

ADJOURNMENT.

The House adjourned at 12:10 o'clock midnight, until Tuesday afternoon.

Legislative Council,

Tuesday, 21st December, 1897.

Petition: Early Closing Bill—Motion: Postponement—
Motion: Perth Water Supply—Motion: Metropolitan
Waterworks Board; to Disallow By-law No. 14;
division (negatived)—Motion: Charges against
Metropolitan Waterworks Board (negatived)—
Streets and Roads Closure Bill: in committee—
Early Closing Bill: second reading (moved); division
(amendment passed)—Message: Aborigines Bill
(reserved)—Cemeteries Bill: in committee: re-
committal—Collie Quarry Railway Bill: second
reading: in committee; third reading—Adjournment.

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

PRAYERS.

PETITION—EARLY CLOSING BILL.

HON. G. RANDELL presented a petition from certain merchants and shopkeepers in Perth and Fremantle, praying for the passing of the Early Closing Bill.
Petition received and read.

MOTION—POSTPONEMENT.

HON. A. P. MATHESON, on behalf of Hon. R. S. Haynes, moved that the consideration of the following notice of motion be postponed until the next day:

To move, that the answers given by the Hon. the Minister of Mines to questions asked by the Hon. R. S. Haynes, on the 16th December, not being sufficient, a Select Committee of this Honourable House be appointed to inquire further into the matter of such answers, and that leave be given to the Committee to send for persons and papers.

HON. G. RANDELL said he believed this matter had been satisfactorily settled. It had been discovered where the missing paper was. The motion referred to that matter, did it not?

THE MINISTER OF MINES: That was what the motion referred to.

HON. G. RANDELL: The paper that was supposed to be lost had been found attached to a brief.

HON. J. W. HACKETT: Was the hon. member (Mr. Randell) answering for the Minister of Mines?

HON. G. RANDELL said he did not know whether the Minister was acquainted with the facts. If not, he (Mr. Randell) was.

Put and passed.

MOTION—PERTH WATER SUPPLY.

HON. A. P. MATHESON, in accordance with notice, moved

That the Minister of Mines be requested to lay on the table of the House a return showing the last measurement taken by the Public Works Department of the actual water contents of the Victoria reservoir.

He said: The other day I made a statement that, so far as the statistics at my disposal were concerned, it was clear the Victoria reservoir would be empty by the end of April, provided the Metropolitan Board continued to draw from that reservoir one million gallons per diem. Since then I have been informed that the Public Works Department occasionally take measurements of the water in the reservoir, quite apart from the Metropolitan Board. This is not a motion that will entail trouble to anybody, simply meaning, as it does, the copying of a return which, I understand, already exists. It is extremely important the public should realise the position in which the water supply now is. No steps have been taken by the board to increase the immediate supply, and I cannot gather that any steps are proposed to be taken.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): Whilst I have no objection whatever to affording the information the hon. member asks for, I would point out that it is proposed that Parliament should rise in two days' time, so that very little time is given for making such a return. If I cannot get the return asked for, the hon. member must blame the shortness of time, but he may rest assured I will obtain the information, if possible. At this advanced stage of the session, it is hardly wise to ask for returns which may take some little time to prepare.

HON. A. P. MATHESON: I have been informed, unofficially, that the return I have asked for does exist, and that to comply with the motion is a simple matter of copying out the last return of the measurement taken of the reservoir. This could be done in ten minutes.

Put and passed.

MOTION—METROPOLITAN WATERWORKS BOARD.

TO DISALLOW BY-LAW NO. 14.

HON. A. P. MATHESON, in accordance with notice, moved:

That this House, having considered the Metropolitan Waterworks Regulations, 1897, refuses its assent to Regulation 14.

He said: I beg to call the attention of members to the by-laws of the Metropolitan Waterworks Board which have been laid on the table of the House. Regulation 14 is as follows:

The board may require any premises to be supplied by meter, and if the owner or occupier of any such premises should, after seven days' notice in writing, use on such premises for any purpose whatever any water, unless supplied by meter, he shall be guilty of an offence against the by-laws, and be liable to a penalty for every day or part of a day on which he uses such water.

The by-law has apparently been devised to override the principal Act. In Clause 19 of the Act there is a provision that, unless prevented by drought or other unavoidable accident, the company shall be compelled to afford a constant supply of water for domestic purposes to every person who pays a water rate. Then Clause 48 of the Act goes a step further, and provides that every owner of property who can use the board's water has to pay a water rate whether he uses water or not. That, of course, only applies to water for domestic purposes. No word is said about supplying water by meter measurement, and the intention of the Act obviously is that no meter need be employed. Under Section 22 of the principal Act there is a special provision made for supplying water by meter for other than domestic purposes. In addition to that, we have By-law 13 of the Metropolitan Waterworks Board, which provides that everybody who has a meter has to pay for its being fixed in the first place, and for its being maintained, and also has to pay rent.

HON. F. T. CROWDER: 70 per cent. of the cost.

HON. A. P. MATHESON: And the rent amounts, in some cases, to as much as 30s. The board have evidently framed these by-laws to enable them to compel any person who uses water to have a meter, and by this means evade the sections of the Act. Whether it is a justifiable regulation or not, it is distinctly *ultra vires* that the board should frame a by-law to over-ride an Act which has been approved by Parliament. It seems to me that if any alteration is going to be made in the Act, it should be done by parliamentary action and not by regulation.

HON. J. W. HACKETT: If it is *ultra vires* it is null and void.

HON. A. P. MATHESON: Quite so; it would be null and void if taken into court.

HON. J. W. HACKETT: If it is opposed to the Act it is null and void.

HON. A. P. MATHESON: If taken into court; but in the meantime it is *ultra vires* for the board to pass a resolution beyond their power to enforce.

HON. J. W. HACKETT: The whole thing is null and void, if opposed to the Act, whether the board pass it or not.

HON. A. P. MATHESON: It would be null and void if taken into court.

HON. J. W. HACKETT: It is null and void without being taken into court.

HON. A. P. MATHESON: The hon. member does not quite take the point. There are other regulations dealing with other portions of the Act, and a special amending Bill will shortly come before the House to enable the board to cut off the water of any person whom the chairman, as chairman, states in writing to be in arrear. Any person who thinks his water has been cut off unjustly will have to go to the expense of a law-suit. Take the case of a house that is only assessed at £52 a year. The water rate on that house would be £2 12s. Under the Act, the householder would be entitled to use as much water as wished for domestic purposes; but if the board's regulation is allowed to stand, the occupier might have to pay a meter rate of 30s., which is practically 50 per cent. on his ordinary rate. It does not follow that he would use any more water than he was entitled to if he had not a meter; and practically

the board would be getting 50 per cent. more than they were entitled to, simply by the exercise of a regulation.

HON. F. T. CROWDER: An occupier is entitled to all he requires for domestic purposes.

HON. A. P. MATHESON: By the Act, the occupier is entitled to all he requires for domestic purposes. I do not propose to labour the question any further, unless compelled to do so in reply. I think I have made the wording of my motion sufficiently clear. I do not want to go into the right or wrong of the regulation, but if it is desirable a regulation should be passed that every one, whether they use the water for domestic purposes or not, should be compelled to have a meter, then the Act should be amended. An alteration of this sort should not be made simply by regulation. But for the fact that I happen to have interested myself in the board, this regulation would never have been brought to the attention of hon. members until there was a law-suit on the question. The Bill which will come before this House, and to which I have referred, provides that water may be cut off without recourse to courts at all.

HON. G. RANDELL: Does not that Bill fix the amount of the penalty?

HON. A. P. MATHESON: I dare say there is a penal clause in the Bill later on.

THE MINISTER OF MINES (Hon. E. H. WITTENOOM): I have not gone into this subject very carefully, but after listening to the remarks of the Hon. Mr. Matheson I presume he argues that, according to the Act, any one can have as much water as he likes for any purpose, and the supply shall not be regulated by meter.

HON. A. P. MATHESON: For domestic purposes.

THE MINISTER OF MINES: I do not know that that would be very desirable. Although the Act may possibly be taken to read in the way the hon. member has read it, at the same time Section 19, which gives the Governor power to frame and make regulations, authorises the course that has been adopted by the board. That section distinctly states that these regulations shall be laid before Parliament within fourteen days after being published, if Parliament is sitting, and if Parliament is not sitting, then within fourteen days after the next meeting; and that all

such regulations shall have the force of law, and continue in force unless repealed or altered or disallowed by both Houses of Parliament. That is the position now. The regulation has been made, but if both Houses of Parliament agree it may be struck out.

HON. A. P. MATHESON: Disallowed.

THE MINISTER OF MINES: Or disallowed; that is the same thing. At the same time we must consider what the consequences would be. If this regulation were disallowed, there would be grave abuses of the water supply. At the present time every effort has to be made to conserve the water and make it go as far as possible. And Mr. Matheson himself has pointed out what risks we are running for want of a full supply. It is a matter of great assistance to the authorities to know whether water is being wasted. Hon. members who know the circumstance have very carefully thought over this matter, and although the regulation may not altogether be consistent with the Act, we should assist the board in trying to regulate and control the water supply. I am afraid I cannot see my way to support the motion of the hon. member.

HON. A. P. MATHESON: The Minister of Mines has said that it is not altogether advisable to interfere with the restriction on the use of water at the present time. It is most desirable that the water should be carefully conserved; but, after all, there is a great principle of law involved in this question, and, as the Minister rightly pointed out, under Section 19 of the Metropolitan Waterworks Act there is a special provision to meet cases of this kind. That section sets out that if the Governor-in-Council has framed regulations, they shall be laid on the table of the House. Hon. members know the difficulty I have had in getting a copy of the regulations.

THE PRESIDENT: The hon. member must not go into new matter. Rule 119 says:—

A member who has spoken to a question may again be heard, to explain himself in regard to some material part of his speech, on which he has been misrepresented or misunderstood, but shall not introduce any new matter, or interrupt any member in possession of the chair.

HON. A. P. MATHESON: I am speaking in reply.

THE PRESIDENT: That is the only reply allowed. An hon. member must not introduce any new matter. He can speak only to the arguments that have been used.

HON. A. P. MATHESON: The argument of the Minister was that, the Government having approved of the regulations, it is undesirable that the House should disallow them.

THE MINISTER OF MINES: I do not think I put it quite in that way.

HON. A. P. MATHESON: Not in those words, but that was the impression conveyed to hon. members. I cannot agree with the Minister that the Act is specially devised to meet cases of this sort. If, after consideration of the regulations, it is seen there is one particular clause which has escaped the notice of the Governor-in-Council, that clause ought not to stand.

Motion put, and division taken with the following result:—

Ayes	...	...	4
Noes	...	...	8

Majority against ... 4

AYES.	NOES.
The Hon. C. E. Dempster	The Hon. H. Briggs
The Hon. A. P. Matheson	The Hon. D. K. Congdon
The Hon. D. McKay	The Hon. J. W. Hackett
The Hon. F. T. Crowder	The Hon. A. B. Kidson
(Teller.)	The Hon. G. Raudell
	The Hon. W. Spencer
	The Hon. E. H. Wittenoom
	The Hon. E. McLarty
	(Teller.)

Motion thus negatived.

MOTION—CHARGES AGAINST METROPOLITAN WATERWORKS BOARD.

HON. A. P. MATHESON, in accordance with notice, moved:

That, in view of the grave charges made against the Metropolitan Waterworks Board by the Auditor General, it is not desirable that that board or their officials be entrusted with the expenditure of any further public money.

He said: It will be within the recollection of hon. members that, in answering a question put to the Auditor General a few days ago, the Auditor General stated that the Metropolitan Board did not keep accurate accounts in accordance with the Act. That in itself justifies the motion which I have the honour to move. Then the Auditor General says that nearly all the payments made by the board were

signed by the members sitting in their own offices, and not in the board room at all. The cheques were apparently taken round by the secretary, and signed by the members at their own convenience. It is true that at a later date these cheques were confirmed, but any hon. member acquainted with company business knows that the confirmation of cheques, signed in the way I have described, becomes a farce. A list is put on the table, no one looks at it, and the chairman notifies that the list is confirmed. Then the Auditor General goes on to say that in hardly any case has the lowest tender for plant and material been accepted. He further states that £43,000, as far as he could ascertain, has been spent by the board without the assent of the Governor-in-Council, and contrary to the distinct provisions of the Act. According to the Act, the assent of the Governor-in-Council must be obtained to any expenditure. That section was put in the Act as a safeguard to the public, and it is a section that should not be disregarded. The most telling accusation is this; and I will quote in the Auditor General's own words, so that there may be no possible misconception of what I say—

With regard to the audit of these accounts I would beg to remind you that I have on two occasions reported to you that it is impossible to make satisfactory audit in the absence of reliable data.

These remarks apply to items prior to the 30th June, 1897. I understand that, in accordance with the provisions of the Act, the Auditor General has only audited the accounts up to that date, although the accounts laid before us were made up to the 30th September. The sentence is ambiguous and may be mistaken. There are other examples of the extravagance of the board, to be found in the report of the boring, which was laid on the table of the House the other day. This again is a Government paper to which reference can be made. If hon. members refer to the Public Works report, they will find that a bore was put down in the Perth station yard to a depth of 820ft. at 13s. 2d. per foot. That was extremely cheap and satisfactory, and the Metropolitan Waterworks Board desired to emulate this feat, but they have had to sink two bores in Wellington Street to get a similar supply

of water to that which was cut by the Public Works Department. These two bores cost £3,215 11s. 5d. The report itself mentions the cost per foot at £1 11s. 6½d.: as a matter of fact, the cost was £3 14s. 11½d., or a total of £3,215 11s. 5d. Owing to incompetent management, one of the bores had to be abandoned; it was choked with *débris* which was allowed to fall into it, and it became a total loss in consequence. The result is that while the board spent this large sum of money in cutting this bore, the Government cut a similar supply of water at 820ft., at a cost of £265 14s. 5d. I should like to deal for a few moments with the report addressed to this House by the Waterworks Board. As the board explained, I felt sure my figures would be found to be wrong. I had not sufficient data at my disposal to make my figures accurate, but to the extent I did supply the figures they were accurate. I pointed out that these actual figures were worked out on a basis, and I supplied my basis, and according to the basis they were right, but in the way in which the board supplied the report my basis was wrong; but whether it was right or wrong it served my purpose, and I am now able to expose a piece of wanton extravagance carefully concealed in this original report; and it is extremely likely that the report was worded in an ambiguous way so that those reading the report would not see what had happened. This is how it arose in the original report laid on the table of the House at the commencement of this session. It was pointed out that the board had laid 15 miles of new main, capable of carrying 4 million gallons of water per diem, and when I and my expert went into the figures, we naturally concluded that the extension of the main was to go on from where it was left off. We never realised that the board had laid down 5 miles of absolutely useless main. By the board's own showing, they only got one million gallons of water per diem at the reservoir, and all they can use of the 15 miles of main are 10 miles, so that the balance of the 5 miles is absolutely wasted, and can never be utilised. The board said in reply to questions put to them, "Personal inspection being sufficient even for the most inexperienced in such a matter, to know that no further supply could be

obtained from the Victoria reservoir." They stand committed to that; yet knowing that they could only get one million gallons of water per day, they laid 5 miles of main to carry four million gallons of water, which could never be used, at a cost of £24,445, which has been absolutely thrown away. I do not think the House will ask for greater evidence of incompetency than an action of that sort. That deals with their capacity for financial matters. As to their capacity for business matters, I will point out that in reply to my third question, which was

Why a larger supply should not be impounded on the existing reserve, with dated copies of the reports which have been furnished to the board on the subject; also dated copies of reports on the proposed Upper Canning reservoir and reserve, they replied:

Because the nature of the ground made it absolutely impracticable, to say nothing of the principal supply, viz., the mill brook, having to be cut off, owing to the continued public agitation on the subject.

That deals with the question why a larger water supply should not be obtained; and then the board go on to say:

It was not considered necessary to obtain reports, the personal inspection being sufficient even for the most inexperienced in such matters.

Although this House has called for the reports on which the Victoria site has been condemned, and on which the Upper Canning reservoir is to have £250,000 spent upon it, the board have no report of any kind to give to hon. members. The board have absolutely come to Parliament and said that they have no report. Let us see what Mr. Hodgson says in his report in regard to the water supply generally:—

I desire to point out that one of the chief difficulties met with has been the want of reliable data necessary for formulating the best practicable proposals. This applies to almost the whole of the waterworks questions which have been dealt with. In outlying parts the demands for minor works have been pressing, and in many cases circumstances rendered it impracticable to acquire such information as would have been desirable: and even in the case of much larger works, such as the Coolgardie water scheme and Canning River scheme (for augmenting the supply for Perth), the data regarding rainfall and stream discharge were very meagre. Therefore, in designing the storage reservoir, very liberal provision for contingencies had to be made.

I now wish to emphasise what I have urged on other occasions as to the desirability of establishing a proper system of collecting such information as is likely to be required as a guide in designing works in the future. Without such information, one cannot hope to design works which will be both economical and efficient. It is almost certain that they will be either inadequate or unnecessarily costly.

That is what the Government expert, the gentleman in charge of the Government works, has to say on the subject. He admits that it is absolutely impossible to draw up any scheme for impounding water, unless data is gone into in advance. My question No. 4 was—

Details of the area proposed to be acquired on the Upper Canning, including the names of the beneficial owners (or lessees) thereof.

And their reply is this: "This information is being obtained from Mr. Hodgson." That is the reply of the Metropolitan Waterworks Board, and the board wish us to infer that they do not know who the owners are. All I can say is that in my opinion such a reply is more likely to be the reply of a spoilt child than anyone else. It is impossible to credit the suggestion that they do not know the names of the owners. Why go to Mr. Hodgson? Why not apply to their own officials, if they are any good? I then asked, in question No. 5, for

An amended table of the comparative cost of the alternative schemes, including, if practicable, a scheme for adding to the water supply for the existing reserve, with full explanations of the method by which the estimated figures are arrived at.

Their reply was: "There is no alternative scheme." They not only do not obtain reports on existing schemes, but they have not considered the possibility of any alternative schemes. In the circumstances, I think the board are absolutely incompetent and incapable of managing a public concern. I notice with pleasure, in a newspaper report, that the Premier of the colony stated yesterday that he does not intend to place any more money at the disposal of the Metropolitan Waterworks Board.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): The motion before the House, hon. members will admit, is of rather a sweeping nature, and the hon. member has spoken very strongly about it. He has had a great deal of the argument all to himself, because no members

of the board are here, and none of us have posted ourselves up thoroughly in the matter, so as to give an absolute denial or to say whether the hon. member is right or wrong. I must say that I do not know whether everything he has stated about the board is correct or incorrect; at any rate it is very strong, and I hardly think hon. members will be prepared to indorse the motion the hon. member has made. It is not claimed for the board that they are by any means perfection, more than any other board. Hon. members will remember that when these waterworks were taken over from the company, they were in anything but a good condition; in fact, they were so bad that the Government were forced into buying them to enable the people to get water at all. Then at that time all will remember there was extreme pressure brought to bear on the board, owing to the great demand for water. People were arriving in the colony by large numbers at that time, and the people had to be supplied with water. The board had to resort to every means in their power to give them water, and to give the people satisfaction. During that time, a trying time, the board may have made some mistakes. I am not prepared to say whether they did or not. We have the knowledge that the manager, Mr. Keane, is a competent man. We know that he has looked after the works well, and is an industrious and capable man; but, as I said before, I am not in a position, not having worked this matter up, to deny what the Hon. A. P. Matheson has said.

HON. A. P. MATHESON: What I have said has been taken from Government documents.

THE MINISTER OF MINES: It is difficult to get men to fill these positions, and whoever you get may make mistakes. The board are trying to do what they can to give water to the citizens of Perth, and the board have gone into this matter; but there always has been a great deal of trouble in managing this business. Some people use too much water, and very few use too little. There is a great difficulty in collecting the rates, and generally there is a great deal of trouble with the business. In the circumstances, I think the board have done as well as most boards would have done; and I hope hon. mem-

bers will not pass such a vote of censure on the board, as the carrying of this motion will be.

HON. A. P. MATHESON: The alternative before the House is this—

THE PRESIDENT: The hon. member must not go into new matter. He can reply to anything that has been said, but he cannot bring forward fresh arguments.

HON. A. P. MATHESON: The Minister of Mines questioned the accuracy of the figures. He said he was not able to verify them. I would simply call the attention of the House to the fact that the greater portion of the figures I quoted, especially those in connection with the Auditor General's report, are taken from the Government's own report, which has been laid on the table of this House. In these circumstances, I fail to see how the accuracy in connection with statements in any of the accounts can be questioned; or how the statements as to inability to balance or audit the accounts prepared by the board, as to the fact that there are no minutes kept, as to the fact that the lowest tender was not accepted, and that the Governor's sanction was not given to the expenditure, can be questioned on any point.

HON. G. RANDELL: I am not quite prepared to vote as the Hon. A. P. Matheson desires, but I think his only object is in the interests of the public. Certainly he has placed before the House a grave matter for the consideration of the Government. The Government have trusted the board with the management of this large institution; and the duty devolves upon the Government of seeing that the board carry out their duties in a proper and efficient manner. I am quite willing to admit that the board have not long been in charge of the works; but things were found in a bad state when they were taken over, and there was clamour on every hand for a larger supply of water. The board found the pipes were in a bad state, very much choked with rust, and preventing nearly one quarter of the supply being given as compared with what would have been given had the pipes been in a clean state. In these circumstances the board were justified in exercising their best judgment and knowledge. We know Mr. Keane has had charge of large public works, and he would be as competent to

judge as most people as to what was best to be done in the circumstances. The board did what they thought best in the interests of the country at large. The statements made by the Hon. A. P. Matheson in some instances cannot be disputed, and it remains for the board to answer the charges made by him. But to change the management of these waterworks at the present moment would be most undesirable. The Public Works Department has also come under the censure of the hon. member. I do not know whether the Government would be justified in removing the control of the waterworks from the board which has been specially appointed to manage them. We know there is one good man, at any rate, connected with the department, if the others have no knowledge of the management of such works.

HON. F. T. CROWDER: The Government might jump out of the frying pan into the fire.

HON. G. RANDELL: It is quite true, as the hon. member says, the Government might jump out of the frying pan into the fire. I do not think it wise to accept the suggestion of the Hon. A. P. Matheson, and take the waterworks away from the board. I think the Act under which the board were appointed provides that the works should be administered by a board of management; and, if that were so, a new Act would have to be passed before the management could be taken from this board. The Government could not control these works without that being done. There is power in the Waterworks Act that, on cause being shown, the Government can remove members from the board and appoint others in their place. I extremely appreciate the labours of the Hon. A. P. Matheson on this subject, and what he has said deserves every consideration at the hands of the citizens, and also at the hands of the Government. I hope the Government will take care to go into this matter and examine it to their utmost; and, if some alteration is necessary, that it will be made. A large revenue is placed at the disposal of this board, and the Government and the citizens expect the board to do their duty to the citizens as well as to the Government. I trust that, if no other result is attained—for I fancy hon. members are

not prepared to go the length that the hon. member wishes them to go—yet from what I hear around me, hon. members appreciate the effort made for some reform, which on the face of it seems necessary in the management of the waterworks.

HON. C. E. DEMPSTER: I concur in the remarks of Mr. Randell, that Mr. Matheson deserves credit for going carefully into this matter, to which he has perhaps given more consideration than any other member in the House. This is a matter which has required looking into for a great length of time. The waterworks were taken over without the slightest examination, and they have been found frequently incapable of supplying the city with the water required. A large expenditure has been incurred, which falls upon the citizens and on the public throughout the colony. It has been shown by Mr. Matheson that a great waste of money has taken place in consequence of gross mismanagement in putting down bores. The fact that the last bore put down under the supervision of the board cost twice as much as that put down by the Government, can only be attributable to bad management. It has occurred to me that, instead of going to the expense of purchasing more land and making more reservoirs, the present supply can easily be supplemented by a bore. It has been convincingly proved that artesian supplies can easily be obtained all along under the Darling Range, and there should be a bore put down in the vicinity of the present line of pipes. That seems to me a feasible way of increasing the present supply. It is the duty of hon. members to show that we appreciate the action of Mr. Matheson, and to express the hope that this business will be looked into and conducted in a proper manner in the future.

Question put, and negatived on the voices.

STREETS AND ROADS CLOSURE BILL.

IN COMMITTEE.

Clause 1—agreed to.

First Schedule—agreed to.

Second Schedule:

HON. E. McLARTY: Before public streets were declared closed in the way proposed by the Bill, the public concerned

ought to be consulted. He understood it was proposed to close this street in Pinjarrah for extending the school ground. There had been on this site a school for nearly 40 years, and now that a new school had been built, more ground was perhaps required. But this had been pointed out before any money was spent in building the new school. The residents strongly advised that a new site for a school should be chosen, where a few acres could easily have been obtained. Certain members of the school board, however, opposed that; and now that there was not sufficient room for the school ground, they asked that a public street might be taken in. The school board were not unanimous on this question. The Rev. Canon Allen, a member of the school board, had no knowledge of the suggestion to take over this street, and was altogether opposed to the proposal in the Bill. The street had a frontage on the glebe land, where the rector resided, and would take away from the frontage of the glebe some three or four chains. In country districts there was great difficulty in supporting the clergy as they should be supported, and the time would possibly come when in Pinjarrah it would be necessary to sell some of the glebe land for the benefit of the church. This frontage of three or four chains, to which he had referred, could no doubt be sold for a fair price. Further, it was objectionable to have the school building ground brought closer to the parsonage than it was at present. Three out of the five members of the school board lived fifteen or twenty miles away from Pinjarrah, and it stood to reason that they had little or no interest in the township. When the matter was brought before the local roads board, a doubt was raised as to whether they had anything to do with the streets, and the subject was allowed to pass over. As a member of that board, he reserved his right to object or otherwise, after consideration. He had since made inquiry into the matter, and saw very good and strong reasons for objecting to the Bill. The point he would like to emphasise was that a short time ago a letter was received by the clergyman of the district, and laid before the vestry. That letter he believed was from the Education Department, and the vestry were summoned to

consider it. The vestry were unanimous in protesting, by resolution, against any interference with the frontage of the church land. But what was the good of consulting the vestry, when the opinion expressed by that body had been ignored altogether, no notice being taken of its resolution? He happened to own property almost adjoining this land, and as a resident as well as an owner of property, he had a strong objection to the street being closed. There was no justification for this street being placed in the schedule, and he could not understand the action of the Government in bringing in the Bill without knowing whether it was desired or not. A short time ago he mentioned to the Minister of Education that he understood there was some probability of this Bill coming before the House, and the Minister promised to look into the matter and inquire what had been done. But he (Mr. McLarty) heard nothing afterwards from the Minister. The suggestion to close this street had come from certainly not more than one or two members of the school board; and he, therefore, moved that the second paragraph of the schedule, referring to Pinjarrah, be struck out.

HON. J. W. HACKETT supported the amendment, the best justification of which was the map lying on the table. To close the street would take away the frontage from what was practically private property, without any compensation. No reason was alleged in the Bill, or by the Minister of Mines, as to why this street should be closed. It had been alleged that the land was required by the Lands Department; but, on making inquiry, he was informed that the Lands Department knew nothing about the matter. The official statement was that the street was being closed at the request of the department; but he was informed by the department that an application had been sent—he believed by the district board of education—and that this application had been embodied in a memorandum, the result of which was the insertion of this clause in the schedule.

THE MINISTER OF MINES: Where was the member for the district in another place?

HON. J. W. HACKETT: The member for the district no doubt let the matter pass, simply because he was not informed of the facts.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) said he did not propose to offer any objection to the amendment of Mr. McLarty. The only part of Mr. McLarty's observations that need be taken notice of was that in which the hon. member said he could not understand the action of the Government in bringing in this Bill. It was to be presumed the hon. member referred to the particular part of the Bill dealing with Pinjarrah.

HON. E. McLARTY: Yes.

THE MINISTER OF MINES: The object of that part of the Bill, so far as he remembered, was to enlarge the school site. It seemed to him that if the people down there did not want the school site enlarged, their desire ought to be considered. The request for the enlargement of the school site had been made by some persons at Pinjarrah. The Bill was laid before the Legislative Assembly, and it was to be presumed the member for the district in the Assembly, if he had had any strong objection, would naturally have opposed the measure. No exception, however, was taken to the Bill, and in natural course it now came before the Legislative Council. He (the Minister) was pleased to fall in with the view of Mr. McLarty. If the enlargement of the school site was against the interests of the town of Pinjarrah and against the desire of the Pinjarrah people, there was no reason why this portion of the Bill should be passed. Mr. McLarty had no doubt carefully considered whether by this amendment he was doing an injustice to the school; and if the hon. member was prepared to say that the closing of this street was unnecessary, no opposition would be offered to the amendment by the Government.

HON. C. E. DEMPSTER: There might be many other places not directly represented by members present to which an injustice would be done by the closing of streets under this Bill. Had the alterations provided in the Bill been recommended by the municipal councils of the districts affected?

THE MINISTER OF MINES: The consideration of the Bill had been postponed for a week, for enabling members to find out particulars in regard to it.

HON. D. K. CONGDON: If the Government were going to resume or close streets, it was only fair that the muni-

cialities affected should have notice. For instance, he saw it was proposed to close a street in North Fremantle.

THE PRESIDENT: The only matter now before the Council was the closing of a street at Pinjarrah.

HON. D. K. CONGDON said he could indorse a good deal of what Mr. McLarty had said in regard to the great damage to Pinjarrah by the closing of this street.

HON. A. P. MATHESON said he intended to support the amendment, not because he knew anything about the justice or injustice to the town of Pinjarrah, but because he recognised that a representative coming from a district was entitled to have his opinions received with the utmost respect by the members of the House. He wished particularly to call attention to this aspect, in order that in the future Mr. McLarty might feel himself in a position to return the favour to other members, when topics were being dealt with affecting their own districts, and understood only by them.

HON. E. McLARTY: The only opportunity afforded to the residents of Pinjarrah to object to the closing of the street was the letter which he had mentioned as being sent from the Education Department.

Amendment put and passed, and the second paragraph struck out.

THE MINISTER OF MINES moved that the following new paragraph be added to the schedule:—

IN NORTH BUNBURY.—All the streets in the strip of land known as North Bunbury, situate between Wellington Location P 403 and Point MacLeod, and north of the Leschenault estuary.

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

Preamble and title—agreed to.

Bill reported with amendments, and report adopted.

EARLY CLOSING BILL.

SECOND READING (MOVED).

HON. G. RANDELL, in moving the second reading, said: I desire to draw hon. members' attention to the fact that I have presented a petition in favour of this Bill, signed by people engaged in business on a large scale and others who are engaged in smaller operations. I have reason to believe, from information received, that a very large number of busi-

ness men in the city of Perth and suburbs, at any rate, are in favour of this Bill, although they have not signed the petition. The names attached to the petition are such as ought to carry weight. They are names of members of firms in most instances, and therefore represent more than the 47 people who signed the petition. Among the signatories are gentlemen who for a considerable time past, at more or less sacrifice of their material interests, have carried out what is proposed in the Bill. On that score their opinions deserve consideration. A similar Bill was introduced two years ago in the Legislative Assembly, and on that measure I looked with considerable disfavour. It must be admitted that this legislation is a new departure. However, it is in company with many other new departures of modern times, especially in these colonies. I believe that to some extent the principle of the Bill does obtain in many of the industries in the old country. It has been found necessary that Parliament should take under their care and protection those who otherwise might be deprived by grasping employers of their privileges, and converted, I might say, almost into machines. On a second occasion, when a similar Bill was introduced, I had become more favourably impressed with the idea that it was desirable something should be done in this direction. That was in consequence of conversations with persons interested, and of a fuller and deeper study of the principles of the measure. I felt, however, I was not prepared at that moment to support the Bill, and for once in my life—I have certainly not done it more than twice—I left the House and did not vote. That was not because I had not the courage of my opinions, but because I was to some extent undecided as to the advisability of bringing such a Bill into operation. Since then I have had a further opportunity of studying the question, and I am more favourably impressed with these provisions. There are some things in the Bill which, to hon. members who are grown older in years, may appear to be too extreme, and likely, perhaps, to injure the interests of a larger or smaller number of people. In trying to secure the privileges of one class of the community, hon. members may be afraid of inflicting injury on others, and depriving

them of benefits to which they have a right in a free country. I respect such opinions as these, although I do not share them. The majority of the large employers of the city have for a considerable time past closed their shops at 6 o'clock, and given their employees a half-holiday on Wednesday or on a Saturday afternoon instead. The employers are desirous of continuing this arrangement. They find it has worked fairly well, but one or two of the larger merchants or traders of the city say that a number of others keep open to longer hours, and they think this is interfering with their business. This Bill is being brought forward as the result of an interview that has taken place between the employers and the employees. The employees have been told that the holiday cannot be continued, if some steps are not taken to secure that all stores in the town are closed at the same hour. The shopkeepers have intimated that they will have to reconsider their decision, and will have to keep open until later hours if something is not done. I am also prepared to state that many of the smaller suburban shopkeepers are quite willing to fall in with this arrangement. I have had a conversation with a representative man, who looked on the movement with favour. He is not a large employer of labour; he has only one or two employees; but he is a man of common sense and judgment, and there are others of a like character who are willing to fall in with the views of this Bill if passed. These views have strengthened me in taking up this measure. There is another reason why the House should take the Bill into favourable consideration. There are a large number of Chinese and people of other nationalities—aliens, we call them—who are keeping their stores open until all hours. I was informed by the secretary of the Early Closing Association that on a recent occasion when he was looking round the town with a view to this Bill, he noticed that several persons were purchasing goods in a Chinaman's shop between 11 and 12 o'clock at night. One can understand how that will prejudice and influence Europeans and our own kith and kin in their business concerns.

HON. C. E. DEMPSTER: Perhaps the Chinaman sells cheaper.

HON. A. B. KIDSON: If he does, that should not make the difference.

HON. G. RANDELL: That does not make any difference; in fact, it makes the matter worse. Complaints have been received of the unjust competition of these men, who do not have to keep up establishments such as Europeans have, and probably these aliens are unmarried men, and they live in a filthy state and on the produce of other countries. They contribute very little to the prosperity or revenue of this country. I think that will predispose the minds of hon. members to take a favourable view of this Bill. We have just passed a Bill to restrict immigration into the colony of that class of people, with the hope that this state of things will eventually be put down. If it is desirable to keep these colonies for the European races and for Christian races, it is necessary that we should do what we can to assist in protecting persons engaged in business. The principle has been admitted in many cases that we should not interfere with the liberties of the people. Small interests must give way to larger interests, and smaller principles must yield to the larger for the benefit of the community as a whole. I think it will be remembered that mechanics, artisans, and labouring people have secured to themselves the eight-hours day of work. These men carry on their work under much more favourable circumstances than do the employees in shops. The class of persons whom we have to deal with under the Bill deserve consideration at the hands of the Legislature, inasmuch as they, as employees, are confined in more or less stuffy rooms, filled with air more or less vitiated. They are shut out from the fresh air, and in such circumstances it is well-known that the human system cannot bear the strain as well as the person who is working in the open air. Persons have to work in shops to the danger of their health, so that any assistance which can be given by the Legislature to these persons it is desirable should be given. I believe the principle of the Bill is all right, and will work out right for all parties concerned. Many people do not take kindly to changes, at first. They say it will do some harm to the business of the city. The Bill to be operative at all must be universal in

its application. Repeated attempts have been made to get the storekeepers by mutual consent to arrive at what the Bill asks, but from some disagreement they have never been able to arrive at this happy consummation, which now seems to be further from a satisfactory arrangement than ever. The danger seems imminent that, if the shopkeepers revert to the old state of things, they will be imposing disabilities and hardships on a large and deserving class of people, the employees, in the larger shops of the colony. The number of employees is continually increasing as trade develops. New premises are being erected, and it is natural that a larger number of employees will be engaged in work than previously. Therefore a larger number will be affected under this Bill, and in their interests it is desirable that this House should give at once serious and favourable consideration to the measure, which has passed through another place, and has come down to us for our concurrence. My own feeling is that the people who deal at the stores will fall into the new state of things very quickly. When the Wednesday half-holiday was conceded in the first instance, there was a good deal of grumbling on the part of the public, who wished to go shopping when the whim took them or the necessity arose. But this Wednesday half-holiday is now an established fact, and no one thinks of any hardship. I think this Bill will induce early shopping. No one will go shopping at night who desires to get the best for his money. I have been told by a retired shopkeeper to-day, that very often people will go into a shop on a Saturday night and purchase an article just to see the lights and the people, and that on the Monday morning they return to the shop with the article, saying it will not suit. That has really occurred in the experience of the gentleman I have mentioned.

HON. J. W. HACKETT: I do not think we should legislate for that class of person.

HON. G. RANDELL: Some people will always neglect to do what they have to do until the last moment. I know hon. members, who have been appointed on select committees, who do not turn up until half-an-hour after the time appointed for the meeting. This Bill will

induce habits of punctuality, and will accomplish good in that respect. I am not prepared to say that I can recommend every provision of this Bill to hon. members, but I say this, that it is deserving of their very serious consideration. The question arises whether it is not desirable to send the Bill to a select committee: but I hope hon. members will pass the second reading, and affirm the principle, even if they are not able to carry the Bill into law this session. An alteration in the measure would involve its rejection, because there is no time in the circumstances to return it to the other House to obtain the concurrence of hon. members there in any amendments we might make. It is a very serious matter in connection with this Bill that it should be brought forward at such a late hour of the session. The Bill is very far-reaching in its consequences. There are certain features in the Bill which deserve great consideration. I have already said the traders of this town have been unable, from the opposition of a few, to arrive at an amicable agreement on the subject. Supposing the larger shopkeepers determine to keep open for a longer period, the small shopkeepers would have to contend with great competition, and people would come to town to shop rather than obtain their supplies in outlying districts. There are a number of small shopkeepers who object to the Bill, but there are a larger number who are desirous of seeing it brought into operation. I had an interview with one section of the people who are dealt with in one clause of this Bill, the tobacconists; and I am inclined to give them my sympathy in their desires. I do not see why they should be compelled to close their shops any more than the fruiterer or the newsvendor. The probable result of the closing of tobacconist shops—although it is stated that these shops are frequently used for gambling purposes—will be that if persons are prevented from going in to buy tobacco or cigars, and to have a chat and a talk, because these are places of general resort, very likely they will go to hotels instead, and from my point of view this is not an unmitigated good. The whole spirit of the Bill is to lift up those engaged in business, to prevent them from too long attention to business habits, which injure

the spiritual and mental faculties, to encourage people to lay aside business and to get away from the cares and anxieties of the business, and to spend in the family circle a portion of the time which has been rescued from the attention to business details of life. As to the Bill itself, very few words are needed. The measure has been in my hands too short a time to enable me to go deeply into its provisions. I think I may pass on from the second clause, which is merely an interpretation clause, although I may say, in passing, that the last interpretation is a very comprehensive one. Clause 3 provides that the Bill shall not apply to certain shops. Clause 4 is for the appointment and removal of inspectors. I would remark here that there does not seem to be any provision in the Bill as to how the inspectors are to be paid; and, remembering former experiences, we have always found that inspectors have not been appointed simply because the money has not been provided for paying them. Clause 6 provides that the Governor may from time to time proclaim certain districts to come under the operation of the Bill; but it does not say how the Governor is to be moved in the matter. The Bill applies to the metropolitan districts of Fremantle and Perth, and their suburbs; also Coolgardie and Kalgoorlie, the people of which towns are desirous of having the Bill in operation. The real kernel of the Bill is comprised in Clauses 7 to 12. Though there may be a difference of opinion as to these clauses, I think on the whole they are good, and will carry out the object for which they have been inserted in the Bill. Clauses 13 and 14 are merely machinery clauses, but an objection might possibly be taken to one of them, if it were not that the inspector, before using the power of entry, has to get the authority of a justice of the peace or resident magistrate to enter any place. That is a useful provision, and will prevent vexatious interference with business. I do not think I need refer to any other clauses, which seem to me simply calculated to carry out the objects which are embodied in Clauses 7 to 12. There are one or two ways in which hon. members can deal with this Bill. I am not able to judge of the feelings of the House in regard to it, but I know in some quarters

there is a disinclination to accept it. Possibly hon. members have not had time to consider the Bill in all its bearings. I do hope that hon. members will not oppose the principle of the Bill, which carries out what I take to be the golden rule, "to do to others as you would that they should do unto you."

HON. R. S. HAYNES: Why not apply the Bill to bank clerks?

HON. G. RANDELL: I think the framers of the Bill have done well in not including bank clerks.

HON. J. W. HACKETT: Do you know how bank clerks are treated?

HON. G. RANDELL: I know they are not highly paid, but those who have clerical work in the Government are not highly paid. They are given sufficient to keep body and soul together. The banks of the colony employ single men, who are able to live in more decency than married men in the Government service, who have to keep wives and families on £90, £100, or £120 a year.

HON. J. W. HACKETT: Do not the banks prevent their clerks from marrying until they obtain a certain salary, and give such a salary as prevents them from marrying?

HON. G. RANDELL: The Bill was previously drafted on the lines of the New Zealand measure, but it was found to be too drastic. I believe the framers of this Bill have done wisely and well in restricting the measure to one class of persons, those engaged in the shops. If the Bill had gone further, the opposition to the measure would have been greater. Those who have brought forward this Bill know their own business, and they are not in a position to deal with the business of others. If the measure were extended, it would not only have to deal with banks, but would have to deal with other institutions, possibly with newspapers; but I presume the newspaper establishments are models which other business places might follow. Those who are responsible for this Bill have confined themselves to one department of social life, where they may possibly hope to achieve success. After carefully considering the Bill in all its bearings, the employers and employees believe it will do a large amount of good, and that, when in operation, it will be beneficial to all classes of the community. I was saying that there

was another way in which this Bill might be dealt with by hon. members, if hon. members felt inclined to support it. It could be sent to a select committee, which might be empowered to sit during the recess, or a resolution might be moved asking the Governor to appoint a commission of persons who are more immediately concerned in this question, to bring up a report for the next session of Parliament. Whatever the fate of the Bill is now, I am sure the Bill will become the law of the land before long. It has already passed through another place almost unanimously. I know that one or two things were added to the Bill when in the Assembly. All I have to do now is to move the second reading.

HON. A. P. MATHESON: In supporting the second reading of this Bill, I desire to say that it has my entire and unqualified support. I should like to call the attention of hon. members to the fact that from the goldfields I have received a communication, not only from the employers of labour, large shopkeepers and others, but also from the workers, who, as I imagine, are those who purchase goods at night, and it will be these people who are most likely to suffer inconvenience through the operations of the Bill compelling shops to close at six. But it is a significant fact that the Workers' Union and the employers of Coolgardie, Kalgoorlie, and the Boulder have written and telegraphed to me strongly urging the passage of this Bill, and expressing their unqualified approval of it. I had at first thought that though the clauses of this Bill, as far as I could judge of their operation, would be suitable for the metropolis, still the Bill might work some injustice in country places. As far as I can judge, the only people who have taken a reasonable exception to any clause of the Bill are the tobacconists. As the Hon. G. Randell has mentioned, they are dealt with in Clause 20 of the Bill, and it seems practicable to insert tobacconist shops in the schedule and to strike out the reference to them in Clause 20. In that way the tobacconists would be relieved from the operations of the Bill.

HON. F. T. CROWDER: I move, as an amendment, that the word "now" be struck out, and the words "this day six months" inserted in lieu thereof. I do not intend to weary members with a long

speech. They have the Bill in front of them, and can see what a ridiculous measure it is. My great objection to the Bill is that it interferes with the liberty of the subject. Another reason is that it is what I call social class legislation, which is in no way required. The law of supply and demand will always regulate such matters. I remember some time back how several members of this House treated the news that the New Zealand Government had introduced a Bill compelling all employers to give their servant girls one afternoon in the week as a holiday. By that Bill people were compelled, even if the servant did not desire it, to make her leave the premises. The Bill now before the House is very similar to the New Zealand measure, and I call it legislation gone mad. Mr. Randell has presented a petition signed by 47 people, but these 47 people are large storekeepers and shopkeepers in Perth and Fremantle.

HON. G. RANDELL: Some of them are small shopkeepers.

HON. F. T. CROWDER: Most of them are independent shopkeepers.

HON. G. RANDELL: No.

HON. F. T. CROWDER: Mr. Randell further stated that the smaller number of people must always give way to the larger number. If that be Mr. Randell's argument, he has destroyed his own position with it, seeing that there are only 47 signatures to the petition, whereas there are over 1,000 shopkeepers in Perth and Fremantle. Both these places were canvassed hard, and yet only 47 signatures were obtained out of a thousand shopkeepers. This Bill, as I have said, is what is called class legislation. It applies to the metropolitan district, which includes and is comprised within the boundaries for the time being of the municipalities of Perth, Fremantle, Leederville, Subiaco, Victoria Park, North Fremantle, and East Fremantle. The Coolgardie district, which includes and is comprised within the boundaries for the time being of the municipality of Coolgardie. It also includes the Kalgoorlie district, which includes and is comprised within the boundaries for the time being of the municipality of Kalgoorlie. There is nothing said about Menzies or Albany, where shopkeepers, even if this Bill passes, can trade all the night.

HON. G. RANDELL: Those places can be brought under the Bill by proclamation.

HON. F. T. CROWDER: We do not want any Bill, and we do not want any proclamation.

HON. A. B. KIDSON: Then what are you talking about?

HON. F. T. CROWDER: I am talking about the absurdity of the measure, and endeavouring to induce members to reject it. That is what I am talking about. In Clause 12 we read:—

If any shopkeeper, licensed victualler, or hotel-keeper shall neglect or refuse to allow any shop assistant or employee respectively one such half-holiday in any week, or shall allow any such assistant or employee respectively to continue at work during such half-holiday, he shall be guilty of an offence against the provisions of this Act.

The word "neglect" is there. If an employer should forget to give an assistant an afternoon's holiday, that employer is liable to a fine. There we see the same principle on which the holiday was enforced for the servant girls of New Zealand. If the employer does not see, on a Wednesday afternoon, or any afternoon that the Government may fix, that the assistant leaves the shop at one o'clock, then a fine of £5 or some other penalty is inflicted.

HON. A. B. KIDSON: Quite right, too.

HON. F. T. CROWDER: Then I hope you will be the first fined.

HON. A. B. KIDSON: I do not keep a shop.

HON. F. T. CROWDER: This Bill will add to the number of Government servants. More inspectors will have to be appointed, although we know already there are enough inspectors under the Government. Every Bill introduced here seems to only add to the cost of governing this most costly governed colony in Australasia. The clause defining the powers of inspectors shows what a socialistic Bill this is. The inspector has power "to enter into and examine and inspect any shop during the hours within which such shop may be kept open for business." That may be all right. But when we read Sub-clause (2), "to examine orally any shop assistant, either alone or in company with the occupier or his agent," that simply means that an inspector can go into a shop and occupy the time of an assistant, to whom the employer is perhaps paying 1s. 6d. an hour; and the

interviewing and questioning need not take place in the employer's hearing, but may take place round a corner. That I call a sneaking clause. The inspector has also power

"To enter, inspect, and examine, at all reasonable times by day and night, a shop, when he has reasonable cause to believe that any person is being employed therein contrary to the provisions of this Act.

The clause also goes on further to say the inspector has to have a certificate. Most of the storekeepers are pretty well overworked at present in their efforts to pay their rents and taxes, but the Government, under another little clause, give the employers something more to do when they ought to be asleep.

HON. G. RANDELL: That clause is not so bad as it looks. It is very simple.

HON. F. T. CROWDER: The clause reads:—

In every shop there shall be kept by the shopkeeper a record of the trading name of the shopkeeper; a record of the hours during which the shop is kept open; a record of the hours during which the shop assistants are kept at work; a record of the extra hours worked under Section 9; and a record of the day or days on which the assistants are entitled to a half-holiday under the provisions of Section 12. Such records shall be exposed in some position visible and accessible to all employees and assistants.

HON. G. RANDELL: It seems to me that what is meant is only a time-table, although the word "record" is used.

HON. F. T. CROWDER: No matter what it is, it is an undesirable clause to be in any Bill. These records have to be produced whenever an inspector shall call. Here is another clause:—

Every shopkeeper and hotelkeeper is hereby required to provide proper sitting accommodation, to the satisfaction of the inspector, for females employed in his shop or hotel bars as the case may be; and if any person fails to comply with the requirements of this section he shall, for every day during which he so fails, be liable to a penalty not exceeding five pounds.

I do not object to that clause at all. Everybody who has any respect for those who work for them will provide seating accommodation for them, and people should not deal with employers who do not. What I object to is this provision that no employer shall

Dismiss from his employment or reduce the wages of any female, on the ground that she has made use of such sitting accommodation, unless it be proved that she has used it for an

unreasonably long time, or an unreasonable number of times on any day.

That clause simply means that if a shop-keeper goes into his shop and, on finding his assistant sitting in a chair, says to her, "Here, I do not pay you to sit down all day; get on with your work," she may reply, "Oh, this is the first time I have sat down to-day." The employer then may say, "I know better: you can clear." When summoned by the assistant, the employer has to prove that the woman had been sitting down longer than she ought to have been; and I say that the clause is ridiculous. In Clause 20 we read:—

Every shop, place, or building, or portion of a shop, place, or building wherein is carried on the trade or business of a barber, hairdresser, or tobacconist shall be closed every evening of the week at seven o'clock, except on the evenings of Saturday and the week day immediately preceding Christmas Day, and the week day immediately preceding New Year's Day, when the same shall be closed at ten o'clock in the evening.

I want to know why barbers should be singled out any more than the chemist, or the tea and coffee-house keeper, or the fish and oyster shopkeeper, restaurant keeper, bookseller, or undertaker?

HON. G. RANDELL: The barbers are unanimously in favour of the Bill.

HON. F. T. CROWDER: To half of the community a smoke is of as much importance as any other commodity, and if people are denied an opportunity of obtaining cigars and tobacco in ordinary tobacconist shops, they may be driven to the public-house to supply their wants.

HON. G. RANDELL: I am in favour of tobacconists being placed in the exempt schedule.

HON. F. T. CROWDER: I am in favour of all trades being put into the exempt schedule. Tea and coffee-house keepers and fish and oyster shopkeepers employ a great deal of labour, and yet if the Bill pass they can keep their assistants employed for 24 hours if they like. Mr. Randell, in introducing the Bill, made it very clear that it was aimed at Chinamen and other coloured people who are now in the habit of keeping their shops open late. I say emphatically that while the working man has more to say than anybody else against Chinamen, he is the person who supports Chinamen. If it were not for the working classes, there

would be no Chinese shops in the colony. Mr. Kidson may shake his head as long as ever he likes, but I have been observing these matters closely in the colony for the last 18 years. The Chinese and Afghan shops in Perth and Fremantle are kept going by the working men. Women refuse to buy from the Englishman with his barrow of vegetables, but they all buy from the Chinaman. If working men would be patriotic enough to say, "We will not deal with Chinamen," it would not be long before all the alien shops were shut up.

HON. G. RANDELL: The class included in the Bill are not the working men you mean. The working men have their eight hours.

HON. A. B. KIDSON: The Bill only applies to shop assistants?

HON. G. RANDELL: Yes.

HON. F. T. CROWDER: The Bill prescribes boundaries, and what is to stop anybody, who can see a little bit further than the gentleman who introduced this Bill, from opening shops on the boundary of Perth? The only recreation of the working classes is doing a bit of shopping, and wherever that shopping can be done of an evening, it will be done, even if it be on the boundary of the city. This was done in Adelaide; and when once the trade is diverted from the centre it can never be got back again. To the present day the trade has never got back again to the centre of Adelaide. The Bill is only trying to bring about an end which can be gained if people will purchase exclusively from employers who treat their assistants kindly. I sincerely trust hon. members will support my proposal that the Bill be read this day six months.

HON. D. M. MCKAY: This Bill is, in my opinion, too drastic and sweeping in its operation. I cannot believe in a measure which allows an inspector to walk into a shop and cross-examine the employees. Such legislation is wrong altogether.

HON. C. E. DEMPSTER: I beg to second the amendment.

HON. A. B. KIDSON: I hope those hon. members who a few minutes ago expressed their opinion rather shortly as in favour of the amendment, will re-consider their decision before we come to the vote. The arguments brought forward by Mr.

Crowder are not arguments against the principle of the Bill, but only against particular clauses as useless or inoperative. The principle of the Bill is apart from the matter contained in the clauses. I, myself, am deadily opposed to a number of the clauses contained in the Bill; and if the measure gets into committee, which I do not think it will this session, at all events, I shall fight tooth and nail against such clauses. On the other hand, I am in favour of the principle of the Bill, and in favour of that principle I intend to vote.

HON. F. T. CROWDER: What is the principle?

HON. A. B. KIDSON: I can only conclude that hon. members have not had time to consider what the principle of the Bill is. The principle is the early closing of shops.

HON. F. T. CROWDER: That is the effect.

HON. A. B. KIDSON: That is the principle, as well as the effect. The object is to close shops at a particular hour, so that assistants shall only work a certain number of hours per week. Those who have hastily come to conclusions adverse to the Bill should give some consideration to the views of hon. members who represent large city and town constituencies, to which the Bill applies more than to smaller constituencies. For instance, the passing of the Bill would not matter one iota to the northern constituency represented by Mr. McKay.

HON. F. T. CROWDER: Members represent the whole colony.

HON. A. B. KIDSON: I was looking at the matter from the point of view that the Bill affects the larger more than the smaller constituencies.

HON. D. M. MCKAY: But there is the principle of the Bill.

HON. A. B. KIDSON: It is the principle I am trying to advocate; and the Bill would affect the larger constituencies more than it would the smaller electorates. Mr. Crowder said this Bill had not been asked for. So far as my own constituency, Fremantle, is concerned, I am compelled to flatly contradict the hon. member.

HON. F. T. CROWDER: You could only get eight signatures in favour of the Bill in all Fremantle.

HON. A. B. KIDSON: There is a very loud demand in Fremantle for the Bill,

and I might point out that there are no signatures against the measure.

HON. F. T. CROWDER: It has been kept quiet.

HON. A. B. KIDSON: It has not been kept quiet. There was a big meeting in Fremantle, at which a considerably larger number of shopkeepers and storekeepers than eight voted in favour of the Bill. One of the main reasons urged at that meeting in support of the Bill, apart from the shop-assistant question, was the tremendous competition of coloured shopkeepers. I could mention several instances, though I have no right to mention names, of shopkeepers who have had to close their doors owing to this alien competition.

HON. F. T. CROWDER: The Bill cannot affect those who have closed their doors.

HON. A. B. KIDSON: But others would have to encounter the same competition. It was stated at the public meeting that people in a large way of business had been compelled to close their doors owing to this undue competition. The smaller towns, when the population increases, will feel this competition in the same way as Perth and Fremantle do now. Speaking more particularly of Fremantle, the Bill has been brought forward, not only at the request of shop assistants, but actually at the request of shopkeepers.

HON. F. T. CROWDER: There were only eight signatures in favour of the Bill.

HON. A. B. KIDSON: At the meeting of which I have spoken, there were more like 80 or 100 in favour of the Bill. It was one of the largest meetings ever held in Fremantle, and the motion in favour of the Bill was carried unanimously. That fact had more weight with me than anything else in support of the measure.

HON. F. T. CROWDER: They were all voters.

HON. A. B. KIDSON: Never mind whether they were voters or not. When such an expression of opinion comes from the particular class affected, it ought to carry some weight.

HON. G. RANDELL: There was a large public meeting in Perth, too.

HON. A. B. KIDSON: Mr. Crowder said it was a most disgraceful thing to give the servant girls a half-holiday.

HON. F. T. CROWDER: To compel them to take the holiday.

HON. A. B. KIDSON: That is dreadful, is it not?

HON. F. T. CROWDER: It is dreadful.

HON. A. B. KIDSON: I think it is "a disgraceful thing!"

HON. F. T. CROWDER: That is not the point.

HON. A. B. KIDSON: The hon. member says it is not the point.

HON. G. RANDELL (to Hon. A. B. Kidson): Do you say you think it is disgraceful?

HON. A. B. KIDSON: I was quoting the hon. member sarcastically. Why should domestic servants not have a holiday?

HON. F. T. CROWDER: My objection was not to a half-holiday for servants. I pointed out that according to the New Zealand Bill, and according to the Bill now before this House, if a servant girl remained on the premises on the afternoon prescribed for a holiday, her employer would be fined. In fact, if the poor girl wanted to stay at home and lie down, her employer would have to put her into the street or be fined £5.

HON. A. B. KIDSON: I am glad to learn that the hon. member does not object to the servant girl having an occasional half-holiday. Perhaps the hon. member will feel inclined to support a half-holiday for the shop assistant, and that is one of the objects of the Bill. I need not go into further detail in connection with this Bill, because I do not think it will become law. I disagree with many of the clauses. I disagree with Clause 21, which I think goes a little bit too far; and in committee I would move that that clause be eliminated. That clause would be absolutely inoperative. An employer would give some other reason for dismissing the employee. There are other clauses in the Bill which are objectionable and unworkable. Under Clause 9, only half-an-hour is allowed for the assistant to remain on the premises after the establishment is closed. That time ought to be extended, seeing that in some shops a great deal of cleaning and clearing up have to be done after the day's work is over. Tobacconists ought certainly to be excluded from the operation of the Bill. The bulk of their trade, I am informed, is done between seven and

nine o'clock in the evening; and the provisions of this Bill, if enforced, would practically ruin a number of tobacconists. There is no necessity to close tobacconist and hairdresser shops at a fixed hour; because the assistant goes away, and the proprietor remains to do the work. This is not the class of trade likely to be affected by outside or alien labour. I object to interfering with the liberty of the subject to any greater extent than is necessary to secure the object of the Bill. Everybody concerned ought to be justly and equitably considered and dealt with in the Bill, and the Bill as it now stands does not attain that object. But the fact that a few clauses do not happen to meet the views of hon. members is no argument against the Bill. No harm could possibly be done by voting for the principle of the Bill; and the question now before the House is the affirmation of the principle.

HON. A. H. HENNING: I shall follow the advice of the hon. member and vote for the principle of the Bill, when a proper Bill is introduced to carry the principle into effect. I always understood that the object of the measure was to lower the hours of employment, but I have heard two or three different principles enunciated in the House to-night as to the reasons for bringing in this Bill. We have been told that the object is to close shops. If that is the object, no hon. member should vote for it. We are told that the principle of the Bill is to lift up those engaged in business to enable them to keep away from the close attention to details of business, and to encourage people to get away from the cares and anxieties of business. We are also told that the Australian is building up a national trait for more inclining to holidays and throwing off that close attachment to the details of business. Yet the hon. member, in moving the second reading of the Bill, encourages these people to neglect what has been the mainstay of the British nation. Commerce has built up the British nation, and by legislation the hon. member wants to knock it down.

HON. G. RANDELL: The merchant leaves his office between 4 and 5 o'clock.

HON. A. H. HENNING: I believe the hours of employment in all walks of life should be limited, where people are restricted or confined to buildings. If this

Bill had been introduced, not to stop all commerce and business in shops, but to limit the hours of employment, and which would allow the employer to carry on, if he desired, by having shifts, as in mines, I would support it; but this Bill says that all shops shall be closed at a particular time under a penalty. No such arbitrary piece of legislation has ever before been submitted to this House, and I shall vote for the amendment. If during the recess a Bill is properly framed, not with the idea of closing all shops at a certain hour, but to limit the time of employment, it will have my hearty support.

HON. C. E. DEMPSTER: Having risen to second the amendment, I should like to express my reasons for doing so. In the first place, I consider we are legislating in a matter where legislation is unnecessary. I cannot consider the Bill at all necessary. I think we are moving in an undesirable way. Hitherto there has been no law of this kind to enforce the early closing of shops; and if the world is progressing as it has been in the past, why should this Bill be necessary in the future? I think we are legislating a great deal too much. As to business being seriously affected, as was stated by the Hon. A. B. Kidson, by so many shops being kept by coloured men, what is the reason of the success of these coloured men in business, and the necessity for a Bill to compel them to close? The reason is, they sell cheaper.

HON. A. B. KIDSON: They sell up till 12 o'clock at night.

HON. C. E. DEMPSTER: The mere fact of their selling cheaper is their success.

HON. D. McKAY: The wives of the men who want this Bill are those who buy from the Chinamen.

HON. C. E. DEMPSTER: The working classes are those who go to the Chinamen. I think a Bill of this kind interferes with the liberty of the people, and I do not think that principle should be admitted into legislation. It is a piece of grandmotherly legislation, and I shall vote for the amendment.

HON. D. K. CONGDON: I intend also to support the amendment. Legislation in this matter is undesirable. I do not think it was ever intended by the people who stirred up this question to apply the

principle to shopkeepers. The shop assistants ask for relief and for shorter hours. I should very gladly vote for a Bill of this description, but when it is made to apply to shops I cannot vote for it. We should be taking a very big step in the wrong direction by passing this measure. I shall vote for the amendment.

HON. A. P. MATHESON: I need hardly say that I intend to vote against the amendment. One of the most striking things I have noticed in the course of the debate has been the extreme interest displayed by hon. members opposed to the Bill, in the people who themselves are in favour of this measure. I happen to have evidence here of the feeling of all classes on the subject of this Bill. I have absolute evidence, in writing and by telegraph, and, as I have pointed out, without exception the employers and shop assistants, and even the customers, are in favour of the Bill. I cannot see how hon. members can get up one after another and say "Save these unfortunate shopkeepers and customers from the horrid application of this Bill." That has been the sole argument of those opposed to the second reading.

HON. F. T. CROWDER: You were asked to oppose the Bill at first.

HON. A. P. MATHESON: In a moment of rashness people desire to oppose a Bill, and on further consideration they turn round and say that they are entirely in accord with the Bill. Surely such people are entitled to consideration. I do not hope to convince hon. members, because I see that they have all made up their minds, but I hope to convince them that the reasons for making up their minds are not reasons which will bear the least atom of scrutiny.

HON. E. McLARTY: This Bill, which is a most important one, should have come before the House at a time when hon. members could have dealt with it leisurely. If the Bill were intended to alleviate the shop-assistants, it would have had my hearty support. I feel that something should be done in that direction; but such a Bill as the one we have to consider can have no sympathy from me. I am utterly opposed to legislation which interferes with the liberty of the subject. I am not in favour of legislation which will give power to inspectors to walk into a man's

shop and question him. I do not think the petition that has been submitted by the Hon. G. Randell strengthens his case much. If only 47 shopkeepers in Perth and Fremantle out of 1,000 can be found in support of the Bill, then there is not much to be said in its favour. I shall not support the Bill in its present form, but if further consideration is given to the measure by the framers and it is brought up in a modified form next session, then I shall be glad, if I am in the House, to give it my support. In the present circumstances I shall vote for the amendment.

HON. G. RANDELL (in reply): I think on the whole, although some hon. members have spoken in favour of the amendment, all hon. members are in favour of the principle of the Bill. They only spoke against details. I do not intend to traverse the grounds stated by hon. members. The public feeling is in favour of a Bill of this description, and I am sorry to see that an attempt is made to throw the Bill out. Realising the strength of the arguments used by the Hon. A. B. Kidson, hon. members should give the Bill some further consideration. My desire, and the desire of the framers of the Bill, is to deal equitably with all parties concerned. Possibly the Bill does not do this in its present shape, and I desire, myself, to give the measure further consideration; but the main principle of closing shops early is recognised by every hon. member, and by all those who are concerned in business. Such legislation as this is necessary to prevent competition by alien races. My idea was that, after hearing the opinions of hon. members, I should withdraw the Bill, so that it could come up next session, and that would give members time to consider the measure before it made its appearance in the ensuing session. Hon. members will see that would have been a fair and reasonable way of dealing with the Bill, rather than to throw it out ignominiously. If the second reading of the Bill were carried, the principle would be affirmed, and I could then withdraw the Bill. Such a measure as this is not alone required by employers and employees, but by the general public. I trust hon. members will see the reasonableness of my request, and not veto the second reading of the Bill; on the

understanding, of course, that the Bill is withdrawn.

Amendment—that the Bill be read a second time this day six months—put, and division taken with the following result:—

Ayes	...	...	...	6
Noes	...	...	...	5

Majority for ... 1

AYES.				NOES.			
The Hon. D. K. Congdon				The Hon. J. W. Hackett			
The Hon. F. T. Crowder				The Hon. A. B. Kidson			
The Hon. C. E. Dempster				The Hon. A. P. Matheson			
The Hon. A. H. Henning				The Hon. E. H. Wittenoom			
The Hon. D. McKay				The Hon. G. Randell			
The Hon. E. McLarty							(Teller.)
(Teller.)							

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

MESSAGE—ABORIGINES BILL.

A Message was received from the Governor, stating that the Aborigines Bill had been reserved for her Majesty's assent.

CEMETERIES BILL.

IN COMMITTEE.

Consideration in committee resumed at the postponed clause.

Clause 6—Prohibition of burial in closed cemetery, 10 Vict., 12, Sec. 2:

THE MINISTER OF MINES asked leave to withdraw the amendment, moved by him at a previous sitting, that the words "in or within a mile of a townsite" be struck out.

Amendment, by leave, withdrawn.

HON. J. W. HACKETT moved that the clause be struck out, and the following new clause inserted in lieu thereof:—

(1.) Where a public cemetery has been appointed as aforesaid, and is not closed as aforesaid, every person who, within ten miles from any such cemetery, shall assist at the burial of any dead body in any place other than a public cemetery shall be liable to a fine of not more than Fifty pounds.

(2.) Every person who, for the purpose of a burial forbidden by this Act, shall bear or assist in bearing or otherwise conveying a dead body, or who shall direct or procure any such burial, or shall officiate thereat as a clergyman or minister of any persuasion, or as clerk, be deemed to assist at such burial within the meaning of this Act.

The original clause appeared to be unworkable, and the new clause would carry out what was intended. The word "townsite" was left out altogether in the new

clause. Cemeteries were not now attached to townsites, but to districts; therefore the old limit of three miles was considered unnecessary. A provision had been inserted in the new clause which he had submitted, making the limit within which a burial should take place ten miles.

Put and passed, and the substituted clause agreed to.

Clause 12—Trustees may make by-laws:

HON. J. W. HACKETT moved, as an amendment, that in line 4 of paragraph 2, the words "and coffins" be inserted after "vaults."

Put and passed.

HON. J. W. HACKETT moved, as a further amendment, that the third paragraph be struck out and the following inserted in lieu thereof:—"For the fees to be paid for permission to dig or open a grave, or to make or open a vault, or erect or place any monument, tombstone, or enclosure, or for the right of burial in any private grave, and for any other purpose necessary for carrying out this Act, and for the mode of recovering and enforcing payment of such fees."

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

Schedules—agreed to.

Preamble and title—agreed to.

Bill reported with amendments.

RECOMMITTAL.

The Bill having been recommitted.

Clause 7—Justice may order disinterment of body buried contrary to preceding sections:

HON. J. W. HACKETT moved, as an amendment, that the word "dead" be inserted between "any" and "body," in the first line. It would be seen that throughout the Bill it was sometimes "a body," and then "a corpse," and sometimes a "dead person." The idea was to have the words "dead body" used throughout the clauses. It might be questioned whether the discretion vested in a justice of the peace by this clause ought not to be confined to a police magistrate or warden.

THE MINISTER OF MINES (HON. E. H. WITTENOOM): It might not always be convenient to obtain the consent of a police magistrate or warden when it became necessary to disinter a body. The clause as drawn could do no harm.

Put and passed.

Clause 13—Religious ceremonies not to be interfered with, and ministers of religion to have free access:

HON. J. W. HACKETT moved, as an amendment, that the word "reasonable" be inserted between "all" and "times," in the seventh line. The word had evidently been inadvertently omitted. A minister could not claim admission at all hours of the night, and bring a large *cortège* with him.

Put and passed.

Clause 17—Plan and book of reference to be kept, and to be open to inspection:

HON. J. W. HACKETT moved, as amendments, that the words "in which an exclusive right of burial has been granted," in the second line, be struck out, and the words "or grave" inserted in lieu thereof; that the words "or grave" be inserted between the words "place" and "and," in the fifth line; and that the words "several grantees set against the numbers," in the last line, be struck out, and the words "persons buried therein" be inserted in lieu thereof.

Put and passed.

Clause 21—Plan of vault, etc., to be submitted to the trustees:

HON. J. W. HACKETT moved, as amendments, that the words "and specifying the materials of which it is to be composed" be inserted between "enclosure" and "to," in the fourth line; that the words, "in any way" be inserted between "is" and "inappropriate," in the fourth line; and that the words, "And no alterations or additions thereto shall be made either by inscription or otherwise without the consent of the trustees first had and obtained," be added to the clause.

Amendments put and passed.

Clause 23—Grave, vaults, etc., to be kept in repair:

HON. J. W. HACKETT moved, as amendments, that the word "seven," in the fifth line, be struck out, and "twenty-eight" inserted in lieu thereof; and that the words, "to be filled up," in the seventh line of sub-clause (2), be struck out, and "by the trustees shall fill up the same" be inserted in lieu thereof.

Amendments put and passed.

Clause 24—Right of exclusive burial protected:

HON. J. W. HACKETT moved, as an amendment, that the word "corpse," in

the first line, be struck out, and "dead body" inserted in lieu thereof.

Put and passed.

Clause 37—Burial of poor persons :

HON. J. W. HACKETT moved, as an amendment, that the words "the dead body of" be inserted between "permit" and "any" in the second line of Sub-clause (2). Without this amendment, the clause might permit a justice of the peace to bury a person alive, provided the person was poor.

Put and passed.

Clause 38—Summary prosecution of offenders :

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved, as an amendment, that the words "offenders under," in the first line, be struck out, and "fees due under the Act may be recovered and all offenders against" inserted in lieu thereof.

Put and passed.

New Clause :

HON. J. W. HACKETT moved that the following be added to the Bill, to stand as Clause 7 :—

No public cemetery or burial ground shall be established or opened in Western Australia, save with the approval of the Governor; and in case it shall appear to the Governor that burials in any cemetery under any law relating to public cemeteries or in any other burial ground or place of burial whatsoever should be wholly discontinued, or should be discontinued subject to any exception or qualification, the Governor may, by an order to be published in the *Government Gazette*, direct that after a time to be mentioned in such order, not being less than three months from the date thereof, burials in such cemetery or burial place, ground, or place of burial shall be discontinued wholly or subject to any exception or qualifications mentioned in the same or in any subsequent order, and may from time to time postpone the time mentioned in such order for the discontinuance of burials, or otherwise vary any such order, whether the time appointed for the discontinuance of burials thereunder or other operation of such order shall or shall not have arrived.

This clause gave power to close an existing cemetery—a power which the draughtsman had omitted to provide for. Along with many other clauses, this clause was taken *verbatim* from the Victorian Act.

Put and passed, and the clause added to the Bill.

New Clause :

HON. J. W. HACKETT moved that the following be added to the Bill, to stand as Clause 11 :—

The majority in number present at any meeting of the said trustees shall decide and determine all questions and matters which may be discussed or considered at any meeting; and in case of an equal division upon any question or matter, the chairman for the time being shall have a casting vote in addition to his own vote.

Put and passed, and the clause added to the Bill.

Bill reported with further amendments, and report adopted.

COLLIE QUARRY RAILWAY BILL.

SECOND READING, ETC.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: Some important harbour works are being built at Bunbury, and to get stone there, it has been found necessary to construct a railway to the quarries. Under the circumstances the Government constructed a railway, which is now at work; and Parliament is now asked to approve and legalise what the Government have done.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and *passed*.

ADJOURNMENT.

The House adjourned at 6:30 p.m. until the next day.