STATEMENT OF LOANS—*continued.*

The Net Result of a 3 °/₀ Loan of £1,500,000 at £91.

	£	s.	d.	£	s.	d.
Face Value of Stock	...			1,500,000	0	0
Discount of 9 °/₀	135,000	0	0			
Flotation and other expenses	36,999	16	0			
Accrued Interest	14,872	4	0			
				186,872	0	0
Net proceeds	...			£1,313,128	0	0

Legislative Assembly,

Tuesday, 21st October, 1902.

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The SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: 1, Return showing quantity of Tuart Timber used by Works Department, and quantity available (ordered on motion by Mr. Hayward). 2, Copy of Alteration to Classification and Rate Book (Storage of Ore, etc., and Carriage of Lead Flux).

By the PREMIER: 1, Copy of Permit granted to the Kalgoorlie and Boulder Firewood Company to construct a Timber Tramway.

By the COLONIAL SECRETARY: 1, By-laws passed by the Municipality of Boulder.

Ordered: To lie on the table.

QUESTIONS (3)—OIL FUEL FOR GOLDFIELDS, ETC.

MR. HOLMAN (for Mr. Reid) asked the Minister for Railways: 1, Whether the Government, the Minister, or the Commissioner for Railways has been approached by any company, or the representatives of any company, with regard to the carriage of crude oil or oil fuel to the mines on the goldfields. 2, If so, what arrangements have been made.

THE MINISTER FOR RAILWAYS replied: 1, Yes; by the Shell Transport and Trading Company (Messrs. D. and J. Fowler, agents). 2, Cabinet agreed on the 24th June to carry at "B" rate, plus 50 per cent., which is to Coolgardie £3 5s. 5d. per ton, to Kalgoorlie £3 8s. 5d. per ton, the company to pay for the construction of the tanks on the trucks. The company state that this is prohibitive. The Commissioner does not agree, as the trucks cannot be used for any purpose on the return journey. No arrangements have been made.

MR. HOLMAN also asked: 1, What advantage is anticipated from introduction of oil fuel to the gold industry and the State generally. 2, What effect is anticipated from the introduction of fuel oil upon the labour market.

THE MINISTER FOR RAILWAYS: replied: 1, These are questions which do not properly arise in the consideration of freight. As a general rule, if traffic offering can be carried safely at a remunerative rate there is no justification for refusing to carry. The advantage or otherwise of using oil fuel is entirely a question for the consumer. 2, There is no data upon which to base a calculation.

MR. HOLMAN also asked: 1, Whether any concessions have been granted or facilities been afforded to any person or company for the storage of crude or fuel oil on or near the wharves at Fremantle or elsewhere. 2, Whether the Govern-

ment will assure the House that no agreement will be entered into for the storage or carriage by rail of crude or fuel oil without first consulting Parliament.

THE MINISTER FOR WORKS replied: 1, No. The matter has been brought before both the Railways and Works Departments, but no concession has been granted or facilities for storage afforded, in view of the approaching formation of the Harbour Board. 2, The matter is one for the new board and not for Parliament; but the Government will welcome any discussion which, in the opinion of the honourable member, is desirable.

QUESTION—GOLDFIELDS FIREWOOD, CARRIAGE.

MR. HOLMAN (for Mr. *Reid*) asked the Minister for Railways: What amount of money was received by the Government railways as freight on the carriage of firewood on the goldfields during the past 12 months.

THE MINISTER FOR RAILWAYS replied: The receipts for firewood for goldfield stations for the 12 months ended 30th September, 1902, were as follow:—Eastern Goldfields, £54,217 17s. 10d.; Murchison Goldfields, £1,799 0s. 8d.

QUESTIONS (2)—MIDLAND RAILWAY COMPANY, CONDITIONS OF CONTRACT

DR. O'CONNOR asked the Premier: 1, In view of the fact that under Section 39, Midland Railway Agreement, 1886, the company must run one train each way per day, making 14 trains per week, and as the Commissioner under this section has power to compel the company to increase the train service to 12 per week, making 24 in all, whether he will notify the company that they must run 12 trains per week each way. 2, If the company do not fulfil such order whether the Government, under Section 58, will enter upon and take possession of the railway line and inflict the penalty of £100 per day as long as they are in possession.

THE PREMIER replied: 1 and 2, This matter has been attended to. We do not anticipate being compelled to enforce the company's obligations, but should the need arise shall not hesitate to exercise the rights conferred upon us by the contract.

DR. O'CONNOR: Are you going to increase the train service?

THE PREMIER: We are endeavouring.

DR. O'CONNOR also asked: In view of the fact that the Midland Railway Company have not carried out their agreement under Section 50, Subsection (*e*), in conjunction with Section 45, 1886 agreement, which states that one-half of their lands shall be occupied for the purpose of settling immigrants, to be introduced by the company, whether the Government will apply for an injunction to restrain the company from using such lands for any other purpose, and introduce a Bill this session to have these lands revested in the Crown, since they are not used for the original intention.

THE PREMIER replied: Section 50, Subsection (*e*) of the agreement of the 27th February, 1886, should be read in conjunction with Sections 45 and 46. Section 50 makes a provision of a temporary nature; it gives the contractor a right, but confers no obligation.

QUESTION—CIVIL SERVANTS, CORRESPONDENCE IN NEWSPAPERS.

MR. TAYLOR asked the Premier: Whether Civil Servants are permitted to write to the newspapers on political subjects.

THE PREMIER replied: No.

QUESTION—RAILWAY DEPARTMENT, CARPENTERS.

MR. JOHNSON asked the Minister for Railways: 1, The number of carpenters employed on permanent list in Railway Department within a radius of 12 miles of Perth railway station. 2, The number on casual list. 3, The average wages paid to the permanent carpenters. 4, The average wages paid to the casual carpenters.

THE MINISTER FOR RAILWAYS replied: 1, 107 carpenters and 28 carriage builders. 2, 37 carpenters and five carriage builders. 3, Carpenters, 10s. 11¼d.; carriage builders, 11s. 0½d. 4, Carpenters, 10s. 3¼d.; carriage builders, 10s. 3½d.

QUESTION — RAILWAY HOPPER WAGONS, PURCHASE.

MR. McDONALD asked the Minister for Railways: 1, How many four-wheel wagons, bogie wagons, and coal hopper

wagons have been purchased from Dulith-Smith, McMillan, and Co., of America. 2, What was the price paid for each type per wagon. 3, Whether the Minister is aware that the workmanship in these wagons is of a very inferior quality.

The MINISTER FOR RAILWAYS replied: 1, Wagons ordered—210 four-wheeled highsides, 60 bogie highsides, 50 coal hoppers. 2, Contract price, c.i.f., Fremantle:—Four-wheeled highsides, £160 per wagon; bogie highsides, £270 per wagon; coal hoppers, £318 per wagon. 3, The quality of the work is a fair example of American practice for this class of work, and must be so regarded.

QUESTION—RAILWAY DRAGHOOKS, PURCHASE.

Mr. McDONALD asked the Minister for Railways: 1, What was the price paid for each of the 1,000 cast steel draghooks from Dulith-Smith, McMillan, and Co. 2, Whether it is a fact that a number of these hooks were broken shortly after being put into use, to the great danger of the traffic. 3, Whether it is a fact that they were withdrawn from traffic shortly after their arrival. 4, Whether any trial or test has been made of them in the locomotive shops, and with what result. 5, Whether it is a fact that some of these have since been sold to fishermen for boat ballast. 6, How the Government proposes to dispose of the balance of these hooks.

The MINISTER FOR RAILWAYS replied: 1, Seven shillings and threepence each, c.i.f., Fremantle. 2, Some hooks did break shortly after being put into traffic. 3, Four hundred hooks were put into traffic in September, 1901, and instructions were given to withdraw them in December, 1901. 4, Yes. Each hook has been tested with the exception of those that were broken or lost in traffic. The number that passed a severe test is 701. 5, No. 6, The hooks that have passed the test will be used on traffic as draghooks. Those that have failed will be sold as scrap, or used in workshops where suitable.

LEAVE OF ABSENCE.

On motion by Mr. Jacoby, leave of absence for one fortnight was granted to the member for East Kimberley (Mr. F. Connor), on the ground of urgent private business.

AGRICULTURAL BANK ACT AMENDMENT BILL (No. 2).

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

ROADS ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the 15th October; Mr. Illingworth in the Chair; the Minister for Works in charge of the Bill.

Clause 127 (postponed)—Rate book and valuation:

Amendment (moved previously by Mr. Jacoby) by leave withdrawn.

Mr. JACOBY moved that in lieu of the words which had been struck out of this clause, the following be inserted: "Annual and capital value of such land or (except in the case of mining leases) the unimproved value of such land."

The MINISTER FOR WORKS: This amendment would necessitate farther amendments. Seeing how necessary and how good the Bill was, he had hoped that no highly contentious matter would be introduced into it; however, the desire of the Committee seemed to be that roads boards should have the optional power to strike rates on the unimproved value of land. While there might not be much objection to this principle of assessing the value, it should be made perfectly clear in the Bill that roads boards would not be at liberty to use optional systems of rating in such a way as to apply one system to parts of a district or to certain properties, and at the same time apply another system to other parts or to other properties within the same rating district. It would be better to omit from this clause all reference to rating on the unimproved value of land, and to provide for this as an optional system in a separate new clause. He suggested that the hon. member's amendment should be adopted in an altered form, thus:—"The board may, except in the case of mining leases, adopt instead of the valuation as prescribed by the last preceding section, a general system of valuation on the basis of the unimproved value of land." Also, to insert as Subclause 2 of the same clause: "In such

case the unimproved capital value of ratable property shall be inserted in the rate-book in place of the net annual value thereof."

MR. JACOBY agreed to withdraw his amendment.

Amendment by leave withdrawn.

THE MINISTER FOR WORKS moved that, in lieu of the words struck out after "net," in line 4, there be inserted the words "annual and capital value of such land."

Amendment passed.

THE MINISTER FOR WORKS also moved that the following be added as Sub-clause 2:

> The annual value shall, at the option of the board, be either (*a*) the yearly rent at which the land might reasonably be expected to let, free from all usual tenant's rates and taxes, and deducting therefrom the probable annual average cost of insurance and other expenses (if any) necessary to maintain such property in a state to command such rent; or (*b*) an amount not exceeding seven pounds ten shillings per centum on the capital value of the land in fee simple.

MR. FOULKES: A maximum of 7½ per cent. on the capital value was too high, and should be reduced to 5. None could maintain that the yearly value of a £2,000 house was £150. Even at 5 per cent. it would be £100 a year—a high yearly rental. There should not be such an extreme disparity between the different methods of taxation; for by paragraph (*a*) the yearly rent was to be taken as that at which the land might reasonably be expected to let. He moved, as an amendment on the amendment, that the words "seven pounds ten shillings" be struck out, and "five pounds" inserted in lieu.

MR. MORAN: What was meant by "other expenses"?

THE PREMIER: The average annual allowance for repairs.

MR. MORAN: The power to make such a deduction was ill defined. It might involve the whole annual value or more.

THE MINISTER FOR WORKS: The words were merely a guidance to the valuator, who, in estimating, must first deduct the annual upkeep necessary to bring in a reasonable rent.

MR. HASTIE opposed the additional amendment. The £7 10s. was a maximum simply; and none would pretend that boards would unduly rate themselves. If restricted as proposed, boards would look to the Government for aid; and this i was the object of the Bill to prevent.

MR. MORAN: No land agent would submit to a purchaser house property which did not show a return of 7½ pe cent.

MR. DIAMOND: Was not this 5 pe cent. net after deducting upkeep?

MR. MORAN: No; it was free from all deductions. Allow the 7½ per cent to remain, seeing that it was self-imposed and, even when unduly heavy, it would fall on the rich.

MR. DIAMOND: Seven and a-hal per cent. was much nearer than 5 pe cent. to what the amount ought to be especially as roads boards would stil have power to strike a rate on the capita value, and if struck too high at first they could make it lower afterwards.

THE PREMIER: Sub-clause 2 pro vided the ordinary rule as to rating, tha a property was assessed on the annua value, and if it were a property not occu pied by a tenant, the annual value was assumed to be such a rental as would probably be obtained if the place were le to a tenant. That was simple enough but it had been thought, in connection with the legislation of this State and elsewhere, that this pressed somewha unduly on those properties which were improved, and which because of their improvements would produce a large annual rental than any similar property which, being unimproved, could be used only as vacant blocks. Sub-clause (*b*) was meant to cover those cases where either there were no improvements o where the rental value *plus* the improve ments did not exceed £7 10s. per cent. o the capital value. The result would be that if one had a property worth a thousand pounds and the annual value was less than £7 10s. per cent. annually the rating authority would be entitled to impose rates on the capital value. He did not think this applied so much to cases where there were two properties which were *bona fide* improved, but more especially to those cases where vacant lands intervened between improved pro perties. In the case of suburban roads boards there would be no difficulty in applying this principle of rating; but in regard to rural roads boards, it might be thought that £7 10s. per cent. on the

capital value would be too high. The simple answer should be that it rested in the hands of the board for the time being elected by the ratepayers to say whether they would accept £7 10s. per cent. or a less amount on the capital value. The force of that argument was not altogether appreciated by those who thought £7 10s. too high. Last year we introduced a Roads Bill, and provided that certain powers could be applied to any roads board by proclamation, if the members of such board so desired. That would have left it entirely optional with the members of the roads boards. Unfortunately that Bill was rejected in another place, because it was there said, "If this power is given to roads boards, it may be used unfairly by a temporary majority of members for the time being." What he (the Premier) apprehended was that this difficulty would present itself to members of another Chamber. Perhaps the wisest course would be to leave the limit at £7 10s., and if members of another place were satisfied with that, well and good. If, however, they desired it to be reduced, we in this Chamber must make the best bargain we could in connection with it.

Amendment on amendment negatived.

Amendment (by the Minister) passed, and the subclause added.

THE MINISTER FOR WORKS also moved that paragraph 3 of the proviso be struck out, and the following inserted in lieu: "(2.) In estimating the annual or capital value of mines, no regard shall be had to the minerals therein or the mining machinery, whether fixed to the soil or not."

MR. HASTIE: Many dwelling-houses were erected on mining leases; and if this clause were passed, would the holder of a mining lease be rated on the value of the houses erected by persons on his lease? [Several MEMBERS: Yes.] In that case he hoped the Committee would never pass a clause like this. Round about Kalgoorlie and Boulder a quarter if not a third of the population lived upon leases. [MR. MORAN: Why should they not be rated?] He wished them to pay rates, but did not wish that the leaseholders should be compelled to pay for those occupiers. The clause meant that the occupiers must go off the leases at once, because no leaseholder was going to be so foolish as to allow a lot of people to have camps upon his lease if he was to be responsible for all the roads board rates. It was absolutely impossible for these people, however much they wished to do so, to live in town. He wished the Minister for Works would suggest some subclause providing that the leaseholder should not be responsible for rates on houses occupied by other persons, or some means should be provided in that direction. Those people living on leases were not trespassers, and were never recognised as such. For the last six or seven years there had been camps, some of them small and miserable-looking affairs, no doubt, but others substantial; and it would be manifestly unfair to compel the leaseholder to pay rates for those houses. The occupiers should pay a share of the rating, at least; and if the leaseholder was to be responsible, he would probably not allow the camps to continue.

THE PREMIER: The clause with this amendment by the Minister for Works was in the direction of giving relief to leaseholders with regard to rating, and the hon. member therefore could not have any possible objection to the amendment. The hon. member was asking who was responsible under certain conditions. If a man were a trespasser on another's property, being there without consent, one did not see how the leaseholder could be rated for that man's camp.

MR. HASTIE: These residents on leases had consent to be there.

THE PREMIER: If the hon. member wished to attain his object, it would be far wiser to bring forward a new clause on recommittal. The amendment by the Minister for Works gave the leaseholders exemption in relation to machinery and minerals on their property, and this at all events was moving in the direction which the hon. member would not object to. Leaseholders would not, he thought, be liable for rates on houses, if the occupiers were trespassers; but on the other hand if a person had tenements on his property by consent of that person, then *primâ facie* the relations of landlord and tenant arose. If they were not tenants, they must be trespassers. [MR. HASTIE: No.] Either there must be the relations of landlord and tenant, or the persons must be trespassers. Any

of us might have persons living on our property, but might not worry because their living there did not hurt us; but if it were to be held that because they lived there and were not turned off, therefore the owner must be liable for the rates, that would be very undesirable. This measure would not cover those cases in which the occupier was practically a trespasser, because a person who was there on sufference was practically a trespasser. For instance, the Health Act provided that people living on leases should be rated; but the leaseholder was not responsible for the health rate.

MR. THOMAS: Clause 144 dealt with this matter, and when that clause was under discussion, on the 7th October last, the point now raised was brought up by himself, and he was laughed at by the member for Kanowna for so doing. It was then pointed out that under Clause 144 if a man did not pay, the roads board would have the right to recover rates from the occupier or owner; and he (Mr. Thomas) asked what would happen to the men living on leases at Kalgoorlie, whether if the occupiers did not pay rates the leaseholder would have to do so. The member for Boulder (Mr. Hopkins) then replied that the leaseholder would be liable. It was also stated that among some 16,000 people in the Hannans district, only 367 were ratepayers, the remainder living on leases. In reply to the member for Boulder, he (Mr. Thomas) had pointed out that unless some provision were made to protect the leaseholder he might turn the occupiers off the land. On this view of the matter he (Mr. Thomas) had then appealed to the Labour bench to see that something was done to protect the interests of those living on the leases.

MR. HASTIE: When that statement was made he was not in the House, and this was the first he had heard of it.

Amendment (to strike out certain words) passed.

THE MINISTER FOR MINES moved that the words, "or to buildings used exclusively for the housing of such machinery," be added to the amendment. While minerals and mining machinery were exempt from rating, the buildings used for the housing of machinery should also be exempt. If it was desired to assist the mining industry we should add these words.

MR. MORAN: Any reference to the mining leases was almost foreign to this Bill, as the minerals and the land were not made liable to rating.

THE MINISTER FOR WORKS: There was the rent paid to the Government.

MR. MORAN: The rent was paid to the Government because of the minerals under the land. There were scores of leases in Western Australia, and dozens in Kalgoorlie, which would bring in nothing under this clause, because they were held under exemption, or by dummying, or by bogus jumping. While the Committee gave the right to the agriculturist and the pastoralist to get at the man who would not improve his property, so as to rate him, nothing was to be done to make the man who held a lease work that lease. Could not the probable value of a lease be arrived at by reckoning the value of the one adjoining?

MR. THOMAS: What about the leases at Kalgoorlie, where one was immensely valuable and the adjoining one was worthless?

MR. MORAN: Such a provision would be the best thing to make men either work their leases or throw them up. If all mining buildings and dwellings on leases were to be exempt from rating, there was little left to be rated. The question of residence on leases was one of the old nuts which members had been trying to crack for the last eight years. It had been the curse of the goldfields that sanitation could not be looked after because of the scattered settlement on mining leases. The Government had been setting aside proper residential areas in every quarter, and if the people could by any means be brought together to settle on those areas, where they could have good footpaths and streets, with proper sanitation, it would be a good thing for the goldfields. There had been hundreds of lives sacrificed by reason of the scattered settlement of the people, because under such circumstances healthy conditions could not be secured.

Amendment passed, and the words added.

THE MINISTER FOR WORKS moved that the following new sub-clause be added: "The rate book shall at all times during office hours be open to

inspection by any District Board of Health."

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

New Clause:

Mr. JACOBY moved that the following be added as Clause 128:—

The board may, except in the case of mining leases, adopt the system of valuation on the basis of the unimproved value of lands.

The MINISTER FOR WORKS: Whilst agreeing with the object of the mover, one did not agree with the method of attaining it. He moved as an amendment to strike out the words the "system of valuation on the basis of the unimproved value of lands," and insert in lieu, "instead of a valuation as prescribed by last preceding section, a general system of valuation on the basis of the unimproved value of lands."

Mr. Moran: What was the unimproved value of lands?

The MINISTER FOR WORKS: That would come afterwards.

Amendment passed.

The MINISTER FOR WORKS also moved that the following be inserted as Sub-clause (2): "In such case the unimproved capital value of ratable property shall be inserted in the rate book in place of the net annual value thereof."

Mr. Jacoby: Was it desired to leave in the capital value and to strike out the annual value?

The MINISTER FOR WORKS: If roads boards adopted the system of rating unimproved value, they would insert in the rate book only the unimproved value.

Mr. Jacoby: At the present time the rate book showed the annual and the capital value.

The MINISTER FOR WORKS: If the board did not adopt the present system, but adopted the system of rating on unimproved value only, the unimproved value would be shown.

Mr. Jacoby: The capital value was still maintained. The words "net annual or capital value" should be inserted in the new subclause.

The MINISTER FOR WORKS: If a roads board adopted the system of unimproved valuation, they would insert in the rate book the unimproved value in place of the net annual value.

Mr. TAYLOR: A board ought not to be compelled to adopt the system of rating on unimproved values throughout its district. A system which would reach a few speculative holders among a number of holders improving their properties was what we required. The new clause moved by the member for the Swan was designed to catch individual holders of speculative blocks.

Mr. Jacoby: No. The amendment was designed to apply to whole districts.

The MINISTER FOR WORKS: If members desired it, he would not object to altering his amendment by inserting after "annual" the words "or capital."

Amendment altered as suggested, and passed.

Mr. JACOBY moved that the following be added as Subclause 3:—

"Unimproved value" means the sum which the owner's estate, or interest in any land, if unencumbered by any mortgage or other charge thereon, and if no improvements existed on the land, might be expected to realise at the time of valuation if offered for sale on such reasonable terms and conditions as a *bona fide* seller might be expected to require.

Mr. MORAN: Was this subclause copied from the legislation of any other State?

Mr. Jacoby: No; it had been suggested by the Parliamentary Draftsman.

Mr. MORAN: Everything hinged on the definition of "unimproved value."

The Premier: The Municipal Act contained a somewhat similar provision.

Mr. MORAN: How was the expression "such reasonable terms and conditions as a *bona fide* seller might be expected to require" to be interpreted?

Mr. JACOBY: The expression was merely in the nature of a guide to the valuer.

The PREMIER: The difficulty was as to what was the cash price. The cash value of land was much less than the value on terms. If it was usual to sell land on terms, that circumstance raised the price.

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

New Clause:

Mr. JACOBY moved that the following be added, to follow Clause 141:—

Where the system of valuation on the basis of unimproved values of lands is adopted by the board, the general rate to be levied in any year shall not exceed twopence-halfpenny in the pound on the capital unimproved value of the land rated.

It had previously been stated that a rate of 3d. would be ample; but Mr. O. L. Haines, the chairman of the Municipal Conference, after careful calculations had come to the conclusion that a rate of 2½d. would suffice, since it would equal the rates levied on annual and capital values.

Question passed, and the clause added to the Bill.

Schedules (16)—agreed to.

On motions by the MINISTER FOR WORKS, three new schedules (10th, 13th, and 14th) added to the Bill.

Preamble, Title—agreed to.

Bill reported with amendments.

RECOMMITTAL.

On motion by the MINISTER FOR WORKS, Bill recommitted for amendments.

Clause 17—Disqualifications:

MR. TAYLOR moved that Subclause 4 be struck out, and the following inserted in lieu: "No person who has been convicted of felony or sentenced for an offence for a term exceeding two years' imprisonment with hard labour." This would in one respect assimilate the qualification for roads board membership with that for Parliament. As the subclause stood, the roads-board qualification was the higher. This opinion was supported by the advice of a well-known legal member of the Upper House.

THE PREMIER: The subclause applied only to persons under sentence.

MR. MORAN: But a man in gaol might be elected.

THE PREMIER: True.

Amendment passed, and the subclause struck out.

THE PREMIER: Why insert "exceeding two years' imprisonment?"

MR. TAYLOR: A mere misdemeanant was eligible for this Parliament and for the Imperial Parliament.

MR. MORAN: Why make any restrictions on candidature while the election was by ballot?

MR. JACOBY: A candidate's history might not be known.

MR. TAYLOR moved that the words "No person who has been convicted of felony or sentenced for an offence for a term exceeding two years' imprisonment with hard labour," be inserted.

MR. HASTIE: Would a man so convicted be for ever ineligible for election?

THE PREMIER: Yes.

MR. MORAN: Then that was an extra punishment.

THE PREMIER: In most countries such civil disabilities followed convictions.

MR. HAYWARD: We should go too far if we disqualified convicts transported years ago.

THE PREMIER: Why not leave the subclause as drawn?

MR. TAYLOR: Because it unnecessarily embodied a severer qualification than that for either House.

THE PREMIER: No; the disqualification lasted only while the person was in prison.

MR. TAYLOR: A prisoner would not be nominated.

THE PREMIER: He might be. The clause struck out was no disqualification to a candidate. By the existing law, after a person had served his sentence he might become a member of the board. The amendment (Mr. Taylor's) was far stricter than the subclause struck out, as all could perceive without legal advice. If the hon. member would withdraw his amendment, he (the Premier) would try to move one less drastic.

MR. TAYLOR: There was no desire on his part to be drastic, but his wish was to make the board within reach of a person who had been convicted of a misdemeanour. He took advice on the matter, and was told that "misdemeanour" applied whether a man had previously been sentenced or was undergoing sentence. He would withdraw the amendment.

Amendment by leave withdrawn.

THE PREMIER moved that the following be inserted in lieu, "Is under sentence for any crime or misdemeanour, or any offence punishable by imprisonment for one year or longer, or."

Amendment passed, and the clause as amended agreed to.

Clause 35—Notice to be given:

MR. WALLACE moved that the word "six," in line 1, be struck out, and "fourteen" inserted in lieu. Clause 35 read: "Six clear days' notice of the holding of such court shall be given by exhibiting such notice on the outer door of the office of the board or in some public place in the district, and be advertised in a newspaper usually circulating in the district."

Clause 34 said the list should be revised between the 10th and 20th days of February, and that was a margin of ten days. In many places where they had only weekly mails, six days would be insufficient; in fact he did not think fourteen days would be sufficient.

The PREMIER: Clause 32 provided that every objection should be made to the board and be delivered on or before the 31st January in any year. If we said 14 clear days, that would carry us up to the 15th February, and under Clause 34 an open court had to be held between the 10th and 20th February. It could not be held before the 15th, and that would allow only five days; so that if some difficulty arose in connection with the quorum there would not be time to do what was required.

Amendment passed.

Clause 99—Powers of board; general management of roads, etc.:

Mr. BUTCHER moved to insert in Subclause (2), line 12, after "district" the words "for the use of the general public without respect to class or persons." He did not want roads boards to be able to make by-laws to apply to any particular class or persons. Boards in outlying districts were much inclined to sink tanks for water and let them be used for a particular purpose.

The Premier: Supposing the roads board wanted to build a dam for their own ratepayers, the hon. member wished to be able to go and use the water?

Mr. BUTCHER said he did not see why he should not have a right to do so on a public reserve. The money was drawn from the Treasury.

The Premier: This was their own rating money.

Mr. BUTCHER: They had power to sink tanks along any line of route, and what did they sink them for, if not for the use of the travelling public? Boards were allowed the privilege of making by-laws to distribute this water or make any charge they liked. Why should they not do so, but why should they restrict their charges to one particular class and exclude others?

The Premier: Supposing they wanted a special tank for their own dam?

Mr. BUTCHER: This clause said along the line of the routes, so the water must be for travelling stock and for the benefit of travellers. He was willing for boards to make charges, but he wanted to see the water available to the general public. There were places where roads boards had sunk tanks for the benefit of the travelling public, and because those tanks happened to be sunk on a squatter's leasehold they wanted to exclude the squatter from the use of that water.

The Premier: How could they prevent him from using it?

Mr. BUTCHER: That was what they sought to do.

The Premier said he did not see how they could stop the squatter from using it.

Mr. BUTCHER: They had reserved this.

The Premier: Then it was not the squatter's property?

Mr. BUTCHER: It was until they reserved it.

The Premier: This water was meant for the use of the travelling public, and not for the man who lived there.

Mr. BUTCHER: Were we going to prevent that man from using the water and allow another who lived just beyond to do so? Would the Premier help him out of the difficulty?

The PREMIER: If the hon. member brought the facts of the case before the Minister for Works, the Minister would straighten the board up by not giving them any more grants. He had ample power.

Mr. Butcher: That, he thought, would not quite do what was desired.

Mr. TAYLOR: It would be absurd to carry this amendment. The member for the Gascoyne (Mr. Butcher) pointed out that it was desirable the public should have free access to the water. When squatters sunk tanks for their own use, if there was any possible chance of shortage they prevented the public from using the water. When squatters reserved that right to themselves, the roads boards, the Government, or any person who sought for water and made dams or wells should have the same right. The squatters had sufficient power under the Land Act to conserve their own interests. If this amendment were carried, it would leave the roads boards without any power at all.

At 6·30, the Chairman left the Chair.

At 7·30, Chair resumed.

Amendment (Mr. Butcher's) by leave withdrawn.

MR. JACOBY moved that at the end of Subclause 6, the following words be added: "Provided always that no such fences or barriers shall be erected without the written consent of the chairman of the board." A case had recently occurred in which a contractor, who had a dispute with a board over some work done, kept up the barriers across a road for three months. Boards thought that a contractor whilst constructing a road or repairing a road had the right to close that road to traffic.

THE MINISTER FOR WORKS: To insert such amendment would work very awkwardly. The hon. member was evidently under the impression that the powers under the clause were given to the contractor. That was not so, the powers being given only to the board. A contractor could only erect such fences or barriers by the consent of the board and that would naturally be given by a resolution of the board. If, in addition to that, the written consent of the chairman of the board had to be obtained, in practice that would work very awkwardly, because the chairman might be absent from the State, but in his absence the work of the board went on just the same. The power to do any one of the things set out in the subclauses rested with the board, and no contractor could do any of the things without the consent of the board, which would have to be in writing.

MR. JACOBY: The idea prevailed amongst roads boards that when a contractor was given over a road to repair, the road practically belonged to the contractor for the time being.

THE MINISTER FOR WORKS moved that the words "chairman of" be struck out.

Amendment passed, and the amendment as amended agreed to.

Clause 818—By-laws:

MR. HOLMAN moved that in Subclause 22 all the words after "gelded camel," in line 16, be struck out and the following inserted in lieu: "or bull camel under the age of three years plying for hire, if used for packing; but not exceeding ten shillings per annum for every such camel used for draught, and not exceeding five pounds per annum for every bull camel over the age of three years. But no fees shall be payable in respect of camels used by prospectors for prospecting purposes." The object was to prevent owners of draught camels being rated twice. On the goldfields at present, camels were used in wagons to a great extent. The value of a wagon was between £80 and £130. Besides that the owner had to purchase harness, and had to pay a wheel-tax on the wagon. The man who used a camel for pack purposes was taxed only once. If a person owned 32 camels for which 10s. a head was paid, the amount of the tax would be £16. If the same number of camels were used in wagons, it would require about five wagons, the wheel-tax on which would amount to £5. In addition there was the tax on the camels. The dual tax was an injustice to the man working camels in a team. The owner of the wagons was always put to expense in repairs. There was extreme danger from bull camels. Only a few weeks ago a man was injured by a bull camel. Although it was desired to improve the breed of camels as much as possible, we should endeavour to prevent danger from the use of bull camels. The latter portion of the amendment was inserted to prevent prospectors from being taxed when using camels at any time.

Amendment passed.

MR. HOLMAN moved that the following be added to new Subclause 25: "and 75 per cent. of all fees collected and subsidies thereon shall be expended on bicycle pads." In Committee a new subclause was added allowing roads boards to tax the owners of bicycles. On the goldfields, bicycle pads were made specially for the use of bicycles. In the past in the back country, roads boards had gone to expense in making these pads which in wet weather were cut out by carts. If roads boards had the power to tax bicycles, then almost the whole of the money derivable by that tax should be expended in keeping the bicycle pads in repair.

THE MINISTER FOR WORKS: A roads board might well be trusted to maintain bicycle pads within its district in a proper manner without being tied

down to expend 75 per cent. of the revenue derivable from bicycles or motor cars in the maintenace and upkeep of the bicycle pads. Roads boards were not similarly tied in other directions, and they had in the past shown an honest desire to do their duty.

MR. HASTIE: Roads boards had not in the past, as stated by the Minister, shown a desire to make and maintain bicycle pads. Nothing of the kind had been done until 18 months ago, and pads were now maintained by only a few boards. The object of the rate on cyclists was to encourage roads boards to make and maintain bicycle pads, and therefore the rate ought not to be collected by boards doing nothing in that direction. He supported the amendment.

MR. JACOBY opposed the amendment. Why should special provision be made for cycle traffic?

MR. TAYLOR: Cyclists were the only persons subjected to special rating by the Bill.

MR. JACOBY: Every other kind of vehicle was also rated.

MR. HOLMAN: Yes; but the roads were specially made for every other kind of vehicle.

MR. JACOBY: So far cyclists had enjoyed the benefit of the present roads without paying any rates. While the amendment might work well on the goldfields, it would work badly in other localities; and this Bill applied to the whole State. On principle, he objected to specialisation of expenditure in this fashion.

MR. TAYLOR supported the amendment. Roads boards ought to be directed as to the manner in which the rate levied on cyclists should be expended. As things were, cyclists had invariably to give way to other traffic.

THE MINISTER FOR WORKS: While the amendment might possibly work well in outlying districts, we must not lose sight of the inexpediency of adopting a mandatory provision that 75 per cent. of all cycle fees collected, and subsidies thereon, should be expended on bicycle pads throughout the State. Many roads board districts had no need whatever for bicycle pads, and it would be sheer madness and absurdity to apply a provision of this kind to them. So far from the cyclist enjoying no right of road, the very opposite was the case, all other traffic having to give way to the cyclist. Roads boards might be trusted to provide cycle pads where they were required. If the members of roads boards failed in their duty, cyclists had the remedy in their own hands: they could elect other members who would look after cycle pads.

MR. TAYLOR: Would payment of a cycle fee qualify for a vote?

MR. HASTIE: No doubt an extreme view of the amendment disclosed many difficulties. The proposal specially to rate cyclists was new, and therefore provision should be made for the expenditure of the money levied.

MR. HOLMAN: Those who characterised as ridiculous an amendment of this kind were ridiculous themselves. In the back country, where prospectors travelled hundreds of miles on cycles, and where many men journeyed six or eight miles daily to and from their work, cycle pads were an urgent necessity. Roads boards need not make special tracks for cyclists, for whose use portions of existing roads might be set apart. The amendment meant a great deal to settlers in outlying districts.

MR. TAYLOR: Taxation without representation, as proposed under this Bill, was altogether reprehensible. The amendment met the necessities of the case, and might have been accepted by the Minister. The hon. gentleman was wrong in stating that if roads boards neglected cycle pads cyclists had the remedy in their own hands. If in making such a statement the Minister desired to convey that the payment of a cycle fee entitled one to vote for a roads board, he was misleading the Committee. Under this Bill, a man rated as a cyclist was not a ratepayer, and consequently had not a vote.

THE MINISTER FOR WORKS: Had not such a man a house?

MR. TAYLOR: Most back-blocks cyclists lived in tents, and were neither rated nor represented.

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

Ayes	...	...	6
Noes	...	...	21
Majority against		...	15

Ayes.	Noes.
Mr. Doglish	Mr. Atkins
Mr. Hastie	Mr. Butcher
Mr. Holman	Mr. Ewing
Mr. Taylor	Mr. Gordon
Mr. Thomas	Mr. Gregory
Mr. Wallace *(Teller).*	Mr. Hicks
	Mr. Higham
	Mr. Holmes
	Mr. James
	Mr. Kingsmill
	Mr. McDonald
	Mr. Nanson
	Mr. O'Connor
	Mr. Phillips
	Mr. Pigott
	Mr. Purkiss
	Mr. Quinlan
	Mr. Rason
	Mr. Smith
	Mr. Throssell
	Mr. Jacoby *(Teller).*

Amendment thus negatived.

MR. HASTIE: By the clause as drafted, a board which had borrowed money was allowed to levy a special rate not exceeding 1s. 6d. to meet interest on the loan; but the chairman of the select committee had, by amendment, reduced the maximum to 1s., perhaps for fear of endangering the Bill in another place. Enough had been heard of the old excuse that we must placate the Upper House, an argument which none but those afraid of heavy rates on their own property would use. As roads board members would be the first to feel taxation, the power to tax might safely be given them. He moved that the words "and sixpence" be inserted after "shilling," in line 4.

Amendment passed, and the clause as amended agreed to.

Bill reported with farther amendments.

FACTORIES AND SHOPS BILL.

IN COMMITTEE.

The PREMIER in charge of the Bill.

Clause 1—Short title, commencement, and division:

MR. ATKINS moved that the word "January," in line 2, be struck out, and "July" inserted in lieu. The 1st January would be too early a date of commencement.

MR. TAYLOR: What was the object? To postpone for another six months an Act which, as all who were familiar with the long hours worked by Chinese and others in Perth must admit, should be brought into operation as soon as possible.

THE PREMIER: Under Clause 7 three months at least had to expire after the Act was applied to any particular locality before a factory need be registered, so ample time for preparation was allowed. The Government did not propose to rush this on. It was proposed to give to those likely to come under its operation the fullest notice.

MR. NANSON: Considering that this measure marked a great change in the treatment of struggling industries, the Government might very well consider the advisability of postponing the operation of the Bill for six months. That would give the owners of factories an opportunity to bring themselves into line with the new conditions which this Bill imposed upon them. To call this a Factory Act was in some respects a misnomer, because the definition of a factory in this Bill was one that strictly speaking did not apply except for dealing with what was known as the sweating evil. In the old country the original idea of a factory never included a place where only two persons were employed. The Bill contained a number of regulations that made the carrying on of an industry by small employers exceedingly difficult, and perhaps it was even premature with regard to some industries that we should introduce a Bill of this kind hampering them to such an extent as this measure did in its present form. Of course it was impossible at this stage to say what form the Bill would have assumed by the time it became law, if it passed this session. On the Notice Paper there was quite an abundance of amendments, and then it had to pass through similar stages in another place. It was quite possible that the Bill as it emerged from this House and elsewhere might be a very different measure from what it was now. Assuming, however, as one was entitled to assume at this stage, that we were going to pass the Bill as it was now before us, the request was a reasonable one in the interests of the manufacturers. "Manufacturers" was almost a misnomer when applied to persons who employed only two people. The Bill struck at the very smallest employers, and these were in a majority in a State like this. Another clause, Clause 7 he thought, provided that the measure was only to be made operative in certain districts as declared by the Government. The result of a distinction of that kind could not but be to impose a severe hardship upon districts where the Factories Act operated as compared with those

where it did not. If the Bill was going to pass, it should apply to the State as a whole. He might point out a number of other reasons why we should postpone the operation of the clause, but taking that only, when one considered the sweeping change and the very inquisitorial nature of the inspection which was to be extended to the smallest places where only one man and one woman, or two men, or a man and a boy were employed, and considered the revolution the measure effected in our industrial system in this State, it was not making any extreme demand to ask that the operation of the Bill should be postponed for a period of six months.

THE PREMIER: That would make nine months.

MR. NANSON: Judging from the small amount of agitation which there had been outside with regard to this Bill, he did not think so far as regarded workshops that this postponement need be objected to. He observed on the Notice Paper that there was a farther amendment which would admit of the portion of the Bill relating to shops coming into force from the 1st January. That portion of the Bill which merely reaffirmed in a somewhat different form old legislation would come into force almost immediately, but it was in relation to new legislation that a postponement for a period of six months was sought for.

THE PREMIER suggested that the better way to effect what the member for the Murray (Mr. Atkins) desired would be to insert after "shall," the words "with the exception of Part III."

Amendment by leave withdrawn.

MR. ATKINS moved that after "shall," in line 2, the words "with the exception of Part III." be inserted.

MR. HASTIE: If such legislation was new to the country, we might as well face the position at once and make a beginning somewhere. This Bill was simply falling into line with other parts of the Commonwealth. Let us pass the clause in its present form, and when we saw the exact shape the Bill took in Committee the question could be considered on recommittal. Let us assume at once that as soon as possible the Bill, whatever shape it assumed in Committee, would become law. He hoped the hon. member would not press the amendment just now, because it was really unnecessary, for he would have another opportunity of doing so.

MR. ATKINS: It would be better to proceed with the amendment, and on recommittal the hon. member might move an amendment.

MR. DAGLISH: It was somewhat novel for a member to bring forward an amendment like this without giving any reason whatever for doing so. It had not yet been alleged that any body of manufacturers asked for this amendment. He thought that most members of the House had followed the demand or representations of various chambers of commerce and of manufactures in regard to this Bill, and as far as he knew no chamber had ever brought forward a request for this particular delay. Surely members were not called upon to introduce these amendments entirely with the object of postponing what to them might appear an evil day. Reasons should be shown how the Bill would press with hardship now, or why, if it would press with hardship now, it would press with less hardship six months hence. Until some reason was given for this amendment, we should not seriously consider it. The remarks of the leader of the Opposition did not show that any demand by the public had been made. Because there had been no cry for a Factories Act at Northampton, there was no need for one. There had been a cry in the metropolitan districts, and the member for the Murchison would know it if he represented a metropolitan constituency. That cry had extended over five or six years, and the Bill was in response to an undoubted demand, which was admitted by the present Administration and the preceding one. It was also admitted by the Administration of which the member for Coolgardie was leader. The member for Coolgardie, when he propounded a programme, included in it a Factories Bill. [MR. MORGANS: Yes.] Therefore, the member for the Murchison, who was then Minister for Lands, virtually admitted by his position in the Ministry of the member for Coolgardie that the country had demanded a Factories Bill. He asked the hon. member now to maintain the position which he took up six months ago when a Minister of the Crown.

MR. NANSON: In urging that the operation of the Bill be postponed, the member for the Murray had pointed out that the request was made at the instance of the Chamber of Manufactures, a body which certainly represented the manufacturing interests to a greater degree than any other body in the State, and was entitled to a great deal of respect. The member for Subiaco had referred to the fact that in the policy which the member for Coolgardie, during the short time he was Premier, propounded, a Factories Bill figured. He (Mr. Nanson) particularly remembered that fact, and he did not suppose any member of the House was opposed to the principle of a Factories Bill. But there were Factory Bills and Factory Bills, and as members went into this measure we would find a great deal in it that was very absurd and harsh and inquisitorial. It would be his endeavour to put the Bill into some sort of shape. In passing all legislation of this kind that very seriously interfered with industrial rights, it was essential that the Committee, composed as it was for the most part of members who had no practical experience of manufacturing, because he believed in the House there was no *bona fide* representative of a manufacturing industry, should at least proceed slowly and not rush the Bill through, but examine it line by line. He was a firm believer in the principle that when reform became necessary, that reform should not be conceded too hastily; because reforms conceded too hastily very often were so crudely framed and put into shape that they no sooner became law than it was found necessary to amend them, and tinker with them session after session. There could be no question we should get a very much better Factories Bill if this session were devoted to trying to put the Bill into some sort of shape, and after the experience we had this session in discussing it, and having ventilated it in the country, the measure were withdrawn and reintroduced next session. When one remembered that a body of specialists like the Imperial Parliament took a great deal of time in dealing with a matter of this kind, that probably a Bill of this kind would be the sole measure of a session of the Imperial Parliament, except trifling Bills, and when one remembered that in that Parliament consisting of 670 members there was an unequalled body of specialists who investigated legislation of this kind, knowing the intimate bearing that it had on the prosperity or adversity of the industries, it almost filled one with dismay to see the light-hearted manner which members passed not only a Factories Bill but Bills dealing with other great subjects, with little discussion and consideration. There was not much attempt to ascertain how legislation of this kind was going to affect the prosperity of the State. We ran great risks in matters of this kind, even if we did not succeed in the amendment before the House for the postponement of the measure. It seemed that good would be done if, in approaching the Bill, we did not attempt to rush it through the House, but examined every portion clause by clause. By postponing the operation of the Bill a farther opportunity would be given of seeing exactly what effect the measure was likely to have, and members would be showing an amount of consideration to the nascent manufactories of the State which they were entirely deserving of. It was important to these industries that steps should not be taken which would do them a great amount of injury. When a large body like the Chamber of Manufactures, experts on this subject, asked that the operation of this Bill be postponed for a time, the request should be conceded. [MEMBER: When did they ask?] They had approached the Premier. If members looked at the list of amendments which had been given to hon. members, they would see that the postponement of the Bill for six months found a first place. Members should be anxious to treat the manufacturing industries with as much consideration as was in their power, and knowing the strong feelings which existed in regard to the Bill, that delay was not unreasonable.

MR. HIGHAM: It was not easy to understand the opposition of members to the postponement of the factories portion of the measure. It would be the middle of December before assent was given to the Bill, and it could not be made operative for some weeks after that; therefore, it was absurd to insist that Part 3 should be brought into operation on the 1st January. [MEMBER: Three months.] Three months perhaps would meet the

case. The member for Subiaco said that no manufacturing body had asked for the amendment. He had before him a circular from the Chamber of Manufactures asking that the operation of the Bill should not come into force until the 1st July. There was no real objection to postponing the operation of that part dealing with factories until the 1st April. It was necessary that the portion dealing with shops should come into force on the 1st January next.

MR. ATKINS: The amendment would not have been moved by him had he not good authority for bringing it forward, and members of the House knew there was some authority, and he thought the member for Subiaco, who always knew everything, would surely know that. The Chamber of Manufactures and other manufacturers in Perth thought the Bill had been brought forward too suddenly, and wanted time, after the Bill was passed, to make a number of alterations to their premises and to make other arrangements, and many of the alterations would be costly. It would take very little to kill many of the manufacturing industries in this State. Members talked about nursing the industries, but many of the alterations which were required to be made might cost £50. To a small manufacturer, that was a great deal. By one of the provisions of the measure, if a manufacturer carried on work in an iron building, that building had to be lined with wood throughout. Therefore, time should be given to effect these alterations, for which six months was not too long.

THE PREMIER: It was to be hoped the Committee would pass the clause as it stood, because in Clause 7 a liberal provision was made that even when the proclamation was issued bringing the Bill into force in any particular district, the penal clauses were not enforced for three months. That was a liberal allowance. The Bill had been before members for a month. It had been before all the manufacturing bodies and thoroughly discussed. It was to be seen that those concerned had gone into the Bill thoroughly, for on reference to the Notice Paper, members would find amendments had been tabled which would give all shades of opinion in connection with the question. The Committee were not facing the question in any hasty manner. The Bill dealing with the subject had been before the country some time, and it was dealing with a subject with which every manufacturer of the State was closely familiar either by experience gained in the Eastern States, or in Eastern manufactories, or in the old country. It was no new ground we were travelling over. It was a well-known subject, worn threadbare, but if when dealing with Clause 7 it was thought three months was not long enough, members could extend that period. He did not want to bring the Bill into operation so as to cause an injustice to anyone in the State.

MR. MORAN: In these matters it was just as well if there was a little give and take. The request of a body like the Chamber of Manufactures ought to be treated with the greatest respect by members. The manufacturers in Western Australia were not the large, bloated capitalists which one found in the Eastern States. All were working men, struggling just as the man with the pick and shovel was struggling. The manufacturers were striking out, trying to become little proprietors, seeing if in Western Australia they could build up manufacturing industries, so that we should not always be dependent upon timber hewing and gold getting. The House was going to pass a Factories Bill. He was in favour of it, and that portion dealing with the shops should be passed at once. But in regard to the factories an extra three months should be given. When Clause 7 was reached, and the request made, the Government should give way and allow six months after which all factories should be registered. The Premier's suggestion would attain the object of the amendment. It was our duty to display a spirit of compromise right through the consideration of the Bill.

MR. ATKINS: If the Premier's suggestion were given effect to, the amendment might be withdrawn.

THE PREMIER: Perhaps, after all, this was the best clause in which to settle the point. We had to bear in mind, however, that objections were frequently raised to particular clauses not because it was thought that the clauses themselves would bear hardly, but because the objectors were opposed

to the Bill as a whole. Could the hon. member, speaking as a supporter of the Bill, from personal experience urge the adoption of the amendment?

MR. ATKINS: Unlike the members whom the Premier referred to, he always said what he thought; and he had moved his amendment because he thought that to put the measure in force within three months of its becoming law would result in hardship. However, the point might be dealt with under Clause 7, and he therefore asked leave to withdraw his amendment.

Amendment withdrawn, and the clause passed.

Clause 2—Interpretation:

MR. PIGOTT: The definition of factory did not go far enough. The main object of the Bill was to prevent the very possibility of sweating. From personal experience he could state that great need existed for legislation to prohibit the sweating not only of manual workers but of women and men earning a livelihood by their brains as workers in offices. Why should not the clerical worker be protected as well as the manual worker? Banks, insurance offices, and newspaper offices, and occasionally Government offices, were lit up at night, and the men and women employed in them worked not only eight hours but from 12 to 14 hours a day.

MR. DIAMOND: The workers in question did not ask for protection.

MR. PIGOTT: But they had frequently asked for protection, and been refused it. He intended to move that the definition of "factory" be extended to include "any office or place of business where clerks are employed."

MR. NANSON: To define "factory" as a place where two or more persons were employed was to strain the definition.

THE PREMIER: By the Victorian Act of 1896, the minimum number was four, except in the case of Chinese, when it was one; and the numbers were in Queensland two, New South Wales two, New Zealand two, and South Australia six.

MR. NANSON moved that in line 2 of paragraph 1 of the definition, the word "two" be struck out and "six" inserted in lieu. This would bring us into line with South Australia, which, next to New Zealand, had until recently legislation probably more liberal than that of any other Australasian State. The point seemed small; but when the enormous powers of the inspectors were considered, and the numerous duties imposed on an employer one recognised how much annoyance might be inflicted on the working owner of a small workshop with two employees. How could small, struggling employers find time to study the many Acts of Parliament which now applied to them, such as the Workers' Compensation Act and the Conciliation and Arbitration Act? Yet for want of such knowledge the employer might be fined, cast in damages and perhaps ruined. The small employer was as much a wage-earner as were his workmen; and his position was harder than theirs, because he was responsible for wages. Though the number of civil servants was supposed to be in course of reduction, the definition must add enormously to the duties of inspectors who could enter a factory at any hour of the day or night, continually worrying the employer. Considering that the Arbitration Act was now in force, the scope of this Bill might probably, with advantage, be limited; for in all other countries where the minimum number of employees required to constitute a "factory" was small, there was, except in New Zealand, no Arbitration Act to guard against sweating. We should therefore be safe in following the lead of South Australia.

MR. HASTIE opposed the amendment. The hon. member had strongly approved of the principle of the Bill, and apparently it was only the application to which he objected, with a determination to limit as far as possible its operation. Why follow the lead of South Australia? True, our manufactories had to compete with those of other States; but was it necessary to give them superior advantages?

MR. MORAN: What about wages?

MR. HASTIE: Wages could be regulated by the Arbitration Court. As to inspectors, the contention of the member for the Murchison was absurd; for in no case had inspectors of mines, boilers, etc., been blamed for undue interference. Apparently, the hon. member could not see the effect of his amendment, which would give to employers of less than six men a great advantage over

other employers, though the intention of the definition was to put all factories on an equal footing, preventing the man who, to evade the Act, subdivided his factory from obtaining an advantage over he who straightforwardly kept his workmen under one roof. Only in Victoria, where factory legislation had recently become a party question, had objection been taken to the effect of such legislation.

Mr. DIAMOND: A man who employed two men should not be allowed to work them under insanitary or unhealthy conditions any more than a man should be allowed to work 20 under insanitary or unhealthy conditions. The Act seemed to have worked very well in the States where this legislation had been tried, and in his opinion we could not do better than follow the general example. He did not see why small factory owners should have a great advantage over those who employed a large number.

The PREMIER: In the English legislation they specified the class of factory irrespective of the number of persons employed, but in Queensland, where the most recent of the Eastern Acts dealing with the question had been passed, the number was fixed at two; Victoria had four and New South Wales four. This legislation was introduced with the object of securing certain ends. We wanted, as far as we could, to insist that the conditions under which factory hands were employed should be such as contained provision for the healthfulness of the people who were employed. There might be factories growing up in which no regard was paid to the health and care of those who for the time being were working in them. We had not in any part of Australia the gross evils which existed in the old country, but he thought we could in some parts at all events of Australia see sufficient signs to convince us that unless we provided legislation in these States on the lines they had in the mother country, we should see growing up here in Australia the evils of which they complained. Here in Western Australia, as we were rapidly increasing the number of our factories and industries, it was desirable to bring forward legislation for the purpose of dealing with this question. Could we deal with the question in a satisfactory way by providing that a factory should consist of a place where six or more persons were employed? Six was rather a large number, much larger than elsewhere. He was much impressed with the fact that Queensland, passing her Act in 1900, adopted "two or more." The Queensland Government was not known as a very radical one at present, and when he found that Queensland, which previously had legislation dealing with factories, thought it desirable to adopt the standard of two or more, he came to the conclusion that we should not be going very far wrong in accepting that number in Western Australia. In New South Wales an Act was passed in 1896, in South Australia in 1894, and in Victoria in 1896.

Mr. Moran: There was not much necessity to alter it in those places where the number was four. Some of the Acts had been running for six years.

The PREMIER: This Bill said "two or more." Was it wise to increase the number from two to six, and then include the exemptions that were specified in Subclause 3, which were intended to be there simply on the assumption that the number two would be maintained? He could understand that members might think two too few, but in his opinion the number six would be too large, and he hoped the Committee would not go beyond four. He thought that two would do.

Mr. JACOBY: A good deal of this legislation made it more difficult for a man to make a start as a manufacturer. It made it more difficult for a man to rise beyond the status of a working man, not only under this measure, but the Workers' Compensation Act and the old Early Closing Act, where we had the same disabilities. He would like to see every possible encouragement given to a man to make a start in these various industries. We might very reasonably follow the example of South Australia, where they had much larger factories than we had, and if they had been able to work satisfactorily under a system constituting six as the minimum number in a factory, we might do so as well. The result of most of our legislation in this direction was practically to put business into the hands of large men.

Mr. DAGLISH: Was there any reason why, because a man employed three

or even less than three, he should not be required to provide proper surroundings for those working people? If there were only one workman, that person should be protected by the State as regarded the conditions of labour. The same sort of arguments as the hon. member brought forward were introduced in regard to factory legislation in Great Britain when it was proposed to stop children six years of age from working in a factory. Whenever anything was proposed to look after the poor in this community, people were accused of introducing grandmotherly legislation, and such ridiculous remarks as that were hurled against it; but when it was proposed to protect a wealthy corporation there was never any charge of that kind. We found that a woman or boy should not be employed in a factory where silvering mirrors or making white lead was carried on. If the amendment of the member for the Murchison (Mr. Nanson) were carried, it would mean that, provided that not more than six persons were employed in that factory, a woman or boy could be employed in this avocation. There was a provision in regard to the Arbitration Act being enforced; but a small employer would have every opportunity of evading the award of the Arbitration Court, if no inspector could enter the premises to see that the award of the court was observed. If a small employer were removed from all liability of inspection, there would be little opportunity of any breach of the act being discovered. Why should he not be subject to the same inspection in that respect as the large employer? Why should the suggestion of a compromise be made if one principle or the other was right? The principle of having two in a factory was tried in Victoria and abandoned, the country demanding that two should constitute a factory. The Legislative Council was a strong body in Victoria, and set up its back against the Factories Bill, only agreeing to the measure with certain modifications. It was to be hoped the Committee would not agree to alter the Bill and insert a proposal which had been abandoned in the other States.

THE PREMIER: In 1896 there was a Shop and Factories Act in Queensland which provided that a factory was a building in which six or more persons were employed. An amending Act was passed in 1900 reducing the number to two or more.

MR. NANSON: In the English Act there was a schedule which showed exactly what industries came under the definition of "factory." It would improve the Bill if the Premier would prepare a schedule distinctly specifying what industries would come under the definition of "factory," so that members would know exactly what were the industries affected by the Bill. If that were done the question of fixing the number of persons employed in an industry might be left alone. He was not wedded to any particular number, but he moved the amendment chiefly that the matter might be ventilated. There was something in the contention of the leader of the Labour party that if it was desired that the Bill should apply all round, the number should not be limited in any way. If the Labour party were desirous of bringing every worker in a factory under the Bill, why not provide that one person engaged in a place should constitute a factory? That would be logical. The member for Mount Margaret (Mr. Taylor) had pointed out that that one person would be the owner. If it was the duty of the State to protect the health of the wage-earner, and prevent him from overworking himself, or earning as much wages as he could, it was the duty of the Government, who desired to put a ban on the cigarette smoker, to go farther and prevent the man who worked for himself working too long hours, and injuring his health. Many hard-working mistresses of houses had to work more than eight hours a day at the wash-tub and at household duties. Many a hard-working woman and the mother of a family had gone to a premature grave through the stress of her domestic duties. There was nothing in the Bill to prevent the mother of a family or a housewife being overworked, although there was some provision to protect the persons who worked in laundries. And if the experience of members in regard to laundries counted for anything, the laundry employees were able to protect themselves, judging by the price they got for washing. If the Labour party were going to be logical, they should not be content that two should constitute a factory; but they should include in the definition of

factory any place where one person was employed, whether that person be a wage-earner or working for himself. It was perhaps carrying things to an absurd length; but if it was carrying matters to an absurd length to make the Bill apply to one person, it was carrying it almost to the same absurd length to make the Bill apply to two persons.

Mr. TAYLOR: If the member for the Murchison (Mr. Nanson) pursued his line of argument farther he would protect the employer.. If the hon. member had his way, according to his argument no one would be protected, and the sanitary conditions of a factory would be such that the health of the people of the State would be jeopardised. This was purely a matter dealing with health. The experience of Queensland, where it was enacted in the first instance that six persons should constitute a factory and then altered to two persons, should be followed, because Queensland was absolutely the most conservative State as far as legislation affecting workers was concerned, in Australia. There was no country in Australia where the employers fought the employees so bitterly as in Queensland, and they had the biggest Labour party in Queensland because of the oppression of labour. If the labour people in Western Australia had to put up with the oppression that the labour people in Queensland had to put up with, there would be a Labour party here who would make themselves heard. The Committee need fear nothing by following the democratic legislation passed by Queensland. He was sorry to see the leader of the Opposition developing into an advocate of the big man. The member for the Swan (Mr. Jacoby) was crying out for the small man. Members knew how much he cared for the small man: it was the great big "boodler" looming in his eye.

Amendment negatived.

Mr. PIGOTT moved that at the end of the definition of "factory," the following words be added, "any office or place of business where clerks are employed."

Mr. MORAN: The principle enunciated by the member for West Kimberley (Mr. Pigott) deserved consideration. Anybody who had spent years in the early days on the Eastern Goldfields knew very well that some of the banks in those days sweated their employees. We knew perfectly well that a great many of the mercantile houses doing business both in Perth and on the goldfields had sweated their employees worse than any manufacturer ever did. The hardest-worked employee to-day was the bank clerk, especially during some seasons of the year, and he was the worst paid; and next came some of the clerks employed in mercantile houses. How was it that the fatherly eye of the Labour party was not cast over these individuals? Because the clerk wore a straw hat with a ribbon round it instead of an old greasy felt hat. The lot of the working man on the Eastern Goldfields had been paradise compared with the lot of the bank clerk or mercantile clerk. Should the State acknowledge the right to limit the hours of labour for the men who worked under such heavenly conditions as those on timber mills to eight hours a day, and not take notice of the unfortunate clerk working night and day? On the Eastern Goldfields in the early days clerks had to work all day and night, and then early in the morning again; and many of them to-day were sleeping their last sleep, worked to death by people who made a good thing out of their labours.

Mr. Taylor: Because they had not a union.

Mr. MORAN: There was a good deal in that. Napoleon once said that the Lord was on the side of the big battalions; but it seemed that the Labour party were on the side of the big battalions, too.

Mr. DAGLISH: One would be glad to support the amendment if it were practicable, but unfortunately in its present form it was not. That the hours of bank clerks in some cases needed limitation was quite true. The Labour party, however, ought not to be called on to initiate every reform.

Mr. Nanson: Why was the amendment not feasible?

Mr. DAGLISH: Because in inserting it here we should be flying in the face of the dictionary and the English language. The mover would do well to withdraw the amendment with a view to so reintroducing it as to avoid inconsistency.

MR. MORAN: The Labour party in the first place ought not to shirk this question, and in the second place ought not to assume that all reform legislation proceeded from them. The source of progressive measures was now, as it had always been, the present Premier, who long before the Labour party came into existence had introduced much beneficent social legislation. On this proposition one was entitled to appeal for support to the party who, with more or less justice, represented themselves as the reforming agency in this State.

MR. PIGOTT: Webster's dictionary defined "factory" in the first place as "a house or place where factors or commercial agents reside or transact business for their employers." That definition was quite sufficient to justify the embodiment of this amendment in Clause 2. For every employee in Perth and Fremantle who would come under the definition of "factory" as it stood, a dozen would come under it subject to the amendment, in moving which he was absolutely in earnest.

MR. JACOBY: If the amendment were defeated in its present form, would one be in order in reintroducing it as a separate clause?

THE PREMIER: To bring a bank within the definition of "factory" under this Bill would do no harm, since banking premises were up to the standard of accommodation required, and the Bill did not regulate hours of labour.

MR. PIGOTT: It did in the case of women and boys.

THE PREMIER: But it was not argued that women and boys were overworked. Besides, banks did not employ boys under 16 years of age. There was precedent for the amendment in New Zealand legislation.

MR. MORAN: A division would amount simply to an expression of opinion. If the amendment were carried, the Government might incorporate it in the form of a new clause or insert it at some more fitting point.

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

Ayes	...	...	...	17
Noes	...	...	...	11
				—
	Majority for		...	6

AYES.	NOES.
Mr. Atkins	Mr. Diamond
Mr. Butcher	Mr. Ewing
Mr. Daglish	Mr. Gregory
Mr. Hastie	Mr. Holmes
Mr. Hayward	Mr. James
Mr. Holman	Mr. Kingsmill
Mr. Hopkins	Mr. Purkiss
Mr. Jacoby	Mr. Rason
Mr. McDonald	Sir J. G. Lee Steere
Mr. Nanson	Mr. Wallace
Mr. O'Connor	Mr. Higham (*Teller*).
Mr. Pigott	
Mr. Quinlan	
Mr. Taylor	
Mr. Thomas	
Mr. Throssell	
Mr. Moran (*Teller.*)	

Amendment thus passed.

MR. HASTIE: By paragraph (*a.*), prisons and industrial and reformatory schools were excepted from the definition of "factory." To this the main objection was that outside factories were severely restricted by law, while the excepted institutions could manufacture *without conforming to* regulations. Without any intention of attacking religious or semi-religious organisations of this nature, and merely to prevent the unfortunate results experienced from such competition in New Zealand and Victoria, he moved that the words "under direct control of the Government" be added after "school." Any other industrial or reformatory school would then become a "factory."

MR. QUINLAN opposed the amendment. It was alleged that the Salvation Army Home manufactured certain articles; but even if it competed with outside labour, it should be exempt, seeing that the good it did far outweighed the evil of competition. In Victoria and Great Britain such institutions were excepted. Was it reasonable that an establishment like the Home for Fallen Women should be subject to inspection? To it were sometimes admitted persons respectably connected, whose presence there it was highly desirable to keep secret. Their competition with outside labour could not be unfair, as they were unpaid. With the exception of the Salvation Army Home, such institutions did only laundry work. From the head of one he had received a letter stating that in Victoria the main reasons for exempting these charities from the Factories Act were the necessity for secrecy as to inmates, and the fact that while it was sufficiently difficult to get prisoners to work, the difficulty with the temporary inmates of such refuges was still greater.

He was sorry the hon. member had seen fit to move in this direction. He regretted that the Labour party had at last descended so far as to introduce this amendment or use the argument of fear of competition. Was not the question of morality to be placed before that of competition for money?

Mr. HASTIE: One of the most objectionable remarks of the hon. member was that some members of the Labour party had descended so far as to do this, and the hon. member looked on it as a highly suspicious offence. For what reason? He (Mr. Hastie) had given his reason for the line of action he took, saying that he did not wish to apply to one part of an industry what he would not apply to some other part of it. Was it fair to ask some people to come under severe regulations and not ask others? The Labour party only asked that this danger should be avoided. His principal reason for speaking and moving this amendment was really to ask the Attorney General how we stood without the amendment being carried. The hon. gentleman should be able to show whether there was a danger; and if the danger were serious, the amendment should go to a vote. If there were no danger, none of his friends would insist upon this being done.

The PREMIER: As the hon. member had introduced the amendment, one naturally assumed he knew all about the clause. The amendment should not be pressed.

Mr. MORAN: In other countries prison labour and charitable labour entered into discussion largely, where there were large institutions competing and selling goods in the open market. If that were so in Western Australia, there would be a good case for the member for the amendment; but it would be absurd to think that some of the little reformatories just started in Western Australia were any danger to the manufacturing interests of the State. There was no danger whatever. He wished they were, and those reformatory industries were on such a flourishing commercial basis that every orphan in Western Australia was properly housed to-day, which was not the case. If the time came when large institutions of this kind flooded the market with cheap goods, the matter might be inquired into. Some institutions were doing their best to rescue a few of the orphans, to give them a bit of a home and a bit of a trade. If the hon. member were to carry his amendment, it would do injury to several orphanages which were struggling along. The hon. member would be the last man to do that, but he was the first as leader of the Labour party to bring forward matters of this kind. As the House met every twelve months, if a danger of this kind cropped up when the place got populous and thousands were going on the market, he (Mr. Moran) would be one to effect a compromise; but there was no occasion for it now, and he asked the hon. member not to impose undue hardship when there was no need for it.

Mr. HASTIE: Wherever a Factories Act had been in operation, the exemptions caused difficulties. Many such questions had come up in Great Britain. In Victoria lately, in regard to toys, mats, and printing, there had been considerable trouble from institutions under the control of the Salvation Army; and some time ago a danger regarding the toymakers was brought before the wages board, and was dealt with in such a way that toymaking was stopped in Victoria. It had now been started in New Zealand; how it would get on there we did not yet know. Some time ago he read a return published by the New Zealand Department of Labour, stating that printing was carried on at considerable expense in New Zealand by the Salvation Army, and no wages were paid to those employed in it; it also appeared that there were complaints from printers all over the place against the Salvation Army starting this particular industry. One had no reason to anticipate that Western Australia would be exempt from those troubles. However, as the Committee did not seem particularly enthusiastic in favour of what he advocated, he did not know that it would do to press the amendment; but before many years passed he would call upon the member for West Perth to redeem his promise and assist in stopping this inconvenience. He would withdraw the amendment.

Amendment by leave withdrawn.

Mr. PURKISS: Why was it proposed to exempt from the term "factory" any building, premises, or places used for the manufacture of dairy produce? On

sanitary grounds he thought that if legislation was required in respect to any factory, it would be in relation to the manufacture of dairy produce—butter and cheese. Every expert and every newspaper told us how essential it was to have clean dairies, clean butter manufactories, and clean cheese-making arrangements.

THE PREMIER: The object was more in relation to the cases of farms where there were buildings or premises used for the manufacture of dairy produce, butter and cheese, more especially butter. There might be a few hands used casually while the season was on for making butter, and it would be rather stretching things to extend the conditions relating to a factory to such instances as that. So far as Western Australia was concerned, we wanted to encourage the manufacture of dairy produce.

MR. NANSON: Supposing a large butter factory were started in Perth, would it be exempt from all the conditions as to labour under this Bill, and yet other factories carrying on business be at a disadvantage as compared with it? A drawback to very much legislation of this kind was that we made it hard for one lot of people and let others go scot free. If we attempted to impose the conditions all round, legislation of this kind would break down completely, and the country would refuse to have any of it at all.

THE PREMIER: Exemptions existed everywhere.

MR. NANSON: In Victoria there was, he understood, a very strong feeling with regard to bringing butter factories under the provisions of the Act, because the hours of work were very long, and the pay he was told was very small. He did not intend to oppose this at the present stage, but he would like more information.

MR. HASTIE said he could not give the hon. member exactly the information he desired, but if dairies and farmers were not exempted it would be in some instances absolutely impossible to carry out the regulations of the Bill. This measure specified that there should be inspectors. Those inspectors would have to carry it out, and if we made the measure applicable to all farmers in the country we should require to increase inspection to an enormous extent. We certainly could make it incumbent upon policemen, but we could not expect them to go over all the farms of the country. It was objectionable to have an Act which in the main could not be carried out.

MR. HIGHAM suggested that the words "or for work in connection therewith" be added to the paragraph.

THE PREMIER: That was too wide.

MR. HIGHAM: A farmer might have one or two men repairing machinery for a certain time, and the building in which they were working would have to be constituted a factory for two or three weeks.

THE PREMIER: If the words suggested were inserted, an agricultural implement-maker would come under the definition.

MR. JACOBY: What about a cooperage on a vineyard?

THE PREMIER: That would come under viticulture.

MR. MORAN: Tanneries would come under such an amendment. Had the Minister for Mines carefully considered paragraph (*e*) dealing with mines and collieries?

THE MINISTER FOR MINES: Mines and collieries were exempt.

MR. MORAN: There were collieries which had timber mills connected with them on which large numbers of hands were employed. These mines had machinery repairing shops: would these be exempt?

THE MINISTER FOR MINES: Yes; the paragraph would cover them all.

MR. NANSON: At Kalgoorlie there was a big electric power house which supplied power to a number of mines: would that be exempt?

THE MINISTER FOR MINES: No; it was not used on a mine.

MR. NANSON: But "about a mine."

THE PREMIER: The paragraph meant in connection with a mine.

MR. MORAN: There were several electric power houses in connection with mines where numbers of hands were employed, and there were repairing sheds on these mines. There were fairly large timber mills connected with mines.

THE MINISTER FOR MINES: All matters connected with mines were covered by the Mines Regulation Act. It was the intention of the Government

to bring down a Machinery Bill which would cover these matters.

Mr. YELVERTON: Would the Machinery Bill cover sawmills?

The Chairman: That was not a fair question to ask on this Bill.

Mr. YELVERTON: If a mine or colliery was exempt, why not a sawmill?

The PREMIER: The existing Mines Regulation Act dealt with mines and collieries.

Mr. MORAN: But the Mines Regulation Act did not deal with the employment of boys and so forth.

The Minister for Mines: Yes; it did.

Mr. MORAN: Was it contended that the Mines Regulation Act was similar legislation for mines and collieries as this Bill was for factories? It was not the same class of legislation. It might cover some of the disabilities, but what about the clauses dealing with women and so forth?

Mr. Thomas: The Mines Regulation Act provided that women were not allowed to be employed on mines.

Mr. MORAN: It could not be contended that the Mines Regulation Act covered the same ground as this Bill. Why should not a factory be started by the Great Boulder Company to make all their machinery? If so, such a factory would be exempted.

Mr. Yelverton: The Great Boulder Mine ran a sawmill.

Mr. Hopkins: It always did.

Mr. MORAN: There were several sawmills connected with collieries, and the employees would come under the Mines Regulation Act.

The Minister for Mines: To a great extent, in respect of machinery and hours of labour.

Mr. MORAN: No. The Mines Regulation Act dealt with mining, and not with the manufacture of machinery on the surface. If mining were exempted, why not also sawmilling?

Mr. Hastie: Because no special Act applied to sawmilling.

Mr. MORAN: The Industrial Conciliation and Arbitration Act and the Workers' Compensation Act applied to sawmilling.

The Premier: But this legislation was not intended to cover the same ground as those Acts.

Mr. MORAN: That was the Premier's contention, but the Minister for Mines had stated that another Bill was needed to deal with mining machinery. The member for Sussex (Mr. Yelverton) was perfectly right in demanding that the timber industry should be exempted in the same way as the mining industry.

Mr. NANSON: Would "mechanical power," in line eight of Subclause (*f*), cover sewing machines?

The Premier: No.

Mr. THOMAS: Would not the concluding words of paragraph one of Subclause (*f*) "and dwelling there," cause hardship if the occupants were not all members of the same family?

The PREMIER: No. It was wise to retain the words.

Mr. PURKISS: What was the effect of the word "so" in the expression "so engaged," in line three of Subclause (*f*)? The word appeared to presuppose something.

The PREMIER: Yes. It presupposed the words "preparing, working at, dealing with, or manufacturing goods or packing them for transit."

Mr. DAGLISH: "Woman" was defined as meaning "a female irrespective of age." Might it not be desirable to define "woman" and "girl" separately? "Girl," as distinguished from "woman," did occur in certain clauses of the Bill, and it was desirable that some farther limitation than was proposed by the measure should be made in the employment of girls. Girls under the age of 18 should not be even at certain seasons only of the year kept working until 10 at night in a vitiated atmosphere. Such conditions did not make for health, and occasionally not for morals. A farther limitation of the working hours for young girls was necessary.

The PREMIER: If that were subsequently provided, the definition could be altered accordingly.

Clause passed.

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

ADJOURNMENT.

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