

THE PREMIER: A person might say "This is an ounce of gold; you advance me five per cent. of the value, and charge me so much interest." Then the man making such advance would know well that he would not be paid afterwards.

MR. HASTIE: Compel him to keep a record.

THE PREMIER: The licensed gold buyer was supposed to keep a record; and with none but him should anyone wish to exchange gold. In how many cases was there a *bona fide* pledge of gold?

MR. HASTIE: Probably hundreds every month.

THE PREMIER: Surely such cases were exceptional. Raising money on gold would be like borrowing nineteen shillings on the security of a sovereign.

MR. HASTIE: Every time a crushing was put through, the gold was retained as a pledge of payment.

THE PREMIER: And ought not such a transaction to be regulated like a sale? What would be the value of the prior clauses were a person allowed, without registration, to get an advance on a quantity of amalgam?

MR. HASTIE: That was provided for.

THE PREMIER: If the hon. member's contention were correct, then because every mine had to send in a return of its gold yield, no gold buyers' licenses were needed. If alluvial gold were not subject to this part of the Bill, would the hon. member object to this clause?

MR. HASTIE: Yes; because exchange was very frequent.

THE PREMIER: Of other than alluvial gold?

MR. HASTIE: Of every kind of gold. Clause put, and a division taken with the following result:—

Ayes	10
Noes	7

Majority for	3
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AYES.

Mr. Atkins
Mr. Ferguson
Mr. Foulkes
Mr. Gordon
Mr. Gregory
Mr. Hopkins
Mr. Jacoby
Mr. James
Mr. Mason
Mr. Burges (Teller).

NOES.

Mr. Bath
Mr. Daughish
Mr. Hastie
Mr. Holman
Mr. Johnson
Mr. Wallace
Mr. Taylor (Teller).

Clause thus passed.

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

ADJOURNMENT.

The House adjourned at 10.40 o'clock, until the next Tuesday afternoon.

Legislative Council,

Tuesday, 27th October, 1903.

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THE PRESIDENT took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Report in accordance with Railways Act Amendment Act, Section 15, Subsection (b).
Ordered, to lie on the table.

INSPECTION OF MACHINERY BILL.

SECOND READING—AMENDMENT.

Debate resumed from 13th October.

HON. C. E. DEMPSTER (East): When this Bill was introduced by the Colonial Secretary, I think he had some misgivings as to how it would be received, and he assured us that it was not necessary to take it for granted that the Bill would be carried out in its full sense. I do not think it would be wise for the House to pass such a measure. If we consider the Bill is unnecessarily stringent and will be unnecessarily severe on any class of the community, I think it will be wise not to pass the Bill in its present form. It is a very vexatious and unnecessary measure. As Mr. Lane has pointed out, it is no improvement on the

existing Act, and will cost the State £6,000 more to administer than the existing Act. Why should those who had sufficient enterprise and energy to acquire the possession of machinery and boilers in this State, be put to unnecessary taxation and inconvenience for such a measure? In England, where there are large factories and an immense amount of machinery at work, it would be a very different thing, but to introduce what is practically a Factory Bill into this State with such a small population is unnecessary. There is no necessity for inflicting an injustice of this kind on those who have had sufficient enterprise to embark in any industry that requires the use of machinery. The measure not only applies to boilers, but to the whole of the machinery which may be used on farms. I do not suppose that it applies to reaping machines or anything of the kind, but why should those who work machinery on farms be subject to the annoyance of a visit from the inspector twice a year? One gets notice from the inspector that he will inspect on a certain day, and he requires to have the boiler cool for his reception. The boiler and all its appliances and fittings are taken to pieces while the inspector examines it, and puts the boiler to three or four times more pressure than it would be required to work to. This would occur twice a year. Why should it be necessary? In speaking on this measure, the Hon. G. Randell, whose opinion should have considerable weight, and who has had a large amount of experience with machinery, said that he could remember boilers being in use continuously for 20 years without any explosions or accidents occurring. These boilers were patched up and mended, and even if they did leak and put out the fires, the loss was on the owner. Boilers were then put to much more use than at present. The hon. member said that during the whole course of his experience he only knew of two accidents occurring through boilers, and he explained how they occurred. When a Bill of this kind was first introduced into this House I objected to it strongly, because I saw what a vexatious and annoying Bill it would be in a great many ways. It, however, passed into law, but at the time I put the question to the Hon. G. Randell as to the number

of accidents that had occurred in the State up to that date. After carefully going into the matter, it was found that there was no record of any boiler accident in the whole of the State, which ought to go a long way towards proving that a Bill of this sort is unnecessary, and a very great annoyance to those who have boilers and machinery. Boilers in this State are not worked in such numerous groups as in other parts of the world, so I say the measure is entirely unnecessary at this time. In years to come it may be time to introduce a measure so stringent as this. It would appear to me that this Boiler Bill was drawn up by one who was not trained. In the first place it is totally regardless of the unnecessary expenditure required in carrying it out. The gentleman, whoever he was, has made as many appointments as he could in the way of finding situations for a chief inspector and a large number of other inspectors. Then, on the other hand, it appears to me he has an eye to the interest of all the machinery-makers, inasmuch as great quantities of new machinery will need to be bought. The Hon. G. Randell again showed that it would require a considerable amount of coal to keep these boilers going when they are fitted with flues of the dimensions given. Taking everything into consideration, it certainly appears to me that whoever it was who drew up this Bill, showing all that was necessary, did not know a very great deal about it, and certainly had no regard for the interests of those persons interested in boilers and machinery in Western Australia. In my opinion it is most necessary to inspect boilers still in use; but one or two inspectors ought to be able to inspect the whole of the boilers in this State, and the State should not be put to the enormous cost of obtaining a large staff of inspectors. If an inspector visited any large establishment where a great amount of machinery was in use, he could very soon see how it was being worked, and put on a little more pressure, if required; but people ought not to be required to pull down their boilers, to take down the pipes, and do many things not necessary. Again, far more pressure is put upon boilers when inspected than is ever required of them when in use, and that seems an injustice. These inspectors

have no regard at all as to whether there is anyone competent to take the boilers to pieces. Boilers are taken to pieces, and people have to get them put together as best they can. If this Bill be passed, there will be an inspection twice a year. I see, however, that where the machinery is not in use the whole year it need not be inspected more than once in the year; but many boilers upon farms are in use perhaps only one or two months in the year, therefore the provision would be very unfair, and it would be hard on those proprietors who have a large number of hands employed in the working of machinery and boilers. Boilers are often out of work for a whole week at a time, and surely more reasonable means could be adopted than putting the owners to such serious inconvenience and so much expense for what is not absolutely necessary. This Bill does not protect the owners of machinery and boilers. Such owners are liable to an action for damages in case of injury through a boiler accident. The measure is not required and is unnecessarily harsh. It will bear very unjustly upon the proprietors of boilers and machinery; therefore I move an amendment to the effect—

That the Bill be read a second time this day six months.

HON. J. M. DREW (Central): Mr. Dempster's speech is the only one I have heard on this question; but I had previously formed my own opinion about it, the conclusion I have come to being that the object of the measure is to build up a new department under the Chief Inspector of Boilers, and that one effect of the measure will be to impose extra financial burdens on those engaged in the development of various industries in the State. First we have the Steam Boilers Act, and now we are to have something on a very large scale under which inspectors are to be appointed in every district, and it is impossible to see how the measure can be carried out if inspectors are not appointed. Not only are inspectors to be appointed in every district, but offices for inspectors must be instituted in every district, which will necessitate a large public expenditure. The administration of the present Steam Boilers Act is not at all satisfactory. There are many complaints in my district, at any rate, of petty persecution on the part of

inspectors; and this Bill places a more powerful weapon in the hands of those inspectors to harass and annoy owners of machinery of all kinds. The measure will be a severe tax on every person who has invested in machinery to facilitate the promotion of his enterprise. Is this measure really necessary? We have the Workers' Compensation Act, and under that Act if a man meets with an accident he can sue his employer and claim damages, and if he be killed his relatives can sue for compensation, in some instances to the amount of, I think, about £400. The employer has only one defence, that being where an employee is guilty of gross and wilful negligence. The fees of inspection will mean a very large item to many machinery owners, for £1 will have to be paid for every piece of machinery to be inspected, and very often there are something like 40 different kinds of machinery, therefore the owner of a plant of that description would be called upon to pay something like £40 a year. [THE COLONIAL SECRETARY: No.] The Colonial Secretary says "no"; but I hope he will be able to explain this matter to make it clearer. I see little necessity for the measure, and it strikes me there has been too much legislation of this kind introduced in recent years. Probably we shall next have a proposal to fence the Swan River because someone might walk into it and get drowned. Looking at the measures brought forward, we shall soon have this State not only police-ridden but official-haunted. I have pleasure in supporting the amendment.

HON. W. MALEY (South-East): There is one feature of this Bill which will claim the support of every member, in that the Government intend to prevent young persons under the age of 14 years from taking charge of machinery. It is desirable to place this check on the mercenary methods of some individual who might be inclined to place in charge of an engine a lad who could not possibly have gained any experience. I am glad members agree with me that this is a very wise step to take. When we turn to Clause 53, we find that "every person employed or acting as an engine-driver in charge of any steam engine shall hold an engine-driver's certificate as required by this Act." That is altogether unreasonable, and it will deal a

very big blow at the agricultural industry of this State. In my recent visit to the country districts I saw in a paddock an engine which had been placed there at great cost to the lessee of the property, who had some stacks of hay which he wished to turn into chaff. Owing to the very wet weather that engine was left in the field, and the loss to the owner of the chaff who intended to employ that engine and an engine-driver is incalculable in this season. Prices have been very high, and they are now abnormally low, simply because in the unusual rainfall chaff-cutting operations have been prevented. Assuming that the person who owns the chaff had had to employ a certificated engine-driver say for three months, that would have been unfair. It would be unfair for a man who can work an engine himself, and who has a clear head on his shoulders, not to be allowed to work that engine, but to be compelled to take a man from Perth or elsewhere to the district, and to pay that man whether the engine will work or not, or whatever happens. That is what it amounts to. There are young men 18 or 20 years of age, intelligent farmers' sons, who study machinery and who know as much about it as an engine-driver on a train; yet if I read this Bill correctly those young men will not be allowed to take charge of an engine until they have obtained an engine-driver's certificate.

THE COLONIAL SECRETARY: They may. Look at Subclause 5 of Clause 80.

HON. W. MALEY: I have looked into Clause 80, and although Subclause 5 deals with the circumstances under which engines used for agricultural, dairy or other purposes may be driven by uncertificated persons, we place ourselves at once in the hands of some company or clique. I do not know who controls this thing; but if we once pass the Bill, which under Clause 53 declares that drivers in charge of engines have to be licensed, it will be only in very exceptional cases that any variation will be made, notwithstanding Clause 80. So far as I am aware in the agricultural districts the Bill is entirely uncalled for. If the Government would alter the title of the Bill and make it apply to mining districts only for mining machinery, I should agree there was something in it. Perhaps

members do not see the distinction between the working of an engine on a mine and the working of an engine in the country; but there is a great deal of difference. On mines the lives of a large number of people depend on the working of an engine, whereas in the country districts it is practically the engine-driver and nobody else who is likely to meet with any damage or injury if the engine is not driven properly. In connection with the driving of an engine on a mine, so much depends upon the management that it may be necessary, and I believe it is necessary, for some small Bill to be introduced; or probably the present legislation provides what is necessary for mines. This Bill goes farther afield, and we have the agricultural industry mentioned here. I have known of no accident yet in respect to faulty engine-driving in any portion of the agricultural districts of this State, and until there is a demand for this measure it will be highly improper and very detrimental to the agricultural industry, notwithstanding Clause 80, to legislate with regard to the working of machinery on farms, which has hitherto been managed to the satisfaction of the community and without injury to any person. No one is more ready than myself to protect life when endangered, and no one more desirous of placing our statutes on a proper and efficient basis; but the tendency is to go in for too much legislation with a view to crowding our statute-book, and not with a view to promoting the industries of the country upon which the people depend. It is true that labourers of certain classes require certain protection, sometimes protection against themselves, and that with regard to mining there is something in the Bill. However, with regard to the agricultural industry, I think every member in the House who represents an agricultural district will agree with me that the Bill is unwarranted, and that the Hon. C. E. Dempster in moving that it be read this day six months is taking a very proper course.

SIR E. H. WITTENOOM (North): Unfortunately, I am not in a position to know whether the Bill is really required on the goldfields or not; and therefore I do not propose to address myself to that aspect, as there are so many capable representatives of the goldfields in this

House, and so many associations on the fields always ready to do duty in that direction; so it would be superfluous on my part to say anything on that aspect. I agree to a certain extent with the remarks of the previous speaker, that there is a great deal more danger in connection with boilers and machinery on mines than in those used in the agricultural industry; and I think everyone will agree that protection should be made for the general safety of those working around machinery on mines. At the same time it is useless to have a lot of irritating conditions that do not work smoothly, and which render the development of many industries expensive and irksome. What I think would be a mistake would be that the conditions of the Bill should apply to agriculture and dairying. We all know that in agriculture particularly engines may not be used more than three or four weeks or a couple of months in the whole year, only perhaps during harvesting time. If no one except a certificated person is allowed to drive these engines during that time, the owner of the farm might have to pay a man £1 a day for three or four weeks, and probably would not be able to get a man at all. Under these circumstances it would almost make it prohibitive to have an engine on the premises. It is quite true that Sub-clause 5 of Clause 80 prescribes that regulations may be made whereby engines may be driven by uncertificated persons; but then again we have to leave that point to the advice of other people and to the wisdom of the Government. With such a large industry as that of farming, and with the industries of dairying and fruit growing which we hope will become also large, it would be very much against the interests of the State that the efforts of the people engaged in them should be in any way cramped by unsuitable regulations. The proposal of Mr. C. E. Dempster is a very drastic one indeed; and I am not quite prepared to say whether we are justified in going to that extent, for I should first like to hear the views of members who represent the goldfields, because I consider the Bill applies to the goldfields more than it does to other parts of the State. Under the circumstances, till I have heard a little more, I am not prepared to say exactly in what direction I should vote.

HON. J. T. GLOWREY (South): I came here to-day with the idea of moving some very important amendments to this Bill. I am not an engineer, and I think a Bill such as we have placed before us requires some expert evidence or opinion on many clauses before a member would feel justified in expressing an opinion. I did not expect that such a drastic step would be taken as that proposed by Mr. Dempster; but if we have to go to a division now, I think I shall have to support the amendment proposed by the hon. gentleman. In looking over this Bill, I find by the first schedule that amongst other clauses of the Mines Regulation Act Amendment Act of 1899, Clause 21 has been repealed. Under the provisions of that clause, steam pumps and boring machines are excepted from the word "machinery," but under the present Bill the person driving them is required to hold a first-class or second-class certificate. According to the Bill, a steam pump would come under the category of a steam engine. Under Clause 53, any person acting as an engine-driver in charge of a steam engine must hold an engine-driver's certificate as required by the Act. The ordinary pumps, such as shaft pumps and air compressors, come under the scope of "machinery" by Clause 2. Passing to Clause 22, Subclause (b), I intended to propose that this subclause be deleted, for to comply with it would involve considerable expense. The safety which the clause seeks to provide is already gained by means of the ordinary valve joint from the boiler, and so long as this valve is kept in order there can be no possible danger. Clause 31 requires a farther amendment, for it seems to me that the inspector might put a mine owner to a considerable amount of trouble as the clause is worded at the present time, and I had some amendments which I purposed to suggest for that clause also. I purposed, in the sixth line after the word "set," to insert the words "the removal of which may be necessary for the purpose of inspection," and that the word "protected" be inserted in the next line before the word "tubes." If Clause 53 is allowed to pass as it stands at present, it would mean that second-class engine-drivers would need to be placed in charge of air compressors. This is work that

any man may do. It does not require any previous experience such as that of an engine-driver. I think Clause 66 should be excised altogether. It says that every person acting in the capacity of an engine-driver in charge of any steam engine without a proper certificate where a certificated driver is required, shall be liable to a penalty of £5 per day. The whole of Clause 76 should be excised, because I think sufficient provision is already made to meet all the requirements of the clause in the Workers' Compensation Act. Under Clause 80 the Minister certainly has very wide powers given to him, but I maintain that only the words used in the Bill can be followed. Perhaps the Bill might suit the farming industry and might apply to dairying and agricultural pursuits, but it does not apply to many requirements we need upon the goldfields. There should be a definition at the end of Clause 73 of the words "steam engine." As it stands at present a steam pump or an air compressor is certainly a steam engine. This matter should be clearly defined. I must say that I cannot see any great virtue in the Bill. I am pleased to see on this occasion that the goldfields members have the support of the agricultural and pastoral members of this House. It is legislation which for the first time affects both mining and agriculture. I am glad to see that the agricultural and pastoral representatives are ready and willing to recognise the injustice that a Bill of this kind would perpetrate on the mining industry. I certainly will not support the Bill in its present form, and if Mr. C. E. Dempster's amendment comes to a division I shall certainly vote for the amendment. At the same time I think it is possible, if the Bill is referred to a select committee, that we can seek expert evidence and put it into better shape.

THE COLONIAL SECRETARY: Why not do it?

HON. J. T. GLOWREY: I am not prepared to go farther at present.

HON. S. J. HAYNES (South-East): The Bill seems to be rather drastic for general purposes. This is admitted by agricultural, pastoral, and mining members. So far as the province I represent is concerned I can simply say the Bill is not required, for it would be a great

drawback to the industries there. In the circumstances I would feel compelled in the interests of my province and agriculture to vote for the amendment proposed by the Hon. C. E. Dempster. It does seem to me there is far too much tendency nowadays to have on the statute book a multiplicity of Acts that may have an oppressive effect. If they do not have an oppressive effect, their provisions are not carried out, so that the Acts are simply waste paper. If this Bill does apply it will be oppressive so far as my province is concerned; so I will vote against it. If the mining districts require a similar measure, would it not be better to have a special Bill brought in for the purpose? Putting this Bill on the statute book would be detrimental and a drawback to agriculture in this State. I trust the Bill in its present form will be thrown out; therefore in the interests of the province I represent I shall vote for the amendment.

HON. Z. LANE (Metropolitan-Suburban): One of the matters I forgot to allude to when speaking on the second reading was the definition of the word "machinery," which we find includes engines and machines, gearing, contrivance or appliance worked by steam or water power, or by electricity, gas, compressed air or oil. By the repeal of certain sections of the Mines Regulation Act, it would become absolutely necessary to have a certificated engine-driver even to drive a motor or to utilise any motive power; and at present the means adopted to economise is to endeavour in every way to do away with the steam power and provide motors, because motors require nothing but a little oil perhaps in 24 hours, and one man can work 20 motors, as far as that is concerned. The Bill is not required at all. We have all the privileges of this measure in force in the Mines Regulation Act. As I said in my opening remarks, there is only one clause that is an improvement on the old section, and certainly this Bill is a relash of all the other measures. To amend the Bill, it would be necessary to repeal the regulations which we labour under, which we all know, and which are certainly better than the provisions in this measure. I did not think a proposition to throw the measure out was coming before the House, and I was rather in-

clined to support the Bill being referred to a select committee; but at the same time, I am of opinion that the result would amount to exactly the same thing. If a select committee be appointed, consisting of members from the goldfields and others who are really interested in the working of machinery and so on, the Bill will come back in such a state that the Minister will not know it, for practically it will not be the same Bill; therefore I shall support the amendment.

HON. E. McLARTY (South-West): I would rather see the Bill referred to a select committee than have the course proposed by Mr. Dempster adopted, because there may be some clauses in the measure that are necessary so far as working in the mineral districts is concerned. I know nothing about that, but the measure would work very harshly on agriculture. It has been said that on many farms engines are not worked for more than a few weeks in the year; but as a matter of fact when a farmer utilises a steam engine for his own use exclusively it is a matter of days and not weeks. One often finds a man who has a knowledge of machinery, and is quite capable of driving an engine; but that man may perhaps cut up a few tons of chaff or do a little threshing, and may not be prepared to go on; consequently he will leave the work for a few weeks. In my district there are a great many boilers, and I do not know of an instance where a certificated driver is employed. In most cases the farmers' sons acquire a knowledge of driving an engine, and they work it successfully on their fathers' own farms. Should a farmer travel about, he usually puts in charge his son or some other person capable of working the machine; and to compel one to have a certificated driver, or apply for permission to have a person not certificated, would cause considerable delay and inconvenience. Still, seeing that this measure has received consideration in another place, and that there are some points which require very careful attention, I hardly like to support the drastic step of throwing out the Bill without giving the measure the attention it deserves. Therefore I would like to see the Bill referred to a select committee to see if it cannot be improved.

HON. A. G. JENKINS (North-East): Personally what I object to in this Bill

on behalf of my constituents is that it imposes the maximum of cost as usual on the mine owner; but I intend to vote to have the measure referred to a select committee, because there is much that may be altered, and in my opinion if a select committee considered the clauses of the Bill carefully and called expert evidence they would get a workable Bill. Doubtless a good Bill is really required, and so far as miners are concerned I think even my friend (Mr. Lane) will admit that the present regulations are often found to be very unsatisfactory. In some cases at any rate amendment is required. There have been cases of hardship within my own knowledge under the present regulations, and an inspector has very arbitrary powers. A select committee could, after careful consideration, prepare a report that would commend itself to a majority of the House. I would be sorry to see the Bill thrown out, and I think not only the interests of the miners are at stake, but also to a certain extent the lives of the employees. The House should give careful consideration to such a measure, and not throw it into the waste-paper basket as Mr. Dempster desires.

HON. T. F. O. BRIMAGE (South): Speaking to the amendment I certainly think the course suggested is one we could easily adopt. We have at present a Steam Boilers Act which is quite enough to insure that all boilers are properly inspected from time to time, and I fail to see the necessity of this measure, which is practically the old Factories Bill of last year, or very similar to it, and if passed it will prove a very great hardship to miners and farmers alike. I am glad to notice that a representative of the East Province (Hon. C. E. Dempster) has moved in this way. We have found a farmer who has a little sympathy with regard to some of the many evils we have to suffer on the goldfields. No doubt it is through a measure of this kind touching him up himself, but whether that be so or not I am glad we have support from that quarter. I shall certainly vote for the hon. member's amendment, for the simple reason that the Bill is not necessary at all as far as machinery clauses are concerned; and as far as steam boilers are concerned the present Act will suit admirably.

THE COLONIAL SECRETARY (in reply as mover): I regret exceedingly that this Bill has come before an audience which I can only class as distinctly unsympathetic. At the same time, I venture to think the Chamber will be doing a hasty and somewhat foolish thing if members end this Bill instead of trying to mend it. I have no objection to referring the measure to a select committee, and indeed I would welcome that course. Several misconceptions seem to prevail, some of which I would like to touch upon. In the first place Mr. Lane, in a speech which, although hostile, I could not but admire for its directness, simplicity, and courteousness, spoke of the Bill (apparently in terms of reproach) as a rehash of several other Acts. If the hon. member would look at several measures on the statute-book, he would find they are what may be called a rehash of several other Acts; and to have a rehash of other Acts is an essential duty of Parliament, and an extremely useful one. One of the points which may be urged in defence of this Bill is the fact that it operates as a consolidating measure, so that instead of having to hunt through several Acts at present in existence for the details in connection with the inspection of machinery, granting of certificates, protection of machinery, and so on, if this Bill becomes law we shall be able to find all the legislation within the corners of the Act itself. We find the whole of the Steam Boilers Act, and certain sections of the Boat Licensing Act, 1878, the Mines Regulation Amendment Act of 1899, and the Coal Mines Regulation Act, 1902, placed in this Bill, so that it will be simpler for the public to find them and better both for the owners of machinery and those working it. There is another thing. Members have said that this Bill is going to entail an immense amount of expense on the country; but I do not believe that will be the case, and I have evidence supplied to me from the Mines Department, which at present administers the Act dealing with this subject, and which I presume would administer this Bill, in which it is pointed out that this measure, which is a consolidating one, will not be very costly to administer, and will cost very little more than the Steam Boilers Act, inas-

much as the inspectors appointed under the measure if it passes—and I would draw the attention of members to this, because it is a point which has been touched upon—will be qualified mechanical engineers, who will thus be able to carry out the provisions in their entirety. The revenue to be derived therefrom will, it is anticipated, equal the expense, and the charges enumerated in the Seventh Schedule cannot be considered excessive, as they have been in force since 1897. This disposes of any objection raised that the charges to be enforced under this Bill will weigh more heavily upon the owners of machinery. It would appear from these remarks, which are supplied to me by the Chief Inspector of Boilers, that this measure is not going to be oppressive, at all events in some of the directions pointed out by members. With regard to the expense of inspection, no charge is made for the inspection of machinery worked by steam, as the fees charged for boilers cover it. That was the objection raised, I think, by Mr. Drew.

HON. J. M. DREW: No; I referred to the inspection of machinery.

THE COLONIAL SECRETARY: I take it that nearly all machinery which will be inspected is worked by steam.

HON. J. W. HACKETT: It can be worked by electricity.

THE COLONIAL SECRETARY: I am alluding to large plants most of which are worked by steam, and it is pointed out by this minute that the fees charged for the inspection of boilers cover the inspection of machinery. It is in answer to the point raised by my hon. friend. Now, again, it is undoubtedly a fact that the agricultural members seem to have taken fright at this measure—some of them at all events, and that they seem rather inclined to shy at it. Now I would point out that the very placing in Subclause 5 of Clause 80 of the Bill of a provision which states that regulations may be made for the purpose of allowing certain agricultural machinery to be driven by uncertificated persons, is in itself a warranty that the power will be availed of, and that permission will be given in cases where it is reasonable. That is undoubtedly a fact. Another point I alluded to in introducing the Bill—and a point which hon. members seem entirely

to have lost sight of—is that in a measure of this sort it is absolutely necessary to do only one thing, and that is to define the maximum powers that may be exercised. We do not deal with the minimum, but we say that in certain cases inspections may go so far and no farther. It is a reasonable thing that the maximum power should be clearly laid down, but there always seems to be a tendency to presuppose on the part of the persons administering measures, whether they are Ministers in charge of them or officials employed by the Ministers, the existence of a feeling of animosity against the industries which are affected by the measures.

HON. J. W. WRIGHT: They tell us they are carrying out the Act, when any one complains.

THE COLONIAL SECRETARY: Quite so, and I take it that those gentlemen who carry out the Act, whether Ministers or officials, are supposed to be human beings possessed of average intelligence. In this case we have the certificate of the head of the department that the officials will be qualified men, and I presume both the Minister and the officials may be credited with a certain amount of discretion, which this Bill clearly gives them power to use. With regard to the reference of this Bill to a select committee, I feel sure that if a select committee composed of members of this Chamber—and there are very many in this Chamber who take an interest in and know a great deal about the subject under discussion—were to call evidence from those persons outside the persons who drafted the Bill, and were to use their own knowledge on this subject, a measure would be evolved which would satisfy the public of Western Australia, and which, I think, would very likely satisfy the Government who have brought in the Bill. I sincerely hope the Bill will not be thrown out. I would commend the far more reasonable course of giving it farther consideration, and referring it to a select committee. If a motion is moved in that direction it will obtain my hearty support, and I hope the Bill will be referred to a select committee, and that the labours of that committee will prove acceptable to this Chamber when the Bill again reaches it.

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

Ayes	11
Noes	10

Majority for ... 1

AYES.	NOES.
Hon. A. Dempster	Hon. H. Briggs
Hon. G. E. Dempster	Hon. J. D. Connolly
Hon. J. M. Drew	Hon. J. W. Hackett
Hon. S. J. Haynes	Hon. A. G. Jenkins
Hon. Z. Lane	Hon. W. Kingsmill
Hon. J. T. Glowrey	Hon. W. T. Loton
Hon. W. Mailey	Hon. G. Randell
Hon. B. C. O'Brien	Hon. J. A. Thomson
Hon. F. M. Stone	Hon. Sir Edward Witte.
Hon. J. W. Wright	noon
Hon. T. F. O. Brimage	Hon. E. McLarty
(Teller).	(Teller).

Amendment thus passed, and the second reading deferred for six months.

MOTION—LAND SELECTION, TO FIX PRICES.

Debate resumed from 7th October, on the motion by Hon. C. A. Piesse.

HON. J. M. DREW (Central): I have pleasure in supporting the motion, and in doing so it is with no reflection on the Minister for Lands. Although representing a mining constituency, Mr. Hopkins, in my opinion, has proved one of the most energetic, industrious, and capable Ministers of Lands we have had. My district is especially indebted to him for his sincere endeavours to mete out even-handed justice; and I hope that whatever I say on this motion will not be taken as a reflection on that Minister. There is no doubt that under Section 68 of the Lands Act of 1898, the Governor has power to fix any price above the minimum for either second-class or third-class land. All that he is prevented from doing is that he cannot charge less than 6s. 3d. for second-class, or 3s. 9d. for third-class land. By *Gazette* notice in January, 1899, the price of second-class or third-class land was fixed respectively at 6s. 3d. and 3s. 9d. Unless there has been a later *Gazette* notice fixing the price of third-class land at 10s., there is no doubt the Lands Department is acting illegally in demanding that price for third-class land. I contend it was never the intention of Parliament that third-class land should be sold at 10s., exactly the same price as for first-class

land. There must be some difference in price according to value of the land. Third-class land cannot be of the same value as first-class land, and so far as I know the Government have made no increase in the price of first-class land in this State. Now it is not desirable that good land should be sold at third-class prices, but the remedy to my mind lies entirely in classification. Let us have a rigid classification, and let land be sold in accordance with it. If the classification is first-class land, sell it at first-class prices, and if the classification is second-class land, sell it at second-class prices, and if the classification is third-class land sell it accordingly. I have documentary evidence in my possession to show that the Lands Department is prepared at any time to ignore the provisions of the Lands Act. Last year a selector on Greenough Flats applied for some land which was undoubtedly third-class land. If there was any such classification it would have been sixth-class. He wrote a letter to the Minister for Lands, and received a reply from the Under Secretary as follows:—

With reference to your application for lot C.P. No. 420/55 under Section 5 of the Land Act Amendment Act, 1902, I am directed by the Hon. the Minister for Lands to inform you that the same cannot be entertained in its present form, as the Government is not now dealing with any land outside of agricultural areas under this section. If you still desire the land you may apply for the same under the ordinary terms of C.P. at 10s. per acre. I shall be glad if you will inform me as to your intentions in the matter within 30 days from date, otherwise your deposit will be refunded.

It seems a waste of time for Parliament to amend the Land Act, and to have the amendment which was made last year, if the Lands Department is going to treat amendments as so much waste paper. I contend that what should have been done in this instance was to classify the land, and let applicants have it according to the classification. The Lands Department should not be given a free hand in this matter, but Parliament alone should determine the terms and conditions under which land should be alienated. I have pleasure in supporting the motion, and I hope it will be carried.

On motion by HON. S. J. HAYNES, debate adjourned until Wednesday, 4th November.

BILLS FOR PUBLIC BODIES, JOINT STANDING ORDER.

TWO PER CENT. DEPOSIT.

Message from the Legislative Assembly received and read, requesting the Council to acquiesce in the following resolution passed by the Assembly:—

That Joint Standing Order No. 30, relating to private Bills, be amended by adding thereto the following words: "Provided that this Standing Order shall not apply to any Bill promoted by a municipality or roads board."

THE COLONIAL SECRETARY (Hon. W. Kingsmill): One would like an opportunity of explaining why it was urgent to accede to the request of the Assembly; and if the House then wished to take time for consideration, he would fall in with that view, though he would like to get the Message considered to-day. He understood that the operations initiated by the Fremantle Municipality regarding a tram service for that town were practically suspended pending the rescinding of the particular requirement in the Joint Standing Order. If that requirement (a money deposit) were not rescinded, a municipality would be in the awkward position of having to find not only 100 per cent. of the money required to carry out its works, but 102 per cent.; and having as a rule acquired authority from its ratepayers to borrow only 100 per cent., it would have to again take a poll to be enabled to borrow the remaining 2 per cent., or else to find the money out of its ordinary funds, which in many cases would be irksome and in some cases impossible. There would not be much more time this session, and the passage of a private Bill through Parliament was very tedious, many steps having to be taken with the utmost consideration. In another place the Premier had made a short speech in introducing the motion, and the question was passed without debate and without division. There was no very important point raised here regarding the Constitution of the State; but the matter was of great importance to municipalities and roads boards, which had to introduce private Bills dealing with the expenditure of their funds, and had to put up (and lose the use of) 2 per cent. of the expenditure involved at least seven days before the first reading of the Bill. In this case, when the present Joint Standing Order

was hampering the intended operations, he was justified in asking the House to grant a little more leniency than usual, and to pass this amendment of the Joint Standing Order with as much speed as possible. Private Bills introduced for the purpose of expending funds of municipalities and roads boards had a certain amount of kinship to public Bills, because they were not for the purpose of forwarding any promotions or anything of that sort. He thought members would agree that the matter was one of urgency, and would pass the amendment of the Standing Order at this sitting. It was his intention to ask the House to adjourn until this day week, and if the amendment were not passed that would mean the loss of another week in relation to these negotiations.

Standing Orders of the House suspended to enable the question to be dealt with immediately.

IN COMMITTEE.

THE COLONIAL SECRETARY moved, in accordance with his previous statement,

That the Assembly's Message be agreed to.

He hoped there would be no dissentient voice to the proposed amendment of the Joint Standing Order, for he could not see that any evil effect would accrue from the change; and if the alteration were not effected, there would in this instance be great inconvenience to a municipal body.

THE CHAIRMAN: The question was: "That the words proposed to be added to Standing Order No. 30 be so added."

HON. J. W. HACKETT: The Colonial Secretary had contended that this matter was one of urgent importance, and so had taken the unusual course of obtaining a suspension of Standing Orders. This matter ought, however, to be discussed on its merits. No notice had been given of a motion for the adoption of the Assembly's Message, nor did one find any authority in our Standing Orders which permitted a Message of the Assembly to be dealt with without due notice being given. Waiving that for a moment, this amendment seemed to him a matter of vast importance, involving a most essential feature in our private Bill legislation.

Members should certainly have been given a little more time than was offered by the Message being sprung on us in such a sudden and unintelligible manner.

THE COLONIAL SECRETARY: Not unintelligible.

HON. J. W. HACKETT: It was unintelligible in the way in which it had been sprung on the House.

THE COLONIAL SECRETARY had endeavoured to make it clear.

HON. J. W. HACKETT: It was not made clear. In the Joint Standing Orders the rules relating to private Bills had been most carefully drawn up for both Houses. In the Legislative Council such Bills had always gone to the Standing Orders Committee, and undergone farther consideration prior to being brought before the House. A stronger case should be adduced by the Minister before we should permanently alter one of our Standing Orders, or solemnly agree to what the Minister now asked for. The hon. gentleman had merely given one or two points relating to the Fremantle Municipal Council. He might make out an undoubtedly strong point from that aspect, but he had to show that the House would be justified in acting on his representations in matters of a similar character. The House ought to be given more time for considering an alteration of a Standing Order, especially one affecting the rights and privileges of private individuals and the rights and properties of the various interests of the State. Care had always been taken by Parliament to render as sacred as possible and to make clear the rights and privileges of the subject in the Standing Orders, and these rights and privileges were most carefully preserved. The hon. the Minister wished us on a snap moment to set aside the Standing Order with regard to a very large class of private Bills promoted by roads boards and municipalities. If the Minister urged it as a matter of urgency, he (Dr. Hackett) would urge the House to agree to no such precedent in altering one of the most important Standing Orders with no more than a few minutes' debate. The Minister should have moved for the purpose of this tramway and to give effect to the wishes of the Fremantle council that the Standing Order be suspended for the single sitting. If the Standing Order

was to be permanently repealed, we should have to consider what should replace it. The Council should unanimously protest against an important Message of this kind being sent to it in such a hasty manner without any information of the smallest degree being given with regard to it. The first thing that should have been done was to have referred the Message to the Standing Orders Committee for a report. In his experience of over a dozen years he did not remember any action of the kind suggested taking place. If the Minister was persuaded that the matter was of such intense urgency that it must be decided without delay, he could have moved that the Standing Order be suspended for this sitting.

THE COLONIAL SECRETARY : While rather inclined to agree with Dr. Hackett, he would remind the hon. member that the present course had not been taken by him, but by another House. He was sorry his remarks were unintelligible to the hon. member, but he hoped they were not unintelligible to the rest of the House. To one of the principal municipalities in Western Australia the matter was of extreme urgency. With regard to the anxiety for postponement, which appeared to be a passion to the hon. member, if the House evinced any desire not to deal with the matter hurriedly, there would be no objection to delay. At the same time delay would cause a great deal of inconvenience to one of the most important municipalities. He was at a loss to understand why another place had not sent up the Message in the form that the Legislative Assembly, having suspended the Standing Order for the purpose of the consideration of a tramway in Fremantle, desired the concurrence of the Legislative Council therein. The Legislative Assembly, however, had not done so, and he had to deal with the Message as it came before the House. There was no desire to spring a matter on the Chamber.

HON. G. RANDELL : Could the Minister say why the matter was urgent ?

THE COLONIAL SECRETARY : Negotiations were pending the passage of the Message, and they were negotiations which should be completed as soon

as possible for the construction of a tramway in Fremantle.

HON. J. D. CONNOLLY : What was objected to ?

THE COLONIAL SECRETARY : The municipal council objected to the 2 per cent. principally, and to the seven days also.

HON. J. D. CONNOLLY : What did it amount to ?

THE COLONIAL SECRETARY : While not able to give figures, the sum was considerable. Where municipalities had to put up 2 per cent. on a proposed expenditure, they had to raise 102 per cent. of the money required. It was not unreasonable to consider that the expenditure of the funds of roads boards and municipalities nearly approached the expenditure of public money, so that the nature of the Message as relating to private Bill procedure was somewhat lessened, and the Joint Standing Orders might without disadvantage and danger be relaxed in the direction indicated.

HON. G. RANDELL : Had all the steps necessary been taken to obtain the sanction of the inhabitants of the municipality ?

THE COLONIAL SECRETARY : There had been a referendum on the question. Considering the points he had mentioned, and the inconvenience of the delay to a work which was of importance and advantage to the people concerned, the House should pass the Message at once. However, if hon. members were not desirous of doing so, the matter would not be pressed. It was hoped that members would consent to the consideration of the Message as quickly as possible.

HON. J. W. HACKETT : The Minister had not explained why the simple expedient of suspending the Standing Order would not be sufficient. It was the old story of burning down a house to roast a pig. The Joint Standing Orders provided that before we should proceed with a Bill promoted by a municipality or a roads board, we should have evidence about the referendum and the desires of the inhabitants, and about the solvency of the municipality. It was the duty of one House or the other to make the necessary inquiries before it passed legislation of this kind. We should have the assurance that all the steps indicated

by the Joint Standing Orders had been taken.

THE COLONIAL SECRETARY: A Bill could not be produced unless they were taken.

HON. J. W. HACKETT: That was what was desired for this particular case and for all time. A case had not been made out by the Minister. A motion could be passed that the Standing Order should be suspended for this once; but he for one was not prepared to go the whole distance and repeal the Standing Order for all time because the Fremantle Municipal Council were momentarily in a difficulty. The Joint Standing Order was a safeguard against rash and reckless Bills being brought forward for works which municipalities could not carry out, and to which a majority of the ratepayers might be opposed. There was no information on this point, and without the Joint Standing Order there would be no power to acquire the information. He asked for the Chairman's ruling as to how the Message could be amended by informing another Chamber that we were prepared to suspend this Standing Order on this occasion, but to go no farther.

THE CHAIRMAN: We could amend the resolution, and ask for the concurrence of the Assembly.

HON. J. W. HACKETT: Something like this could be passed: "That the Council is not prepared to repeal Standing Order No. 30, but will agree to suspend on this occasion."

HON. G. RANDELL: Care should be taken in amending Standing Orders, especially when they related to matters of this kind; but we could best meet the existing circumstances relating to Fremantle by the proposal from the other House. Though not quite sure on the point, he was under the impression it had been decided that where Acts of Parliament referred to municipalities as a whole or roads boards as a whole they were to be considered public Acts, and therefore were not liable to the Standing Order referred to. The resolution passed by a another place had been couched in very wise and prudent language, dealing with the whole of the municipalities, and not Fremantle in particular. A municipality seeking the assistance of Parliament should receive it, if there were reasonable grounds for granting it; and that was

especially applicable in this case. Opposition which had existed had been overcome, and the municipalities of Fremantle and East Fremantle had combined. He believed we had no power to amend the resolution in the way suggested, and that we must either accept it or reject it.

HON. J. W. HACKETT: The Chairman had given his ruling, and the hon. member had no right to challenge it unless he had taken down the words at the time it was given and intimated his intention to challenge it.

HON. G. RANDELL: What he said was not intended as a challenge. He would be the last to consent to anything which would form a bad precedent or injure the public weal; but he was in favour of acquiescing in the resolution, which no doubt received very grave consideration at the hands of the legal advisers of the Government, or probably the head of the Government, and they had adopted the only possible means of relieving the Fremantle municipality from the position in which it found itself.

HON. W. MALEY: The House was indebted to Dr. Hackett for promoting discussion on this matter. It was wise to hesitate before altering our Standing Orders, which, he took it, had been framed under the British Constitution and had stood the test of many years. He was sure the House would deal with the matter in a way satisfactory to the Government. The deposit required to be put up by the municipality referred to was only £1,200 out of £60,000, and that would not be forfeited to the Government, but would be a guarantee that the Bill would be satisfactory, and one likely to be passed. We should be safe in doing for a municipality what we would not do for a private individual; but the question was whether it would be wise to alter the Standing Order for all time, or to adopt a temporary expedient; and he was in favour of the latter course. The Minister would agree to an adjournment, and he (Mr. Maley) fell in with that view.

HON. S. J. HAYNES agreed with what had fallen from Dr. Hackett. Apparently there were Standing Orders which had been passed after very serious consideration by gentlemen specially qualified to settle them, because they were elected for that purpose, and this

question should be referred to that committee. The suggestion by Dr. Hackett that we might agree to the Message if it were modified to meet the exigencies of this special case was, if anything, too liberal. If the Fremantle corporation required an alteration of the Standing Order for its special case, it would be better for the Message to come in that form rather than to interfere with a Standing Order in a haphazard manner like this for all time.

HON. G. RANDELL: These Joint Standing Orders, he felt sure, were never intended to apply to municipalities or public bodies. Probably the particular Standing Order in question came from the House of Commons, and it might have been applied to individual municipalities, because in England they proceeded upon different lines from those adopted in the Australian States. Several times in our House we had departed from the regular custom, and had conceded to municipalities the privilege of not paying for the introduction of their Bills.

HON. J. W. HACKETT: Special leave was applied for, and the Bill went through its regular stages. He thought the hon. gentleman was unaware he was misleading the House. The largest constituencies had to comply with the Standing Orders just the same as if they were the most impecunious municipalities.

HON. J. D. CONNOLLY: It was going too far to ask the Council to amend, at a moment's notice, a Joint Standing Order which had stood for years. Any question of altering the Standing Orders should be referred to the Standing Orders Committee. Why should the Standing Orders Committee be treated in the manner proposed?

HON. J. W. HACKETT: They would resign if they were; he would, at any rate.

HON. J. D. CONNOLLY: The Municipality of Fremantle might be deserving of the assistance suggested, but this proposal referred to all municipalities and roads boards, and there might be cases in which it would be desirable to have the Standing Order as it stood at present. If the Message could be altered to suit the particular case under consideration, well and good, but if not he would vote against the Message.

HON. J. W. HACKETT suggested as an amendment—

That all the words after "that" be struck out, and the following inserted in lieu: "While this House is not prepared to repeal Standing Order on private Bills No. 30, it will agree to suspend Standing Order No. 30 should fitting occasion arise."

THE COLONIAL SECRETARY: If we could adopt such an amendment he would be glad, but it was tantamount to disagreeing with the Message. The House had shown such a disinclination to fall in with the wishes of another place, at all events with a short notice—for which he was sure they did not blame him—that he did not see anything to do but refer the matter to the Standing Orders Committee, as had been suggested. He was not going to move that himself; but members seemed to scent a danger which he was sure was not present, and presumably the only thing for them to do was to "nose" it out for themselves. He did not think this Standing Order was ever meant to apply to municipalities. The expenditure of municipal funds was so much akin to the expenditure of public funds that necessity for this irksome tax did not exist.

HON. S. J. HAYNES: Another place thought it did.

THE COLONIAL SECRETARY: But another place was doing its best to remove that by sending the Message, and another place had actually the control of the State funds.

HON. J. W. HACKETT said he was prepared to withdraw his suggestion, and to have a vote taken at once. No harm would be done, inasmuch as the matter would come up again.

At 6:35, the CHAIRMAN left the Chair.

At 7:30, Chair resumed.

HON. T. F. O. BRIMAGE: When the matter was first under discussion one did not understand whether the Message referred to public bodies, municipal councils, or roads boards; but according to the printed resolution of the Premier in another place it would be seen that it only referred to roads boards and municipalities. One could not see where any detriment would be done to the Joint Standing Orders if the resolution were adopted. He intended to

support the Message as moved by the leader of the House. It was a pity that members were not supplied with a printed notice when such a matter came before the Chamber. Had he not noticed the resolution as moved by the Premier in another place he would not have been in possession of the facts. There was no necessity to delay the House. He felt quite certain there were members like himself who did not understand that the Message referred to municipal councils and roads boards only. Knowing the facts now he was prepared to support the Minister in getting the Message through as quickly as possible.

SIR E. H. WITTENOOM: The shortest way to deal with the question would be to take a little more time over it than was proposed. He moved as an amendment,

That Message 13 be referred to the Standing Orders Committee.

HON. W. T. LOTON seconded the amendment.

THE COLONIAL SECRETARY: It had already been said that if members were unwilling to pass the motion to oblige the Fremantle municipality as quickly as possible he would not stand in the way; so he was prepared to accept the course proposed by Sir E. H. Wittenoom, though sorry there had been any misunderstanding as to the purport of the Message in the minds of members, because he had endeavoured as lucidly as possible to state that it only referred to the case of private Bills brought forward by municipalities and roads boards. There would be a delay of about a week, but under the circumstances, and in deference to the wishes of the House, that need not be regretted. Possibly, as the hon. member who moved the amendment suggested, it would be the shortest way out of the difficulty.

HON. J. W. HACKETT: There was not much mistake about the Message. It was proposed that the part of the Standing Order referring to private Bills promoted by roads boards and municipalities should be rescinded, and that purely private Bills should remain as at present.

HON. T. F. O. BRIMAGE: It appeared to be doing away with the two per cents. altogether.

HON. J. W. HACKETT: There was a regular formal way of dealing with these matters. The Standing Orders were of as much importance as the Constitution Act, and he desired to raise his protest against a material alteration of a Standing Order of such a fundamental character proposed in such a rough way. It was due to the House to remember its dignity. If it made so light of its privileges, rights, forms, and orders, how could it blame another place for declaring it was of no importance and of no use whatever? He was prepared to accept the proposal to send the Message to the Standing Orders Committee. If the suggestion had not been accepted, he would not have sat on the Standing Orders Committee again.

Amendment (to refer Message to Standing Orders Committee) put and passed.

On motion by the COLONIAL SECRETARY, progress reported.

ADJOURNMENT.

The House adjourned at 7.43 o'clock, until the next Tuesday.

Legislative Assembly.

Tuesday, 27th October, 1903.

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THE SPEAKER took the Chair at 2.30 o'clock, p.m.

PRAYERS.