is the unanimous feeling of this House.

THE MINISTER FOR MINES (HON. E. H. WITTENOOM): It is not the fault of the Government.

THE HON. J. W. HACKETT: I think that to

some extent it is, for they arrange the business, and it only requires a little management to give us a full supply of work during the last month of the session. In the early stages of the session the other House is congested with business whilst we have a clean sheet, and at the end of the session the other House has cleared off its business and we are congested. What I do say is that a little more consideration and care would lead to a better equalisation of business. In the future I shall join with my hon. friends if they make this matter one more of action than of words. Having made the protest, perhaps I may now be allowed to say a few words in regard to the form in which this Bill has been sent to us. There is a change in it which this House should have brought to its notice even a second time. The Loan Estimates, for the first time in our history, have been included in the Appropriation Act. I may say that I agree with that, although there is one objection to it, and that is, that it postpones deliberation and discussion until the latest period of the session. From every other point of view I consider it an improvement. My hon. friend, Mr. Stone, will remember that at the close of last session the question of two railways to the South came before us in connection with the Loan Estimates, and that he moved that the House sanction them with the exception of the Bridgetown item. He did so in the exercise of his rights, because the Loan Act under which the sums were raised provides that the amounts from these loan accounts shall be expended under the warrant of the Governor, from time to time, and paid out of the sum provided in the Loan Estimates sanctioned by Parliament. My hon. friend contended that that sanction could only be obtained by a definite vote of both Houses. You will remember, Sir, that you gave a ruling on this subject and that exception was taken to the course of procedure adopted, which had no authority under our Standing Orders and which was unknown to Parliamentary procedure. We were thus placed in this unfortunate and humiliating position that, if we insisted upon refusing our sanction, another place might ignore our action, and the Loan Estimates still stood without our having any way of enforcing our wish. Now the Government have met us and have provided a legal means by which we can take exception to these Estimates. This seems to me a distinct gain, and I trust the House will

fall in with the action of the Government. I have reason to believe that the action of the Government has not been altogether approved in all quarters, because it is thought that it is giving too great a lever to the Upper House. I for my part, and on behalf of the Council, feel inclined to thank the Government for securing to us the right of objecting to any part of the Loan Estimates. I do not feel inclined to dispute the Appropriation Act, but I go with my hon. friend, Mr. Crowder, in thinking that we should retain the third reading until the latest period of the session.

THE HON. D. K. CONGDON: As one of the oldest members of this Council, I join in the protest which has been made by the two hon. gentlemen who have just sat down. I do think it is a pity that the Government cannot send down this Bill until so late a period of the session. At the same time I do not think we can take the responsibility of delaying its passage, although to send it here at all at the present time is simply a farce. Whether it is done through thoughtlessness, or done to hold the Council up to ridicule, I do not know, but whatever the reason, I join in the protest which has just been made.

THE HON. S. J. HAYNES: I desire to add my protest as strongly as possible against the practice of the other House in forwarding Bills to us just as the session is about to terminate. One Bill especially—the Goldfields Bill—should have come here before, but it has only been in my hands during the last 24 hours. I think this sort of thing is trespassing too much altogether on the loyalty of this House.

THE HON. F. M. STONE: At one time I intended to move the adjournment of the debate in order to raise a protest against so large a number of Bills being sent to us at this part of the session. After hearing what the Hon. Mr. Hackett has said, however, I am inclined to adopt his suggestion, and hold back the third reading until the whole of the other business is complete. Many of these Bills could have been sent to us long ago. We have the Minister for Mines in this House, and we might have had the Goldfields Bill introduced by him weeks ago. In fact he is really the proper person to have introduced the Bill. As it is, it was placed in our hands only yesterday, and it took me the whole of the day and part of the night to go through it, and even then I could not master the whole of it. The Explosives

Bill, and the Stock Diseases Bill might also have been introduced here sometime back. Last year I raised my protest against the way Bills were sent down, and I moved the rejection of certain of them solely on the ground that they were too late. That protest has had no effect, and another place seems to think it can pitchfork Bills here and that we are to close our eyes and pass them. If we are treated in the same manner again we should stand together and insist upon taking our time.

THE HON. A. B. KIDSON: As the junior member of this House, it is hardly seemly for me to express an opinion on the question which has been raised, but I cannot help having noticed that within the last week or ten days the most unusual course, of handing over for our consideration ten or twelve Bills within the space of about 26 hours, has been adopted. I thought I had a fair capacity for work and I tried to get through two or three of them, but I had to give them up in despair. When they came on for consideration I felt it my duty to leave the House because I knew nothing about them.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I may say that I have every sympathy for hon. members. The Bills which have been forwarded to us within the last few days have been plentiful, but after listening to what despair the Hon. Mr. Kidson was driven to, I think hon. members should have some sympathy for me who has to get through them whether I like it or not. I had to move the second reading of no less than six Bills yesterday afternoon, and I had, at least, to know something about them. The Government, however, are not to be blamed, for it is to their interest to get the business through as soon as possible, but it is very difficult for them when, in another place, they are being constantly met with resolutions of a debatable character. There was the resolution about the redistribution of seats and the discussion on the Assisted Schools question, both of which interfered with the working of Bills. It is obvious that it is to the interest of the Government to get through the work as quickly as possible, and I can assure hon. members that the Parliamentary duties of Ministers make their departmental work exceedingly arduous. With regard to the Goldfields Bill, it was my intention to have it introduced here, but there were money clauses in it and I was not able

to do as I wished. Then hon. members have deprecated the fact that the Appropriation Bill has been sent down so late, and they say that they will hold it back until all the other business is done. Unfortunately those are the principles which govern the Legislative Assembly. Their argument is that until all the business is finished they will not pass the Appropriation Bill. The Government do not wish to keep it back, and that, I believe, if they could have their way, it would be the first Bill they would pass. It is very gratifying to hear how the new departure of putting the Loan Estimates in the Appropriation Bill has been accepted by hon. members, and I feel sure it will be a good thing.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Schedule B, put and passed.

Schedule C, put and passed.

Schedule A :

THE HON. J. W. HACKETT: For years past we have seen small balances remaining in hand from the 1884 and 1888 loans and a little more from the 1891 loans. Can they not be got rid of? I believe for years a balance of 3s. 6d. has been carried forward to the credit of the Eucla jetty.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I shall have much pleasure in representing the matter.

Schedule A, put and passed.

Preamble and title agreed to.

Bill reported.

EXPLOSIVES BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The Bill I have before me is one dealing with gunpowder and explosives. Hon. members are aware that owing to the fast development of mining, a large quantity of explosives is necessary. It is also well-known that these substances are highly dangerous both in transport and in storing, and it has been found necessary to frame regulations respecting them. This Bill is based on what is done in other countries, and wherever there has been an alteration it has been in the direction of liberalisation. The English Act has been adapted to our circumstances, and, in some instances, the Victorian Act has been resorted to. Part I. relates to gunpowder, Part II. to explosives, and Part III. to the

administration of the law. Clause 8 says :—
 “ Gunpowder shall not be kept at any place
 “ except as follows, that is to say—(1) Except
 “ in the factory (licensed for the same under
 “ (this Act) in which it is manufactured; or (2.)
 “ Except in a magazine or store for gunpowder
 “ licensed under this Act for keeping gun-
 “ powder. Provided that this Section shall
 “ not apply—(1.) To a person keeping for his
 “ private use and not for sale gunpowder to
 “ an amount not exceeding on the same pre-
 “ mises thirty pounds; or (2.) To the keeping
 “ of any gunpowder by a carrier or other
 “ person for the purpose of conveyance, when
 “ the same is being conveyed or kept in
 “ accordance with the provisions of this Act
 “ with respect to the conveyance of gun-
 “ powder. Any gunpowder kept in a place
 “ other than as above, in this Section mentioned
 “ shall be deemed to be kept in an unauthor-
 “ ised place. Where any gunpowder is kept
 “ in an unauthorised place— (1.) All or any
 “ part of the gunpowder found in such place
 “ may be forfeited; and (2) the occupier of such
 “ place and also the owner of, or other person
 “ guilty of keeping the gunpowder, shall each
 “ be liable to a penalty not exceeding two
 “ shillings for every pound of gunpowder so
 “ kept.” So that if any person wishes to have a
 private supply he can do so, so long as he does
 not sell them. Clause 9 says—“ A new factory
 “ or magazine for gunpowder shall not be es-
 “ tablished except on the site and in the man-
 “ ner specified in a license for the same
 “ granted under this Act. An applicant for
 “ such a license shall submit to the Minister
 “ the draft of a license, accompanied by a plan
 “ (drawn to scale) of the proposed factory or
 “ magazine and the site thereof (which plan
 “ shall be deemed to form part of and to be in
 “ this Act included in the expression “ the
 “ license.”) The draft license shall contain the
 “ terms which the applicant proposes to have
 “ inserted in the license, and shall specify such
 “ of the following matters as are applicable,
 “ namely:—(a) The boundaries of the land
 “ forming the site of the factory or magazine,
 “ and either any belt of land surrounding the
 “ site which is to be kept clear, and the build-
 “ ings and works from which it is to be
 “ kept clear, or the distance to be maintained
 “ between the factory or magazine or any part
 “ thereof, and other buildings and works; and
 “ (b.) The situation, character, and construc-
 “ tion of all the mounds, buildings, and works
 “ on or connected with the factory or magazine,

“and the distances thereof from each other; “and (c.) The nature of the processes to be “carried on in the factory and in each part “thereof, and the place at which each process “of the manufacture and each kind of work “connected with the factory or magazine is “to be carried on and the places in the “factory or magazine at which gun- “powder and any ingredients of gun- “powder, and any articles liable to spon- “taneous ignition or inflammable or otherwise “dangerous, are to be kept; and (d.) The “amount of gunpowder and of ingredients “thereof, wholly or partly mixed, to be allowed “at the same time in any building or machine, “or any process of the manufacture, or within “a limited distance from such building or “machine, having regard to the construction “of such building, and to the distance thereof “from any other building or any works; and “(e.) The situation, in the case of a factory, of “each factory-magazine, and, in the case of “another magazine, of each building forming “part of such magazine in which gunpowder “is to be kept, and the maximum amount of “gunpowder to be kept in each factory-maga- “zine, and in each such building as aforesaid; “and (f.) The maximum number of persons to “be employed in each building in the factory; “and (g.) Any special terms which the appli- “cant may propose, by reason of any special “circumstances arising from the locality, the “situation or construction of any buildings or “works, or the nature of any process or other- “wise. The Minister, after examination of “the proposal, may reject the application alto- “gether, or may approve of the draft license, “with or without modification or addition.” And there shall be four kinds of licenses, which are set out in the Schedule, as follows:—Factory license, £10; magazine license, £5; store license, £1; license to import, £2. Clause 16 provides:—“Any person may apply “to the Minister for a license for a gun- “powder store, stating his name, address, and “calling, the proposed site and construction “of the store, and the amount of gunpowder “he proposes to store therein, and the “Minister may grant the license on pay- “ment of the fee mentioned in that behalf in “the schedule to this Act,” and the fee mentioned is £1. Clause 18 says:—“The following General Rules shall be ob- “served with respect to a gunpowder store:— “(1.) The gunpowder shall be kept in a “house or building, or in a fire-proof safe or

“other suitable receptacle, and such safe, “if not within a house or building, to be at “a safe distance from any highway, street “public thoroughfare or public place; and “(2.) The amount of gunpowder in the same “store shall not—(a) Exceed two hundred “pounds if it is kept in a substantially con- “structed building approved by the In- “spector, and exclusively appropriated for the “purpose, and detached from a dwelling- “house, or in a fire-proof safe outside a “dwelling-house, and detached therefrom, “and at a safe distance from any highway, “street, public thoroughfare, or public place, “such building or safe being closed so as to “prevent unauthorised persons having access “thereto and to secure it from danger “from without, and being exclusively appro- “priated to the keeping of gunpowder; or “(b.) Exceed a hundred pounds if it is kept in “a receptacle approved by the inspector, ex- “clusively appropriated to the keeping of ex- “plosives, and placed inside a dwelling house “or in any building other than as last afore- “said. (3.) An article of an explosive or “highly inflammable nature shall not be kept “in a fire-proof safe with the gunpowder, and “in every case shall be kept at a safe distance “from the gunpowder or the safe containing “the same; and (4.) Neither the building ex- “clusively appropriated for the purpose of “keeping the gunpowder, nor the fire-proof “safe, shall have any exposed iron or steel in “the interior thereof; and (5.) All gunpowder “exceeding one pound in amount shall be kept “in a substantial case, bag, canister, or other “receptacle made and closed so as to prevent “the gunpowder from escaping. In the event “of any breach (by any act or default) of such “general rules in any gunpowder store,— “(a.) All or any part of the gunpowder in re- “spect to which, or being in any house, build- “ing, safe, place, or receptacle in respect to “which, the offence was committed may be “forfeited; and (b.) The occupier shall be “liable to a penalty not exceeding Two “shillings for every pound of gunpowder in “respect of which, or being on the pre- “mises in which the offence was committed. And while on this subject I might refer to Sub-section 4 of Clause 33, which says:—“(4.) “For the maximum amount, limited by Part “I. of this Act, to be kept for private use and “not for sale, or in a store, and for the mini- “mum amount, limited by Part I. of this Act, “to be exposed for sale or sold otherwise than

"in a substantial case, box, canister, or other receptacle as therein mentioned, there shall be substituted, in the case of explosives other than gunpowder, the following amounts, namely:—(a.) Where such explosives consists of safety cartridges made with gunpowder, an amount containing not more than five times the maximum or minimum amount of gunpowder, as the case may be, above mentioned." Therefore, any private person may keep safety cartridges to the extent of 150lbs. Then Sub-section B says: "In the case of any other explosives, the prescribed amount." Taking the regulations under the Victorian Act a person would be allowed to keep 200lbs. of powder, and 100lbs. of explosives of other kinds. Then Clauses 26, 27, and 28 provide for the conveyance of explosives. Part III. deals with the administration of the law, and Clause 55 says:—"The Governor-in-Council may by order declare that any substance which appears to be specially dangerous to life or property by reason of its explosive properties, or any component of such substance, shall be deemed to be an explosive within the meaning of this Act, and the provisions of this Act, (subject to such exceptions, limitations, and restrictions as may be specified in the order) shall accordingly extend to such substance in like manner as if it were included in the term 'explosive' in this Act." It is unnecessary for me to say more. I now move that the Bill be read a second time.

THE HON. F. T. CROWDER: I look upon this a hybrid Bill—a cross between the Victorian and English law—and I compliment the gentleman who drew it, for it would take a Philadelphian lawyer to interpret it. If the Hon. the Minister understands it himself he has more comprehension than I give him credit for. This Bill starts off with something about canals and inland waters and when we talk about these things, I think we are looking 600 years ahead. Then if any person imports 20 cases of dynamite he has to pay £5 for a magazine license, £1 for a store license, and £2 for a license to import, which means £8 on a value of £70. I may be wrong in my reading; if I am, the Government should give me more time.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I am sorry the hon. member has not had time to study this Bill, but I can assure him that it has been brought in in the best interests of the colony. To handle large

quantities of explosives requires care and I think the Government should be complimented, rather than found fault with, for trying to bring this about. A short time ago some damaged explosives were found at Geraldton and there was no power to touch them. I can assure hon. members that the greatest care has been taken in the drafting of this Bill. The experience of the other colonies has been followed and the advice of the best man possible has been obtained.

THE PRESIDENT (Hon. Sir G. Sbrenton): Before putting the question, I shall exercise my right of saying a few words. Any one who has read the report of Mr. Hake, must see the necessity for such a Bill as this to protect the public against the careless use of explosives. I regret that this Bill has been brought in so late, but, at the same time, I think we should render every facility to the Government to provide a means to stop the careless methods of storing explosives which are in vogue. What experience I have had of the Government shows me that they are always willing to give every facility to the mining interests, and I am sure they will not hamper the industry by this Bill, while at the same time they will afford a protection to the general public.

THE HON. D. K. CONGDON: I am of opinion that the sooner this Bill is passed the better. In the past a Bill of some sort has been in existence, but no penalty is provided, and consequently it is a dead letter. We have had one or two explosions in Fremantle already, and the sooner, therefore, some protection is afforded to the public the better.

THE HON. W. ALEXANDER: I have much pleasure in supporting the second reading of this Bill. I have gone through the greater portion of it, and I notice that a good deal of it refers to gunpowder, although dynamite is what we want to provide against. I notice by Clause 33 that a good deal is left to the Ministry to frame rules, and I hope they will be able to do so to the satisfaction of the commercial community. The fees in the Schedule seem to me to be rather heavy. For instance, a man importing 100 cases of dynamite would have to pay £2 for a license to import, and another £5 for a magazine license, and this, with cartage, would bring up the expenses to a very large amount. Then I would ask whether a magazine license will have to be taken

out at the mines. Perhaps the Minister can give me some information.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The regulations will be drafted on the experience of other countries, and no doubt they will be submitted for the approval of parties interested in them. With regard to the magazines, of course where there was a public magazine, it would not be necessary to pay any fee, because the explosives could be stored there; but, under any circumstances, on account of their dangerous character, explosives must be costly.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 5, agreed to.

Clause 6—"General definitions":

THE HON. F. T. CROWDER: In regard to the remarks which fell from you, Sir, just now, I entirely agree with them. My objection is that we have not had the proper opportunity for considering this Bill.

THE HON. S. H. PARKER: I believe that it is often the case in regard to Bills in the Imperial Parliament. I remember seeing an account once where something like 50 Bills went up to the Lords, and were passed in the course of half an hour. That House looks upon itself as a revising House, and a House to put a check on anything that is going wrong. The responsibility of legislation must rest principally with the Lower House, and until we find that House going too far, or going beyond public opinion, perhaps it is not wise for us to interfere. In many cases we can make amendments which are to the advantage of the public, but in the last moments of the session it seems to me almost unavoidable that a number of Bills must be sent here and passed hurriedly, and, in such cases, I think it better to throw the whole responsibility of them on the Lower House. With regard to this Bill, I have not had time to read it, and I am not prepared to discuss it. The Government and the Lower House must take the responsibility of it.

Clause agreed to.

Clauses 7 to 17:

Agreed to.

Clause 18—"General rules for gunpowder stores":

THE HON. F. T. CROWDER: What is a proper receptacle?

THE MINISTER FOR MINES (Hon. E.

H. Wittenoom): I think one approved by the Inspector.

Clause agreed to.

Clauses 19 to 32:

Agreed to.

Clause 33—"Modifications of Part I, as applied to explosives other than gunpowder":

THE HON. W. ALEXANDER: Are these magazines intended to apply to each mine?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I take it anyone can have a magazine if approved by the Inspector.

THE HON. W. ALEXANDER: Is it compulsory to have a magazine on a mine?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Compulsory to have a place to store explosives in.

THE HON. H. J. SAUNDERS: Must every mine have a license to keep explosives?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Everyone who keeps explosives must have a license.

THE HON. H. J. SAUNDERS: Has the Inspector power to state where a magazine is to be built?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Explosives will have to be stored in keeping with the views of the Inspector, but he will, of course, do all he can to facilitate the mine owners.

Clause agreed to.

The remaining clauses were agreed to.

Bill reported, and report adopted.

THIRD READING.

The Bill was then read a third time and passed.

WIDTH OF TIRES ACT.

THIRD READING.

This Bill was read a third time and passed.

ADJOURNMENT.

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

Question put and passed.

The Council, at 9.15 o'clock, p.m., adjourned until Friday, 11th October, 1895, at 4.30 o'clock, p.m.