ADJOURNMENT.

On motion by the MINISTER, resolved that the House at its rising do adjourn until this day week.

The House adjourned accordingly at 5·5 o'clock, until the next Tuesday.

Legislative Assembly,

Tuesday, 4th October, 1904.

	PAGE
Resignation, East Perth (Mr. Walter James) ...	560
Questions: Land Surveys, Arrears	560
Railway Spark Arresters	560
Railway Freights, Katanning	561
Bills: Industrial Conciliation and Arbitration Act Amendment (No. 2), second reading moved, adjourned	561
Mines Regulation Act Amendment, in Committee to new clauses, progress	575
Municipal Institutions Act Amendment, in Committee to Clause 6, progress ...	586
Inspection of Machinery, Recommittal in part, progress	591
Assent to Bills (2): Supply No. 2, Day Dawn Municipal Rates Validation	597

THE SPEAKER took the Chair at 3·30 o'clock, p.m.

PRAYERS.

RESIGNATION, EAST PERTH.

THE SPEAKER informed the House that he had received the resignation of Mr. Walter James, the member for East Perth.

THE PREMIER (Hon. H. Daglish): In pursuance of this resignation, I have to move that the seat for East Perth be declared vacant; and in doing so I may express my sense of regret at the fact that the House is losing the services of the member for East Perth (Mr. Walter James), who I venture to say during the whole time of his service to the State has been an ornament to the House by reason of his great usefulness in that service when sitting on either side of the House. I think that on this occasion, however, the loss the House will sustain will be more than compensated by the gain the State will get in the transference of the hon. member's services to London, where he can exhibit that remarkable ability and that intense persuasiveness which characterise all his public utterances. While feeling assured that the hon. member will render greater services there than could at the present moment be rendered by him here, I have at the same time to express my sense of regret in knowing that the House will lose for the time being his services; and I trust that the loss will be only temporary, and that we shall regain the services of the hon. member here when his time of office as Agent General expires.

MR. C. H. RASON: I second the motion.

Question passed, and the seat declared vacant.

QUESTION—LAND SURVEYS, ARREARS.

MR. HOPKINS asked the Premier: What were the total arrears in each division of the Survey and Drafting Branches of the Lands Department on the 31st day of August last?

THE PREMIER replied: On the 31st of August the arrears in the Survey Branch of the Department were: Surveys—Roads to be marked, about 356 miles; Town lots to be marked, 460; Locations to be marked, 2,300; also a considerable amount of general surveys that it is difficult to particularise. Chief Draftsman's Division — 20-scale compilation plans, 22; 20-scale to duplicate plans, 182; Standard plans, 80 and 300 scale, 13; Public plans for head office, 14; Land agents' plans, 28; Diagrams to chart on 20-scale compilations, 2,871; Diagrams to chart on standard and working plans, 99. Inspector of Plans Division — Surveyors' diagrams to be passed, 1,084; Original plans to be passed, 101; Instructions for surveyors to be issued, 146. Deeds Division—Crown grants to be prepared, 64; Conditional purchase leases to be prepared, 4,520; Pastoral leases to be prepared, 1,150.

QUESTION—RAILWAY SPARK ARRESTERS.

MR. HORAN asked the Minister for Railways: 1, How many locomotives on the Government Railways have been

fitted with spark arresters? 2, How many of these arresters have since been removed from such locomotives? 3, For what reason were they removed? 4, What has been the total cost to the Railway Department of this experiment?

The MINISTER FOR RAILWAYS replied: 1, 328. 2, None. 3, See reply to No. 2. 4, The total cost has been £7,252, and the methods adopted are beyond the experimental stage.

QUESTION—RAILWAY FREIGHTS, KATANNING.

Mr. HORAN (for Mr. Connor) asked the Minister for Railways: 1, Is it a fact that the freight on goods to Katanning is greater than if sent to Albany and re-booked to Katanning? 2, If so, how much per ton? 3, What are the respective rates per ton for building material, such as doors, sashes, etc., from Subiaco to Katanning, and Perth to Katanning?

The MINISTER FOR RAILWAYS replied: Between ports where seaborne traffic comes into competition with railways, special port-to-port rates apply; thus, from Fremantle and Perth to Albany and *vice versa* the rates are—full truck loads, 20s. per ton; smaller quantities, 50s. per ton. Perth to Katanning: Class 1, 65s. 10d. per ton; Class 2, 86s. 5d. per ton; Class 3, 107s. per ton. Albany to Katanning: Class 1, 37s. 4d. per ton; Class 2, 49s. per ton; Class 3, 60s. 8d. per ton. Doors and sashes—Subiaco to Katanning: doors, 87s. 1d.; sashes, 107s. 10d. Perth to Katanning; doors, 86s. 5d.; sashes, 107s. The same conditions, etc., as to rates apply to all other stations on the Great Southern Railway and on other railways where the port-to-port conditions apply.

PAPER PRESENTED.

By the Colonial Secretary: Aborigines Department, Report to 30th June, 1904.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2).

SECOND READING (MOVED).

The MINISTER FOR RAILWAYS AND LABOUR (Hon. J. B. Holman) in moving the second reading said: A matter that has already come before the House is the necessity to deal with the cases already cited before the Arbitration Court. We all know the condition of the Arbitration Court at present—over thirty cases awaiting to be heard; and, in the circumstances, I desire to ask all members of the House to assist us in getting rid of as many of these cases as we possibly can, as speedily as possible. It is necessary to do so in order to have industrial peace in the State, and I am pleased to know that this is looked upon as a non-party question, and that every member of the House desires to settle all these labour disputes without loss of time or expense. The question is of vital interest to the whole of the people of the State, and we are called upon to deal with it as soon as possible. The question has already been debated this session in the House, and members are all fully acquainted with the object of the Bill; so I do not intend to speak on the matter at any great length. It must be considered unjust to compel the parties to 20 or 30 cases from the out-back country—from Norseman to Leonora—to wait any longer before being heard, and to compel them to come to Perth to have the cases heard. In addition, there is at present great discontent in all the outlying centres owing to the fact of these disputes pending without any probability of being heard in the near future, unless something is done towards carrying the amendment before the House at present. The amendments required to the Arbitration Act are very numerous, but no amendment is so pressing as the one now before us. Some members are under the impression that the carrying of this amendment will prevent any farther amendments being made to the Arbitration Act this session, but I may inform them that this view is not correct. Even should the amendment be carried, there will be an opportunity during this session, if necessary, to farther amend the principal Act.

Mr. A. J. Wilson: Will an amending Bill be brought down this session?

The MINISTER: I do not know that I shall bring it down this session. I do not desire to bring down a full amending Bill until I can bring one down in a thorough manner so as to give satis-

faction to all concerned. I shall be only too pleased to bring one down at the earliest date, and I am making every possible inquiry all over the State to find out exactly how the Act is working. I trust that when the Bill does come down it will be found to be a measure that will be ahead of any Arbitration Act in the States or even in New Zealand. Three amendments were brought down to the Municipal Act in 1902, and two of these amendments were carried out. During the debate on this question the member for Sussex (Mr. Frank Wilson) referred to me as having an inclination to stir up industrial strife. I think all members will agree with me that none have tried so hard to secure industrial peace in Western Australia as the members of the Labour party. Time after time they have gone out into the country and have done everything possible to settle disputes in different places. All over the Murchison, at Peak Hill, at Kalgoorlie, at Yundamindera, and on the North-east Goldfields they have succeeded in settling disputes when, in some cases, work had been suspended owing to unacceptable conditions being proposed to the men; and I feel sure it is the intention of every Labour member and other members also to do all they possibly can to prevent any industrial disputes from threatening the prosperity of this State. We know that the president of the Arbitration Court is very unwell, and cannot travel to hear the cases on the list. The whole of these cases are set down for hearing in Perth on the 11th of this month. We must all admit that this is unjust to the parties concerned, who will have to come to Perth to have their cases heard, and will be put to tremendous trouble and great expense on account of the delay; because the cases are all listed for one day, and everyone who desires his case heard must be in Perth on that day with his witnesses, lest his case should be called on. The cases are listed in rotation, and if the first case called on is not ready, it will be put at the bottom of the list; and so on. If the whole 26 or 28 cases are called on the 11th of October, when the whole of the parties and their witnesses will be in Perth, three or four weeks, or even longer, may pass before the whole list can be disposed of.

MR. GREGORY: Rather bad administration, that.

THE MINISTER: I do not see where the bad administration comes in; because we have already had cases during the last few weeks, each of which took nearly a fortnight to decide.

MR. HOPKINS: Say one case a week.

THE MINISTER: Yes; but some cases have taken considerably over a week.

MR. HOPKINS: What is a fair average?

THE MINISTER: That is impossible for me to say; but it is necessary that every case brought before the court should be heard fully, so that the parties may be satisfied; and even if it takes a month to settle one case, and it is then settled for a long time, thus preventing farther trouble between the opposing parties, I consider that a month well spent by the court. Great dissatisfaction is now expressed by all the disputants at the gazetting of a notice that these cases must be tried in Perth. As an instance, I will read a letter I received a day or so ago from the West Australian Chamber of Mines:—

> Sir—I have the honour by direction of my council to respectfully bring under your notice the fact that this chamber takes the strongest possible exception to the decision of the Court of Arbitration to sit in Perth for the hearing of the goldfields cases. As you are aware there are no less than 22 cases now pending extending over the back country from Kalgoorlie to Laverton; and in the opinion of my council it is unreasonable to compel the parties to these disputes to bring all their witnesses down to Perth for the purpose of appearing before the court. It is unnecessary for me to point out the great inconvenience that such a procedure involves. In almost every case it will be necessary for the managers of the mines cited to give evidence before the court; and in nearly every case the underground managers, shift bosses, foremen, and some of the workmen, would also be required; and in the case of many of the mines their absence for several days would seriously interfere with the working of the said mines. The 22 cases referred to are set down for hearing on the 11th October and following days, and are to be disposed of in the order in which they appear in the list. Now, inasmuch as it is impossible to form any accurate estimate of the duration of the hearing of each case (some cases may occupy one day only, others several days), it follows that witnesses may be detained in Perth for an indefinite period awaiting their turn to give evidence in the respective cases for which they appear. I have, therefore, to respectfully request that the notice published in the supplement to the Government *Gazette* of the

26th instant be cancelled, and that arrangements be made for the court to sit at the nearest convenient point to the locality of the several disputes. I may add there are other very strong reasons in support of local sittings of the court, and these will be set out fully in a petition which is now being largely signed by employers and other persons interested in this district, which petition will be presented to Parliament early next week. I therefore take the opportunity in the meantime of bringing the facts under your notice, so that there may yet be time to alter the present fixtures. Trusting that you will give this matter your immediate and serious attention, I have, etcetera, THOMAS MAUGHAN, General Secretary.

I wired in reply:—

Your letter just received. Everything possible is being done to allow the court to travel. Cannot cancel *Gazette* notice, as it was issued by the court.

Of course, it is impossible for me to interfere in any way with the administration of the court; and I should not attempt to interfere for any consideration. At the same time, we must all be aware of the necessity for doing something to dispose of the cases now pending. Just before I entered the House to-day I received another telegram from Mr. Maughan, reading as follows:—

Telegram received. Would respectfully submit it is expedient defer hearing goldfields cases pending completion arrangements for court to travel. Kindly place before president representations made my letter, and urge cancellation *Gazette* notice. Matter is very serious to mining companies affected. Secretary trades labour council informs me unions equally opposed to Perth sittings.—MAUGHAN, Chamber Mines.

We are all aware that if this Bill is not passed we shall be faced with serious difficulties, and that the court will in all probability insist on the pending cases being heard in Perth, which arrangement will not be satisfactory to either side, and may do great harm to the parties. Some will say we should appoint a fifth Judge; but I have made inquiries from those in a position to know, and they inform me that such appointment is at present unnecessary.

MR. MORAN: Who can judge of that better than the Government themselves?

THE MINISTER: We have inquired from those dealing with the cases. The Acting Chief Justice is the source of my information. He informed me that there were considerably fewer cases now before the Appeal Court than there were twelve months ago; and when we consider that during the last twelve months one Judge has been sick almost continuously, and that another, the Chief Justice, has been absent for many months from the State, and when we find that the number of cases is reduced in spite of these drawbacks, we must conclude that four Judges will be ample to cope with the work before them, provided we are not so unfortunate in the future as in the past, when, by reason of so much illness among the Judges, they were prevented from carrying on their work with expedition.

MR. MORAN: Are the Judges overworked now?

THE MINISTER: Our Judges have ample work to do. I have no doubt about that.

MR. MORAN: Can they not do the arbitration work as well, if they are not suffering from over-pressure?

THE MINISTER: It is impossible for them to do it now, because their duties require them here in Perth, and they cannot travel through the country to hear arbitration cases.

MR. MORAN: The two statements do not agree. If the Judges cannot do the work, they cannot; if they can, they can.

THE MINISTER: But this is another matter. We all know that the Chief Justice will be back in Perth in perhaps two or three months, and that he will then be able to take up many of the duties now carried out by the other Judges. The New South Wales Arbitration Act provides that the president of the court shall be a Judge of the Supreme Court, to be appointed by the Governor, who may, on the request of the president, appoint a Judge of the Supreme Court as deputy president to act in respect of any matter mentioned in his appointment; and the said deputy, in respect of such matter, has all the rights, powers, jurisdiction, and privileges of the president under the Act. The amendment we desire to carry is that in case of the illness or absence of the Judge, the Governor may from time to time, at the request of the president, appoint a Judge of the Supreme Court or any person qualified to be appointed a Commissioner under the provisions of Section 12 of the Supreme Court Act to act as president of the court. Section 12 of the Supreme Court Act provides that,

before a person can be appointed a Commissioner he must be a practitioner of the Supreme Court of at least seven years' standing, or a magistrate of the Local Court. These are the qualifications that are necessary for the appointment of a Commissioner of the Supreme Court.

MR. MORAN: The New South Wales Act provides that the acting president must be a Supreme Court Judge.

THE MINISTER: In New South Wales they have eight Judges, a Chief Justice, an Acting Chief Justice, and six Puisne Judges. In Western Australia we have a Chief Justice and three Puisne Judges.

MR. HOPKINS: There are not enough Puisne Judges, then?

THE MINISTER: It has been stated in the House, on both sides, that this amendment will be satisfactory. I am always anxious to do what I can to see that every industrial dispute is settled with as little delay as possible. We are here to look after the interests of the country, and to do all we possibly can to prevent disputes ending seriously. In speaking on this matter when the previous Bill was before the House, I was in a position to know that serious troubles were threatening in Western Australia, and they are threatening at the present time, and matters will turn out disastrously unless something is done to prevent these troubles coming to a head. When I say that, I do not mean to say the men threaten to strike. I am always ready to do what I can to prevent strikes taking place; but it is impossible to prevent men rising up in times of trouble if they are unjustly treated, or if the people of the State will not allow the men an opportunity of having their disputes settled. The Arbitration Act has been set aside not only by the men, but by people on the other side also. In almost every court, as well as in the Arbitration Court, dissatisfaction is expressed by a certain number at the decisions; but I say that on the whole the Arbitration Court in Western Australia has had beneficial results. I hope that satisfaction will increase in the future, and that those who move the court will try to see if matters can be made better for those on both sides. Some members when speaking about the Arbitration Court seem to be under the impression that the Arbitration Court is similar to a Criminal Court. I have had a lot to do with the Arbitration Court, although I am pleased to say that I am not in a position to say much about the the Criminal Court. But from my experience of the two courts they are entirely different. Men go into the Arbitration Court to seek what is just and to settle their disputes with those on the other side, while the procedure is entirely different in the Criminal Court. The principle of arbitration is to bring both parties together to have disputes settled as quietly as possible. In the first place, before a case is brought to the Arbitration Court, both sides meet in conference and endeavour to settle the dispute. If they are unable to agree, a case is cited for the Arbitration Court, and both parties try to prove their case when it comes before that court. After the evidence is heard, the lay members of the court agree on as many points as possible without reference to the Judge. If they cannot agree, the president is called in to decide the questions on which the lay members cannot agree. I have heard the president of the court, when called on to give an award, say that he could not give an award until the two lay members had agreed on all possible matters, and that he could only decide the matters on which the lay members were unable to agree. The president of the court has informed me, when asked to decide a case, that he had not a case on his hands, as the president was only there to decide points which the lay members could not agree upon.

MR. GREGORY: Why did you not stick to your previous Bill, then?

THE MINISTER: There may have been a lot of opposition and dissatisfaction throughout the State, and we are not here to cause disputes if we possibly can avoid them: we should do all we possibly can to prevent industrial troubles from threatening. I consider this Bill will meet the case, although I would have preferred that the president, if in his proper state of health, should hear the cases which are pending without any unnecessary delay. The president of the court is desirous of settling all the cases that he possibly can, but I find out that the only way in which he can hear the

cases is by bringing all the parties to Perth.

MR. HOPKINS: Why is that?

THE MINISTER: Because he cannot travel at present.

MR. HOPKINS: Is he ever likely to travel?

THE MINISTER: That is a question I cannot answer.

MR. HOPKINS: I thought you might have inquired, in view of the statement made by the member for Sussex,

THE MINISTER: What statement was that?

MR. HOPKINS: That the president was anxious to resign.

MR. FRANK WILSON: That he offered to resign.

THE MINISTER: No member of the Government knows that Mr. Justice Burnside has expressed a wish that he should resign. If he made such a statement, then it is best known to himself.

MR. FRANK WILSON: I said that Mr. Justice Burnside had offered to resign. You know that is true.

THE MINISTER: I do not.

MR. FRANK WILSON: He said so in open court, and that the Government did not wish him to resign.

THE MINISTER: No member of the Government knows that Mr. Justice Burnside wishes to resign. The House should see that something is done to get rid of the cases which have been cited. I ask members to do all they can to see that pending disputes are settled satisfactorily to both sides, which cannot be done if the cases have to be heard in Perth. I move the second reading of the Bill.

MR. C. H. RASON (Guildford): I hope the Government will not endeavour to pass the Bill through the second-reading stage to-day. It has only just reached members, and although it is true that the Minister in charge of the measure did the other night, when withdrawing the previous Bill, give us some outline of the character——

MR. MORAN: There is nothing in the Bill to discuss.

MR. RASON: May I put it this way. I did not understand from the Minister that the Bill he intended to introduce was one such as we have before us to-day. I hope members will insist on a reasonable amount of time in order to give due consideration to the measure. The Bill departs from a very important precedent, or renders it easy to depart from an important precedent. It has always been laid down in Arbitration Acts that a Judge of the Supreme Court shall always preside over the Arbitration Court. I take it that is the power the Government wish to have, but it is one they already enjoy. I am sure every member of the House is perfectly willing to assist the Government in doing all they can to remove the block of work that exists in the Arbitration Court. But how does that block arise? It arises, we are told, indeed we learn with regret that it arises, through the illness of Mr. Justice Burnside, and while Mr. Justice Burnside can deal with matters relating to the Arbitration Court in Perth and also take a share of the Supreme Court work in Perth, he unfortunately is unable to travel. Under the existing Act, Section 51, it is provided:—

> In case of the illness or absence of the president at any time, the Governor shall nominate a Judge of the Supreme Court to act as president during such illness or absence.

MR. MORAN: That is very satisfactory.

MR. HOPKINS: That is the New South Wales Act, is it not?

MR. RASON: That is the position which has arisen. The president of the court is ill, and the Government have the power to appoint a Judge of the Supreme Court to take his place. If that course is adopted, and I submit that is the proper course to take, it would make very little difference in the working of the Supreme Court. But what do we find in regard to the Supreme Court to-day? We have four Judges. It is true the Chief Justice is away, but we have Mr. Justice Parker, Mr. Justice Burnside, Mr. Justice McMillan, and Mr. Commissioner Roe. The Supreme Court work is conducted by two Judges and a Commissioner, with the assistance of Mr. Justice Burnside when not engaged in the Arbitration Court. Therefore if we take away either Mr. Justice Burnside or Mr. Justice McMillan and make either of them president of the Arbitration Court for the time being, the constitution of the Supreme Court or the Judges available to-day are the same, and the work of the Supreme Court will remain. There would be two Judges and the Com-

missioner, also the occasional assistance of another Judge when not engaged in the Arbitration Court. Why should there be any other power? Why it is necessary to seek for any other power, I cannot for a moment imagine, if the Government are anxious to appoint a Commissioner as one would seem to think by this Bill. I wish to emphasise the point that the Government are making a departure which has never been made anywhere else, and it seems a very dangerous principle indeed to allow anyone, other than a Judge of the Supreme Court, to preside over the Arbitration Court. By this Bill it is sought to appoint either a Judge of the Supreme Court, and as far as that goes there is no necessity, the power existing at present——

THE MINISTER FOR MINES: Where?

MR. RASON: In the previous Act. In the case of the illness or absence of the president at any time, the Government may nominate a Judge of the Supreme Court to act as president during such illness or absence. The president of the Arbitration Court is ill; therefore the Government have the power to appoint a Judge of the Supreme Court in his place. Be that as it may, if this clause passes, and I refer to clause 2, the Governor may, at the request of the president, appoint "any person qualified to be appointed a Commissioner under the provisions of Section 12 of the Supreme Court Act, 1880, as deputy president." What are the powers? Who are the persons entitled to be a Commissioner or qualified to be appointed a Commissioner under Section 12 of the Supreme Court Act of 1880? It may be a practitioner of the court of seven years' standing, or a local magistrate. Does anyone who has any acquaintance with the Arbitration Court wish to see a local magistrate appointed to preside? I do not desire to say anything offensive towards those gentlemen, but, I ask, does anyone wish to see a magistrate of the Local Court appointed president of the Arbitration Court?

MR. H. E. BOLTON: What acquaintance have you with the Arbitration Court?

MR. RASON: I have read the Bill, and am able to judge of its fairness, and perhaps I paid more attention to it in its early stage than the hon. member. It has been distinctly laid down everywhere, and it has always been held as one of the principles of an Arbitration Act, that the Arbitration Court should always be presided over by a Judge of the Supreme Court. And rightly so, because even when it is so presided over, unfortunately we hear comments made on the character of the verdicts that are given. It is unfortunate that it should be so, but it is. It is not only so here, but it applies elsewhere also. If the verdicts of a Judge are to be commented upon, and the consequences to a Judge of the verdicts he gives are to a certain extent very serious, how much more serious would they be to a Commissioner? How much more unsatisfactory the verdicts of a Commissioner appointed only for a short period? He may have had little or no practice. He may be a person who is not looked upon with any great amount of respect by the people themselves as a legal practitioner. I would also respectfully point out that a power such as that should be the last which any Government should seek to obtain, in its own interests. Supposing a Commissioner of this kind were appointed president of the Arbitration Court, it would be open for people to say —and unfortunately, we know that there are unkind people in the world— "Oh, how can you expect anything else from a Commissioner of this kind, appointed by such a Government as is in power to-day?" I say that without any offence to the members of the present Government. The same remark would apply to any Government that succeeded the present one, if it made an appointment of that kind. It would be impossible for the Commissioner to please everyone. A Judge does not. But there is this difference between a Judge and such a Commissioner as I have outlined, that by the very virtue of his position as Judge he is entitled to and receives more respect at the hands of the general public than anyone else. I believe that although they may complain of his rulings, still they realise they have been dealt with by a man more than all others qualified to deal with them, and that his verdict could not have been actuated--unless he were a very bad person indeed—by any motive of self-

advancement, by any desire to keep himself in the high office he held. Not so with a Commissioner. People would urge that his very judicial existence was dependent upon pleasing those who had appointed him to the office. We know it would not be true, but undoubtedly people would say so. That would make the life of any Commissioner very unpleasant, and there is absolutely no necessity for that unpleasantness, nor for the unsatisfactory state of things which would arise to the people who went to the Arbitration Court. If it is necessary, and I believe it is, that some effort should be made to remove the block which exists, that effort can be made without any trouble at all in the orthodox way, by appointing a Judge of the Supreme Court. If any change is to be made at all, that change can only be made, ought only to be made, by a change of Judges.

THE MINISTER FOR WORKS: Would you appoint a permanent Judge to do temporary work?

MR. RASON: Let me again press upon the House that my view of the case is that a temporary block has only arisen from the temporary illness of Mr. Justice Burnside.

THE MINISTER FOR WORKS: That is not so.

MR. RASON: I understood that the chief cause of complaint was because Mr. Justice Burnside could not travel from place to place.

THE MINISTER FOR WORKS: The block was caused by the number of cases coming from the goldfields all at once.

MR. RASON: The difficulty, as I understood it from the Minister who has charge of the Bill, is that the goldfields people object, and rightly object, to being brought to Perth to have cases heard which ought to be heard on the goldfields.

MR. MORAN: That is a very long-standing grievance. The people are entitled to object.

MR. RASON: Undoubtedly. That difficulty exists to-day because of the illness of Mr. Justice Burnside. He is ill, and being ill there is power to appoint another president in his place. The Act existing already says that a deputy to be appointed shall be a Judge of the Supreme Court. And I say that is right. [Interjections.] I should recommend the Minister for Justice to read the Bill. If he has read it, he has a very poor understanding of it. I wish to impress upon the House that if the suggestion I have made is carried out, the Judges available for the Supreme Court work will remain exactly the same. The only difference will be that instead of Mr. Justice Parker or Mr. Justice McMillan presiding over the Supreme Court only, and not over the Arbitration Court, Mr. Justice Burnside can take the place of either of these two gentlemen for the time being. Surely there is no difficulty about an arrangement of that kind. Surely that would be far preferable to appointing even as deputy-Judge of the Arbitration Court a practitioner, one who need only have been a practitioner of seven years' standing, or a magistrate of a Local Court. I have made these few remarks in order to impress upon members if I can the desirability of giving a great amount of attention to this Bill, and not allowing even the second reading to pass through to-day. In fact I hope the members of the Government will not press on this Bill and pass the second reading to-day, but rather that they will give what I wish to impress upon members should be given to it, time for consideration.

THE MINISTER FOR MINES AND JUSTICE (Hon. R. Hastie): It is to be regretted that the leader of the Opposition (Mr. C. H. Rason) did not make the speech we have just listened to 10 days ago. On that occasion he rose and strongly advised us to withdraw the Bill, so that we might make an arrangement by which a Commissioner could be appointed to occupy the position of deputy.

MR. RASON: Oh no; a Commissioner of the Supreme Court.

THE MINISTER FOR JUSTICE: That a Commissioner should be appointed to occupy the position of president of the Arbitration Court.

MR. RASON: Oh no.

THE MINISTER FOR JUSTICE: I am not charitable enough to believe the hon. member has changed his opinion. If we had brought in a Bill to appoint a fifth Judge, the hon. member would very likely have taken a similar objection. I regret that the hon. member, before dis-

cussing this very important subject, did not try to form some very specific opinion. If he had done so, it would have been more useful not only to the Government but to all the members of the House.

MR. RASON: You have not, at all events.

MR. HOPKINS: That is your trouble, is it not? This is the second Bill on the subject.

THE MINISTER FOR JUSTICE: I in this House on Thursday week referred to that subject, and I alone of all the members who spoke on that occasion pointed out that there was a considerable difficulty raised in regard to the appointment even of an acting-president, unless that acting-president was a Judge of the Supreme Court. We had a long discussion on the matter, and no one mentioned that it was absolutely necessary to have a Judge until the hon. member discovered it to-night.

MR. NANSON: That is absolutely wrong.

THE MINISTER FOR JUSTICE: I have just been refreshing my memory by looking up *Hansard*.

MR. HOPKINS: You did not read my speech.

THE MINISTER FOR JUSTICE: I did not read all those speeches, but I listened very carefully to the debate, and I expressed my astonishment that no one mentioned the great importance there was of always having a Judge. I think I did not say it was essential to have a Judge in every case; and I am perfectly in accord with the Bill introduced. I believe we can have to preside over that court a fully qualified Commissioner, who will very soon be able to clear off all the cases that are now choking the list. The member who has just sat down told us that we have power now to do what we want. I have not seen it. We have at the present moment three Judges of the Supreme Court — Justice Parker, Justice McMillan, and Justice Burnside. We are told by the hon. member we have power to change the presidency of the Arbitration Court. I am unable to find that power, and I never heard of it until the hon. member mentioned it. He says that in the event of an accident or illness we could appoint another. Illness I take it means sufficient sickness to prevent him from presiding at the court, Mr. Justice Burnside has been able to preside at the court in Perth, and if it is proposed to hear all cases in Perth then Justice Burnside is fully qualified to take and try these cases. That being so, we have no power whatever to change the president. Another thing is this. Within about two months the Judges of the Supreme Court will adjourn, and we shall have no Supreme Court sitting for about three months. That will mean that for about five months ahead of us we shall have no effective members of the Supreme Court to take cases like these.

MR. HOPKINS: Justice Burnside is not an effective Judge, then?

THE MINISTER FOR JUSTICE: I say that the time of these three Judges will be fully occupied with all the work they have to do, and if the Judges go off for vacation I cannot see how it is possible to detail this work to any member of the Supreme Court. I am not aware that if Justice Parker or Justice McMillan were appointed president of the court, it would be possible to spend a very great amount of time upon the goldfields at present. If one of them did so, then the ordinary work of the Supreme Court, instead of being brought well up, would be put back, and we should have a large number of arrears. Another curious thing struck me whilst the hon. member was speaking. He strongly objected to a Commissioner. That was a very wicked thing for anyone to propose. But it must be within the knowledge of most members of this House, at least most of those who have been re-elected, that the last Premier and some of the members of the last Government were very anxious at various times to appoint the present Commissioner of the Supreme Court as president of the Arbitration Court. Over and over again that was proposed, not from the Opposition side of the House, but from the Government side of the House.

MR. FOULKES: It was never discussed in the House.

MR. RASON: Was it ever mentioned in the House?

THE MINISTER FOR JUSTICE: I do not say it was discussed in the House, but it was within the knowledge of most members there that such was the case.

MR. HOPKINS: Cabinet never even considered it.

THE MINISTER FOR JUSTICE: I am not aware of all the secrets of the last Cabinet, but I will take the hon. member's word for it. I again repeat that it was within the knowledge of the bulk of members of the last Parliament that such was true.

MR. RASON: I deny it.

THE MINISTER FOR JUSTICE: The member for Guildford declares that we are anxious to appoint a Commissioner. I am not aware of that desire. I am with every member of the House in thinking that, if possible, we ought to have a Judge always presiding over this court. The hon. member declares that a Commissioner, if appointed, will be severely criticised. I hardly think so. I have no reason to think that he will be criticised any more than Judges have been in the past. The hon. member must remember that Judges have been criticised from both sides. Look at the very strong criticisms from one side against Mr. Justice Parker, and the equally strong criticism from the other side against Mr. Justice Burnside.

MR. RASON: What other side?

THE MINISTER FOR JUSTICE: From those who stated that the awards were against them. I mean those who did not believe in Mr. Justice Burnside. They criticised him far more strongly than the other side did Mr. Justice Parker.

MR. MORAN: Did the employers criticise Justice Burnside?

THE MINISTER FOR JUSTICE: They did, very strongly. Read the reports of the Chamber of Mines, and a large number of financial newspapers.

MR. FOULKES: Give us some of the names of those financial newspapers.

THE MINISTER FOR JUSTICE: I can name a dozen of them. If we take the reports of almost all those influential people who communicate with London, and the interviews of those same people who visit London, we shall see it. I think I am right in saying that my good friend the member for Sussex (Mr. Frank Wilson) was one of those who pointed out the terrible ruin that was coming over all Western Australian industries on account of the manner in which Mr. Justice Burnside was acting.

MR. FRANK WILSON: Never! Never!

THE MINISTER FOR JUSTICE: I shall at once withdraw my statement if I am wrong in that respect.

MR. FRANK WILSON: I have never mentioned Mr. Justice Burnside's name in criticism; never once.

THE MINISTER FOR JUSTICE: I am certainly very glad to hear the hon. member making that repudiation. In my mind I felt quite certain he had done so. I may say that the hon. member is almost the only one of his circle who has not been guilty in that respect. My point is that, after this very strong criticism, I feel certain that no Commissioner who would be appointed would receive quite as much criticism as was given to the Judges.

MR. MORAN: Judges are secure from criticism, being permanently appointed; but a Commissioner may fear it.

THE MINISTER FOR JUSTICE: Why should a Commissioner fear criticism?

MR. MORAN: Because he might be a human being and might want a permanent situation.

THE MINISTER FOR JUSTICE: The hon. member may, but I do not think that any Government of this State would, simply on account of strong criticism, dismiss any Commissioner if he did his duty anything like fairly well. At present we have a large number of magistrates as well as a Commissioner, and they are often severely criticised; but the Government always support them as also the Commissioner. I have no reason to believe that the attitude of future Governments will be in any way different.

MR. MORAN: Why then do you remove Judges from parliamentary influence, if Governments are so blameless?

THE MINISTER FOR JUSTICE: Judges have very important cases to decide.

MR. MORAN: The Arbitration Court deals with millions, while the other court only deals with hundreds of pounds.

THE MINISTER FOR JUSTICE: If it were proposed for a moment to make this a permanent appointment I could understand the argument of the hon. member; but this is only a temporary arrangement.

MR. RASON: Is not the principle the same?

THE MINISTER FOR JUSTICE: Why did the hon. member advocate it the week before last?

MR. C. H. RASON (in explanation): I assured the hon. gentleman that I did not make that assertion, and I repeated that I did not make the assertion he accused me of. I have now refreshed my memory, and again I repeat that I made no such assertion; and I ask the hon. member to withdraw.

THE MINISTER FOR JUSTICE: I withdraw; but I can only say that having refreshed my memory I was misled by *Hansard* to believe the hon. member said "another Judge or Commissioner."

MR. RASON: "Of the Supreme Court."

THE MINISTER FOR JUSTICE: I thought I heard the exact words from the hon. member's lips.

THE SPEAKER: The hon. member had better not pursue the matter.

THE MINISTER FOR JUSTICE: I accept the hon. member's explanation and withdraw my assertion. Under the circumstances, I hope hon. members will seriously consider this Bill and ask themselves, if they excise it, what other measure they can put in its place. Do members ask us at the present moment to appoint a fifth Judge?

MR. MORAN: The Minister ought to advise the House, and not feel his way as he is doing.

THE MINISTER FOR JUSTICE: I have given my advice to the House.

MR. NANSON: Appoint another Commissioner.

THE MINISTER FOR JUSTICE: The Chief Justice will return to the State in December, too late to take part in the ordinary work of the Supreme Court, but he will spend most of his time in doing duty in Chambers. After the vacation, about the middle of March we shall have four Judges, and by that time we shall be able to have an ordinary president of the Arbitration Court. At the present time, we can see no way out of the difficulty unless we appoint a Commissioner, giving him all the powers of a Supreme Court Judge. I think I have explained the position as well as I possibly can, and I ask the House to consider the question with a view of adopting the best possible method of settling this large number of arbitration cases.

MR. FRANK WILSON (Sussex): It is strange how the Minister for Justice will continue to make wild statements in this House. He does not seem to give proper consideration to the subjects, and then he defends himself by making charges at random against hon. members. In fact, I appear to be a fair target. I am supposed to be responsible for all the statements that appear in the London *Financial Times* and other English newspapers. I do not profess to be accurate; but I do say that the Minister ought not to bring charges repeatedly against members unless he is sure of his facts. I am not one, and I hope I never shall be one, to presume to criticise a Judge of the Supreme Court. I may differ from conclusions arrived at; I may differ, as other members would, in my opinion of the decisions given in any court of the land; but beyond that, I should certainly have the courtesy and the respect due for the position of the Judge to prevent me from criticising his action personally. In regard to the Minister for Labour also, I have a complaint to make. He will harp on the fact that Judge Burnside did not offer to resign, and he will continue to insinuate that I said Mr. Justice Burnside was willing to resign. If I used the word "willing," I did it in error. I do not think I ever used the word "willing." I said clearly in this House that Mr. Justice Burnside in the Arbitration Court several weeks ago said that he had offered to resign in order to make way for the appointment of another Judge (I presume in his place), and that the Government did not wish him to resign. If the Government do not believe that statement of mine, there is an easy way of proving it. Why do they not apply to the Judge himself and ascertain whether it is correct or otherwise, instead of coming into this House time after time and insinuating that I have been indulging in falsehoods in connection with the statement which was made? The work of the Arbitration Court in Western Australia is of such vast importance to this State and of such far-reaching magnitude in connection with the prosperity of our industries, that it behoves every member to weigh carefully, before they pass it, such a measure as the Minister for Labour has introduced. We

remember very well that the Minister introduced a Bill a short time since to enable the lay members to travel and take evidence—themselves not being constituted a court—and then to return to Perth to have the cases eventually decided by a Judge. Such exception was taken to that measure that it was withdrawn; and this is substituted. In speaking on the first Bill introduced to this House, I did suggest in my remarks that a Commissioner of the Supreme Court might take the place of the president of the Arbitration Court, and I farther qualified my remarks by suggesting in these words, if I remember aright, that such a Commissioner must be a man of legal training, in fact a lawyer and one well qualified to preside over that court and decide all the points of law as they might crop up, because the lay members themselves did not get that training or that learning necessary to enable them to deal with such points. I emphasised that. Since then I have taken the trouble to look up the Act which empowers the appointment of a Commissioner of the Supreme Court, and I find I am in error to some extent. It is not necessary that a legal practitioner should be appointed as Commissioner. I think I am right in stating that; but I think it has always been ruled that he should be a legal practitioner. When I stated that a Commissioner should be appointed, I qualified the statement with a suggestion that he must be a gentleman of legal standing well qualified to decide points of law. Of course, we know very well that the duties of the Arbitration Court are perhaps the most extensive of any court in Western Australia. We know the decisions of the court are absolute, and that there is practically no appeal from these decisions. We know that the well-being of the workers on one hand and the survival and the prosperity of our industries on the other depend on the wise decisions of that court; and therefore I agree with the member for Guildford when he urges that if Mr. Justice Burnside is unfortunately unable to travel with that court, another Judge should if possible be appointed to take his place. As to the court travelling, it requires no words of mine in repetition to emphasise the extreme necessity for its visiting the centres where the trouble exists. The cost of bringing witnesses on both sides to Perth is in itself sufficient to make us take some action which will enable the court to travel the country and to decide troubles on the ground. But apart from that, we know it is absolutely necessary that every member of the court should see the witnesses and hear them, in order to decide what weight shall be attached to their evidence. I want to see the best man in the country, the best Judge we have, at the head of the court; otherwise we shall only invite disaster. We want a man of undoubted legal knowledge to preside over it; a man who is above reproach in every respect; a man with tact and experience to handle in that court the cases of disputants who have had no experience. We know that one of the fundamental principles of the Arbitration Act is that every man shall be able to appear before the court, and in plain and unvarnished language, according to his judgment and ability, plead his case without the aid of the technical or at all events the legal phraseology which creeps into the practice of our Supreme Court. Therefore it is absolutely necessary to be careful whom we appoint to this most responsible position. I think the member for Guildford (Mr. Rason) put the matter very clearly and concisely. He practically said that if one Judge, though able to do Supreme Court work in Perth, were unable to travel to do Arbitration Court work, that was no reason why another Judge should not take his place, thus leaving the Supreme Court in exactly the same position.

Mr. Hopkins: It is a fair exchange.

Mr. FRANK WILSON: It is an exchange only. If the Supreme Court Judges can cope with the business of the country, if they are reducing the number of cases listed, as the Minister for Labour I think said they were, there is no reason whatever why another Judge should not be appointed in place of Mr. Justice Burnside during his illness, and no reason why the work of the Supreme Court should not go on just as it goes on to-day. I hope members will not be led away by the remarks of the Minister for Labour as to threatened trouble. I believe the trouble that he sees in the near future is simply an imagination of his own, to

which I hope members will not attach any importance. I do not think we are on the eve of any trouble of that sort; and if we are, I hope, now that striking is illegal, that threatening is illegal, and that locks-out also are illegal, the Government will set their faces against any breach of the law concerning arbitration, so that we may preserve industrial peace in this country.

A MINISTER: Why do you cut down wages?

MR. FRANK WILSON: I did not catch the remark of the Minister. In conclusion, I agree with the leader of the Opposition when he urges the Government to appoint another Judge to take Mr. Justice Burnside's place. That ought to be done at once. Of course Mr. Justice Burnside is not responsible for the congestion of the work of the Arbitration Court; and I venture to think that some of the agitators who lead the different trades unions of our country have some responsibility in that connection. Of course I do not refer to members of this House; but I have a very vivid recollection of a resolution passed at some trades-hall meeting that the arbitration cases should be kept back until Mr. Justice Burnside returned to Western Australia and took up his old position in the court. I believe that has something to do with the congestion of work with which the Arbitration Court is faced just now, simply that the cases have been withheld; and now that certain persons think that the court is better constituted from their point of view than it was a short time ago, the cases are rolling in. To-day we find 26 cases on the list, and no hope, no possibility, of getting those cases tried and settled within the next six months. There is an easy way out of the difficulty. It has been pointed out by the leader of the Opposition (Mr. Rason)—act at once. Ministers have the power to act. The Governor-in-Council can at once appoint another Judge to take the place of Mr. Justice Burnside; and the work of the Arbitration Court can go on immediately. If the work of the Supreme Court is thereby delayed, the Government have then the power to appoint another Commissioner of the Supreme Court, so as to overtake the arrears of work in the court. The thing is as simple as can be; and I hope that members will not waste any more time in discussing this Bill; and farther, that the Government will withdraw it, and act as they already have power to act.

MR. T. H. BATH (Brown Hill): In dealing with this Bill and in listening to Opposition members' protests that they did not advocate the appointment of a Commissioner, we must of course accept their denials, and we must therefore place the blame on those who were charged with the duty of recording their speeches on the occasion when the previous Bill was introduced in this Chamber. The member for Sussex (Mr. Frank Wilson) objects to the appointment of a Commissioner because, he states, we must have as Commissioner a man of legal training. And yet, when the Arbitration Act was before the Parliament of 1902, and was being discussed throughout the length and breadth of the State, the concensus of opinion was that this court at least should be freed as far as possible from legal technicalities and from those intricacies of law which characterise the procedure in our other courts. This is borne out by evidence in the parent Act itself; for Section 3 prohibits the appearance of counsel in court if one side objects; and the very next section, 74, states:—

> The court shall in all matters before it have full and exclusive jurisdiction to determine the same in such manner and in all respects as in equity and good conscience it thinks fit.

I do not think the member for Sussex will dare to assert that in other courts provision is made or any hope entertained that matters shall be settled in such a manner as is provided for in the Arbitration Court. He has also stated that we want a man with legal knowledge to act as president of the Arbitration Court; and in the same breath he assures us that we want a man with an unblemished reputation. Is that an inference that only men of legal training have unblemished reputations? I think, on the other hand, that we find men with legal training have blemished reputations; and again, people who are looking for men with unblemished reputations very often give a wide berth to men with legal training. In regard to the proposal to appoint an additional Judge to cope with this press of business, I say that Western

Australia has quite enough Judges to carry on the business of the Supreme Court. She has more Judges in proportion to her population or in proportion to the number of cases that come before her courts than have the other States of the Commonwealth. We have now a temporary press of business, due to the fact that the bulk of the cases have reference to disputes resulting from expiry of awards. And instead of those awards being extended, as most reasonable people imagined they would be, in almost every instance we have attempts made to reduce the rate of wages. The workers hoped that under the Arbitration Act the position of affairs would remain practically the same as before the expiry of the awards, pending the decision of the court on the questions; but we have had in many instances, in fact the majority, attempts made to reduce wages; and I do not think the member for Sussex will deny that in these attempts lies the possibility of trouble and disquiet. If the hon. member looked at the situation in a fair light, I think he would admit that the men have good reason to complain if faced with a reduction of wages before the court has time to decide on the merits of the case, and if the decision is postponed beyond a reasonable period. If the Government bring in a Bill to cope with that trouble, and as far as possible to meet those cases where reductions have been made, and to have decisions given by the court so that the parties may know exactly in what positions they stand, I assert that rather than regard Ministers as trying to create trouble we must admit that they are trying to prevent trouble, and to make the action of the Arbitration Court as complete and as speedy as possible, so as to preserve peaceful industrial conditions throughout the State. For myself, I always regard with a certain distrust the appointment of temporary Commissioners; because our experience of administration in this State has been that appointments which when made have been emphatically declared to be temporary have usually become permanent in the long run, with the result that men appointed to meet special circumstances of a temporary nature have remained and are to this day in the civil service. We wish to avoid that. Rather than build up a cumbersome civil service with an overplus of employees, we wish to reduce these to a number consonant with good administration: and therefore we should as far as possible avoid temporary appointments. The proposal to appoint an extra Judge is, I think, one that cannot be entertained for a moment. I believe we have a judicial bench sufficient to cope with the legal business of the State. There are now certain exceptional circumstances which render it necessary, either that the first course proposed by the Government—and I believe that course to be the best—should be carried out, or that a special Commissioner should be appointed to cope with the press of business. The suggested appointment of such Commissioner met with the approval of all members of the House.

MR. HOPKINS: Pardon me.

MEMBER: Nothing of the kind.

MR. BATH: Whether members have had time to reflect or whether they see in this an opportunity for farther delay, I do not know, but I think members should do as they promised to do on that occasion, and assist the Government as far as possible to carry measures to cope with the glut of business, and have it satisfactorily settled. [MR. RASON: Hear, hear.] At that time practically all those who spoke on the question approved of the proposal of the Minister in charge of the Bill—that is the amended proposal which he said he would introduce for the appointment of a Commissioner—and I do not know what has occurred in the meantime to make them alter their opinions. I think they should stick to the opinions they held on that occasion, and fulfil the promise they practically made to assist the Minister to carry this Bill into effect.

MR. J. C. G. FOULKES (Claremont): The last speaker, the member for Brownhill (Mr. Bath), has just said that a promise was made on this (Opposition) side of the House to assist the Government in carrying this Bill. I need hardly remind the House that this Bill at that time was not in existence.

MR. HOPKINS: Hear, hear; and was not even forecast.

MR. FOULKES: A very interesting episode took place on the eve of that discussion, because the Government Whip was sent round to canvass members on

this side of the House, to ask them to agree to the appointment of a fresh Judge of the Arbitration Court. I refused on that occasion to give any pledge, although I had some amount of sympathy with the Government, because I noticed that on this question they seemed to be drifting, and all they desired appeared to be to get a majority of some kind to carry a Bill. We must give them credit for this, that they did not seem to care very much what Bill it was that was introduced by them, so long as it was carried. Some discussion has taken place with regard to an amendment of the Supreme Court Act of 1880 sought to be introduced. In that Act provision was made that Commissioners should be appointed to the Supreme Court, and I need hardly remind the House that in those days the condition of affairs in this State was vastly different from what it is at present. There was no railway communication, also very little shipping communication, between various well-known places in the State. For instance at Roebourne, at that time, there were no legal practitioners, and the magistrates appointed were not duly qualified legal practitioners. The result was that the Government of the day in 1880 found it necessary to pass a Supreme Court Act giving power to the Governor to appoint Local Court magistrates to act as Commissioners. The Local Court magistrates acting in those days—with all due respect to their memories—were not so well qualified as Local Court magistrates are now, and that provision was put in expressly for Roebourne. I think that at that time it took about ten days to go to Roebourne, and the number of legal practitioners in the State was very limited. It was found impossible to send Commissioners to hold assizes or quarter sessions at Roebourne. Therefore that Act was passed giving power to the Local Court magistrate at Roebourne, sitting as a Commissioner of the Supreme Court, to try quarter sessions cases. I could not gather from the member for Brown Hill whether he was in favour of having a Judge of the Supreme Court to act as president of the Arbitration Court. He did not definitely say he objected to have a Judge, although he brought forward arguments to show me at any rate that he did not view with approval the appointment of a Supreme Court Judge to act as president of the Arbitration Court. I give him this opportunity now to acquaint the House whether he objects to have a Judge of the Supreme Court appointed as president of the Arbitration Court. As he does not avail himself of it I, judging from the arguments he has made, can only come to the conclusion that he objects to a Judge as president of the Arbitration Court. [Interjection by Mr. BATH.] Still the hon. member does not express definitely whether he objects to it. We can only refer his remarks to the serious consideration of the present Government. Reference has also been made to the number of these cases. We are told there seems to be an overwhelming number of cases waiting for decision. We are told they amount to about twenty. To me as a lawyer that does not seem an extraordinary amount. The Minister for Labour seems to be in a tremendous hurry to introduce Bills dealing with the Arbitration Court, and in equally as great a hurry to withdraw them. The number of these cases mentioned has been grossly exaggerated in one respect. It has to be born in mind that these are not all twenty different disputes upon various cases. Members will find, as has happened in a great number of disputes which have been brought before legal tribunals, that after decision has been given in two or three cases out of that twenty, such decision will settle the whole of the disputes with regard to the balance of the number.

THE MINISTER FOR LABOUR: You do not know anything about it.

MR. FOULKES: I can quite understand that the Minister for Labour cannot understand any explanation given with regard to the Arbitration Court. He knows nothing whatever about it, and it would be much better if he would sit quietly and listen, and try to learn as much as he possibly can. All that the Minister for Labour appears to know is, from what I can gather, the number of the Judges and the names of the Judges who are acting as our Judges of the Supreme Court. The Minister for Justice mentioned their names with the greatest of care, and to me it was very refreshing because evidently, to my mind, those two Ministers thought that when they

were in a position to set out all those names of the Judges, it was sufficient proof to the House as to how well up they were with regard to the duties of the various Judges of the Supreme Court. One member, I think the member for Brown Hill, stated that we had quite enough Judges to do the business of the Supreme Court; yet here in this Bill the Government are asking us to appoint additional numbers to the staff of the Supreme Court. They do not definitely ask us to appoint a new Judge of the Supreme Court, but they request us to appoint another Commissioner. But as the member for Brown Hill has pointed out, we have, in proportion to population, a far greater number of Judges or a far greater staff—I am including the Commissioner as a Judge, so we have five members here for the Supreme Court—than any of the Eastern States. To my mind the remedy is that suggested by the member for Guildford (Mr. Rason), that as we have this large number of Judges it will not be very much for the Minister for Labour or the Minister for Justice to go and see the other Judges of the Supreme Court and ask them to take those cases on the goldfields which Mr. Burnside is unable to take. That is a very simple remedy. I am sure the other members of the Supreme Court are quite willing to oblige a sick colleague by doing the travelling. Mr. Justice Burnside is quite capable, I understand, and quite willing to do the work of the Arbitration Court in Perth. All that he objects to, from what I can understand from the members of the Government, is to travel to far-distant places. As I have pointed out, although the number of these cases appears to be about 20 or 30, when three or four of them have been heard it will be found that they will practically settle the lot. Therefore, I would suggest to the Government that they approach the Judges once more. They appear to get certificates at various times when it suits them to do so, and I suggest that they shall approach the Judges and ask them to take Mr. Justice Burnside's work in relation to the work on the goldfields, letting Mr. Justice Burnside continue to act in all cases on the coast and cases where witnesses can come to Perth. For my part I think it would be a very wrong and a very serious step for any Government to appoint a Commissioner to act as president of the Arbitration Court, because by the Supreme Court Act of 1880 it practically means that any layman, without any legal knowledge, can act as president. We have had a great deal of trouble prophesied by the Minister for Labour, who is always pointing out what a tremendous lot of trouble we are likely to have; though, by the way, I do not believe we shall have it; but if that trouble is likely to exist, it is all the more reason why we should have a Judge of the Supreme Court as president of the Arbitration Court. We can almost count on the vote of the member for Brown Hill, who practically disapproved of this Bill. He has pointed out that if we appoint a Commissioner to act as President of the Arbitration Court, such Commissioner will practically be holding the position at the mercy of those who criticise him most hostilely. If a decision is given which is not satisfactory to one side, a tremendous clamour will be created by those people for the removal of this Commissioner. The step proposed to be taken is a wrong one. Therefore I press the House most strongly not to agree to that provision for the appointment of a Commissioner to act in the Arbitration Court.

Mr. C. J. MORAN (West Perth): There is no Committee stage on this Bill. It is a one-clause Bill, to be rejected or accepted on the second reading. I urge on the Government the importance of postponing this for a day or two, and I move the adjournment of the debate.

Motion passed, and the debate adjourned.

MINES REGULATION ACT AMENDMENT BILL.

IN COMMITTEE.

Mr. Bath in the Chair; the Minister for Mines and Justice (Hon. R. Hastie) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Inspector may give notice of dangerous or defective matters not provided for.

Mr. H. GREGORY: Had the Minister taken notice of remarks made on the second reading concerning the word "machine," in line 2? Would this

clause conflict with the Inspection of Machinery Bill? Also had the Minister any farther information to give with regard to the necessity for the Bill as to the powers and duties of inspectors?

THE MINISTER FOR MINES: The object of the clause was to give an inspector power to stop any machine, plant, matter, thing, or practice, in or connected with a mine, considered to be dangerous or defective, the idea being to give the inspector power to stop a machine at the top of a shaft. Of course, it was possible that "machine" might be confused with "machinery," but the clause was as clearly defined as it was possible to have it in a Bill of this kind. Should the words "machine" or "plant" be omitted and the inspectors be only allowed to stop dangerous work going on underground, power would not be given to an inspector to stop work in a shaft; or even if a shaft were included, no power would be given to stop work on the surface. In almost every case the inspector of mines got the mine manager to stop any dangerous machine, and there would be no clashing with the Inspection of Machinery Bill. Inquiries had been made with reference to inspectors forcing managers not to have dangerous parts on their mines. The member for Menzies (Mr. Gregory) had pointed out previously that inspectors' instructions were invariably obeyed; but the inspector of mines at Kalgoorlie had since reported that in many instances instructions to stop dangerous things being done on mines were not attended to. In a number of instances high stopes were kept from 20 to 30 feet high in spite of instructions from inspectors that they were not to exceed 10 to 14 feet. Some of the richest mines of the world thus refused to take that trouble until two, four, or six months after instructions were given; and it was largely to deal with cases of this kind that the Government were induced to bring in this Bill. No special object would be gained in detailing particular cases; but until inspectors were given power to stop dangerous operations in mines, there would continue to be a large number of regrettable and preventable accidents in mines. About nine or ten accidents had been caused by the great height of stopes or roofs of excavations in Kalgoorlie mines, though the inspectors gave instructions in almost every case to bring down the height to 10 feet. The difficulty the inspectors experienced was, they could not enforce their instructions; but the clause would give them power to do so, while a subsequent clause gave a mine manager power to have the matter settled by arbitration.

MR. H. GREGORY did not desire to oppose the Bill, but as the Minister claimed as a reason for the Bill that it would give inspectors greater power and that it was necessary on account of the regrettably large number of accidents that had occurred, it seemed like a censure on him (Mr. Gregory) for his administration of the Mines Department, especially as the Bill was brought forward so hurriedly at the early part of the session, and it seemed to imply that steps had not been taken by him (Mr. Gregory) to prevent these accidents occurring. The Minister showed that inspectors at Kalgoorlie had issued instructions which had not been carried out; and if that were the case the Minister should institute inquiries. Was the Minister able to get a report of this sort as he required it, or had the inspectors failed in their duty to prosecute mine managers for failing to carry out instructions? Some time ago a manager was prosecuted for not having reported an accident. The manager had looked upon it as a trivial case, but some trouble had eventually arisen, and the manager was fined. Subsequently the managers at Kalgoorlie determined to report every accident, no matter how trivial. The inspector at Kalgoorlie, in the Mines Department Annual Report, said:—

> Under the Mines Regulations Act 1895, all accidents which are "attended with serious injury to any person" have to be reported, to the Inspector of Mines, but no definition is given of what injuries are to be considered "serious." It has been decided not to record accidents as being "attended with serious injury" unless the injuries are such as to disable the person for a period of at least two weeks from following his ordinary employment, thus keeping in line with the Workers' Compensation Act, 1902. A large number of accidents of essentially trivial nature are found to incapacitate men for more than a fortnight, and these are now recorded where formerly they were not. . . . It is satisfactory to note that the majority were due to occurrences which could not reasonably be foreseen and guarded against, and which must

be regarded as dangers incidental to the miner's calling.

The great increase in the number of these accidents was due to the decision of the mine managers to report every accident. Mr. Lightly, the inspector at Kalgoorlie, also said:—

> The largeness of this number arose from the fuller system of reporting such occurrences that was adopted by mine managers after a prosecution of one of them for having failed to notify the inspector of an accident at his mine.

The inspector at Collie said that a large number of prosecutions had taken place during the year. That inspector either had his instructions carried out, or else he prosecuted the managers. Then in the Menzies district the inspector said:—

> The mines working on the North Coolgardie Goldfield have been continuously inspected by me both above and below ground during the year under review. Three mine managers were proceeded against in the court for non-compliance with the Act. Two shift bosses were also proceeded against in the court for non-attendance to their duties and the requirements of the Act. Two miners were summoned for non-compliance with the Act, which non-compliance caused direct injury to other miners working with them. One owner was proceeded against for neglecting to keep the shafts on his lease securely covered or fenced. In all these cases a conviction was recorded, and fines and costs inflicted, ranging from £10 to a caution. These proceedings have had a salutary effect.

Mr. Jenkins, at North-East Coolgardie, reported:—

> I had occasion to conduct three prosecutions for breaches of the Act, one relating to cages and two to driving without a certificate. The defendants were convicted and fined in each instance. In conclusion I am pleased to state that I consider that the provisions of the Acts were fairly well observed, and that my instructions, where necessary, were promptly complied with, and every assistance and information were courteously rendered by owners and managers.

Mr. Hudson also on the Kalgoorlie field reported:—

> The systems of stopeing on the various mines have been given considerable attention, and in most cases a limit as to height of backs has been insisted on; also timber has been required to be used where considered necessary.

The inspectors stated in their reports that instructions were carried out; but now we had a report that during last year the instructions were not carried out. Which report could we believe—the statements in the report of the Mines Department, or the special report obtained by the Minister in reference to work carried on now? The matter really needed some inquiry. The inspector at Kalgoorlie also pointed out in the annual report with regard to the use of explosives that men were so regardless of risk that insistance on the use of certain boxes had to be made. Mr. Crabbe, at Coolgardie, dealt with the matter, saying:—

> I was also compelled to cause work being suspended in one mine until such time as the workings were made safe.

The department always considered that inspectors had those powers; and the inspector at Kalgoorlie closed down a mine till the alterations he desired were effected. The Minister should look carefully into this report; for if certain managers could ignore the inspector's instructions, it was time to take action. If the inspector had not power to prevent working in stopes which he thought too high, he had power to prevent the careless storage of explosives underground; and if he found the manager was not carrying out instructions, or that the men were carelessly using explosives, prosecution should follow; and the Minister should instruct the inspectors that if they would not carry out the Act, he would appoint others who would administer it to his satisfaction.

THE MINISTER: Inquiries were being made as to the matters indicated by the previous speaker. On the second reading, he (the Minister) stated that the inspectors had the necessary power, at least in some cases; but he had since learnt that this was doubtful, and that some inspectors felt themselves handicapped because of the doubt; hence the need for this Bill. The hon. member (Mr. Gregory) said that when Minister for Mines he did not know of any glaring instance of failure to comply with the inspector's instructions. Then the Bill would not raise any great difficulty, and would be welcomed at least by managers, as it would give an appeal in case an inspector should make a glaring mistake. He moved that the words, "person in charge of the mine," in Subclause 1, line 2, be struck out, and "mining manager" inserted in lieu; that "report to the owner thereof," in line 3, be struck out, and "specify" inserted; that the word

"owner," in Subclause 2, line 1, be struck out, and "mining manager" inserted; and that the words "who shall send a copy thereof to the Minister," be inserted after "inspector," in line 4.

Amendments put and passed.

THE MINISTER farther moved that the following be inserted as Subclause 2:

On receipt of such requisition the mining manager shall forthwith comply therewith, or, if he intends to object thereto, as provided by the next following subsection, he shall cease to use the said mine, or part thereof, machine, plant, matter, thing, or practice, and shall forthwith withdraw all men from the danger indicated by the inspector until such time as the matter shall have been determined by arbitration; provided, nevertheless, that the inspector may allow work to proceed during such period, under such restrictions and upon such conditions as he may consider necessary, and shall specify, in writing, to ensure the safety of the workmen.

The object was to ensure that the inspector could stop dangerous work. The member for Menzies said that so far as he knew when Minister for Mines, inspectors had such power. He (the Minister) had thought so also; but a legal doubt had arisen, a doubt so strong that one or two inspectors had not used their power. This subclause would definitely endow them with the power needed; and in case of dispute, would bind them to bring the matter to arbitration. From the goldfields came one or two objections to the subclause; but it was considered fair by the majority. After examining the existing Act he had not found any section to the same effect, though some had been similarly construed.

MR. N. J. MOORE: The member for Dundas (Mr. Thomas), now absent, had asked him to point out that the new subclause might result in a mine being closed for at least three months; and that this would give power to an unscrupulous inspector, in collusion with a dishonest manager, to order work to cease in different parts of the mine, so as to cause serious fluctuations in the market value of shares. In the opinion of the Chamber of Mines, Kalgoorlie, the subclause was highly dangerous.

MR. FRANK WILSON: Unscrupulous inspectors and managers in collusion might hang up a mine; but it was unjust to expect men to work in a mine proved to be dangerous. We should, however, have positive proof that the mine was dangerous, and should not give the inspector absolute power. Could not the power be vested in the Chief Inspector of Mines or the State Mining Engineer? Let the district inspector report to his chief. There ought to be some appeal pending arbitration, else a mine might be unjustly hung up for a considerable period, thus affording opportunity for either bulling or bearing the market.

THE MINISTER: The opportunity existed now.

MR. FRANK WILSON: No; the Minister admitted it was doubtful whether the inspector had power to stop the work.

THE MINISTER: There was much in the contention that the inspector might make a mistake, and that if possible he should be obliged to refer the matter to some higher authority. But in most instances that would not be possible. The State Mining Engineer could not without inspection ascertain whether a high stope was dangerous; and if he had to inspect, then managers would be continually working in dangerous places for days, weeks, perhaps a month. The State Mining Engineer controlled all the goldfields; and if he made these inspections he could do nothing else. If he were at Dundas and a case arose at the Murchison, work could not be discontinued till the inspector arrived.

MR. FRANK WILSON: Let him send someone else.

THE MINISTER: Whom else? Was not the district inspector absolutely the best authority?

MR. FRANK WILSON: Certainly.

THE MINISTER: That was proved by experience. The member for Menzies would hardly say that when Minister for Mines he heard of an inspector being unduly harsh. That hon. member read from inspectors' reports to the Mines Department cases where they had closed down parts of mines and one case of closing down a whole mine.

MR. GREGORY: There was only one case in which a mine had been closed down.

THE MINISTER: If an inspector wrote a report and ordered certain things to be done, and the matters were not attended to, and if a case were brought before the court and it was shown that

the inspector had ordered certain things to be done, heavy damages could be obtained if an accident occurred.

MR. N. J. MOORE: An inspector might close down a mine which was dangerous.

MR. FRANK WILSON: Only one mine had been ordered to be closed down.

THE MINISTER: The inspectors always had power to close down a mine, and now it was proposed to give an appeal against the decision of an inspector. In the future inspectors would be more chary in acting in a high-handed manner than they had been in the past, for there would be an appeal against their decision. There were a number of people on the goldfields who did not wish to work mines, and it would be better for them to have their mines closed down. If the clause were passed it would be possible for the owners of such a mine to enter into collusion with the inspector and get him to close down the mine; but that was no reason why the clause should not be passed, for the provision was absolutely necessary for the protection of the lives of men.

MR. FRANK WILSON: No exception had been taken to the clause as a whole, but it was desired to give the Minister a a check on his inspector; for an inspector might enter into an agreement with a dishonest mine manager to close down a mine for three months and thus affect the market; for the market would necessarily fall if a mine was closed down on the ground that it was dangerous to work. Why not in the 5th line of the amendment add the words "subject to the approval of the Minister"?

MR. C. H. RASON: If the clause could not be altered so as to provide for the interests of the mine owners and yet protect the lives of the men working in the mine, it should stand as proposed, for the first aim should be to protect the lives of the men working in the mines. There was some danger in giving extensive powers to mine inspectors. Whilst the Minister objected to other persons changing their opinions, he seemed able to change his own readily. He (Mr. Rason) had a vivid recollection of the Minister stating that there were grave doubts as to whether an inspector had the power to close down a mine; but now the Minister stated that all along inspectors had that power but had never used it in an arbitary manner.

MR. GREGORY: If the Bill was necessary, so was the clause necessary. There should be power to close dangerous parts of a mine if a mine manager would not carry out the instructions of the inspector, and it was wise to have the provision for arbitration given by the Bill. He did not anticipate any use being made of the machinery of the Bill in the manner referred to by the member for Sussex. In the event of any dispute arising between the inspector and the owner, it was not likely that the mine would be closed for three months; the dispute was likely to be settled in two or three days. In outside districts there might be some delay, it being impossible to get competent arbitrators; but this delay could not occur in regard to the large mines, except something very serious was wrong, such as a creep in a mine; and if an inspector said there was a creep in a mine, that was a good reason for closing it down. In the 6th line of the amendment, instead of "inspector" the word "Minister" might be inserted. There should be power, if danger existed, to close down, for the time being, any portion of a mine, for arbitration in big centres would not mean delay. No inspector would care to order a mine to close down unless he was sure of his ground, for if several cases from a certain inspector went to arbitration, and it was found that the inspector was in the wrong, the official would suffer in the estimation of the department.

THE MINISTER: The suggestion of the hon. member would not carry out the object intended. This clause declared that the inspector might point out the dangers referred to, and then it went on to say that, nevertheless, he might allow people to continue working the mine under certain conditions; so the present clause was far better for the mine manager than the proposed clause.

MR. FRANK WILSON: When an inspector once closed down a mine he would not give that permission.

THE MINISTER: Supposing an inspector closed down a mine, the arbitrators could consider the matter as quickly as the Minister. [MR. FRANK WILSON: No.] The Committee had already agreed to an amendment that when an appeal

was made by a manager for arbitration the inspector should at once transmit that to the Minister.

MR. FRANK WILSON: That took a long time.

MR. N. J. MOORE: Let the words, "subject, however, to the approval of the Minister," be inserted.

MR. GREGORY: Not "subject to the approval."

THE MINISTER: People must be able to close right down at once.

MR. FRANK WILSON: There was power to do that. What was wanted was that the Minister should have the power to say, after a certain examination, that work might be continued pending the decision by arbitration.

MR. GREGORY suggested that the words "Minister or the inspector" be inserted.

THE MINISTER agreed.

MR. GREGORY accordingly moved that the amendment be amended by adding after "the," in line 5, the words "Minister or the."

Amendment (Mr. Gregory's) passed, and the new subclause as amended agreed to.

MR. GREGORY moved a farther amendment:—

That the following be added as Subclause 8: In the event of the matter in dispute being submitted to arbitration, the arbitrators may determine which party shall pay the costs of the award, and such costs may be recovered in a summary way before any two justices of the peace in petty sessions.

This had nothing to do with losses sustained by the closing down of a mine. If the proposal were carried, it would make both parties a great deal more careful before they came to this final stage. The inspector would give his instructions knowing that in the event of his losing the case the department would be likely to be mulcted in damages. He (Mr. Gregory) did not know whether this subclause was properly drafted. He hoped the Minister would see to that, and if it was found to be wrong, have it amended in another place.

THE MINISTER: This seemed a very fair subclause, and he had no objection to it if the Committee desired it. But as the hon. member had pointed out, there was doubt whether the wording was correct. The matter would be submitted to the Parliamentary Draftsman, and if it was necessary to alter the wording, that would be done in another place. Many mine managers however might, if asked to pay the expenses of the Arbitration Court, in the event of their bringing forward a case say the court was not so fair as it might be. Still, if the Committee did not think there would be anything of that nature, he would be glad to accept the amendment.

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

Clause 3—agreed to.

New clause—Payment of wages:

MR. GREGORY moved that the following be added as a clause:—

The Governor may from time to time direct that the wages due to all workmen employed on any mine shall be paid in two or more instalments in each month; every such direction shall be published in the *Government Gazette*, and may from to time be altered, varied, or suspended by the Governor. Any manager who shall fail to comply with such direction shall be guilty of an offence against the principal Act.

This would give the Governor-in-Council power to direct that, where facilities existed, the wages in certain mines should be paid at least twice in every month. He did not suggest fortnightly pays, because there was a great desire on the part of mining companies to keep their expenditure to the calendar month, and if we made a rule that the wages were to be paid fortnightly, that might necessitate three pays in a month, and cause a good deal of trouble in regard to the books. He did not wish to make it a hard and fast rule that this should be done in every mine, because there were many mines in the outside districts where facilities might not exist. He left it entirely to the administration to alter, vary, or suspend such an order. Some members might object to the system of fortnightly pays, but he could not understand why the workman should be compelled to give, one might say, three weeks' credit to his employer. In several cases, that had resulted very disastrously to the workman. The system of paying monthly had been adopted for a long time, because it meant a slight saving to the company. The request for such legislation as he now proposed had often

been made to him, and efforts were made by the Assembly last year to have this principle affirmed. He did not think there could be much argument against the principle. Members would notice that the clause would not affect the small mines in outside districts, because they would not be registered unless a request was made to the Minister. In fact, the clause should not affect small mines and prospectors in outside districts, because they had to wait for their stone to be crushed to raise money for wages. Everything should be left to the discrimination of the Governor-in-Council. It was simply a matter of bringing pressure to bear on the Minister, and the Minister could withdraw the operation of the clause at any time.

Mr. FRANK WILSON: The Arbitration Court had full jurisdiction on this point, so the hon. member should agree to withdraw the clause. From time to time applications were made to the Arbitration Court for bi-monthly pays in certain goldfield districts; but he was not aware that the court had given any decision in favour of the system.

The Minister: Had it ever been asked?

Mr. FRANK WILSON: Yes; certainly time after time. It was asked for in the Abbotts case a few days ago; but no evidence was given to satisfy the court on the point, and it was struck out. By the clause we would give power to the Governor to decide the question without any evidence, which surely was objectionable. Again, were we to have the clause put into operation by pressure brought to bear on the Minister? That would also be objectionable. The ordinary methods of paying employees should not be interfered with through pressure being brought on the Minister. It was preferable to leave the matter to the properly constituted tribunal, the Arbitration Court. There was no objection to bi-monthly pays on his part; but objection was raised by the small mine-owner who now depended on the monthly clean-up of his battery for the money with which to pay wages, for in future he would have to clean up bi-monthly instead of monthly, which would cause him to lose half a shift each month. On the other hand, it would lead to extra expense in book-keeping and accountancy on the large mines, though this would matter little in comparison with the well-being of employees. It was pointed out recently before the Arbitration Court that miners in out-back districts benefited by monthly pays, since they obtained a surplus each month to bank. It was certainly pointed out on the other hand that, with monthly pays, the miners could clear off without paying storekeepers, and that the whole agitation for bi-monthly pays came from the storekeepers, who wanted to protect themselves against the "sloper" and bad debtor.

The Minister: Was it the storekeeper who brought the case into court?

Mr. FRANK WILSON: No; but it was the unions on behalf of the storekeepers. The unions had all the storekeepers in the Abbotts district giving evidence for them. The mine owners put forward a fair proposition on that occasion before the Arbitration Court, that if the storekeepers would reduce their prices 10 per cent. the mine owners would go to the extra expense of bi-monthly pays. The unionists should bring pressure to bear on those supplying goods so as to have reasonable charges made for goods, instead of bolstering up the storekeepers' prices, as they did now; and then they would be doing a lasting benefit to their unions.

Mr. Gregory: Had the Arbitration Court ruled in connection with this matter? It was contended last year that the court did not have the power.

Mr. FRANK WILSON: No award was given in this particular case, but the court struck out the question because there was no evidence brought forward to support it.

Mr. Troy: The court did not strike it out.

Mr. FRANK WILSON: They did.

Mr. Troy: They did not.

The CHAIRMAN: Order.

Mr. FRANK WILSON: Why should we transfer to the Governor the powers of the Arbitration Court and leave the matter open to any pressure that might be brought on the Minister?

Mr. Troy: Did you advocate that this was a matter the court could not adjudicate upon?

Mr. FRANK WILSON: Certainly, as advocate for the employers one had to carry out instructions. In the majority of cases mines had monthly pays.

THE MINISTER: No; it was just the opposite.

MR. FRANK WILSON: No exception was taken to monthly pays until recently.

THE COLONIAL SECRETARY: An agitation had been going on for four years for bi-monthly pays. The matter was brought before the Arbitration Court by him, but the court would not deal with it.

MR. FRANK WILSON: Then for four years the court would not deal with the matter.

THE COLONIAL SECRETARY: No; it was before the court for only two years.

MR. FRANK WILSON: The Arbitration Court had not seen fit, despite voluminous evidence, to make any award on the matter.

THE COLONIAL SECRETARY: It was because the president of the Arbitration Court considered the matter outside his jurisdiction.

MR. FRANK WILSON could not agree. No decision, he thought, had been given in that direction, but if it were the case, the Minister for Labour should make provision in the Industrial Conciliation and Arbitration Act Amendment Bill to deal with the matter. However, the court did have the power to deal with the matter. No president had raised the point that it could not. The court had not dealt with it simply because of the paucity of the evidence brought forward. The member for Menzies (Mr. Gregory) would do wrong in pressing this proposed clause, to take away a portion of the duty of the Arbitration Court and place it in the hands of the Governor, who would be influenced by the Minister through any pressure brought to bear on the latter.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. J. ISDELL: On this question of paying wages his experience was bitter; and he was invariably in favour of the small employer, who always paid when he could, and whose occasional failure to pay was due not to fraud but to unforseen circumstances. It was mostly the large companies that failed to pay; and the worker would rather trust the small man than a company. Some mines perhaps 100 miles from a bank paid monthly by cheque. Such a company might be in difficulties; and three weeks might pass before a cheque could be presented and news of its dishonour could reach the holder, who would thus lose, without possibility of recovery, practically two months' wages. Country might yet be opened up to mining hundreds of miles distant from any bank. How were wage-earners there to be protected? Some members might say that the agitation for bi-monthly pays was caused by storekeepers backed up by unions; but whether this was so or not, none could blame the storekeeper for making sure of his money, as he had to pay his own creditors. Storekeepers could not afford to run many risks with doubtful cheques. He (Mr. Isdell) was considerably out of pocket by reason of disbursements to men who had lost money through taking the word of big companies; and he would sooner take the word of a working employer than that of any company he had had any connection with.

MR. M. F. TROY supported the new clause, because it asserted a principle which the goldfields had advocated for years. On every occasion when the Arbitration Court was moved to order bi-monthly pays, the member for Sussex, as employers' advocate, said that the court had no power to make such an order; yet to-night he said that the court alone had the power. What statement could we believe? The hon. member was the advocate of the employers before the court; possibly a paid advocate.

MR. FRANK WILSON: The hon. member was wrong.

MR. TROY: Anyway, the Committee would not be influenced by the hon. member's statements. Only the big companies objected to paying bi-monthly. The great Fingal Consolidated, Day Dawn, refused all along to pay bi-monthly, though other mines in Cue, owned by smaller employers, consented. In Kalgoorlie and other parts of the State, the bi-monthly pays caused no great hardship to the mine owners. As to the statement that the agitation for more frequent pays originated with the storekeepers, he did not look at the question from a storekeeper's standpoint, but from that of the great majority of the

people, to whom bi-monthly pays would be of great assistance.

MR. E. E HEITMANN: For once he was in agreement with the member for Menzies (Mr. Gregory); but he would go farther, and instead of giving the Governor-in-Council power to decide which companies should pay bi-monthly, would make every mine pay bi-monthly, giving the Governor or the Minister power to exempt any mine if necessary. But why should the workers have to wait a month for their pay? The member for Sussex said that the people did not ask for the alteration. Almost every goldfields member was asked on the hustings to state his views on the question; and if the hon. member had lived on the Murchison, especially at Day Dawn, for a few years, he would admit the need for a change. We should legislate for the storekeeper as well as for the worker; for if the storekeeper lost heavily on account of "sloping," the worker must pay, for such loss would be added to the storekeeper's prices. A few years ago 90 per cent. of the workers on the Great Fingal mine, at Day Dawn, petitioned the company to pay bi-monthly; and the company refused on the frivolous ground that they would then have to put another man in the office. Had he (Mr. Heitmann) anticipated the new subclause, he could have quoted figures to convince even the member for Sussex that it was necessary.

MR. W. NELSON supported the subclause. Government members had unanimously accepted the suggestion of the mover (Mr. Gregory). The Opposition should reciprocate by supporting legislation brought forward by the Government in the near future. He had to wait a month for his own salary, and it was highly inconvenient. If an amendment could be introduced affecting members' salaries, he would support it with even greater enthusiasm than he supported the new clause. It was absurd that a matter of this kind should be left to the Arbitration Court. The worker was exceedingly generous in giving the employer a fortnight's work, which was tantamount to a fortnight's credit.

THE MINISTER was glad that the amendment had been proposed and received so cordially. The member for Sussex seemed to imagine it was his *fort* to oppose everything.

MR. N. J. MOORE: To criticise.

THE MINISTER: To oppose. The member for Sussex told members that the miners did not want fortnightly pays, but that the agitation had been got up by the storekeepers. If that were so, he would not support the proposal. He (the Minister) had been over a great deal of the goldfields, and everywhere the cry for fortnightly pays was brought forward by the miners themselves. Yet the member for Sussex, who knew nothing about the goldfields, stated that the miners did not want fortnightly pays. The member for Sussex desired that the miners should give the owners a month's credit. The time when people should be paid was one of custom. In 1894, on the Eastern Goldfields the system of fortnightly payments was started at Coolgardie and it extended to Kalgoorlie and Kanowna, and at these places that system was carried on from that time till the present. In other places, the system of monthly pays was established in 1894 and 1895, and for the most part had been continued. It was not a matter of convenience or expense, but that people did not wish to make an alteration in the custom that existed. It would greatly inconvenience the small man if in every instance he was forced to pay fortnightly. That was not desired, therefore the proposal wisely stated that it was a matter for the Governor-in-Council to say what mines should pay monthly. The member for Cue desired to go farther and say that every mine should pay monthly except those exempted by the Governor-in-Council; but it would be unwise to pass such a law, because inspectors could not go to every part of the goldfields and inquire if such was being done. It would be better to adopt the proposal of the member for Menzies and allow the Governor-in-Council to state what mines should be allowed to pay monthly.

Mr. FRANK WILSON had no objection personally to fortnightly pays, and why members should twit him with saying that employers wanted miners to give a month's credit he did not know. He had stated that there was power with the Arbitration Court to settle this question, and he might refer members to an award given in connection with the coal mining industry nine months ago, when the decision was that not only should the

pay be fortnightly, but the court specified that the pay-day should be Friday. In the face of that, how could members say that the court had not the power?

MR. HEITMANN: The court had to be moved.

MR. WILSON: Of course. Was the Minister to decide without evidence on one side or the other? There was a court to decide these matters, and the court should deal with them. As far as he was concerned, wages might be paid weekly in the State, as he had always been in the habit of paying workpeople in the old country on a Saturday. If convenient, there was no reason why workers should not be paid weekly here, but there was a difficulty in outlying centres in getting the money to the places. It was wrong to give power to the Governor that had already been vested in a tribunal.

THE COLONIAL SECRETARY supported the new clause. Last session he endeavoured to get a similar provision inserted in the Mining Bill, and at that time the Minister for Mines promised to insert a clause in the Mines Regulation Bill, which was not introduced through want of time. When debating the necessity for such a clause as this a case in point arose at Anaconda, where the owners defrauded the workers out of six weeks of their hard earings. The business people of Anaconda were absolutely bankrupt, and the women and children in the place were practically starving. The Government of the day had to come to the assistance of the people so that they should not starve. The miners at Anaconda had been robbed by English capitalists, yet the member for Sussex said that English companies were always ready and willing to pay.

MR. FRANK WILSON: That was never stated.

THE COLONIAL SECRETARY: The member for Pilbarra (Mr. Isdell), who had held positions under English companies, had stated that he would sooner accept the word of the workmen than that of a company, and he (the Colonial Secretary) preferred to accept the statement of the member for Pilbarra against that of the member for Sussex. There was a necessity for the provision. When contesting the case for the miners at Leonora, he tried to get a decision from the Arbitration Court that the miners should be paid fortnightly, but the president would not deal with the wages question as to the time of payment.

MR. FRANK WILSON: Not "could not" but "would not."

THE COLONIAL SECRETARY: The president of the court conveyed to those present that he had no power to deal with the time when workers should be paid. If one had thought the court had the power to deal with the question, he would have pressed his claim for fortnightly pays. There had been an agitation in portions of the State for years for fortnightly pays, and there had been negotiations by the miners and business people with the representatives of Bewick, Moreing, and Co., and the representative of this firm told the workers at the Sons of Gwalia that if the business people reduced the price of their provisions he would consider the question of fortnightly pays, as that would be an incentive to reduce wages.

MR. FRANK WILSON: Did he say it would be an incentive to reduce wages?

THE COLONIAL SECRETARY: The representative of Bewick, Moreing, said that if the business people reduced their stores he would consider the question of fortnightly pays. The representative of this firm, when in court, pointed out that the monthly pays caused the high rate of provisions. Certain people did not pay their accounts when they ran for a month or five weeks, but "sloped," and those who stayed had to pay increased prices. Mr. Laurie said that, before fortnightly pays were instituted, an assurance would have to be given that the cost of living would be reduced to permit of a reduction of wages.

MR. FRANK WILSON: Did he say reduction of wages?

THE COLONIAL SECRETARY: He did not use those words, but there was no other inference. The member for Sussex, who had been in a court representing one side, whilst he (the Colonial Secretary) represented the employees, knew that the assertion was absolutely true.

MR. FRANK WILSON: No; he challenged the hon. gentleman on the statement.

THE COLONIAL SECRETARY: The hon. member was an expert at challenging, but he could not prove his statement. The

member for Menzies was to be congratulated on moving this new clause.

Clause passed, and added to the Bill.

New Clause—Powers of examiners:

THE MINISTER FOR MINES moved that the following be added as a clause :—

The Governor may, by Order-in-Council, direct that the powers of any board of examiners appointed under Section 33 of the principal Act, as amended by "The Mines Regulation Act Amendment Act, 1899," shall be exercised by a board of examiners appointed under "The Inspection of Machinery Act, 1904."

During the passage of the Machinery Bill the Committee agreed in regard to the first schedule of it to repeal some of the sections of the Mines Regulation Act. Those sections dealt with power given in the existing Act, shortly to be abolished, relating to the boards of examiners for engine-drivers. These matters having been removed from the Machinery Bill, it was necessary to insert a clause in the Mines Regulation Bill. This was purely a technical thing. He asked the Committee to agree to it, so that by the action we had taken as to the Machinery Bill we should not entirely cancel all the law now existing about persons required to work different kinds of machines on the goldfields. He had given a copy of new clause to the member for Menzies this last week.

MR. GREGORY: Evidently there was some mistake, because he did not remember having received a copy of this new clause, and certainly he did not receive any copy of a note which he had handed to him. Certain matters were mentioned in regard to the schedule, and he thought what was now proposed would come as a surprise. When members were fighting this Machinery Bill they were under the impression that the provisions of that Bill were to apply to steam engines only. If members would look at the Notice Paper they would see the Minister had placed on it a proposal for the repeal of the schedule, and that he intended to reinstate certain other clauses. That would alter the whole of the Machinery Bill so far as it applied to the goldfields, and we should have again existing the anomaly whereby we required engine-drivers' certificates to be granted for persons working machinery, no matter whether driven by gas, oil, electricity, or any other of these motive powers, if used upon any mine or any machinery area. The note which had just been handed to him read as follows :—

In First Schedule of Inspection of Machinery Act, 1904, the Sections 18, 19, and 20 only under the Mines Regulation Act 1899, and amendments, will be repealed, leaving 16, 17, and 21 which were intended to be repealed.

He would not like to see anything of this sort go through in a small House, nor would he like that order of things on the goldfields.

MR. HEITMANN: Was it not fairly satisfactory?

MR. GREGORY: The provisions to which he referred were never enforced. He had explained that where an air winch on the surface was used for raising sands, such as cyanide pits, the then Government would not insist, although the Act said that they should insist, upon the owners having certificated engine-drivers in charge of that air winch. Why have these things on the statute-book if we were not going to enforce them? He moved that progress be reported.

THE MINISTER said he had been under the impression that he showed the proposed new clause to the member for Menzies. During the debate on the Machinery Bill it was pointed out that certain regulations were cancelled, and member after member from the goldfields appealed to him that the system should continue until the new Mines Regulation Bill came into force; amongst those who appealed to him being the member for Menzies himself, who pointed out that something should be done in that direction by the Mines Regulation Bill. He (the Minister) never for a moment tried to keep this new clause quiet, and he did not think it altogether fair for the hon. member to declare this was a complete revolution of the Machinery Bill. It was not so. It simply said that, as regarded certain things, they might remain just as they were. Within two months we should be able to deal with the question. We had a consolidating Mines Regulation Bill before us, and it was very necessary we should do this, because possibly the Machinery Bill might come into force before the new Mines Regulation Bill. If it came into force at the same time, this clause would practically be a dead letter, because the matter would be provided for in the consolidating

Mines Regulation Bill. In any case it could not be material for any length of time, but was just to save us from a possible disorganization. He was anxious to see that the Machinery Bill dealt with steam, and steam only. He hoped that after this explanation the member would not press his motion to report progress.

MR. RASON hoped the Minister would agree to have progress reported. At the last stage of the Bill in Committee an important new clause was suddenly sprung on the Committee, and from the Minister's own showing there was no excuse for it. The Minister said he had the new clause in his possession on Thursday and Friday, and that he was under the impression he had submitted it to the member for Menzies (Mr. Gregory). The member for Menzies undoubtedly took a great interest in legislation of this kind and was entitled to every consideration; but every member of the Committee was also entitled to consideration, and the Minister should have placed the proposed clause on the Notice Paper. If we were to have clauses sprung on members in this manner at the last stage of a Bill in Committee, there was no knowing what legislation could find its way on the statute-book. There could be no very great motive for pressing this clause to-night.

THE MINISTER did not object to progress being reported; but hoped members would deal with the clause on the next day.

MR. GREGORY: The amendment the Minister claimed to have shown him (Mr. Gregory) was that which appeared on the Notice Paper in the name of the member for Coolgardie, dealing with the Inspection of Machinery Bill; and with that amendment he (Mr. Gregory) concurred; but he had received no notification of the alteration now proposed by the Minister, except that on the Notice Paper it appeared that the schedule to the Inspection of Machinery Bill was to be altered; and when that Bill came on he intended to enter objection to the proposed course being pursued. He certainly had no knowledge that this amendment to the Bill now before the House was to be sprung on the Committee at this moment; and he also failed to see why any amendment was necessary. Should the Minister carry his proposed amendments to the Inspection of Machinery Bill, we would retain in the Mines Regulation Act Section 16, allowing the Minister to appoint a board of examiners, also Section 17 giving the Minister power to grant certificates of service, which he could also do under the Inspection of Machinery Bill, and also Section 21 referring to second-class certificates being required for persons controlling certain machinery. As there would be a Mines Regulation Bill introduced later on, and as the Inspection of Machinery Bill was not likely to come into force until the first of next year, the necessity for the proposed clause did not exist. He moved that progress be reported.

Motion passed, progress reported, and leave given to sit again.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

IN COMMITTEE.

MR. BATH in the Chair; the HON. W. C. ANGWIN (honorary Minister) in charge of the Bill.

Clauses 1, 2—agreed to

Clause 3—Amendment of Section 40, qualification of mayor and councillors:

MR. C. H. RASON: The Minister should give some explanation of the reasons prompting the Government in making any alteration to the Act. The alteration proposed that no one without twelve months' previous experience in a council in the State could be elected to the position of mayor. Was this done on the recommendation of the Municipal Conference?

HON. W. C. ANGWIN: It was thought that every person occupying the position of mayor should first have had some experience in a municipal council, and this was a motion agreed to by the Municipal Conference. It was fair that members should give consideration to the suggestions of the Municipal Conference, as no one knew better than councillors what class of men was best to carry out municipal duties. Members would think it absurd that the general community should be called upon to elect a Speaker. No one knew better who was qualified to occupy the position of Speaker than members of the House.

Mr. A. J. WILSON: Why should not the councillors elect the mayor?

Hon. W. C. ANGWIN: The clause guaranteed to the ratepayers that the mayor had served his apprenticeship.

Mr. A. J. WILSON moved an amendment—

That all the words after "municipality," in line 2 of paragraph (*b*), be struck out.

He could not agree with the recommendation of the Municipal Conference in this matter. The experience of the State in regard to mayors gave no justification for any alteration to the present system. Ratepayers, if they could be trusted to elect members of councils, surely could be trusted with the same power in the election of the person best qualified to act as mayor. The clause would place an unnecessary fringe on a most important office; and if the selection of mayors was so confined, undesirable cliqueism in municipalities would be created. If the selection was left open to ratepayers generally, the object sought by the amendment, it would have a tendency to break down those cliques which were liable to be formed in councils.

MR. N. J. MOORE agreed with the Minister that a man must have some municipal experience before filling the important office of mayor. He (Mr. Moore) had acted as mayor for about four years; and without his previous service as councillor would have felt himself largely in the hands of the councillors and the officials. That none but a councillor could be elected mayor improved the calibre of councillors. He would have supported an amendment to make eligible as mayor any man who had served 12 months in any council. In Perth, a prominent man asked to stand for election as mayor refused, and said he would first serve 12 months as councillor. Now that so many works of magnitude were undertaken by councils, mayors must have some knowledge of municipal work. The member for Boulder (Mr. Hopkins) said many successful goldfields mayors had no experience in this State; but many had acquired experience elsewhere. The election of the mayor by ratepayers prevented the cliqueism which might arise if the mayor were chosen by the councillors from among themselves. But as the mayor elected by the ratepayers was independent, an apprenticeship as councillor was necessary.

MR. A. A. HORAN supported the amendment. It would be impossible to secure the service of a really good man as mayor if he had to go through 12 months' previous experience in the council. The best men would not undertake such humdrum work. The Minister quoted the practice of electing the Speaker—an unfortunate instance; for if there were anything in the argument we should certainly elect to that position none but the Chairman of Committees, he having experience in the Chair: yet the Chairman was seldom elected Speaker. Similarly with Chief Justices, who were seldom selected from Supreme Court Judges.

MR. H. CARSON opposed the amendment. That a candidate for mayoral office must have prior experience as a councillor would raise the tone of councils. The choice would still be with the ratepayers, who would be more careful in electing councillors, knowing that these were prospective mayors. The preceding speaker said the best men would not care about the humdrum life of a councillor; but anyone seeking mayoral office should do some of the drudgery beforehand, and not seek to be mayor purely for the honours and emoluments of the position.

MR. E. NEEDHAM supported the amendment. The clause would debar a man of great municipal experience in another State from becoming mayor of one of our municipalities. As for men seeking mayoralties for the sake of the honours and emoluments, any mayor who conscientiously did his duty had enough to do, and got his share of humdrum drudgery. The 10 or 12 councillors might be able enough as councillors; but the importation of new blood in the shape of a mayor with interstate experience might be of much value.

THE PREMIER (Hon. H. Daglish): There was some justification for striking out the words "within the State;" and the Minister in charge was agreeable to striking them out, so as to provide that municipal experience, wherever gained, should warrant the candidature of its possessor. But, apart from that, it would be a grave mistake to carry the amendment. Ratepayers themselves, when asked to select as mayor one of two candidates who had not municipal

experience, would not be able to judge how either candidate could fulfil mayoral duties if successful. But if opportunity were afforded of seeing the candidates in office as councillors, or of knowing how they had discharged such duties in other municipalities, even outside the State, the ratepayers could determine which candidate was the more likely to suit local requirements In framing the clause, Ministers were guided largely by a number of unfortunate experiences in different parts of the State, and not, as suggested, by one experience only. To particularise cases would be somewhat invidious. There was good reason for believing that the tone of councils would be raised by the fact that every would-be mayor must serve a certain time as councillor. Just as every Parliament required that the Speaker should be elected from among the experienced members, so should every mayor be elected from among the councillors. Every hon. member would have ridiculed the nomination for Speaker of a member who, at the last election, had been returned for the first time to Parliament. The Speaker was the highest officer of Parliament, and the mayor the highest in a municipality; and just as the Speaker was required to have a knowledge of parliamentary procedure and of the Standing Orders, so must a mayor have a knowledge of the Municipalities Act, and be well acquainted with the proper method of administering it and the by-laws. This knowledge could not be acquired save by the direct exercise of the functions of councillor; and the public, whose servant the successful candidate was to be, would thus have an opportunity of forming a sound opinion of his capacity as a councillor. With the deletion of the words "within the State" the clause might be agreed to.

Mr. J. C. G. FOULKES: The Committee would shortly have to consider the qualification of voters for a municipality, and the question would have to be decided whether ratepayers would be entitled to one, two, three, or four votes; therefore he suggested that the consideration of the clause be postponed until the discussion on the qualification for the election of councillors and mayor had taken place. He moved that the consideration of the clause be deferred until after clause 7.

The CHAIRMAN: The motion coul not be moved until the amendment ha been dealt with.

Mr. A. J. DIAMOND supported th amendment of the member for Forres Why should any attempt be made t restrict the choice of the ratepayers He could not see what special qualifica tion a councillor received in a back-block town. There was a chance in som councils to degenerate into cliques, an fresh blood was more likely to break u cliques than anything else. We shoul do all we could to keep the choice of th ratepayers as large as possible. He ha watched the working of the municipa system in South Australia for man years. An attempt was made some tim ago to restrict the choice of the mayor t the aldermen, but the people of Adelaid would not agree to the proposal. Adelaid had always had an excellent mayor, and with one exception, Perth enjoyed similar experience.

Mr. W. B. GORDON: A good coun cillor did not always make a good mayo but a good business man would alway make a good mayor. The choice of th ratepayers should not be restricted in an way.

Mr. H. E. BOLTON: It should not b necessary for a person to have 12 months training before holding the position o mayor. He did not agree with th Premier that a councillor gained ex perience in 12 months. Many coun cillors would not gain experience afte years of service. As to the appointmen of Speaker, it did not follow that th oldest member of Parliament had th greatest knowledge of the Standin Orders; often young men had bette knowledge of the laws of Parliament Some councillors would learn as much i 12 months as others would learn in nin years. However good a councillor migh be, that was only known to the councillors

Mr. W. NELSON: In the minds o rational people there were scarcely tw opinions on a question of this kind. T make it necessary that a man shoul have some prior experience as a councillo in order to qualify for mayor was withou a particle of justification. The mere fac of experience was no evidence of abilit or fitness. As a rule people were mad councillors not because they had specia ability, but because nobody else ha

ambition to take the post. That was the case particularly in small towns. If the amendment were carried, it would still be within the power of the electors, if they so desired, to select a mayor from amongst the councillors, for the amendment did not prevent a member of the council from being elected mayor, but it prevented a member of the council who had not the capacity from being elected, and such a person should not be elected mayor. This clause had been framed without sufficient consideration. Occasionally it might be wise to insist on some kind of special qualification for a person who was to occupy a special post. He could imagine some kind of educational test, but the mere fact that a man happened to be in a council for 12 months was no evidence that the person had special fitness to occupy the high position of mayor of a municipality. When the election for mayor was entirely unrestricted, it afforded a municipality almost the only opportunity that it had of expressing, as a corporate body, its opinion on any special matter before the electors, for the councillors did not retire in a body, but only in part. Therefore, outside the election of mayor there was no opportunity for the people to express their opinions. Seeing that public opinion could not be expressed in its entirety during an ordinary election for councilor, it was good that the democratic principle should have full sway in the election for mayor.

MR. F. CONNOR: The only supporters of the clause were three mayors; every other member seemed to be against it. That in itself was quite sufficient to carry the amendment.

MR. RASON: With the exception of the amendment for striking out the words "within the State," he hoped the Government would stick to the clause. As the member for Hannans had pointed out, it did not follow that because a man had been a councillor he was therefore eminently qualified to act as mayor. It was no proof of his fitness, but on the other hand it was no proof of unfitness. Although one councillor might not be fit for the position of mayor, surely the hon. member for Hannans did not wish to suggest that from the whole body of councillors not one could be found who was fit for the position. If we could have a man with equal qualifications and greater experience, that man should be selected. The limitation of the electors should not go farther than providing that the selection must be made from amongst the councillors who had had twelve months' experience, not necessarily in this State, but somewhere. He regretted that the Minister in charge had not been willing to report progress. It would be advisable to delay the consideration of this clause until we had a fuller House. It was a most important measure, and the Premier or the Minister in charge of the Bill might very well consent now to report progress.

MR. H. BROWN: The member for Kimberley said the only members who spoke in favour of the clause were mayors of municipalities. That showed their disinterestedness. The knowledge that he (Mr. Brown) had gained as councillor served him in great stead when he took up the position of mayor, and he thought every mayor in the Chamber must admit that such apprenticeship was good. Any outsider who had had nothing to do with municipal life must be, at all events for several months, at the beck and call of the officials of the council. No members of the House would think of electing a Speaker who had not had any parliamentary experience. The same thing applied to municipal life. Moreover, if the clause were passed as it stood, we should probably get a better class of councillors. The roads boards had worked well for the last 30 or 40 years, and in regard to them the members themselves elected their own chairman; and no one had heard anything detrimental to that mode of selection.

MR. T. HAYWARD: Although never a mayor he had for a number of years been a councillor, and he was strongly of opinion that a man who had had experience for a year or two in a council would fill the office of mayor far better than one with no experience.

MR. FOULKES Quite half the members of a council had no desire to become mayor, though fully prepared to give a certain amount of time and attention to the duties of councillor, and if the selection were limited to half the number of councillors there would possibly be a great deal of favoritism and a certain amount of log-rolling. It would be much better for the general ratepayers to have

a voice in the selection of mayor. The Premier referred to the position of Speaker, but the curious part was that though he said it was necessary for a Speaker to have had experience, he did not tell us he considered it necessary for a member of this House to have had experience of Parliament before being appointed a Minister. If the member for East Fremantle could hold the high position of Minister without experience as a member of Parliament, surely the mayor of a municipality could hold the position without previous experience. There was no comparison between the Speaker and the mayor of a municipality. The Speaker had no executive functions to perform, whereas the mayor of a municipality had; and the ratepayers should be entitled to appoint the man they thought had the ability to carry out the mayoral functions. In England the mayor was appointed by councillors; but in some cases the councillors had gone outside their ranks to select a man for different reasons. Sometimes it happened that a member of the Royal Family was about to visit a municipality, and councillors thought it well to appoint as mayor someone outside their ranks who had more time to carry out the onerous work devolving on the office during that year. Should the amendment be carried, the choice of the ratepayers would be limited to half a dozen men.

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

Ayes	...	...	17
Noes	...	...	16
Majority for	...		1

Ayes.	Noes.
Mr. Bolton	Mr. Angwin
Mr. Burges	Mr. Brown
Mr. Connor	Mr. Carson
Mr. Diamond	Mr. Daglish
Mr. Foulkes	Mr. Gregory
Mr. Heitmann	Mr. Hastie
Mr. Henshaw	Mr. Hayward
Mr. Hicks	Mr. Holman
Mr. Horan	Mr. Isdell
Mr. S. F. Moore	Mr. Johnson
Mr. Needham	Mr. Layman
Mr. Nelson	Mr. McLarty
Mr. Scaddan	Mr. N. J. Moore
Mr. Troy	Mr. Rason
Mr. A. J. Wilson	Mr. Taylor
Mr. Frank Wilson	Mr. Gill (*Teller*).
Mr. Gordon (*Teller*).	

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

Clauses 4, 5—agreed to.

Clause 6—Amendment of Section 52 qualification of electors:

MR. A. J. WILSON: This clause provided that there should be one vote for each ward. It seemed manifestly unfair that a person with unimproved property in each ward should have a vote for each ward, while the owner of improved property in each ward might only have one vote for the place he occupied. Irrespective of the amount of property, an elector should only have one vote for a council election. It seemed strange that so many Labour members had fallen from grace in such a way as to propose such an undemocratic provision. We should go farther and make some provision for adult franchise.

THE PREMIER: The clause was simply a machinery provision in regard to voting qualification, following on the existing law, but providing somewhat for its liberalisation. The present basis of voting was that the ratepayer and not the owner of property should be entitled to exercise the vote. In regard to improved property, or unimproved for that matter the occupier was the person who paid the rates in nine cases out of ten. The occupier of unimproved land was the owner of unimproved land in the absence of any other occupier, and became liable to pay the rates, and therefore exercised the vote. The occupier, not the owner exercised the vote where property was improved. If members wished to alter the basis of voting, then the whole of the municipal system would have to be dealt with. He (the Premier) was not prepared to undertake the task; neither did he think if he were willing to do so, it would be practicable to do it during the present session. If members wished to make a considerable improvement in our municipal law let them accept the very liberal provisions of the Bill; but if they wished to revolutionise the whole system of municipal government, then he admitted the Bill did not go far enough. It was impossible for this House during the present session to bring about such a revolution; and if that were possible, it would be impossible to get another place to agree. Candidly he believed in a ratepaying franchise for municipal bodies. Those who were taxed should have representation; and however heterodox the principle of no taxation no representation might be, he would adhere

to his heterodoxy. That principle was embodied in this clause, and could be found practically throughout the Bill. Let us seek for some practical improvement of our municipal law, such as could be secured by passing the measure.

MR. N. J. MOORE: Wards could be abolished on petitions presented by a certain number of ratepayers. Personally, he favoured the abolition of wards, so that councillors might be elected by the whole body of ratepayers. A ratepayer would then only have one vote, instead of a vote for each ward in which he had property.

Clause put and passed.

On motion by Hon. W. C. ANGWIN, progress reported and leave given to sit again.

INSPECTION OF MACHINERY BILL.

RECOMMITTAL, IN PART.

THE MINISTER FOR MINES AND JUSTICE (Hon. R. Hastie, in charge of the Bill) moved:

That the Bill be recommitted for amendments appearing on the Notice Paper.

MR. GREGORY: It was understood, when previously in Committee, that the whole Bill should be recommitted.

THE MINISTER: No.

MR. GREGORY: That was stated by the Chairman.

MR. FRANK WILSON: The Minister promised during the previous debate that the whole Bill should be recommitted.

THE MINISTER: At no time during the debate had he promised to recommit the entire Bill; and towards the end of the debate he had pleaded with members to put on the Notice Paper the amendments they wished to move, so that the Bill might be recommitted for their discussion. For this every facility had been given, and he believed every member who had amendments had tabled them.

MR. T. H. BATH: As Chairman of Committees he had stated, when asked whether the Bill would be recommitted on any one clause, that if desired the whole Bill could be recommitted. Of course he had no authority to say that the Bill would be recommitted, or to say that it had been recommitted.

THE MINISTER: If the hon. member (Mr. F. Wilson) had any particular clauses he wished discussed, such clauses also might be added to those on the Notice Paper.

MR. FRANK WILSON: Several matters he had referred to on the previous occasion the Minister had promised to take into consideration on recommittal. One could not say whether they were included in the clauses mentioned on the Notice Paper; but the Minister promised that the whole Bill should be recommitted.

THE MINISTER: Never.

MR. FRANK WILSON: The Minister had been understood by him to say so, and the Chairman had given his ruling accordingly.

THE COLONIAL SECRETARY (Hon. G. Taylor): Was it not the general custom and procedure in the last Parliament that when one desired a recommittal the points to be discussed on recommittal should be stated?

THE SPEAKER: It was quite in order for any member to move an amendment to this motion, to the effect that the Bill be recommitted for the purpose of considering other clauses; but a member moving an amendment must move either for the recommittal of the whole Bill or for the consideration of certain additional clauses.

MR. C. H. RASON: The members for Cue (Mr. Heitmann) and Mount Leonora (Mr. Lynch), he believed, wished on the previous occasion to move some amendments. The member for Cue, he believed, was assured he should have an opportunity on recommittal. Neither of those members was present to-night. He (Mr. Rason) was satisfied it was generally understood that the Bill was to be recommitted as a whole; and on division the majority of members would doubtless agree with him. There could be no objection to recommittal as a whole; and he moved that the motion be amended as follows:—

That all the words after "that" be struck out, and "the whole Bill be recommitted" inserted in lieu.

MR. C. J. MORAN: The very gravest objection must be taken to the practice of recommitting as a whole a large and contentious Bill of this character. By reopening such a discussion we should aim a blow at the efficiency of Parliament and the commonly accepted customs of Parlia-

ment. He would almost prefer to see it an unalterable rule that members should indicate on what questions they wished to recommit a Bill. Why? When amendments were put on the Notice Paper, other members deeply interested had a fair warning that the discussion which Parliament had already concluded was about to be reopened. There was no wish to burk discussion; but to recommit the whole Bill might, without notice, deliberately undo in a thin House the vote of a large majority of members.

MR. H. GREGORY: When the Chairman, on the previous occasion, gave notice that the Bill would be recommitted, he (Mr. Gregory) drew his attention to the fact that he was stating that the whole Bill would be recommitted, and asked if that was the intention, and understood from the Minister through the Chair that it was. Personally he did not want the whole Bill recommitted, as he had no amendments to move, and would therefore be content with a recommittal to consider the amendments on the Notice Paper. The Bill as a whole should not be recommitted. At the same time he understood it was the object of the Minister to recommit the whole Bill, and at the time he thought it was a new departure. He would vote against the recommittal.

MR. MORAN: If the adjournment of the debate was moved, members could give notice of their amendments.

MR. BATH: It was not his province to move a motion, when sitting in the Chair, that the Bill be recommitted as a whole. Members were in doubt as to whether certain clauses could be recommitted other than those which the Minister had promised should be recommitted, as it was thought that the discussion would be confined on recommittal to particular clauses. He (Mr. Bath) pointed out that the Bill could be recommitted as a whole, or that any clause could be recommitted if it was so desired.

MR. NEEDHAM: If the Bill were recommitted the whole of the clauses would have to be gone through again, and the Committee might stultify their previous action. He wanted some clauses recommitted and asked what procedure had to be followed. Other members had the same opportunity, but notice had not been given. He would not agree to the adjournment of the debate, as sufficient time had already been given to the discussion of the measure.

MR. RASON: There was no desire to press the amendment. He had simply moved that the Bill be recommitted to keep faith with members. Several members were convinced that they would be able to move amendments, having the assurance of the Minister that the Bill would be recommitted as a whole. Personally he had no desire to move any amendment on recommittal. He asked leave to withdraw the amendment.

THE MINISTER FOR MINES: No promise was made by him to recommit the whole Bill, and he had never heard the Chairman express the opinion that the whole Bill would be recommitted. He asked members on two occasions that if they had amendments to bring forward on recommittal to give notice of them, when an opportunity would be given of discussing them. No member had given notice, therefore he assumed that there was no wish to discuss any proposals.

MR. FRANK WILSON: A number of clauses which he wished to discuss on recommittal were mentioned.

Amendment by leave withdrawn, and the question passed.

Bill accordingly recommitted in part.

IN COMMITTEE.

Clause 6—Chief Inspector and Inspectors:

THE MINISTER FOR MINES: The member for Northam had given notice to add to the clause the words "such inspector to hold a first-class engine-driver's certificate under the Act." We might be able to get very good inspectors who were fully competent in every way but who could not obtain a first-class engine-driver's certificate. No one could get such certificate unless he had served twelve months in charge of a winding-engine previous to the examination. Men who were not competent would not be appointed. To get over the difficulty he would move an amendment:

That the following be added to the clause: "Every person so appointed shall pass an examination to be prescribed."

It was not possible at present to lay down the exact examination that persons would be required to pass, but the amendment

would provide that every person would pass an examination to prove his competency.

MR. SCADDAN: How would that apply to the present inspectors?

THE MINISTER: The present inspectors would require to pass some kind of examination to show their competency for the work. There might be some difficulty at first, but it would be overcome. There were no inspectors of machinery at present.

MR. J. SCADDAN: The provision would be rather harsh on some of the present inspectors of boilers.

MR. MORAN: That was a bad admission to make.

MR. SCADDAN: The present inspectors of boilers were to be inspectors of machinery, and if some of these officers had to undergo an examination as mechanical engineers they would not pass. He knew of one man who was not a mechanical engineer but who was a smart man as an inspector of boilers. He understood that the provision would not apply to the present inspectors of boilers, who were to be found positions as inspectors of machinery and boilers, but that they would not require to pass an examination.

MR. H. GREGORY: The hon member had better move that the Bill be read this day six months, as that would be the best course for him to adopt. We had passed a Bill, not for the inspection of boilers, but for the inspection of machinery, and now members desired something special included in the Bill to compel the administration to appoint duly qualified persons. If the Minister appointed a chief inspector who was not duly qualified, or if the chief inspector appointed men who were not qualified as inspectors, the Minister or the chief inspector would not be fitted for their duties. Many members desired to hedge the clause around with conditions so that only certain members of the community could get positions as inspectors of machinery. It might be necessary to have regulations dealing with the appointment of inspectors, to insure that those who would be appointed should pass an examination before receiving the position. He approved of the amendment in preference to that given notice of by the member for Northam, who desired to provide that only certificated engine-drivers should get positions of that sort. What qualifications for an inspector these men would have he failed to see. Some members wanted the Government to appoint duly qualified persons to be inspectors. Who was to be the judge of what a duly qualified person should be? If we wanted any restriction at all, the suggestion by the Minister was the best.

MR. E. NEEDHAM: The amendment by the Minister was really the best way out of the difficulty. If it were passed, the position would be entirely safeguarded. Not only should we obtain competent men as inspectors, but it would be open to any man willing to qualify himself to compete for the position.

MR. E. E. HEITMANN would support the amendment, but he could not see any need for it. We could trust to the Minister to see that duly qualified men were appointed. He believed nearly the whole of the boiler inspectors appointed in this State were qualified engineers.

THE MINISTER: In the past few years every inspector of mines had had to pass an examination, and he felt certain the same would be the case in the future. To satisfy people that no particular favouritism would be used in such appointment, and that every person would have a fair opportunity of showing his particular qualification, it was deemed well to provide in the measure that every person appointed should pass an examination.

MR. MORAN: The Minister did not mean that every inspector now holding an appointment would have to re-pass an examination. That, however, was what the Committee understood.

MR. GREGORY: These men would be inspectors of machinery.

MR. MORAN: It really meant that those now holding appointments would have to prove they were qualified under new conditions to do the work.

THE MINISTER: At present we had inspectors of boilers, some of whom were engineers as well as inspectors of boilers, whilst one or two were not. Those appointed inspectors of machinery would have to pass an examination to show they were competent.

Amendment passed, and the clause as amended agreed to.

Clause 24—Setting of boilers:

THE MINISTER: It had been pointed out that as we could not publish the

regulations at present there was a fear that all kinds of machinery would be brought under the clause. He promised that should be prevented if possible, and he now moved an amendment that the words "and in accordance with the regulations" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 31—Aid to be given by owner for purpose of inspection:

THE MINISTER: A promise had been made by him to meet objections raised. One point was that an owner might be compelled to take a boiler asunder, if necessary. He believed that practically every boiler at one time or another was taken asunder, which allowed the inspector to make a proper inspection. It was suggested that as far as the tubes were concerned, the clause should read that a person might be asked to take out all defective tubes. He had agreed to that, believing it to be very fair, but since then he had changed his opinion. If only defective tubes were to be taken out, practically the clause would be absolutely useless. Until these tubes were taken out one could not be quite sure that they were defective. If the word "defective" were adhered to it would prevent the inspector from being able to thoroughly inspect the boiler. The practice in the past was that no boiler in use under six or seven years had been subjected to this provision. It was necessary for an inspector to be able to order the removal of all or a portion of the tubes. If tubes were carefully removed they could, in nearly every case, be replaced. A note he had received stated that if the word "defective" were adhered to, it would obstruct inspectors in carrying out their work. He hoped the Committee would strike out the word "defective."

MR. FRANK WILSON: It was to be hoped the Committee would not agree to strike out the word "defective," although it was very seldom inspectors ordered tubes to be removed. We should provide for defective tubes to be taken out, but it was improper to provide for the whole of the tubes to be taken out of a boiler, whether defective or not. It was not necessary to take them out to see if they were defective.

Amendment passed, and the clause as amended agreed to.

Clause 44—Working without certificate:

THE MINISTER moved an amendment:

That the words "one hundred" be struck out, and "fifty" inserted in lieu.

MR. A. J. WILSON opposed the amendment. We should not anticipate lenient offences, and if we lowered the fine to £50 we would find frequently that persons would pay the fines rather than carry out the Act, on the ground that it would be much more economical. Acts on more than one occasion had been rendered inoperative because of the small fines inflicted.

MR. GREGORY: This clause applied to machinery as well as to boilers. With a maximum penalty of £100 it would appear to the magistrate that it was the opinion of the Legislature that offences against this section of the Act were very grievous. It would almost be as well to have machinery provided for under a separate clause with a lower penalty.

MR. FRANK WILSON thanked the Minister for taking this matter into favourable consideration, and regretted the Minister had not seen fit to lower the maximum penalty to £20, since the clause also applied to machinery.

THE MINISTER: The maximum penalty would be inflicted in only rare and flagrant cases, and it would not be too high.

Amendment passed, and the clause as amended agreed to.

Clause 53—Drivers in charge of engines:

THE MINISTER moved an amendment:

That the words "in a workshop," in line eight, be struck out, and the words "as a competent mechanic in a workshop or workshops" inserted in lieu.

This clause had been considerably discussed previously, and the principal objection taken was as to the qualification of a man applying for an extra first-class certificate. The amendment should meet all objections, the idea being that a man employed as a labourer in a workshop could not obtain an extra first-class certificate, and that only men performing duties such as would be carried out by a mechanic should be entitled to such a certificate.

Mr. Moran: Would a man serving is apprenticeship be excluded?

The MINISTER: A young man doing ıbouring work for two years would not ome under the clause. The amendment 'ould take away the fear of members hat these certificates would be got too heaply.

Mr. GREGORY: Would it be com-ulsory for an apprentice after serving ve years to serve another five years as a ɔmpetent mechanic?

Mr. Heitmann: The apprentice be-ame competent after five years.

Mr. GREGORY: The amendment 'ould press unfairly on the apprentice. It 'as originally intended, when the Bill was rafted, that the holder of a certificate ıould serve five years as an apprentice.

Mr. BOLTON: The applicant for an xtra first-class certificate must possess a rst-class certificate, and to obtain that ertificate he must have driven an engine nd must previously have been an ap-rentice. If a man was a competent ıechanic for five years he took up the rofession of engine-driving, and must o through the grades to get his first-ass certificate; and then only was he ligible to go for an extra first-class certi-cate. He (Mr. Bolton) did not think a outh had to put in five years as a com-etent mechanic in addition to his five ears' apprenticeship.

Mr. HEITMANN: Men would not erve five years' apprenticeship and then ake on engine-driving, because they would et decreased wages. The member for orth Fremantle (Mr. Bolton) was put-ng the cart before the horse. A man ight not be a competent man in a work-hop, but still be a mechanic. There was o occasion to use the word "competent."

The MINISTER: The amendment pro-osed that a man should have five years' xperience in a workshop, and that the xperience should not be simply that of a ıbourer. The applicant must be em-loyed only as a competent man would e employed. The matter should be left ı the hands of the board of examiners.

Mr. E. P. HENSHAW hoped the mendment would be carried. If we were ɔ designate men as "engineers" we ıust insist that they have qualifications f engineers, and that they must be em-loyed as competent mechanics for five ears.

Mr. NEEDHAM supported the amendment, of which the real object was to prevent undue competition with men who had spent a valuable part of their lives, for small remuneration, in learning a trade. For that reason he previously objected to the word "engineer." A youth might serve five years, and might sometimes work for two years longer before reaching the minimum degree of efficiency needed to constitute a trades-man.

Mr. W. NELSON: The amendment was necessary, because a number of engineers rightly objected to unqualified men being designated engineers. Men who had served their time to the trade, and called themselves engineers, objected to mere engine-drivers being given certificates describing them as engineers. The words "employed as a competent mechanic" would secure that certificated engineers should have some engineering experience. After four hours' considera-tion he had concluded that the amend-ment was the only solution of an exceed-ingly difficult problem.

Mr. A. J. WILSON: In the endeavour to escape from a tangle, we were going from the sublimely absurd to the supremely ridiculous. He opposed the clause because he did not think that a person's being associated with a work-shop where work of a nature similar to the manufacture and repair of engines was carried on justified his being called a competent engineer. The Minister sug-gested "competent mechanic." A car-penter might be a competent mechanic. Should a competent carpenter, holding a first-class engine-driver's certificate, be designated an engineer?

Mr. Gregory: No. The clause speci-fied the manufacture of engines.

Mr. A. J. WILSON: No. A candi-date need only have been employed for a given period in a workshop where work of that nature was being carried on.

Mr. Scaddan: As a competent mechanic.

Mr. Gregory: Not necessarily in the manufacture of engines.

Mr. A. J. WILSON: Yes. Webster's Dictionary (produced) described a mech-anic as "an artificer; one who practises any mechanical art; one skilled and employed in shaping and uniting materials," etc. None but a man who had served an

apprenticeship to the making and repairing of engines should be designated an engineer. To insist that after his apprenticeship he should serve an additional period of five years would be asking too much. If the candidate had to serve for a certain period as a competent mechanic, the five years' term should be greatly reduced.

MR. GREGORY: A slight error had occurred, pointed out when last we considered the clause; and it was intended to insert "in a workshop or workshops" after "engines," in line 13, thus implying that the man was employed as a competent mechanic in the manufacture of engines. The amendment might be altered by omitting "in a workshop or workshops," until the other words were inserted. A person obtaining a certificate must be employed at the class of work specified.

THE MINISTER accepted the suggestion, as it would make the meaning clearer. As to an apprentice obtaining this class of certificate, that was impossible. What number of apprentices were competent workers? Many apprentices working in an engineer's shop were called engineers, yet they did not understand the work thoroughly. The member for Forrest would like to confine this special certificate to this class of persons. Because a man was able to work for a very small salary in the earlier portion of his life, he should not have a monopoly of this work. No matter what age a man was he should, by going into a workshop and being employed as an engineer for five years, not as a labourer, be able to get this class of certificate.

MR. A. J. WILSON: A man must go in as a labourer first.

THE MINISTER: But he must be engaged for five years at the work.

Amendment by leave withdrawn.

THE MINISTER moved an amendment:

That in line 12 the words "in a workshop" be struck out, and "as a competent mechanic" inserted in lieu.

MR. SCADDAN: We should specify in the clause that for five years a man had been in a workshop as a mechanic. Many men who were employed for five years in a workshop could not handle the tools if they were called upon to do so.

MR. HEITMANN: There was not man in the State who would get the titl because after becoming a first-class driv a man would have to serve five years in workshop as a competent mechanic. man would have to serve some yea before he became competent. If a m worked for two or three years and th became competent, that should be su ficient. One protested against monop lising this title for a particular class the community.

Amendment put and passed.

THE MINISTER moved a farth amendment:

That after "engines," in line 13, the wor "in a workshop or workshops" be inserted.

Amendment passed, and the clause amended agreed to.

Clause 60—Certificate of service m be granted:

THE MINISTER moved a farth amendment:

That in lines 7 and 8 of Subclause (*b*), t words "does not exceed" be struck out, a "exceeds" inserted in lieu.

Amendment passed, and the clause amended agreed to.

First Schedule:

MR. GREGORY suggested that pr gress be reported. This schedule h reference to the same objection as raised in regard to the Mines Regulati Bill, and it affected considerably t whole of the Machinery Bill. Under t Mines Regulation Bill it would be ve easy to insert a small clause giving that was necessary to protect the m working in the mines. If we insert a clause in that Bill somewhat to th effect it would, in his opinion, get ov the whole difficulty:—

Notwithstanding anything contained in t Inspection of Machinery Act, no person sh take or have charge of any winding machine in which steam, water, air, gas, oil, or ele tricity, or any two or more of them are us as the motive power by which men are rais or lowered in any shaft or winze, witho being the holder of a first-class engine-drive certificate under the Inspection of Machine Act.

Then let us make penalties that mig be imposed on the owner of su machinery in such mine, and also on t person who took charge without bei the holder of a certificate. He stre uously objected to a clause which wou cause there to be two sets of examine

and two boards to grant certificates of service, and would compel men to have engine-drivers' certificates before taking charge of an oil engine, gas engine, or anything of that sort where there was no danger to the life of men working.

THE MINISTER was willing to have progress reported. This Bill was arranged to deal with those engaged on machinery driven by steam.

Progress reported, and leave given to sit again.

ASSENT TO BILLS.

Message from the Deputy Governor received and read, assenting to Supply Bill (No. 2), also Day Dawn Rates Validation Bill.

ADJOURNMENT.

The House adjourned at six minutes to 11 o'clock, until the next afternoon.

Legislative Assembly,

Wednesday, 5th October, 1904.

	PAGE
Petitions presented	597
Private Bills: Kalgoorlie Tramways Racecourse Extension, report of select committee ...	597
Kalgoorlie and Boulder Racing Clubs, first reading, select committee	597
Question: Railway Construction, Magnet to Lawlers	597
Returns and Papers ordered (formal)	597
Collie-Cardiff Townsite (remarks)	598
Motions: State Governor, Chief Justice to perform duties	598
Hospital Nurses and Probationers	610
Empress of Coolgardie G.M. Lease, inquiry ordered	623
Payment of Members, to increase	626
Bill: Inspection of Machinery, in Committee resumed, progress	629

THE SPEAKER took the Chair at 3·30 o'clock, p.m.

PRAYERS.

PETITIONS PRESENTED (2).

By MR. J. M. HOPKINS, to introduce the Kalgoorlie and Boulder Racing Clubs Bill; leave given.

By MR. T. H. BATH, from residents of the Eastern and North-East Goldfields, praying that the present practice of the Arbitration Court, to sit in the nearest place to where a dispute has arisen, be continued in future. Petition read.

PRIVATE BILL REPORT, KALGOORLIE TRAMWAYS RACECOURSE EXTENSION.

MR. W. NELSON brought up the report of the select committee appointed to inquire into the Kalgoorlie Tramways Racecourse Extension Bill.

Report received, read, and ordered to be printed with evidence.

QUESTION—RAILWAY CONSTRUCTION, MAGNET TO LAWLERS.

MR. RASON, for Mr. Carson, asked the Premier: 1, Is the Government making inquiries as to the necessity and justification for the construction of a railway from Magnet to Lawlers? 2, Should such investigation justify the construction of the railway, will the Government place this work in the forefront of their public works policy?

THE MINISTER FOR MINES replied: 1, The attention of the Government has been drawn to this matter by the representatives of the electoral districts concerned. 2, The project will be dealt with on its merits.

PRIVATE BILL—FIRST READING.

Kalgoorlie and Boulder Racing Clubs Bill, introduced by Mr. J. M. HOPKINS.

Read a first time, and referred to a select committee comprising Mr. Bath, Mr. Gregory, Mr. Nanson, Mr. Nelson, also Mr. Hopkins as mover; to report this day week.

RETURNS AND PAPERS ORDERED.

CONTINGENT ACCOUNTS, SOUTH AFRICA.

On motion by MR. THOMAS, ordered: That all papers in connection with the claim from the War Office in reference to the South African Contingent accounts be laid on the table.

CATTLE IMPORTED, DUTY.

On motion by MR. HENSHAW, ordered: That there be laid on the table all papers in connection with the non-payment of duty on importations of cattle across the