

thereafter. Clauses 24 to 26 deal with the system of agreement to be made with pearlers, providing that the agreement shall bear the date of the signing thereof, the nature and duration of the agreement which is to be verified before a magistrate, and the owner or master must be prepared to enter into a bond to return the pearl fishers to the port at which they were shipped. Clause 32 provides for the payment of wages, and the principle is based on the Truck Act. Clauses 37, 38, and 39 deal with offences by pearlers, and Clauses 40 to 46 deal with the importation of pearl fishers who are Asiatics; but I think the Clauses from 24 to 46 can be considerably curtailed, more especially if the House adopts the Merchant Shipping Act, a Bill for which purpose is before members now. In the miscellaneous provisions beginning at Clause 47 the Bill provides for various matters; for instance, giving inspectors power to enter on a ship and see that the tackle is sufficient and that there are proper stores on board. Clause 52 provides that there shall not be on board intoxicating liquor in greater quantity than that provided by the regulations. By Clause 53 the Governor may prescribe the size of pearl-shell. By Clause 54 the Governor may prescribe certain places from which shell must not be taken and the ports from which shell shall not be exported. Clauses 56 to 65 deal with pearl dealers' licenses. Clause 67 gives power to make regulations. Clause 74 contains a matter to which I wish to draw attention. It provides that a reduction shall be made of one shilling from each person's wages per month and paid to the Colonial Treasurer, to be placed to a fund called the Pearl Fishers' Hospital Fund, and this money is to be distributed between the hospitals at the ports where pearl fishers are engaged. This measure is largely one for consideration in Committee, and I shall be glad to hear the observations of members who have knowledge of this work. The Government have one desire, to secure a Bill which will in every way be suitable and in the interests of the State. I shall be glad if the Bill is read a second time, and any amendments which members wish to move I hope will be placed on the Notice Paper. I beg to move the second reading.

On motion by Mr. PIGOTT, debate adjourned.

ADJOURNMENT.

The House adjourned at 23 minutes past 10 o'clock, until the next day.

Legislative Assembly,

Wednesday, 4th November, 1903.

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THE SPEAKER took the Chair at 2:30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: South Perth Municipal By-laws.

By the MINISTER FOR WORKS: Alterations to Railway Classification and Rate Book. Reports as to the best method of providing appliances and accommodation for dealing with cargo at Fremantle.

Ordered, to lie on the table.

QUESTION—EXPLOSIVES RESERVE, FENCING.

MR. PIGOTT asked the Minister for Works: 1, What is the estimated cost of the fencing to be erected around the explosives reserve—(a.) For material; (b.) For labour. 2, Whether it is a fact that the Government contemplate having this work done by day labour, in contraven-

tion of the resolution passed by this House last session.

THE MINISTER FOR WORKS replied: 1, (a.) £2,300; (b.) £800. 2, Yes; owing to the urgent representations of the Mines Department it is considered advisable so to do, as a special case.

QUESTION—SWINE FEVER, AS TO INFORMATION.

MR. MORAN asked the Minister for Lands: 1, When he made his corrected statement *re* diseases in pigs in this State, and quoted his acting Chief Inspector of Stock as follows—"I have visited the piggery of Mr. Leslie of Bayswater yesterday, and found that among his pigs two were suffering from swine fever"—did he know that up to that time already 90 pigs had died at Mr. Leslie's place? 2, If he knew, why did he keep back the information from the House? 3, If he did not know it, did his inspector know it?

THE MINISTER FOR LANDS replied: 1, No. 2, Answered by No. 1. 3, The Chief Inspector states "he was advised of a heavy mortality." The number was not stated. He reported on the piggery as he found it. There were no dead pigs in evidence, the owner having burned them.

QUESTION—AGRICULTURE, ESTIMATE OF CROPS.

MR. BURGESS asked the Minister for Lands: Have the Government made any efforts to get an estimate of the hay and cereal crops for the coming season?

THE MINISTER FOR LANDS replied: I regret that no effort has been made on the lines indicated. Instructions have been issued to the Acting Director of Agriculture to have such estimates prepared for public information in the future.

QUESTION—LAND ALLOTMENTS, MOUNT ERIN ESTATE.

MR. TAYLOR (for Mr. Wallace) asked the Minister for Lands: What is the system chosen for dealing with the allotment of land applied for by more than one person, as alluded to by him in answer to his (Mr. Wallace's) question on October 20th *re* Mt. Erin Estate?

THE MINISTER FOR LANDS replied: The system now adopted is for a

board to select the most eligible applicant where there are more than one; but if two or more applicants are considered equally eligible, the lot is submitted to competition between those applicants only. If in case of collusion, the lot would be reserved, and then submitted to auction.

DOG BILL.

Read a third time, and returned to the Legislative Council with an amendment.

FACTORIES BILL.

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

PHARMACY AND POISONS ACT AMENDMENT BILL.

Read a third time, and returned to the Legislative Council with amendments.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

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

WATER SUPPLY BILL.

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

PRISONS BILL.

RECOMMITTAL.

THE MINISTER FOR WORKS moved that the Bill be recommitted for amending Clauses 34, 36, and 68, and inserting a new clause.

THE SPEAKER: Did the new clause appear on the Notice Paper?

THE MINISTER: No.

THE SPEAKER: The hon. gentleman could not move a new clause on recommitment without notice given.

THE MINISTER altered his motion accordingly.

Question passed as altered.

IN COMMITTEE.

Clause 34 — Punishment for minor offences:

THE MINISTER FOR WORKS moved that the word "solitary," in line 1, be struck out, and "punishment" inserted in lieu. The desire expressed in Committee, was that the word "solitary" should be altered. It was not the intention of the Government that there

should be solitary confinement as ordinarily understood by the term.

Amendment passed.

Clause 36—Punishment for aggravated prison offences:

THE MINISTER moved that the word "solitary," in line 6, be struck out, and "punishment" inserted in lieu.

MR. TAYLOR: What did the Minister intend by "punishment cell?"

THE MINISTER: It had been his intention, if possible, to move a new clause defining a punishment cell; but the matter must be dealt with by regulation. The regulation would read: "Every punishment cell shall be of such a size and so ventilated and lighted that a prisoner may be confined therein without injury to health."

Amendment passed.

Clause 68—Time during which prisoner unlawfully at large excluded in computing sentence:

THE MINISTER: A desire had been expressed that a prisoner on recapture might not of necessity have to undergo additional imprisonment for a time equal to the term he had been at large, if there were mitigating circumstances. He (the Minister) promised to look into the matter to see if he could meet the wishes of members in that direction. He therefore moved that after "shall," in line 2, the words "unless the Governor otherwise directs" be inserted. This would give the Governor-in-Council power, which indeed he had already, to remit any portion of the sentence.

Amendment passed.

Bill reported with farther amendments.

JOINT STANDING ORDER AMENDMENT—BILLS OF PUBLIC BODIES.

Message from the Legislative Council read, and considered in Committee.

THE PREMIER: Members would recollect that the resolution passed by the Assembly was to the effect that the deposit necessary under the Joint Standing Orders relating to private Bills should not be required where a Bill was presented by a municipal council or a roads board. The matter had been considered by the Legislative Council, who agreed to exempt municipal councils from that Standing Order, but apparently did not think that Bills promoted by roads

boards should be so exempted. He now moved, that the Legislative Assembly agree to the Legislative Council's message. Presumably the object of the Council was not to make it too easy for roads boards to promote Bills. As a rule, private Bills promoted by municipal councils were so promoted in the exercise of municipal powers which those bodies enjoyed under the Act, and to which they desired to give more extended operation by private Bills than the Act gave them.

Question passed, and the Council's amendment agreed to.

Resolution reported, the report adopted, and a message returned to the Council.

MINING BILL.

RECOMMITTAL.

MR. ILLINGWORTH in the Chair; the MINISTER FOR MINES in charge of the Bill.

Clause 17 — Application for mining license.

THE MINISTER FOR MINES moved that the words "five shillings" be struck out and the words "two shillings and sixpence" inserted in lieu. This provided for a reduction in the cost of a miner's right. When the Committee decided that every person employed on a mine should be in possession of a miner's right, a reduction in the cost of the right had been promised.

Amendment passed.

Clause 23 — Mining license not to issue to certain aliens:

THE MINISTER moved as an amendment—

That the word "alien" be inserted after "or African," in the second line.

While desiring that no miners' rights should be issued to Asiatics or Africans even if they were British subjects, he did not wish to see it set forth in the Bill, because the doing so might prevent its passage. As the clause stood, the Bill would need to be referred to the home authorities for His Majesty's assent, which would mean great delay, and nothing to be gained. Such a huge Bill would need amendment next year, when the matter of excluding all Asiatics and Africans from gold-mining might be brought forward, and he would support such amendment with that end in view. At present, however, he desired to see

the Bill go through intact, and that nothing should be done to delay its coming into force. In future, something could be done to make the law more stringent with regard to Asiatics or Africans.

MR. TAYLOR: Where was the great necessity for the hurried passage of the Bill? It would be well to leave the clause as it stood, and wait six months for the Crown assent. The mining industry had been carried on under the present law for years, so that there was no necessity for rushing the Bill through.

THE PREMIER: What was the present urgency for striking out the word "alien"?

MR. TAYLOR: The Committee had already struck out the word. He did not desire to do anything to jeopardise the measure, but he was prepared to wait six months so that the clause might be retained as printed.

MR. HASTIE: While his feeling was very much the same as expressed by the member for Mt. Margaret, he would like to see a decision on the point independent of the present Bill, so that we might tell the people of the world that we did not want on our goldfields Asiatics or Africans, even if they were British subjects. It would not be advisable to wait six months, and there was no surety that at the end of the time the Bill would not be disallowed. There were many provisions in the Bill he desired to become law as soon as possible; and as the Minister had promised to support a similar proposal in future, we could well accept the amendment to reinsert the word "alien." Seeing that the Committee was of opinion that we should adopt a clause prohibiting Africans and Asiatics who were British subjects from working on our goldfields, there was no reason why such a measure should not be brought down this session. The Premier might tell the House whether there was any chance of such a measure being brought in this session.

MR. HOLMAN preferred to see the clause retained as at present, so that we could prevent Asiatics going on our goldfields. In 1898 the Minister for Mines moved an amendment to the Mining Bill in this direction.

THE PREMIER: Was it not to the same effect as the present law?

MR. HOLMAN: Yes; but the Minister could grant a license to any man claiming to be a British subject.

THE PREMIER: But the law worked satisfactorily at present.

MR. HOLMAN: It did so under the present Minister for Mines; but there was still a danger that these licenses would be granted to undesirables. Under the present Minister for Mines there was nothing to fear in this direction, but another Minister for Mines might issue licenses to these people. In 1898 the Premier said that the amendment desired by the present Minister for Mines would involve a point that would need to be referred to His Majesty.

MR. DIAMOND: If an Asiatic were objectionable, it did not matter whether he was a British subject or not. There had been veiled threats that if certain legislation were passed restricting the employment of British subjects, it would not be assented to; but if the Imperial Government were going to interfere in our legislation, the sooner we knew it the better. While he had every confidence in the present Minister for Mines, we might have a change; therefore the power to issue licenses to Asiatics and Africans should be taken out of the hands of any Minister. The threat that the Bill would have to be sent to England for assent did not influence him (Mr. Diamond) in any way.

THE PREMIER: Not possessing the reckless feeling of the member for South Fremantle, he thought the position of the British authorities was reasonable. There were two ways of gaining the object. The British authorities said "Gain it in the least offensive way." He (the Premier) was a strong supporter of the Immigration Restriction Act when it came in, and the Imperial authorities then said "Adopt the least offensive course." This was no threat. Under our existing legislation there was ample protection against licenses being granted to Asiatics and Africans who were British subjects. The Mining Bill was a useful measure, and by restoring the clause to its original form we could bring the Bill into immediate operation. Members should not delay its passage and run the risk of its possible disallowance by reason of this clause, when it was admitted there was no present grievance. It was far more

important to have the Bill brought into operation at once than to indorse the amendment previously adopted at the instance of the member for Kanowna.

Amendment (to reinsert the word "alien") put, and a division taken with the following result:—

Ayes	...	...	...	17
Noes	...	...	...	7

Majority for ... 10

AYES.	NOES.
Mr. Atkins	Mr. Daglish
Mr. Bath	Mr. Hastie
Mr. Burges	Mr. Holman
Mr. Butcher	Mr. Johnson
Mr. Ferguson	Mr. Moran
Mr. Gregory	Mr. Taylor
Mr. Hicks	Mr. Diamond (Teller)
Mr. Hopkins	
Mr. James	
Mr. Nanson	
Mr. Pigott	
Mr. Purkiss	
Mr. Quinlan	
Mr. Eason	
Mr. Reid	
Sir James G. Lee Steere	
Mr. Higham (Teller).	

Amendment thus passed.

Clause 32—Exemption from labour:

THE MINISTER FOR MINES moved that the following words be added: "But any application for exemption for a longer period than fourteen days shall be heard in open court." This would redeem his promise made at a previous sitting.

Amendment passed.

Clause 45—Term:

MR. HASTIE moved as an amendment:

That all the words after "years," in line 2, be struck out.

The term of a gold-mining lease was 21 years, and the clause would give the lessee a right of renewal for a like period. This was not allowed between 1895 and 1898, and those who demanded it in 1898 were only a few outside speculators; yet in that period most of our leases were taken up, and the result of renewals had been to diminish the number of applications for lease, the innovation having an effect directly contrary to that contemplated by its originators. In almost every instance 21 years was a term long enough for a gold-mining lease, if properly worked. In Victoria, a longer term invariably led to the lease being held by people who let it on tribute.

THE MINISTER FOR MINES opposed the amendment. All other

States gave a right of renewal, most of them for an additional 15 years. Our 1895 Act made renewals as well as surrenders subject to the discretion of the Governor-in-Council, the renewals being for an extra term of 21 years; and the 1898 Act gave a right of renewal for 21 years to all lessees. To renewals there could be no objection so long as the lessee was amenable to the Acts and regulations in force at the time of renewal; and this was provided for. By the amendment, at the end of 21 years a lease on which perhaps hundreds of thousands had been spent would revert to the Crown.

MR. HASTIE: Why not make the term 100 years?

THE MINISTER: Let posterity deal with the problem at the end of 42 years—a long enough period. Many of our leases had yet only 11 years to run. Surely the big Kalgoolie mines were not to be forfeited at the end of that time. Lessees should have a full assurance of renewal. Who else should have the right to the lease but the people who had spent their money on it? The existing Acts gave ample protection, but by Clause 2 of the Bill all these would be repealed. What were we to say to people who had taken up leases during the past five years? The amendment proposed nothing in substitution for the right to renewal.

MR. HASTIE: Make renewals permissible by the Executive Council.

THE MINISTER: The amendment said nothing as to that. Every lease would be subject to the Bill; and were lessees instantly to be deprived of their rights? Laws and regulations as to taxes, labour covenants, etc., could always be made or altered; and the lessee should have a right to renewal so long as he complied with the law.

MR. HASTIE: If the bulk of our rich leases were not held in Great Britain, we should never hear any suggestion of the right to renewal; but there was a tenderness for poor English folk who threatened to stop our credit, and who were represented as being anxious to look ahead for 40 or 50 years.

THE MINISTER: More leases were held by local people.

MR. HASTIE: It had been pointed out that in fairness to leaseholders there

should be the right of renewal. Had the Minister entered into any ordinary agreement or consulted a lawyer on the subject? If so, the advice given would have been never to grant the right to renewal. English proprietary companies were very careful not to grant the right of renewal except with the consent of the board of directors. This generosity was purely Australian. It was not to be supposed that those who would come after us would be less generous than ourselves. Why should we tie the hands of any Government in office 14 years hence? Mines had terminable lives, and we had to consider what was the fair life for a mine. It was declared by the clause that 21 years was a fair life for a mine. If that length of time was not fair, why not make it 31 years? or if it was too long, then reduce the number of years to 15. It must be agreed that 21 years was a fair estimate of the life of a mine, and unless in exceptional cases 42 years would not be required except that during a large portion of that time a lease was not worked.

MR. MORAN: What about Cornwall and Spain and other places? No mining field had cut out yet.

THE MINISTER: And Victoria.

MR. HASTIE said he was dealing with a particular mine, not a mining field. It was desired that people should not take up a huge area and work only a very small portion of it, keeping the bulk of the area so that nobody could work it.

MR. MORAN: That was guarded against by the laws and conditions of mining.

MR. HASTIE: It was not guarded against, and one did not see how such things could be guarded against, more especially as the fashion to-day was to take up a large area. He knew of no mine in Victoria that had been working in the same place constantly and full-handed for 21 years. There might be such a mine, but it was the exception. The Government should take advantage of a mine and not give a renewal of a lease. There was no chance if a mine was working regularly that rights would be taken away, but the State at the end of 21 years might wish to make a bargain with a company. Take the Great Boulder mine: at the time the lease was taken up the railway had not reached Southern

Cross; there was no water on the fields, no railway or telegraphic communication, there were no conveniences of civilisation; but since that time the State had expended an immense amount of money, giving the people conveniences and making the mining properties worth hundreds of thousands of pounds more than they were when taken up.

MR. MORAN: The hon. member had frequently advocated that the mines made the railway.

MR. HASTIE: The mines had assisted the railway and the railway had assisted the mines. It had not been stated that the laying down of the railway had put the gold in the Great Boulder mine, but the gold had assisted to build the railway. There had been mutual assistance. The State had expended a large amount of public money which had increased the value of mining properties, therefore the State was justified in getting a share of the increased value. We should leave to the Parliament 12 or 15 years hence the right to make regulations in regard to this matter.

THE MINISTER: The renewal would be subject to the regulations then in force.

MR. HASTIE: In the coming days as well as at the present time the majority of gold-mining leases would not be highly payable, and the Parliament would pass regulations to suit low-grade mines as well as rich mines. It was to be hoped that members would agree to strike out the renewal provisions, and he wished non-mining members to believe that there was not the slightest chance that the amendment would make any difference in the investment of money in the mines of the State by those living outside.

MR. JOHNSTON: The majority of the large mines on the East Coolgardie Goldfield were taken up under the 1895 Act.

THE MINISTER: 1893.

MR. JOHNSTON: Well under the 1893 Act, which did not give the right of renewal. It was not until 1898 that legislation was tampered with giving the right of renewal. When the leases were taken up the companies had the right to work a mine for 21 years, and it was left to the Governor-in-Council at the expiration of that time to say whether a lease should be renewed or not. The

1898 Act stated that companies should have the right of renewal, and the Minister for Mines was desirous of giving that right under the Bill. Considering that most of the leases had been taken up with the right of working for 21 years and then for the Governor-in-Council to say whether there should be a renewal or not, the Committee should not bind the Government and Parliament of a future time to say whether leases should be renewed or not. It was not right to dictate to a Parliament 12 or 14 years hence as to what should be done. The Minister for Mines evidently considered that we could not trust the people 12 or 14 years hence; but Parliament would at all times give due consideration to the amount of money which had been expended on a lease when application for renewal was made. This was a big question and should receive the serious consideration of members.

MR. PIGOTT: To a great extent he agreed with the views of the member for Kanowna. There was no reason why the Committee should make any alterations or additions to the conditions under which leases were taken up. There was no reason why we should make arrangements to extend leases, for there was plenty of time to consider this question in the future, as none of the leases would expire for another 10 or 11 years.

MR. MORAN: Some mines would only be striking gold then. At Charters Towers leases had been worked for many years and were only striking gold now.

MR. PIGOTT: The Parliament of the future should not be dictated to by the Parliament of to-day. In 1898 an amending Act was passed which went so far as to say that on the termination of a lease the lessees were to have the right of renewal for another 21 years.

THE MINISTER: Under the 1895 Act lessees had the right of renewal subject to the consent of the Governor-in-Council.

MR. PIGOTT: Why not have that proviso inserted in the Bill?

THE MINISTER: Because the existing law was being re-enacted.

MR. PIGOTT: Why was the provision inserted in the 1898 Act?

THE MINISTER: Because it was thought that greater security would be given.

MR. PIGOTT: Did the Minister approve of that Act?

THE MINISTER: Yes; now that it had been in force five years.

MR. PIGOTT: Then the Minister did not believe in the principle, but agreed with the Act because it had been in force for five years.

MR. DAGLISH: Those who had taken up leases since the passing of the amending Act would have a claim.

THE MINISTER: Under the 1898 Act lessees were given rights as if they had taken up leases prior to that time.

MR. PIGOTT: If leases were granted for a number of years, those leases should not be renewed until the leases had expired. It was for the people of that date to say whether leases should be renewed or not.

THE MINISTER: They would only be renewed subject to the laws and regulations in force at that time.

MR. PIGOTT: Still, these people were to have a perfect right of renewal. In his opinion the Minister had as much right to make an extension for 100 years as for 21. A contract had been made between the mine owners and the Government, and now, for no definite reasons, we were asked to extend that in favour of the leaseholder. There was a large difference between a right absolute and a right discretionary. He regretted that the Act of 1898 had put us in our present position, and he felt confident that if that Act had not been passed the Premier would not have agreed with the present proposal.

THE MINISTER FOR WORKS (Hon. C. H. Rason): The leaseholder had a right of renewal under the existing law, and this measure merely gave the present owner of a lease the first right of renewal subject to the conditions which might be in force at the time. There was no dictating to any future Parliament, and the Parliament of 10 or 12 years hence would decide on what terms renewal should be given. What would happen to a gold-mining lease in about the eighteenth year, if the first right of renewal were not to be given to the then owner? There would be great activity to get everything possible out of the mine and remove everything valuable off it, so that at the end of 21 years it would be worth absolutely nothing to the

individual or to the State. Why this desire to interfere with the existing law? What hardship was to follow from renewing the existing right? He failed to see any hardship, but there would be an injustice if this proposal were not adopted. The Act of 1895 gave the right of renewal.

MR. JOHNSON: Subject to the approval of the Governor-in-Council.

THE MINISTER FOR WORKS: What safeguard was that? He much preferred that the right of renewal should be subject to the terms and conditions in force at the time.

MR. HASTIE: The difference between having a right of renewal subject to whatever regulations might be in force at the time, and a right of renewal subject to the approval of the Governor-in-Council, was that whatever regulations were in existence in those days, they must apply to all gold-mining leases. Most leases contained low-grade ore, and whatever regulation was in force it must be easy to those people whose property had been greatly enhanced in value. The Governor-in-Council could decide that properties under certain conditions must pay a certain fine, or perhaps an increased rent.

THE MINISTER FOR MINES: The Governor-in-Council could not make leaseholders pay increased rent.

MR. HASTIE: The Governor-in-Council could do that under certain conditions.

THE MINISTER FOR WORKS: The amendments by the hon. member said nothing about the Governor-in-Council.

MR. HASTIE: They did not; but he was open to accept a suggestion of that kind. In England, when the time for renewal of a lease arrived, one was asked to pay a certain sum of money. That existed all over the world except in Australia, and it existed in Australia except where the Government were concerned. An objection urged was that the holders of leases already in existence had the right of renewal, and therefore it would be a pity to take that right from them. A large number of valuable mines in this State, such as the Great Boulder, Ivanhoe, Lake View, and others were taken up previously to the 1895 Act. The effect, in most instances, of giving people long leases was to prevent them from

seeing that the ground was fully developed, and to cause them to simply hold on until towards the termination of the lease. He would agree to a proposal that a renewal might be granted subject to the consent of the Governor-in-Council, and that his amendment should apply to those leases granted after the passing of this Bill.

THE PREMIER: Apparently two points arose in this discussion; one being whether a title should last for 21 years only, and the other being a legal point. Whatever might be done in regard to the future, we could not contemplate any section which would interfere with the rights of existing lessees. The proposal by the Government was one to make more clear the controlling power of Parliament, by means of the Act and regulations, and to place upon those who obtained renewals such terms and conditions as were in force at that time. Renewal should not be dependent on personal considerations, for if that element were once admitted we should be opening the door to most serious frauds. The first Goldfields Act was passed in 1886, and it contained a provision for granting a lease for 21 years, followed by renewal. In the Goldfields Act of 1895, Section 41 provided that a gold-mining lease might be renewed with the consent of the Governor (though in this Bill, instead of renewal depending on the Governor, we gave a general consent), "provided that every such renewed lease shall be for the like term, and subject to such rent, covenants, conditions, reservations, and exceptions as may be prescribed by any Act or Regulations for the time being in force regulating the management of goldfields." So in the Act of 1895 there was a preservation of the right of the lessee to renewal, and also of the right of Parliament to impose, by general Acts and regulations, the terms of renewal. The Act of 1895 did not provide that the Governor should impose the term. It was only a question of his assent, because there was an express provision that the term should be imposed by Acts and regulations. Unfortunately, there was an element of uncertainty and dissatisfaction with regard to the particular provision; so it was amended, he presumed, because leaseholders were not satisfied with the term.

MR. HASTIE: Only a few leaseholders.
THE PREMIER: A fair proportion of those holding leases were dissatisfied with the law of 1895.

MR. HASTIE: Not one in a hundred.

THE PREMIER: The Act of 1895 used the word "may." The Act of 1898, in Section 41, said:—

Any such gold-mining lease shall at any time before the expiration thereof, at the option of the lessee, be renewable for a farther period of twenty-one years; provided that every such renewed lease shall be for the like term and subject to such rent, covenants, conditions, reservations, and exceptions as may be prescribed by any Act or regulations for the time being in force regulating the management of goldfields.

The only change between that Act and the earlier Act was that in the latter we used "shall" and in the former we used "may." Parties taking up leases under the old Act objected to the uncertainty of the legislation, and they were quite right. If we were to give to leaseholders an expectation of renewal, it should be explicit. If the member for Kanowna wished that the period should be no longer than twenty-one years, he (the Premier) could follow the argument; but he could not agree with that proposal. While our laws existed, we should give the leaseholder the first right of renewal. There was no reasonable objection to that course, because it gave to future Parliaments full control over the term, rent, covenants, and conditions under which renewals should be granted, and that was fair.

[Sitting suspended for ten minutes.]

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

Ayes	...	...	...	6
Noes	...	...	...	13

Majority against ... 7

AYES.
Mr. Bath
Mr. Hastie
Mr. Johnson
Mr. Reid
Mr. Taylor
Mr. Daglish (Teller).

NOES.
Mr. Atkins
Mr. Burges
Mr. Butcher
Mr. Diamond
Mr. Ferguson
Mr. Gregory
Mr. Hicks
Mr. Hopkins
Mr. James
Mr. Moran
Mr. Rason
Sir J. G. Lee Steere
Mr. Hingham (Teller).

Amendment thus negatived.

Clause 67—Right of entry pending application:

THE MINISTER FOR MINES moved:

That the word "only" be inserted after "land" in line 4, and that the proviso be struck out.

These amendments would allow the alluvialist, pending approval of the application for lease, to enter on the land. The proviso, if left in, would give to the applicant for lease the exclusive right to all precious metals; yet to these he should have no moral right whatever until his application for lease was granted. The next clause would give to the applicant ample protection against trespassers, being persons other than alluvialists, or persons entering for the purpose of marking out and posting notices.

MR. HASTIE: Could the Minister declare that portion of the land applied for had been taken up as quartz areas?

THE MINISTER: Clause 68 provided that either an alluvialist or a person entering for the purpose of marking out and posting notices should not be deemed a trespasser; but though there was a right to mark out a quartz claim, there was no right given to mine on it. The miner could work nothing but alluvial.

MR. MORAN: The member for Hannans (Mr. Bath) was alleged to have stated that the Ivanhoe Venture ground had originally been taken up as a water area. That was entirely incorrect.

MR. TAYLOR: The shaft was sunk as a water shaft.

MR. MORAN: No. The shaft was sunk as soon as the lease was recommended, and the lessees never received a penny for water. Years afterwards some poor people asked him (Mr. Moran) to give them the right to use water for condensing purposes, and this request was granted in consideration of £1 a week, not a penny of which sum was ever collected. The shaft was originally sunk with the idea of striking the Ivanhoe reef. He thought at the time it was good enough to put some money in it, and a lease was pegged out. No one objected to it, and a survey was made by a competent mining surveyor; then on the line of reef a shaft was sunk with the idea of cutting the Ivanhoe lode. Some quartz leaders were come across showing gold, and below that some gold was found in

what mining men believed to be decomposed matter. The trouble arose after that. No one was to blame; but he would not like it to go forth, on the unsupported statement of the member for Kanowna, that he (Mr. Moran) had simply put money into a small condensing plant. A lease was pegged out for legitimate mining, to cut the lode which he believed would still be found at a great depth.

MR. HASTIE: Having lived in the vicinity of the Ivanhoe shaft for a considerable time before and after the trouble, and before gold was discovered, he might state that the shaft was always known as the Venture water-shaft. That was why he mentioned it as the Ivanhoe Venture water-shaft. He did not for a moment say the original intention was to get water.

MR. MORAN: Or the subsequent intention.

MR. HASTIE: In those days it was quite common to sink a shaft on land having a piece of saltbush on it.

THE MINISTER FOR LANDS: There was more than saltbush there.

MR. HASTIE: That was in the year 1896.

THE DEPUTY CHAIRMAN: The discussion was hardly in order.

MR. MORAN: Not being previously aware that the member for Kanowna lived in close proximity to the Ivanhoe shaft, now one could understand a lot of things not understood previously.

Amendments put and passed.

Clause 86—Amalgamation of leases:

THE MINISTER FOR MINES moved that in Subclause 2 the words "after the commencement of this Act" be inserted at the beginning; also that in line 3, after "chains," the words "in the case of a gold-mining lease, or ninety chains in the case of a mineral lease," be added. In many cases leases were amalgamated although not all belonging to one owner. He wanted power to insist on such amalgamations being cancelled, and the parties making fresh applications. Amalgamation should apply to all leases legitimately amalgamated prior to the passing of the Bill. It would be wise to give a larger area in the case of mineral leases than for goldmining leases along the line of reef. In the case of mineral leases 90 chains might be pegged out along the line of reef.

Amendments (two) passed.

Clause 91—Exemption from labour:

THE MINISTER moved that in Subclause 1 the words "or a fair amount of labour" be struck out. He would farther move to add at the end of the subclause, "on the mining work, labour, or material." These amendments would make the clause read better, and make it more certain that the money should be expended on the mine, so that expenses in London or elsewhere could not be brought in as money expended.

Amendments (two) passed.

Clause 93—Exemption as of right:

THE MINISTER: When dealing with amalgamation some discussion arose as to the right to place machinery on a lease, and to take it away after exemption was granted on account of the value of the machinery. The word "machinery" he thought was vague, for there might be machinery placed on a mine which was not mining machinery. He moved that the word "machinery" be struck out, and the words "mining machinery and other mining requisites" inserted in lieu. Also he would move that at the end of the subclause the words "but on the removal of any machinery from any such lease or leases during the currency of the exemption without the approval in writing of the Minister, the exemption shall become void if such exemption has been granted in respect of expenditure on such machinery." If anyone removed machinery during the currency of the exemption without the approval of the Minister, then the exemption became void and forfeiture could be applied for.

MR. HASTIE: Would it be necessary to gazette the matter before the exemption became void, or would the provision work automatically.

THE MINISTER: The desire was that the exemption should become void without gazetting. However he would bring the matter under the notice of the Crown Law officers, and if the clause was not explicit enough, in another House he would try to have an amendment carried to make the matter absolutely clear. He desired to carry out a promise which he made to the Committee that machinery should not be carted on to a mine for the purpose of obtaining exemption and then carted away again, enabling the holder to obtain time to sell a property. He

wished to prevent leases being shepherded in that manner. If the Crown Law Department thought that the voidance should be gazetted, then he would try to have the clause amended in another Chamber.

MR. HOLMAN: Would any company or leaseholder be entitled to exemption under the Bill if money had been spent on machinery previously to the passing of the measure?

THE MINISTER: Yes. This would apply to work done at any time.

Amendments passed.

MR. HASTIE: Was Clause 94 amended so that all applications should be made in open court?

THE MINISTER: That had been done in regard to all of them. Clause 94 had been amended in Subclause 2, it being provided that the Minister should direct evidence to be taken by the warden or any other officer in open court.

Clauses 197—Mining leases may be granted thereof:

THE MINISTER: In the Committee stage he had inserted the words "except so much as may be required for building, shafts, and workings." Those words were unnecessary, for the Government possessed all the powers under Clause 198, and he now moved that the words referred to be struck out of this clause.

Amendment passed.

Clause 204—Interpretation:

THE MINISTER moved that after "include," in line 6, the words "alluvial gold" be inserted. That would be satisfactory to those members who objected to the clause before; and if we found this was not sufficiently strict, we would have to trust to an amendment in the future.

Amendment passed.

Clause 205—Gold-dealers' licenses:

THE MINISTER moved that "ores," in line 10, be struck out and the word "earth" inserted in lieu; also that a similar alteration be made in line 13. Gold-bearing ore was actually gold.

Amendment passed.

Clause 287—Declaration as to gold for exportation:

THE MINISTER: A promise had been made by him to recommit this clause so that a person might be able to take away a small amount of alluvial gold without declaring it. He moved that the

following words be added, "or alluvial or specimen gold of a less value than ten pounds." If a person took away gold of more than that value, such gold should be reported for the purpose of having proper records.

Amendment passed.

New Clause—Tribute, sustenance wage:

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

No tribute agreement on any mining field shall be legal unless it contains a clause providing that one-half the ruling rate of wages be earned before tribute is paid, and the tribute agreement is approved by the warden.

A similar clause had been in force in New Zealand for a number of years, the only difference he remembered being that the tributers were to have three-fourths of the ruling rate of wages; but objection had been raised in some cases in that colony, and he believed also in Victoria, that there was a tendency for people to refuse tribute on account of the sustenance money being too high. Therefore, he proposed that the sustenance money to be paid under this clause should be half of the ruling rate of wages in the district. Tribute obtained very largely on the goldfields; not so much on new goldfields as those which had existed for a number of years. Some workings not connected with the main workings, and which could rarely be useful to a company, might be utilised by tribute parties. In Victoria, New Zealand, and other places thousands of tribute parties could be found. In Western Australia our mines had reached such a stage that in all our big centres tribute was frequently resorted to. Gold was such an attractive thing that very often men were willing to take almost any terms, and in hundreds of cases they were not in a position to refuse the chance of getting gold, because all those places had a large number of men who could not otherwise get work, especially when the unemployed trouble was great. Mine managers and companies were anxious to get some of those men to do work useful to the mine, and imposed upon them very hard terms. The tribute money paid to a company was considerable, and in many instances the men got nothing at all, or, if they did get anything, it might not amount to 5s. or 6s. a week. So very unfair was the system con-

sidered in Victoria that after a number of years' agitation a law was enacted that before any tribute money was paid the men must have earned half of the ruling rate of wages paid in the district. That had been in force for some years in Victoria, and he believed it was not considered satisfactory by all. But in New Zealand, where it had been in operation for at least half a dozen years, it had, so far as he could learn, proved very satisfactory, even although the sustenance money in New Zealand was considerably higher than in Victoria. Many people would hold mining leases without the slightest intention of working them. They continued to hold them for the purpose of charging other people a fair sum of money for the privilege of working, and we ought as far as possible to stamp that system out. He had put this clause in as vague a manner as possible, and if the Minister would suggest any alterations he would be happy to consider them; but we should do our best to see that people working on tribute in mines should at any rate be able to live before they started to pay all their gold to the owners of the claim.

THE MINISTER FOR MINES: For some time past, when granting concentration of leases, he had not only insisted that the sustenance clause should be adopted, but had also limited the amount of royalty to be paid. When passing new legislation we should be exceedingly careful what laws we brought forward, because if they were introduced without proper consideration they might redound to the injury of those whom we desired to assist. His knowledge of these tributing arrangements had only been obtained from the way they acted in Victoria, and the sections in the Victorian Act had not proved a success. If we desired to deal by an Act of Parliament with tributes we should do so exhaustively, and endeavour to find how tributes should be made and to what extent they should be legalised. This was a big subject, and one way of doing such a thing as he suggested would be to have a conference with the Amalgamated Miners' Association and Chamber of Mines, who were the people interested. They could study the laws of the various States to see how they worked, and endeavour to make

suggestions to the department so that proposals could be brought before the House with a view of affording relief. The best course to adopt at present would not be to pass this clause, but try to carry out experiments in the Mines Department, as he was doing, and in the meantime endeavour to arrange for such a conference as he suggested with a view of making recommendations to the Mines Department for additions to the amending measure, to clearly define under what conditions tribute should be granted, that was so far as they could be recognised by the department. In 1897 in the Victorian Act, division 3, sections dealt with tribute agreements, some nine or ten sections in all. Section 162 said:—

It shall be the duty of the owner to include, and there shall be deemed to be included, in every tribute agreement, a provision for the payment of sustenance money out of the proceeds of any gold or minerals obtained under such agreement to each contributor not being a registered corporation upon such a scale as may be mutually agreed upon, but being not less than one-half of the usual rate of wages paid to miners in the district within which the ground to be held under tribute is situated, and such sustenance money shall, after payment of the cost of crushing, be a first charge in favour of the tributors upon any gold or minerals obtained under such agreement.

This section was similar to the suggestion of the member for Kanowna; but because it was found that the section would not work, it was allowed to remain inoperative. There was a conference in Victoria some time ago between the mine-owners and the Miners' Association, and they dealt with these tribute clauses. *The Australian Mining Standard* of 7th August, 1902, referring to it, said:—

The chief obstacle in the way was the sustenance clause. The conference referred to were unanimously in favour of the elimination of the clause, and also the one regarding tribute agreements, a copy of the minutes of the meeting of the company in respect to letting tributes to be considered a legal document. The Bendigo mine-owners advocated the excision of Clause 163 regarding percentages on the gross yield of gold, and this was agreed to by the miners.

So those at the conference thought the section was bad. Then on 1st May, regarding this conference, the same paper said:—

In reference to the question of the sustenance clause they desired that it should be abolished and the following inserted in its place:—"162.

(1.) That it shall be compulsory for all mining companies to pay half contract prices for all prospecting work done by tributors, such as main drives or crosscuts."

Therefore those at the conference agreed that it would be wise to abolish the sustenance provision, and to have a section by which, in any genuine mining work such as drives and crosscuts aiding in the development of a mine, the company should pay half the cost.

MR. HASTIE: Who was to say what was genuine?

THE MINISTER: That would be in the agreement. It showed there was much to be considered in regard to these agreements. The first thing we should do was to arrange a conference. *The Australian Mining Standard* of 8th October, 1903, dealt with the new Bill before the Victorian Parliament. At the time the Ballarat miners were opposed to the Bendigo miners, the Bendigo miners wishing to abolish the sustenance provision and the Ballarat miners favouring it. The new Bill abolished the sustenance provision, and the paper said:—

The clauses respecting tribute agreements are noteworthy for their definite abandonment of the attempt to over-regulate in the matter of the sustenance provision, which worked so much harm to the miners and attained such signal failure upon that part of the 1897 Act. The clause should have been repealed years ago, instead of being allowed to remain a merely obstructive dead letter; but if its lesson as to the mischievous effect of undue official interference in matters of strictly private bargaining are kept in mind, the sustenance clause experience will not be without its advantage.

Of course the newspapers spoke on the question from a standpoint different from that of the member for Kanowna; it spoke from the standpoint of the mine-owner. He (the Minister) would like to see a proper tribute agreement legalised; but he did not desire to rush into anything that might in the end injure the working men. If the member for Kanowna would accept his word, he would promise to arrange a conference between the managers and the Miners' Association, so that proposals might be made to the Government on which legislation could be brought forward dealing entirely with tribute agreements. There were many matters to be dealt with in these agreements, and we should not bring forward merely one small

clause, like that proposed by the hon. member, and avoid all other aspects of the question. He would also promise that, so far as concentration on large areas was concerned, the agreements of the past would be continued in force—10 per cent. on old workings and $2\frac{1}{2}$ per cent. on virgin ground, with the provision that no tribute should be executed until the men should at least have earned half wages. The wisest course would be to have the conference, and if the conference suggested any legislation it would be brought forward and given effect to. The member for Kanowna should withdraw his clause, because it might, like a double-edged sword, injure those whom he desired to assist. In the early future legislation would be brought forward to give full consideration to tribute agreements.

MR. HASTIE: Under the circumstances there was no option but to withdraw the new clause. The Miners' Association, to which the Minister referred, would not meet the case in a conference with regard to tribute arrangements, because the bulk of tributors did not belong to any association. He (Mr. Hastie) was mistaken in saying that the New Zealand Act provided for three-fourths of the wages. He should have said one-half. There was also in the New Zealand Act the proviso that these half wages should be paid only for four weeks' work and no more. The New Zealand Act was passed a year later than the Victorian Act, and some of the difficulties the Minister had pointed out had been overcome. Hon. members should not take the newspaper statements read by the Minister too seriously. That newspaper would say the same about every restrictive law, and would not vent the grievances of the miners. He was willing to withdraw his proposal for a new clause, because he had not gone carefully into the matter, and because the question had not been ventilated thoroughly, this being the first time it had been raised in the House. There were one or two members in another place who would jump upon the clause if it passed this House, and would prevail upon other members to throw it out.

Proposal withdrawn.

New Clause—Mining Boards:

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

The Minister may appoint a mining board in any locality, at least half of whose members are nominated by the members resident in the locality, whose powers and duties may be as prescribed.

The clause was not too definite. It only gave the Minister power to start mining boards, which had been a great success in some portions of the Eastern States, although in other places they had not been very successful. The word "locality" was used because it would scarcely be possible for us to define the exact districts in which boards should be appointed. There had been for years a great desire that mining boards should be established, because our goldfields were half-a-dozen times larger than any other goldfields in the world. Many conditions obtaining in one district did not obtain in others, and it was impossible in many instances for the mining authorities in Perth to say what mining regulations should prevail in various districts, and what should be done under various circumstances. There was certainly not the same necessity for boards as existed in the past, when the Minister for Mines did not see a mine, and the Under Secretary had not taken the trouble to see what a mine was like, and when the goldfields were ruled simply on the advice of any boastful individual who called upon the department in Perth. These objections did not obtain nowadays. The Mining Department had now got a very good knowledge of the conditions on the fields, and could settle matters just as well as mining boards could. However, it must be apparent that in very many localities it would be impossible for the department to say what should be done in certain circumstances; so that it rested with the Minister to appoint boards in localities where he believed they would be useful, and where he could not be certain he could grasp all the conditions that prevailed. The Minister should seriously consider this clause, take the power of appointing boards, and see if he could not in some indirect way give self-government to certain localities. The Minister believed that a good experiment might be made in the North-West. If a rush broke out in Kimberley, the

Minister might consider it advisable to have an advisory board appointed in that district, and the same might be done in other parts of the State. Members should consider the clause reasonable, especially as it was the last amendment he (Mr. Hastie) intended to propose, and he had not managed to get one passed this sitting.

THE MINISTER FOR MINES: If the hon. member seriously desired mining boards to be created, he would surely have framed the clause so that boards must be appointed throughout the State; but he asked the Minister to appoint boards as the Minister might think fit, and of course if one board were appointed anywhere on the Eastern Goldfields, no excuses would be accepted for failure to appoint a board in every mining centre, large or small. The members of such boards could hardly be expected to act without payment, and payment would involve a considerable increase in the cost of administration, without any good result. If none but miners were appointed to such boards, there might be some justification for the system; but Victorian mining boards consisted for the most part of business people, whose desire was not to encourage mining but to have public money spent for the assistance of their townships.

MR. BATH: That was the fault of the miners who elected them.

THE MINISTER: If miners were not qualified to elect representatives, the case for the new clause was so much the worse. More could be done departmentally by having highly qualified inspectors. He (the Minister) was not satisfied with all the present inspectors, and intended at an early date to make them submit to examinations, so that those failing to pass would have to leave the service. We should thus procure efficient men, familiar not with underground work only but with mining matters generally. Competent and well-paid inspectors could advise the department, not from a local point of view but independently and in the interests of the industry as a whole. He had encouraged advisory boards as to State batteries, together with the leaseholders' and the prospectors' associations, and the miners' association; but mining boards, he feared, would not be composed of practical men,

and their recommendations would aim at meeting local business requirements rather than promoting the interests of mining.

MR. BATH: The Minister set his wisdom against that of the Royal Commission on mining, who at a cost of about £10,000 took voluminous evidence and compiled a report which had yet no tangible result. Surely some of their recommendations should be acted on, if only to get some value for the enormous expenditure. The commission, after taking much evidence, stated that the mining industry had suffered in the past from the fact that the various goldfields were at a great distance from Perth, where the department was administered; consequently officers found it difficult, if not impossible, to become thoroughly cognisant of the local conditions; and the commission recommended the creation of mining boards on similar lines to the Victorian boards, the members to be elected on the miner's-right franchise. The utility of these boards was proved by the evidence of the then Minister for Mines in Victoria. Our Minister, though once an enthusiastic admirer of the Mining Commission—[**THE MINISTER:** No]—now despised this recommendation. When a public battery was granted to Coolgardie, a local mining board could have prevented much heart-burning between different sections of the community as to rival sites.

THE MINISTER: This was not the purpose for which boards were needed.

MR. BATH: The Minister firmly believed in the State Mining Engineer; but after that officer's decision on the distinguishing of alluvial gold, Labour members doubted his infallibility; and where the officer was unacquainted with local conditions, an advisory mining board would not be out of place, but rather advantageous to the department. Though payment of members of the boards would be advocated by some, it was not absolutely necessary; for surely in every mining community well qualified persons could be found to act without reward on mining boards with limited powers. The experiment was worth trying. A conference of Labour organisations in the mining districts had repeatedly advocated the establishment of these boards, and this on the advice of mining men of lifelong

experience; and the amendment could hardly commit us to any dangerous experiment by allowing the Minister to exercise this power of appointment when he thought it desirable.

MR. HASTIE: All the new clause sought was mining boards to collect information and advise the Minister on certain occasions, their powers being strictly limited. There was no attempt to gain extended powers, though he (Mr. Hastie) personally advocated their extension. But to give the system a start he had framed this mildest of clauses. True, mining boards in Victoria did much harm instead of good, largely because business men and other interested persons regarded the board as a means of benefiting the locality generally; and because the mining board districts were close together, competition for public money was keen. But a system must not be condemned because in some cases it worked badly.

THE MINISTER: It was self-condemned in Victoria.

MR. HASTIE: Because it was badly administered. It served many good objects when first inaugurated, and became obnoxious only when a certain sum of money was given to each board to be spent locally. Mining boards did not always spend the money to the best advantage. We should experiment in various places to see how mining boards would work, and after a year or two we could say exactly what powers the mining boards should be endowed with. If we did not start with mining boards, we pledged ourselves to the opposite extreme of centralising everything at headquarters in Perth. It was impossible for the Minister and his department to know what was the best for every locality. He (Mr. Hastie) would amend the clause if necessary, his desire being to see the principle started. He had sufficient confidence in the officials of the Mines Department to know that if mining boards were established with advisory powers, the system would be fairly well carried out.

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

Ayes	...	...	6
Noes	...	...	16
<hr/>			
Majority against	...	10	

AYES.

Mr. Bath
Mr. Hastie
Mr. Holman
Mr. Johnson
Mr. Taylor
Mr. Daglish (Teller).

NOES.

Mr. Atkins
Mr. Burgess
Mr. Butcher
Mr. Diamond
Mr. Ferguson
Mr. Gregory
Mr. Hicks
Mr. Hopkins
Mr. James
Mr. Moran
Mr. Oats
Mr. Pigott
Mr. Purkiss
Mr. Rason
Mr. Reid
Mr. Higham (Teller).

Amendment thus negatived.

MR. HASTIE: Having lost every proposal he had brought forward, although he had another amendment on the Notice Paper he did not wish it to be passed. He had brought it forward for giving the Minister an opportunity of explaining the position with reference to the Hampton Plains Estate. In one of the clauses of the Bill it was provided that the Hampton Plains Estate should not be subject to the provisions of the measure. The Minister had already explained that an arrangement had been come to with the Hampton Plains Syndicate, by which people could prospect on that company's grounds. He hoped the Minister would lay the matter fully before the Committee.

THE MINISTER FOR MINES: A concession was made to the Hampton Plains Syndicate under the Mining on Private Property Act of 1897, which stated that the Act did not apply to the Hampton Plains. In the 1898 Act special provision was inserted by which, on the company agreeing to allow their lands to be open to mining, the company should be released from paying the royalty of 2s. per ounce on the gold won, which was a provision in the original agreement. Before anything could be done proper consideration would have to be given to the whole question to see if any alterations could be made in the conditions under which the Hampton Plains Syndicate held their lands. He (the Minister) had been unable to get more than one copy of the regulations, but he found that to some extent the regulations were worthy of consideration by the Government. He was not sure what power the Government had, but he intended to go into the whole question and place the case before the Attorney General and see what power the Government had to force the Hampton Plains Syndicate to alter or amend their regula-

tions. Once regulations were approved by the Governor-in-Council—and the present regulations were approved in 1900—they had the force of law. He was not certain whether the Government could insist on the regulations being amended. They could be amended only with the consent of the Governor-in-Council, but whether the Government could insist on nullifying the regulations and having regulations of a more liberal nature passed he was not certain. He intended to go into the whole question, because although as yet no extensive gold mine had been found on the Hampton Plains, we did not know but that in the near future rich mines might be found on the property, for it was within the auriferous belt. He would not desire to give such terms as applied to Crown lands, for the Hampton Plains Syndicate should be able to make a little more than the State did out of their land. Still the company should make the conditions more liberal.

MR. HASTIE: What were the chief points of objection?

THE MINISTER: The high rate of charges was objected to. He promised that the whole matter should be considered to see if the regulations could not be liberalised. It would be unfair, if a rich discovery was made, that the Hampton Plains Company should be able to retain every alternate block.

Bill reported with farther amendments.

PEARLSHELL FISHERY BILL.

SECOND READING.

Debate resumed from the previous sitting.

MR. S. C. PIGOTT (West Kimberley): The reasons given by the Premier for the introduction of this Bill were that the pearlshell fisheries were carried on under Acts brought into force from time to time, during the last 30 years I may say. From what little I know of this industry, I think the Premier was very wise, in introducing the Bill, to say that he would be glad to hear the opinions of any person or persons who knew anything about the industry, in order that the Government might be able to go carefully into the matter and make the Bill as good as possible. I have taken some trouble, since the Bill was introduced, to have copies of it distributed amongst those engaged in the

industry, so as to get the opinions of those people with regard to the different clauses of the measure. I would like to say at the start, the general opinion is that most of the provisions of the Bill are not requisite; but at the same time there are a few alterations required in the parent Act, which if embodied in the Bill will undoubtedly have a good effect, and which may be sufficient authority for the House taking the Bill into favourable consideration, and altering it were necessary so as to make the measure as good as possible. I do not intend at present to go into details, but I would like to say that this industry, as far as Western Australia is concerned, is unique in its position inasmuch as it is partly under the control of the State Legislature and partly under the control of the Commonwealth. In the year 1887 or 1889, some trouble arose between those engaged in pearl-fishing and the Government, the result being that those who were fishermen ignored the Government at that period and refused to have anything to do with the laws of the State. It then devolved on the Government to bring about some means by which a certain amount of control could be exercised over the pearl-fishers; and the result was that a Federal Convention was held in Hobart, and an Act passed by the Convention.

MR. DIAMOND: I suppose it would not be an Act, but that they arrived at an agreement?

MR. PIGOTT: An Act was passed by the Federal Council, which was sent home and approved of by the Imperial Parliament, and eventually it became law. By that Act power was given to the Federal Council to make laws with regard to all vessels fishing in this industry, provided those vessels were British vessels; that is, it gave power to the Federal Council of that time to control British vessels in waters that were beyond what are known as the territorial waters, whereas at the same time it was known that the Imperial Parliament could not give to the Federal Council power over foreign vessels working under the same conditions. It was at once acknowledged by people interested in the industry that it would be a wise thing for them to acquiesce in the provisions of the Act, and at the same time

ask the Government of Western Australia to assist them by fair means to carry on the work on a proper business basis. The result was that a compromise was arrived at by which the export duties charged on pearlshell were taken off, and other facilities were granted which had not existed previously. From that day to this the industry has been carried on, I am glad to say, for the main part by Britishers; I am also glad to say that for the most part it has been a profitable industry not only to the fishermen engaged in it, but to the State as a whole. This industry is unique, being the only one, we may say, carried on under the control of an Australian Parliament that is allowed to use coloured labour, and I have no doubt it is on account of my advocating a continuance of the use of coloured labour in this industry I have been brauded by my friend the member for Mt. Margaret (Mr. Taylor) as the leader of the black labour party. But before we go into any detail—because this question of labour is bound to crop up during the discussion of this Bill—I would point out the true position in which we stand to-day. The position is that we have the power, if we choose to use it, to prevent Asiatics from being employed on vessels licensed by us in this industry; in other words, we can refuse to issue licenses; but when I say the West Australian Government have power to legislate only in regard to British vessels—that is, when vessels are fishing outside the limit of three miles from point to point on the coast—it will be seen at once that, if a disability is placed upon Britishers working that industry which cannot be placed on foreigners competing, the industry will immediately fall into the hands of foreigners. That is my main contention for stating it is almost an impossibility for this industry to be carried on without the use of coloured labour. I do not intend to go into the question of cost. There are different opinions on that, and I have my own opinion, but I do not think it necessary to put it before the House. I simply say in dealing with this question I want members to understand that the bulk of the shell which is fished is fished in waters belonging to no country. They are international waters, and any vessels belonging to any nation—

ality have a perfect right to go there and fish practically at their own sweet will and under their own conditions.

MR. BATH: But you must use an Australian port as your base of operations.

MR. PIGOTT: Not necessarily. We have foreign ports that are often nearer to the fishing grounds used at the present day than are ports which are now acknowledged and are used as bases of operations.

MR. DIAMOND: Name one.

MR. PIGOTT: I have seen over 20 per cent. of this fleet working under what are known as the *Holothuria* banks, between Derby and Wyndham; and if the distance is measured from the Dutch island of Timor to those banks, it will be found that it is not nearly so great as the distance to Broome; and as to going to the nearer port of Wyndham, it would be absolutely useless for pearlers, because it is an out-of-the-way place. It would mean that a boat might go 60 or 70 miles up an inlet, which is practically a river, and that would mean a loss of time.

MR. DIAMOND: There are no settlements on those islands.

MR. PIGOTT: I would like the member for South Fremantle to go and see some of those islands, and I think he would agree that not only have they settlements, but their settlements are of a high order of civilisation. The port of Koepong has weekly communication with Singapore. There are frequent steamers running, equal to any of our intercolonial steamers, and the port is very fair. Many Europeans live there, and there is a good trade. Members will understand that if the pearlers go to that port, they can get all their shell without paying any duties. That is the position of this industry to-day. The fishery is carried on in waters that extend from three to thirty miles from our coast, and is carried on by boats licensed by this State and by people who are amenable to the laws of this country, and who as long as their vessels remain under British registration must continue amenable to our laws. The industry has in my opinion a very great future, and I think it has not had that amount of consideration in the past which is due to it.

MR. MORAN: Is it not best to leave it alone?

MR. PIGOTT: I think the possibilities in regard to this industry are very great, and that the industry requires looking after in order that we may control it ourselves, and not force it or allow it to go into the hands of foreigners. I am confident that, so long as we allow our own country to work it on even conditions with the foreigners, we shall hold it in our hands. In regard to this Bill I think the people require alterations of the present legislation as to one or two matters only. The first is that they shall get fair play in the matter of licensing of boats. We have acknowledged that we cannot work this industry without the use of coloured labour, and we at the same time have asked the Government, considering the disabilities we are under, to protect the industry from unfair competition. The Government have up to the present time gone some way in that direction, but a system of dummying has come into practice up there by which there is competition. This, in my opinion, is unfair. I should like to say how this dummying is brought about. The diving is done for the most part by coloured people, though some Europeans are working and have worked. Members will at once understand that so long as these men are paid for the work at the same ratio, and are paid fairly well, it is immaterial to them where they work so long as they bring about good results. They are paid by results, and it is only natural to conclude that they will work where they can get the best quality of shell. A number of years ago some of these Asiatics invested their money in boats and attempted to get licenses for those boats. In some cases the licenses were granted and in others refused, but I think that as far back as five years ago no licenses were granted to Asiatics. Then a system of dummying crept up, in this way. The Asiatic goes to a European and says, "I will hand over this boat to you to get a license for it; I will work the boat myself, as it belongs to me, to show it is mine for pearling; and I will pay you from £50 to £200 per annum for the use of your name in obtaining the license." That system has been carried on to a considerable extent for some years past, and it is most difficult to get at the truth of the matter, because these men have little to lose and little to gain. As far

as the legal position goes, they transfer the property to the name of the white man; the boat then belongs to the white man, and the magistrate having no power to refuse or cancel a license he grants it because he considers the man is a *bonâ fide* applicant for a license. The very next day, however, this man can hand over the boat to its coloured owner, and although the licensing officer may know this has been done, there is no power to cancel the license or to use any pressure by which the boat may be prevented from being worked.

THE MINISTER FOR LANDS: Is this commonly done?

MR. FIGOTT: It has been done for many years past. The pearlers in the North-West want the system stopped; and though as a free-trader I believe in all kinds of competition, and would not object to these men working on their own and having their licenses, because I am not frightened of any competition from Asiatics, yet when we consider the methods employed by these people, there is something to be said in favour of the argument of the pearlers that the competition is unfair. Fishing is done in open water, and a fleet of boats which may be out prospecting for shell may after some days strike what is known as a patch of shell which may be rich in pearls; but the divers, who are mostly Asiatics, as soon as they know it is a good patch inform their friends who own these dummied boats, and take the boats in which they are working for the white man away from the patch, leaving it to be worked by the boats that are dummied. Of course the result is that all the rich patches are found at the expense of the white employer, and handed over to the Japanese or Malays, as the case may be. That is true; and it is in order that a check may be made on this state of affairs that the pearlers in general ask for some amendment to the law, so that the licensing officer may have the power to cancel licenses in the event of it being discovered that a boat is being dummied. On Thursday Island and in the Northern Territory, where they have fisheries somewhat similar to those here, provision is made in this respect. The second matter which the pearlers wish attended to is with regard to pearl stealing, on which we have legislation at the

present time. We know that it was necessary in South Africa that an Act should be introduced which I dare say is the most stringent of its kind in the world, in order to bring about any cessation whatever in the illicit traffic in diamonds. We have the same difficulty before us in this State, to stop illicit traffic in pearls. Members will understand the position when they consider the difference between pearling and the diamond business. Diamonds are got in mines, and I understand it is the practice in South Africa to have all employees fenced in, so that, with the searching powers, there is very little chance of diamonds being taken out of the compounds. In Western Australia we have men fishing away at sea on boats who have every possibility of stealing pearls, and of then hiding them until they arrive in port, where they are met by dozens of men who make it their business to go to the fishing port of Broome, and I believe it is the same at Onslow, arriving there at the start of the season and going away at the end. These men live at these ports simply on buying illicit pearls, and I understand they make huge fortunes. I know, for a positive fact, that last year the value of pearls estimated by the pearlers themselves to have been exported from Western Australia, as it was taken from their books, was within a few pounds of £40,000. I am equally certain, because I have seen the books, that one man alone exported over £60,000 worth of pearls during the same year. I know he did not buy very many pearls from legitimate owners, and there is only one conclusion to arrive at, that he bought a great many pearls which were stolen. We are asked in this Bill to pass a few clauses that are supposed to deal with this illicit traffic. In my opinion, they will go a very short way in that direction, and I do not think they will have any effect whatever. At present they are embodied in an Act passed by this House a few years ago, which has been a dead letter from the date it was passed, except that it has brought a little money into the Treasury with respect to licenses. The man who openly acknowledges that he is a pearl buyer takes out a license for a few pounds. That is the last of it. No inquiries are made, and it is impossible that they should be made.

Under the present system there is no power given to officers to search or inquire into the packages of pearls that go through the post office, and again it is very difficult to prove ownership. Unless we bring in some special provisions to deal with this question, I do not think that very much good will be obtained. There are many clauses in this Bill which I think the Government will be pleased to omit as being unnecessary. Clauses 24 to 36 provide for certain agreements to be made between the masters and the men. The House has before it a Bill applying to Western Australia certain portions of the Merchant Shipping Act, and I think if the pearl-ers are brought under the Merchant Shipping Act the greatest protection will be given the men employed on boats and to the employers. It is acknowledged all over the world that the Merchant Shipping Act of Great Britain is a fair one, and that it is about the best Act it is possible to have in safeguarding the interests of crews employed on ships. I do not think the few clauses we have in this Pearlshell Fishery Bill—and I notice some of them are taken from the Merchant Shipping Act—cover one-tenth of the matters that are dealt with in the Merchant Shipping Act in regard to agreements between masters and servants. Then we have a few clauses from Clause 40 onwards dealing with the immigration of pearl fishers. I do not think the House will agree to them; because they are already provided for in the Immigration Restriction Act, and necessarily are useless in this Bill. Some of them are in conflict with the Immigration Restriction Act, and Clause 44 is entirely in conflict with it.

MR. MORAN: If there is any conflict the clause is void, because the Federal Act overrides it.

MR. PIGOTT: It must have been an oversight on the part of the gentleman who drafted this Bill; otherwise the clauses would not have been put in. This officer must have taken them from the original Act, and forgotten the existence of the Immigration Restriction Act. Another matter mentioned here is that of "exclusive licenses." By "exclusive license" a lease of a certain portion of the coast line where a fishery is not carried on is given to any person or per-

sons who may feel inclined to invest money in trying the experiment of cultivating pearlshell or other by-products. I think any effort on the part of the Minister in this respect should be supported by the House. If we can build up a new industry of this kind we should do so. At the same time I think we should take very great care in leasing any ground to see that no injustice is done, and that no grounds which are at present acknowledged to be part and parcel of an ordinary fishing ground should be buoyed off and granted to any person who likes to apply for them. I do not think that is the intention of the Government. In fact I know it is not; but from the way in which the Bill is worded it might be their intention. I think these leases should be confined to small areas within inlets or bays along the coast where fishing is not carried on to any great extent, and at any rate they should be confined to places that have not been considered ordinary feeding beds of pearlshell.

MR. BATH: Would the granting of a lease over a patch of shell prevent the dummied boats ousting the white pearl-ers' boats.

MR. PIGOTT: Licenses and leases are two different things. Perhaps the hon. member could tell me what a lease in inshore waters, such as Freshwater Bay, has to do with fishing that is to be carried on 20 miles outside Rottnest Island. By way of illustration, if the fishing grounds were to the south, I should object to the Government giving a lease to any person who liked to apply for it on waters outside of the harbour which had been open ground for anybody to fish in. I can promise the Government that should they decide to grant a lease of that sort outside, the boundaries of the lease will not be respected: they can be only buoyed off; and the natural result will follow which followed at Thursday Island when similar leases were granted by the Queensland Government. When the boat-owners heard that a man had taken up a lease of ground because it contained a huge quantity of shell, they sent their boats to fish there; and by the time the lessee had got a man-of-war sent up to protect him, all the shell had gone. At a meeting recently held in Broome a motion was passed by a large majority of repre-

sentatives of the trade, asking me to have these exclusive clauses eliminated from the Bill; but my own opinion is that so long as we safeguard the interests of the people who are engaged, or of any people who are likely to be engaged in this industry, we can grant leases in the manner I have suggested, that is leases of enclosed waters along the coast. By the Bill we provide that an inspector or inspectors shall be appointed to act in the interests of the industry.—I take it to overhaul the boats, to see that they are in good order and seaworthy, and to inspect the diving gear also. To these clauses I have heard no objections raised; and I feel confident that the pearlers themselves take every care of their vessels and their gear, in order to protect the lives of their men. I have received letters from employers expressing their pleasure at the appointment of inspectors, and stating their readiness to abide by the inspectors' decisions given under these clauses. I do not think there is any need for inspection. We have really had very few accidents considering the dangerous nature of the business. I think the death-rate there has been no greater than the ordinary death-rate of this city. It speaks well for the industry that it has been carried on for many years with a death-rate so exceedingly small. Many details of the Bill will need amendment; and I feel confident that in Committee members will assist me to amend it. As I said, we cannot do better for the men or the employers than to put the vessels under the Merchant Shipping Act, and do away with the few provisions to which I have referred, which do not cover half the ground it is necessary to cover. There is one little proviso that the pearler shall deduct from each man's wages the sum of one shilling per month to go towards a hospital fund. Now, the pearlers themselves do not believe in that; they do not consider that the wages paid to the men can stand that deduction; and they have instructed me to ask the Government to make some provision by which the men can get free medical attendance and free accommodation in the hospital; and the employers state their willingness to pay for the men at the rate of £4 per annum per boat; and as each boat employs six men, that will be a shade over a shilling a month per

man. As the employers are willing to pay this money provided the men get good hospital accommodation and fair attention, I think the Government should readily fall in with the request. Talking about this hospital, I should like to see it handed over to a board. It is kept up mainly by the pearlers; and I think it could well be managed to the advantage of the Government by a local board. Let the Government subsidise it to a small extent, hand over its control to a board, and the pearling industry will keep that hospital as the finest hospital in Western Australia. That is my own opinion.

THE TREASURER: Do you mean an elected board?

MR. PIGOTT: Elected by the people of that district. I should like to say, in conclusion, that the township which has been made the base of operations for this industry—a little place called Broome—is entirely dependent on pearling. There is no out-back district to keep the town going; there are only a few stock stations around, but none of any great importance. Yet I dare say there is now in the township a standing population of 200 or 300 Europeans, and perhaps 700, 800, or 1,000 Asiatics. The number of Asiatics resident in the place is decreasing year by year. We hear about the number of those people imported to this State; and the fact is easily explained. The industry has of late gone ahead very rapidly; no less than 80 vessels have been built in Fremantle this year and sent up North for pearling purposes; and each vessel requires six men. Thus it follows that 500 men have been imported. But each man is imported under an agreement, and is not allowed to go ashore except under certain restrictions. His employer must enter into a bond to take him away from the country at the expiration of his term. The Asiatics living ashore are free men who were in Western Australia before the existing legislation was passed; and we have no power to turn them out. But year by year a few of them go away; consequently I think before many years elapse they will disappear. Then the only Asiatics employed in that district will be men under bond to be returned—men employed in the fishing industry only, employed in an industry which is

carried on by Britishers, but which can be carried on by foreigners; so if we put restrictions on the Britishers, we must remember that we cannot similarly restrict the foreigners. I hope the Bill will be passed with my suggested alterations, and that it will do good.

MR. C. J. MORAN (West Perth): In my opinion this is one of the Bills which might well have been left for an indefinite period before being introduced. That opinion is borne out by the member who has just spoken. Much of this proposed legislation is unnecessary. Pearl-shell is one of those industries best left alone. I do not think we have any need for stirring up the black labour question in this Parliament; for in so doing we are talking of something on which we have no power to legislate. Better leave the problem to those appointed by the people of Australia to deal with it. I entirely indorse what has been said as to doing something to prevent dummyping; and I hope the Committee will strike out all clauses having for their object the granting of exclusive rights over any part of the sea to any man in the North-West. Such clauses are not needed and not asked for; and if the artificial cultivation of pearlshell is a doubtful question, I should like to see the Government make inquiries first as to what is the life-history of the pearl oyster. I should like to see the Government make some experiments themselves, instead of slavishly imitating a proposal of the Minister for Mines, who inserts in a Mining Bill a clause to give exclusive alluvial rights over ground the property of a lessee. The corresponding clauses in this Bill will be found very dangerous. Years ago certain areas were granted for the planting of shell, but no shell has been planted. The ground is still locked up. [MR. PRIGORR: You are wrong.] No shell has been planted at Beagle Bay until within the last two years, at all events. My informant was one of the owners of that concession, and he admitted that two years ago practically nothing had been done with it. If anything has been done since that time I should like to hear about it. Great harm may arise through granting a concession of such a large area as Beagle Bay, from shore to shore and point to point. I should say there would be room for all the men in Western Aus-

tralia to engage in planting shell there. But nothing has been done. There is no occasion for legislation. If passed it may cause much trouble, and may lead to a monopoly. The clause as drafted is excessively suspicious. It gives exclusive right to remove all pearlshell and other products of the sea, and afterwards to plant them. What exclusive right has any man to remove shell which has grown naturally in the sea? If any legislation is to be brought in, it should be not to grant an exclusive right to remove shell which has grown naturally—for that is an infringement of the whole spirit of pearlshelling custom—but to grant a right to plant shell, and to grant no other right. I know of one man who has been planting shell—he says with some success; yet to him a title to the ground has been denied. He complains about it, and I may subsequently have pleasure in reading his letter to the Committee. The whole matter is one for inquiry, for mature investigation, which should result in the House receiving a report as the necessity, the advisability, the practicability, and the utility of encouraging the planting of pearlshell. That report should be laid on the table by the Minister concerned, the Colonial Secretary; and the subject should not be dealt with this session. This is not the proper time to drag it into this Bill, and I hope the House will not for one moment tolerate the clause referred to. Of that I feel positively certain. This is a very important industry, from which the State derives a tremendous revenue. Per head of those engaged, the source of revenue is larger than any other in the State; and I agree that we should look at the industry broadly and tolerantly, and not in dealing with it run theories to death. I hope that when in Committee we shall agree to delete from the Bill all contentious clauses.

At 6:30, the DEPUTY SPEAKER left the Chair.

At 7:30, the SPEAKER took the Chair.

MR. C. HARPER (Beverley): I would like to say a few words on this subject, as it is one in which I took a great interest some years ago. I sincerely trust the House will not delete those provisions of the Bill dealing with the leasing of lands for the purpose of culti-

vating the oyster. The member for West Perth spoke strongly against these provisions; but I do not think he was quite seized with the circumstances of the case or with the parallels in regard to oyster culture in the old world. Thirty or forty years ago, or even less, the extinction of the native oyster was considered to be imminent; but when the matter was taken in hand and the life-history of the native oyster studied, it was found that the oyster was capable of being cultivated like any other growth; and we have numerous instances now which have proved that it is just as competent to cultivate the oyster as it is to cultivate wheat. I took a good many notes in regard to this matter during the period in which I engaged in the pearling industry, which is not on all-fours with the pearling industry of to-day. At that time we commenced pearlshelling within the tidal waters, on the beach after the tide went out. That gave us an opportunity of watching and studying, to a considerable degree, the habits of the oyster, and I came to the conclusion in the last year I was there, after making a considerable collection of oysters of various ages, that up to about three or four years the oyster is in a very marketable stage. It is apparently after about seven years that the oyster begins to decay in many places; but this also was borne in on me from frequent observation, that the oyster requires two things for its existence—one is muddy water to feed on, and the other a permanent ground to hold to. There are many places in Exmouth Gulf where this was demonstrated. The water in Exmouth Gulf is muddy and capable of growing shell; we used to find very rich patches, sometimes only a few yards across. The ground just where the oysters grow was covered with little bits of coral or pebble or old shell, to which the young oysters adhere. When young, if oysters are not fastened to a pebble or some old shell, the tide washes them away. I think it is well known that the pearl oyster can be cultivated in these waters where there is sufficient muddy water for some period of the day. There are many inlets and shallow places along the coast, from Exmouth Gulf to some distance east of the DeGrey River, which I am sure are capable of being utilised for the growth

of an enormous quantity of oysters, without affecting the present oyster business. At present this area is almost or nearly denuded. The oyster fishing of to-day will not be affected in the slightest degree if the ground is let on conditions that will enable the Government to protect the shell and the interests of the country. I hope the Government will adhere to the clauses in the Bill which provide for this, and I am sure it will be the opening up of a very large industry in the future.

Mr. T. H. BATH (Hannans): The question of the pearlshell fishing industry is, I think, to many of us practically a sealed book, as far as knowledge is concerned. I have been instructed on one thing during the debate to-night, by the remarks of the member for West Kimberley in regard to the competition of Asiatics in this industry. So long as it was merely a question of the Asiatic competing with the working men employed in the industry, apparently the owners of the luggers did not object; but when Asiatics became possessed of boats and entered into competition with the white owners of pearling luggers, it was found that the competition of Asiatics became dangerous. This is not only true of the industry on the North-West coast of Western Australia, but it is also true of the industry on Thursday Island in Queensland; because we find when organisations in parts of Queensland opposed the introducing of Asiatics for the industry the boat owners strongly objected to the agitation, but when the time came that the Asiatics obtained possession of boats, the owners of pearling luggers took the same steps that the owners in Western Australia are taking to-day for protecting themselves against the Asiatics. This to a large extent will strengthen us in our opinion in regard to the Asiatic competition in several ways. While we would be prepared, I presume, to give protection to white owners, I hope it will make this difference, that those advocating the interests of the owners who have been opposed to us in the past in protecting the interests of the working man will now see that protection is needed. Another point in the Bill to which attention was drawn by the member for West Kimberley was in regard to the provision in reference to the importation of

Asiatics. This of course is a matter that has been taken over and is now dealt with by the Commonwealth Parliament, and I presume when the Bill is in Committee the Government will see that the provisions are deleted. I assume there would be no objection to the provisions remaining except that they will be a dead letter, and it is not advisable for the State Parliament of Western Australia to overlap Federal legislation. I hope therefore the clauses will be deleted. Apparently the consensus of opinion of owners of luggers and all concerned in the pearling industry is that the introduction of licenses for pearling boats will be detrimental to the industry. Therefore from the views expressed by members who have an acquaintance with the industry, I shall vote with them for the deletion of these provisions from the Bill.

MR. J. M. FERGUSON (North Fremantle): It has been stated that people object to competition in pearling; but what they really object to is dummying.

MR. BATH: They object to competition.

MR. FERGUSON: Asiatics are not allowed to have licenses; and as that question is taken out of our hands, I think it unwise to discuss that. A great number of our banks are denuded of shell, and I think a sum was given for making a report on oyster cultivation. I believe it has been found that it is possible to grow oysters in the same way as anything else; and should we later on have any difficulty with the pearling on our northern coasts, it may be of advantage to us to have these cultivated oyster-beds, and to renew oyster-beds which have been denuded on our own coasts within the three-mile limit. We have no control over boats pearling beyond the three-mile limit. If the various bays or stretches of beach on our northern coast were leased to people who would undertake the cultivation of these shells, those banks which have been denuded may later on be renewed. There are many stretches of beach along our northern coast. The member for West Kimberley (Mr. Pigott) mentioned the Holothuria banks. Those banks are muddy, with patches of rock, and if, as the member for Beverley (Mr. Harper) says, muddy water is required, those banks as well

as the banks farther westward are, in my opinion, eminently suited for cultivating oysters. With regard to the clauses relating to the men on these vessels, I agree with the member for West Kimberley that we cannot do better than put them under the Merchant Shipping Act, which would prevent complications or any possibility of our State legislation conflicting with that Act.

Question put and passed.

Bill read a second time.

GOVERNMENT RAILWAYS BILL

SECOND READING.

Debate resumed from 27th October.

MR. R. G. BURGESS (York): I wish to make a few remarks on this Bill. There is no doubt that a few clauses will have to be eliminated before it will meet the requirements of settlers throughout the country. Take, Clauses 68, 69, and 70, these being the principal ones. I am astonished that any man of experience in this country should have allowed such clauses to appear in the Bill; and I think these clauses will have about the same ending as a Bill which was referred to here the other night, in relation to which the Minister for Lands said he could not find any record of it. I hope these clauses will be eliminated, and that some time will elapse before clauses of this nature will be again introduced. I may as well go into them at once. Some of the subclauses of Clause 19 will, I am sure, never be carried out satisfactorily, except at great expense. I have already had some conversation in respect to these subclauses with the Commissioner of Railways, who is obstinate about the matter. That gentleman has his opinion on the question, and I have mine, and I am sure he can be proved to be wrong. It will be impossible to carry out these subclauses, and I hope they will be eliminated or modified in Committee. Now I will come to Clause 68, and my reading of that clause is that it will give the Commissioner power to clear the land in any way he likes. He can burn it or do anything else after the time allowed in the Bush Fires Act, which Act renders it illegal to burn after a certain date. If this Bill is passed as it stands at present it will give the Commissioner power to burn off as he likes throughout the

farming districts and the dry-grass country, which extends some hundreds of miles by the Eastern Railway, and also to burn off nearly all the way down south along the Great Southern Railway, and even in this part of the country where fires are not so injurious or destructive as in the South-Western part of the State, though people here also suffer severely from fires. I suppose the real meaning of this Bill is that the Government are determined to burn Collie coal. I do not wish to put anything in the way of burning Collie coal at all, the production of Collie coal being one of the industries of the country; but at the same time I do not see how we are going to allow the Government to pass such a Bill as this for the sake of burning Collie coal. They know that if they burn Collie coal they will cause fires pretty well throughout the whole of the country. With a good season such as we have now there is nothing but a revolution in the corn trade; but if this clause is passed and the Government are allowed to use Collie coal and burn the country, much injury will be caused. I do not wish to do anything injurious as regards Collie coal, or to say anything about it; but these clauses are only put in—and I challenge the Minister who sits in front of me to give a denial to the allegation—for the purpose I have stated. We know what has cropped up in the last two or three years. The whole country has been burnt. Men have had their paddocks burnt and miles and miles of their fences, and can get no satisfaction at all. In some of these cases the Government do not even take precautions to clear the land. They clear about two or three feet along a two-chain boundary of the railway line. Collie coal is used, and sparks will fly to a distance of a chain and a quarter or a chain and a half from the centre of the railway line. As to claiming for damage, Clause 69 says:—

An action shall lie against the Commissioner for any damage caused by the falling of sparks or cinders from an engine if such damage was caused by the failure to use such appliances to prevent sparks and cinders issuing from the chimney and fire-box of the engine as were reasonably necessary or usually employed, unless the Commissioner shall prove that the engine was so constructed that such appliances were not reasonably necessary.

We know that the Railway Department

have tried all they can to find appliances which will stop these sparks in dry country, but they have not succeeded, and nothing has yet been invented in the world which has been a success in regard to this matter. Clause 70 is a most important one. This means that the Government are not to be liable at all unless the landowner has protected the land by a firebreak not less than one chain in width, consisting of a strip of land ploughed and kept free of inflammable matter. That means that a landowner will have to clear his land and keep it free from all growth of any sort. In some places in the South-Western districts the owners will have to clear their land and give it up entirely for the protection of their property on account of the Government burning Collie coal, and I consider this a most unreasonable clause to put into any Bill. If the Government want to protect themselves they should reserve a half-chain extra on each side of the line, and then they will be able to protect the land from being burnt. The clause says a chain in width, but that means that a chain on each side outside the boundaries of the present railway line is to be kept free from inflammable matter. It means that one has to clear the land and keep it useless for years. Unless the Government can introduce a more reasonable provision this clause should be struck out altogether. I do not wish to take up the time of the House any longer in reference to this, but I hope that when we get into Committee these clauses will be either modified or struck out. I am surprised that any Minister has allowed this to be introduced, when we know the Government are doing all they can to settle people on the land. To introduce a Bill of this kind is something like a proposal to impose a land tax whereby what was given with one hand would be taken away with the other. They try to settle people on the land and then use Collie coal all through the dry country; and now they introduce a Bill throwing on landowners the whole of the onus and expense of protecting themselves instead of meeting them in a reasonable way. We should not compel one section of the community to bear the whole of the expense, but the responsibility should be shared with the public in general.

MR. T. HAYWARD (Bunbury): I can indorse the remarks of the member for York with regard to Clause 70. It must be impracticable, and it would be much better for the owners of land adjoining railways to at once give up another chain of land to the Government so that the Government could look after it, and the owners lose it rather than go to the considerable expense of clearing it. On the Collie railway, for instance, one could no more plough some of the land than he could plough iron. I think we could safely leave this matter to be decided in Committee, as I am perfectly certain that those who know anything about the subject will never consent to the provision remaining in the Bill.

MR. W. ATKINS (Murray): I am quite surprised at a great number of the clauses in this Bill; but it seems to be the proper thing to do to bring in a lot of Bills so that they may be altered. Would it not be better to get them properly drawn up at first? A lot of the clauses in this Bill are perfectly unfair and unworkable. Why should all these regulations be brought into it? They are said to be regulations, and why should they not remain as regulations? In Clause 22 there is a whole sheet of them. How are we to know whether they are in force now or whether they are new? To find out one has to go through about seven or eight volumes of Bills repealed by the Act. There are about 10 Acts repealed. I know we should have them all in one Act; but how do we know these regulations are in the other Acts or not? It is almost too much for us to ascertain whether this is a really workable Bill or not, and it would be better for some select committee to have a week or two to go through the Bill with the other Acts and find out whether these clauses are in the old Acts or not. The Minister told us there was hardly anything new in the Bill. That is usual. A Minister always says there is nothing new in the Bill.

THE MINISTER FOR RAILWAYS: I pointed out every new clause.

MR. ATKINS: Did you say anything about Clauses 68, 69, and 70? You did not say a word about them.

THE MINISTER FOR RAILWAYS: I beg the hon. member's pardon. I pointed out that 68, 69, and 70 were new clauses, and

I drew special attention to them. I said Clause 71 was the same as was in the existing Act.

MR. ATKINS: I do not know in what way you drew special attention to them. Why should these clauses be in the Bill? Are they fair?

THE PREMIER: The Minister forgot to ask your permission before he put them in.

MR. ATKINS: Quite so; thank you. These clauses are perfectly unfair, and any reasonable man would say the same thing, no matter where he is sitting in the House. Do we mean to say that because a Government engine may burn crops, the farmer has to clear an area of a chain wide on either side of the line? That is a good deal like Dr. Lovegrove's decision about the trolley. Some people took a trolley away from Jarrahdale and an engine ran over it. The men were summoned for breaking the trolley. Dr. Lovegrove cautioned them and told them not to do it again, and then fined them £6 for taking away the trolley. Another thing set out in the Bill is that an action shall lie against the Commissioner for any damage caused by sparks if such damage is caused by the failure to use such appliances to prevent sparks issuing from the engine as are reasonably necessary or usually employed. Everybody knows that the railway authorities have been trying to get a spark-catcher for the last 20 years in this country, and for the last 30 years in Australia to my knowledge, and that they have not got it yet. The very men to whom this Bill applies know that they cannot get a spark-catcher, and that there is no such thing to be got; but because what they employ is the usual thing employed it is supposed to be all right, and the Bill provides that people can be mulcted in damages which they cannot even recover. Sometimes a spark-catcher is on the funnel, sometimes on the tender. It does not matter, because an engine cannot work with a spark-catcher in this country or in any other country. I used to employ a spark-catcher myself, and sometimes carried it on the tender and sometimes on the engine, because it is said a spark-catcher has to be carried. That was the only reason I carried a spark-catcher. Clause 63 dealing with sidings is a new departure altogether. It

is altering the existing law, which is surely drastic enough already without making it any worse. The present agreement about sidings says that the private individual who wants a siding has to find his own material, the Government doing the labour and carting, and that the Government can use it at any time, and also that the material the private individual puts into the siding belongs to the Government. Why should the Government do such things? There is a whole lot more in the Bill about sidings, and the provisions are very unfair and will create a lot of trouble to individuals without doing any good to the Government. That is just what I contend. The Government bring in Bills with needlessly harassing clauses, which must be altered considerably and which probably would not be missed. If the people drafting these clauses do not know what is really a fair thing between the Government and private people, why do not the Government get someone who does to help them in drafting the Bill? It is a Bill that will create a lot of trouble, and which will take up a lot of the people's time in trying to find out what is fair and what is unfair. There is a lot of unfairness in it.

MR. TAYLOR (Mount Margaret): I have listened with pleasure to the speech of the member for York (Mr. Burges). I am sure this House would be pleased to know that the hon. member's advice to the Government is to be carried out. The problem of burning out the farmer has been solved. The hon. member advises the Government to knock off using Collie coal, so that there would be no necessity for these harassing clauses.

MR. BURGESS: I did not say that.

MR. EWING: The hon. member would not be so foolish.

MR. TAYLOR: If the member for South-West Mining had been in his place he would have heard the member for York basing his argument upon the ground that the Collie coal was devastating the farmers, and that the sparks were burning out not only the farmers but the country as a whole. The member for York also said that the Government were practically using no other coal. I have been informed on many occasions by the member for South-West Mining

that what the member for York says is not the case; but I hope that the Government will act on the advice of the member for York. There are other clauses in this Bill, such as Clause 71, upon which I would have liked to have heard the views of the member for York. I feel satisfied the hon. member will do justice to them in Committee. There are amendments which I desire to move to the Bill, and I will place them on the Notice Paper. The Bill should pass, with certain alterations.

MR. S. C. PIGOTT (West Kimberley): I do not intend to say much in regard to this Bill, because I have not been able to go through it and give the amount of attention it necessarily deserves. We have been told by the Minister for Railways that this is principally a consolidating Bill; and I find that it has, in fact, consolidated all the railway legislation hitherto enacted in this State, extending over 25 years. The most remarkable thing in the Bill, in my opinion, is the difference between the Government's idea as to what is considered necessary for working the Government railways and also their idea as to what is necessary with regard to working private railways. Having just gone through the Railway Traffic Bill, it struck me as most remarkable that one or two clauses in the Railway Traffic Bill should not have been also included in the Government Railways Bill. We have in the Railway Traffic Bill a provision that in case of any accident, no matter how trivial, it is necessary that a board of inquiry should sit and hold an inquest into it, so that the Ministry, and at any rate the public, may be able to get full information as to the cause of the accident, and as to what steps should be taken in order to prevent a similar accident occurring again. There is, however, no provision of the kind in this Bill. Any accident may occur, and so long as it inflicts no damages on people no inquiry is necessary. I take it as the general opinion that on all Government railways, just as on private railways, if an accident does occur full inquiry should be made and the whole of the facts brought before the public. Other points strike one on a cursory glance through the Bill; and undoubtedly there will be long debate

over the clauses mentioned this evening. No doubt Clause 71, placing in the hands of the Commissioner power to dismiss railway servants, will give rise to much argument. I agree with the member for the Murray (Mr. Atkins) when he says, as a railway man of some experience, that many of the regulations embodied in the Bill might have been left out, and published like ordinary regulations in the *Government Gazette*. The Commissioner is given other powers which may be necessary, but which I think need more explanation than was given by the Minister who introduced the Bill. I notice the Commissioner is given power to let our railways on lease as he may deem fit. Of course he has to obtain permission of the Minister.

THE MINISTER FOR RAILWAYS: And of Parliament. "The terms and conditions of the leasing to be laid before Parliament before tenders are called for."

MR. PIGOTT: That is all right. But in the event of the public having cause of complaint against the Government railways, I do not see any provision for such complaints being attended to; though as to private railways, any person may complain to the Minister, and an inquiry is then to be held by a board. The same provision is necessary with regard to Government railways. As I have said, I have not had time to study this Bill and to compare it with past legislation; so I hope Ministers will agree to postpone the Committee stage for at least a week, and I can promise them that the Bill will be perused by members on this (Opposition) side of the House, and that when in Committee any clauses we think worthy of alteration will be at once attended to, and no hindrance presented to the passage of the Bill.

MR. R. HASTIE (Kanowna): I hope the second reading will pass. Members seem to agree that the Bill, which consolidates most of the Acts now in force, contains useful provisions; but some new provisions and some that are not new can be criticised in Committee. I will only indicate that it seems to me as if our railway system is being put into rather independent hands. It seems as if the general desire of the draftsman of this Bill was to confer too much power on the Commissioner of Railways. That

idea obtained here last session, and it obtains every year or two in every State in Australia; but very soon after a reaction sets in, and it is not considered wise to give the Commissioner so much power as is here proposed. I may say, having travelled about the country amongst all sections of the community, that there seems to be a consensus of opinion against the old idea that the Commissioner of Railways should be above everyone, even above Parliament. In Committee we shall have an opportunity of discussing all these points; and as it is necessary that we should have time to consider and frame amendments, I hope that the leader of the Opposition and other members will as soon as possible table any amendments they wish to move.

Question put and passed.

Bill read a second time.

Committee staged fixed, after discussion and amendment, for the next Tuesday.

EARLY CLOSING ACT AMENDMENT BILL.

Resumed from 29th October.

MR. HIGHAM (earlier in the sitting) presented a petition from shopkeepers carrying on business in the metropolitan area, against a proposed amendment to close shops at 9 instead of 10 o'clock on Saturday nights.

Petition received and read.

IN COMMITTEE.

MR. HARPER in the Chair; the **PREMIER** in charge of the Bill.

New Clause (Saturday closing hour) farther considered. Sir James G. Lee Steere had moved on the previous occasion as follows:—

Sections 4, 5, and 9 and Schedule 2 of the principal Act are amended by substituting the word "nine" for the word "ten" wherever appearing in the said sections and schedule; provided, however, the hour for closing at nine o'clock on Saturday night shall be enforced only in the area as defined in the Second Schedule to this Act.

THE PREMIER: Progress was reported to enable publicity to be given to the new clause proposed by the member for Nelson. Public attention had since been directed to the matter, and it was to be hoped that members would not listen to the mover's persuasive elo-

quence, though one could not but regret making such a request, as Mr. Speaker (the mover) so rarely addressed the House save from the Chair. Provision had already been made that shops in the early closing districts should close at 10 p.m. on Saturdays; and the new clause proposed that shops inside the metropolitan area should close on Saturdays at nine. Some members apparently thought this earlier hour of closing should not apply outside the metropolitan area, and the goldfields members thought nine o'clock too early for their districts. It was, however, desirable as far as possible to avoid putting needless patches on and constantly interfering with the Bill, the provisions of which should apply to all the districts to which the existing Act applied. It was said that shop assistants on the goldfields worked fewer hours on Saturdays than similar employees on the coast. He (the Premier) was informed that on the goldfields they started work at nine o'clock and left off at 10; whereas in the metropolitan area assistants came to work at from 8.45 to nine o'clock and left at the same hour; so the difference was trivial. By the Act employers were allowed to work their assistants a certain number of hours per week, somewhat cut down by the Bill in respect of women and children; but even the limited working hours now given to employers were not fully utilised by them. Clause 14 of the Bill provided that on no day could a woman or a young person be worked for a longer period than $10\frac{1}{2}$ hours. Thus we first limited the hours of labour during which employees could be worked on any day, while the new clause would impose a farther limitation. The member for Kalgoorlie (Mr. Johnson) would surely agree that if for the sake of the health of shop assistants during the summer months it was desirable to close metropolitan shops at 9 o'clock on Saturdays, all such reasons applied with greater force to the shops on the Golden Mile.

MR. JOHNSON: Make the provision apply to the whole State, and he would vote for it. He was not opposing the clause for the sake of the goldfields. Apply it to the goldfields also, and he would vote for it.

THE PREMIER: It was well the hon. member was receding from his former

position; but no objection had been made to his (the Premier's) statement a few minutes ago that some members desired a difference between the closing hours in the metropolitan area and on the goldfields.

MR. JOHNSON: That was another line of argument.

THE PREMIER: As the hours of employment were already satisfactorily limited, there was no need to fix an earlier hour for closing. Under present conditions, the employees worked until ten o'clock on Saturday nights. He was assured by those carrying on business in Perth and Fremantle that it was unusual to find any person employed at ten minutes after ten o'clock; whereas if the shops had to close at nine o'clock there would be less hours in which shopping could be done, consequently there would be a rush to close at nine o'clock, and the assistants would have to remain for half an hour to clear off the work. There was a great deal of force in the contention raised by the shopkeepers in the metropolitan area that the shopping on Saturday night was principally done between eight and ten o'clock. We knew it was a notorious fact, more particularly in the summer months, that people did not care to go out shopping before the evening hours; and if we limited the hours of closing to nine o'clock we should limit the shopping capacity of those who desired to go shopping. He was assured that under the present conditions the best relationship existed between the employers and the employees. No complaints were made that the shopowners were acting harshly or injuriously to those in their employ; on the contrary, he believed generous treatment was meted out to those employed.

MR. JOHNSON: The employees petitioned Parliament for this, last year.

THE PREMIER: The Committee had to consider what was fair, and when good relationship existed in connection with the matter and it was found that the employers did not endeavour to insist on the employees working the full legal hours allowed by the Act, also that the employers were granting a concession which they were not bound to grant, if the hours were limited there might be a tendency to insist on a stricter exaction of their rights than was the case at the

present time. He was not prepared to believe that the responsible gentlemen who waited on him were telling falsehoods. The large retail shops in Perth did not work their assistants the full hours allowed by the Act. The Act allowed shops to remain open until 10 o'clock; those were the prevailing conditions, and if members wished to amend the Act the obligation rested on those members to prove their case. Some people thought that all that need be done was to say, "limit the hours," and the statement would receive the warmest attention. In the Commonwealth—he did not say here—it was stated by some that the object of the Labour party nowadays was, having attained the eight hours, to work for six hours. The same principle seemed to actuate some members here. In dealing with a Bill like this, one had to bear in mind the interests of both sides. If it could be shown that the hours worked on Saturday were too long, there was power under the Bill, in Clause 14, to limit the hours. That in itself was an advance on existing legislation, and if members wished to limit the hours, it should be done in Clause 14 which had a general application. Clause 14 stated that Section 12 of the principal Act was amended by omitting "twelve hours" and inserting "ten and a-half hours." Under the Act in force at present employees could be worked for 12 hours in one day, exclusive of meal hours. The working hours were reduced from 12 to 10½ in any one day, and from 50 hours in any one week to 52. A substantial reduction was made, and if it was desired by members to reduce the hours of labour on Saturday it should be done in Clause 14, which had a general application to all districts in which the Act was in force. Whatever was done he hoped members would pass a clause having a general application and not one with a limited application. The provisions should apply to every district subject to the Act, and not apply to any particular locality. [MEMBER: Leave out the second part.] If the second part of the amendment was left out, that would not meet the difficulty because the Act only applied to the districts which adopted it. The Act applied to Perth but not to Subiaco, which municipality was not subject to

the Act at all. The Act had been accepted by certain localities, and in relation to those localities it should not be desired to make the law more stringent, for then it would be far more difficult to secure the adoption of the Act in places where it was not adopted now. While members desired to recognise the principle of local option, if difficulties were placed in the way it would be harder to secure the acceptance of the Bill in districts where it was not in force now. The object was to have the application of the Bill extended. The amendment would place on employers conditions which were not necessary and which would not do good but harm, as the adoption of more stringent conditions might tend to make the employers more exacting and would place additional argument in the mouths of people living in the districts where the Act did not apply, against the adoption of the Act.

Mr. CONNOR moved that progress be reported.

Motion negatived.

Mr. ATKINS: By keeping shops open till 10 o'clock, numbers of girls and women had to go home late. Was that sufficient ground for passing the amendment? He did not think the hours worked on Saturdays too long, or the work too hard to be done in any one day, but was it wrong to keep girls or women at work so that they had to go home late at night?

THE PREMIER: In all such matters we could trust the employees. There would be just as much risk in going home at nine o'clock as at 10 o'clock. It had been pointed out to him that if the hours of closing were limited to nine o'clock, there would be a great rush, and the employees would not get away until half-past nine o'clock, as there would be a number of people in the shops who would be entitled to be attended to under the law. If the hour of closing shops was to be limited to nine o'clock, then why not close hotels at nine o'clock? He did not for one moment think that those who worked in shops drank more than other people, but there was more temptation in their way if they left work at nine o'clock. He did not submit that as an argument. He thought girls and shop assistants were able to look after themselves in going home.

SIR J. G. LEE STEERE: One was only sorry to hear that the Premier had been so much impressed with the views of one party, the employers; and what could be expected from the employers but the view as it affected themselves? The employers would be affected by their takings being rather less on Saturday nights. Why should shop assistants keep inordinately long hours? [THE PREMIER: Were they?] They were. Ten and a-half hours were too long for young girls to be kept in shops. The shopkeepers wished to keep their shops open inordinately long hours in order that their takings might be greater on Saturday nights. How was it that in South Australia the provision to close shops at nine o'clock on Saturday nights had been so beneficial, and had not been the cause of any remonstrance on the part of shopkeepers? It was said that people had to come in from the suburbs to shop; but Adelaide was surrounded by suburbs, and people had to come in from the suburbs to do their shopping on Saturday night. [MR. CONNOR: The locomotion was bad too.] It was, rather. They were able to do their shopping, and from information given to him, closing at nine o'clock appeared to be most beneficial. He was informed, and he believed it to be the case, that in two other places, Bendigo and Ballarat, mentioned by him when last he addressed the Committee, closing at nine o'clock on Saturday nights was the result of a mutual agreement made by the employers and the employees, and no Act was passed for it. It was greatly to the benefit of those people to come to a mutual agreement, which worked to the advantage of employers and employees. When this question was previously under discussion the Premier said we would like to hear what the views of newspapers and others were. He (Sir James) did not make this observation in regard to all newspapers, but the *Daily News*, which he read to-night, said one reason why Sir James Lee Steere's amendment ought to be rejected was that it applied to the city only and to none of the suburbs. That was a grossly unfair statement to make. It appeared to him to have been made merely to prejudice the votes of members, and that might be the effect. Anyone who looked at his proposed farther

amendment would see that it was intended to apply to the whole of the metropolitan districts, which were distinctly described in what he proposed should be a second schedule of the Bill. If the new clause under discussion were passed, he would move a farther new clause providing that the measure should apply to all places mentioned in the proposed new schedule.

THE PREMIER: Did Sir James mean the whole Act?

SIR J. G. LEE STEERE: Yes; the whole Act should apply to all places mentioned in the new schedule. That in his opinion would be an advantage, and the present amendment was introduced in this form with the object of agreeing to what had been proposed by some members. As he said before, personally he would sooner have the measure made to apply to the whole State, but he was informed there would probably be a difficulty in getting such an amendment passed.

MR. TAYLOR: The mover anticipated objection from the goldfields?

SIR J. G. LEE STEERE: Yes. It was in consequence of objections from the goldfields last session that the amendment he then proposed was dropped; and knowing such was the case, he thought it better to have half a loaf than no bread, therefore he did not in his amendment make the proposed provision apply to the goldfields; but if there were a farther amendment to make it apply generally all over the State, that would receive his support.

THE PREMIER: The amendment before the Committee related merely to the closing hour on Saturday, providing that it should be nine instead of 10 o'clock inside the district defined; but that would merely apply to Saturday closing, and would not make the whole Act apply to the suburbs.

SIR J. G. LEE STEERE: There should be a new clause which would apply the measure to the whole State.

MR. HOLMES: It was a matter of regret to him that he had to oppose the amendment. He had been somewhat struck by the remarks of the mover that employers were anxious about their takings. One would almost think it a crime for an employer to be anxious to earn money in an honest way. Certainly

the employers were anxious about their takings, and he took it that the employees also were anxious that their employers should prosper, the best evidence of that being that the employees had said nothing in favour of closing at nine o'clock.

MEMBER: Perhaps they dare not.

MR. TAYLOR: They had done so.

MR. HOLMES: No evidence was before us showing that the employees were anxious that shops should close at nine o'clock.

MR. ATKINS: Some butchers had asked him about it.

MR. HOLMES: Taking business generally in Perth and Fremantle, employers and employees were working harmoniously in this matter, and the general consensus of opinion on both sides was that on Saturday nights the shops should remain open till ten o'clock.

MR. TAYLOR: That was not the opinion of the employees.

MR. HOLMES: The mover proposed that the new clause should apply only to the metropolitan area, but it was more necessary for a clause of this kind to apply to the goldfields than to the metropolitan area. For instance, the whole population of Kalgoorlie were in a small area, and there was no difficulty in getting to the shops, whereas about Perth and Fremantle the bulk of the population lived in the suburbs and wanted to get into Perth at least one night a week and have ample time to do their shopping. The only solution of the difficulty would be to have a limitation of hours for employees and to allow employers to keep open their shops 24 hours if they wished to do so. It was absurd to impose restrictions such as these, allowing certain shopkeepers to keep open within a specified area and compelling other shopkeepers in other areas to close. A street divided Perth from Subiaco, yet if the amendment were carried people on the Perth side would have to close, whilst a shopkeeper on the Subiaco side would be allowed to keep open. Then, again, we had the tobacconists, who were compelled to close at a certain hour, whilst fruit shops could remain open till 11 o'clock, and one would see cigarettes, etc., displayed in the windows of fruit shops. A fruit shop was compelled to close at 11

o'clock, and one could go into a hotel and buy cigarettes and cigars up to one and two in the morning.

MR. FERGUSON: Two wrongs did not make a right.

MR. HOLMES: No; but this amendment only sought to add another to the many absurdities existing at present.

MR. HASTIE: One would have liked the Premier to give more information about that interesting deputation which waited on him the other day. A view expressed in the House was that a deputation did not make much impression on a Minister, who received them civilly and rarely gave them anything; but this deputation seemed to have been an exception. Those who composed it were careful not only to speak for themselves but also for their employees. A deputation from the other side had, however, waited on him (Mr. Hastie), and those composing it would not trust themselves to speak in general terms, but put their request in print, and he assumed the same request had been made to every member. It was signed "John Wilson, Secretary of the Early Closing Association, Perth"; and many reasons were given why the amendment should be passed. We had yet to learn that any of the employees had declared that they did not wish to have closing at nine o'clock. They did wish to have closing at nine o'clock, or at all events they were more anxious on the matter than the employers happened to be. One of the reasons against the amendment mentioned by the employers to the Premier was that they believed their profits would be greatly decreased if shops were to close at nine o'clock instead of ten. The experience not only of this State, however, but of every State was that the adoption of early hours did not decrease shopping, that if the shopping did not remain the same it usually increased. If people were sure that shops would close at nine o'clock, they would do their shopping early, and if we had an Act compelling shops to be closed at 11 o'clock, some people would be late and would declare that shopping ought to be allowed till 12. He hoped the amendment by the Speaker would be passed, and that Perth would follow the example of Bendigo, Ballarat, and other places where shops were closed at nine o'clock on Saturdays, and where

they never tried to depart from that system.

MR. HIGHAM: The deputation which waited on the Premier was not from Fremantle only, but from the metropolitan area; and it was not representative of the larger traders (although it included two who might be termed such), but of the comparatively smaller ones and those whose trade was essentially amongst the working classes. The great plea raised was that their customers found it inconvenient to do their shopping other than on Saturday night, and that living mainly in the suburbs they could not reach the stores to do their business until after seven o'clock; moreover, other shops had to be visited, and so a person could not get all purchases completed before 10 o'clock. Therefore it was essential that the old time should continue. The fact remained that on the Saturday night, when the working classes got their wages they wanted to spend them, and that if they did not get the opportunity of doing it legitimately, the money would go in other directions. Another consideration to be taken into account was that an opportunity should be given to the working classes to square up their accounts as soon as possible on Saturday nights. If a storekeeper did not get his money on Saturday night, he would not get it all.

MR. JOHNSON: Why could not the accounts be settled on Saturday afternoon?

MR. HIGHAM: Because it was not convenient. The provision in the Act curtailing the hours of labour on Saturdays to 10½ hours should be sufficient to meet the case. Looking at the general condition of the employees in stores, one could not consider their lot a hard one. In very few instances did they work over 47 or 48 hours, and they had very many privileges. It was a matter of common complaint that public holidays were far too frequent. Employees got the benefit of all these holidays, and as a rule in addition got their weekly half-holiday, while in many establishments the employees received a fortnight's holiday on full pay. The general average hours worked in shops, with due allowance for holidays, would work out at about 42 hours. Storekeepers, no doubt, were anxious that their takings should not be

decreased, because they had a hard time and made very little profit. Very many of them had great difficulty in paying twenty shillings in the pound, and a large proportion of them could not even do this. As to early closing by mutual consent in Ballarat and Bendigo, it would probably be found that the stores supplying the working classes in those cities were open longer hours than the Perth shops. The clause, in any circumstance, should be made universal throughout the State, or at any rate through the metropolitan area.

MR. PIGOTT: The shop assistants throughout the metropolitan area favoured the closing of shops at nine o'clock, and stated that it would do no harm to the people who desired to purchase goods, while it would do a great amount of good to the employees. These employees, when the Bill was first introduced, made direct representations to members in regard to this matter. He had given these gentlemen an assurance that he would support the closing of shops on Saturday nights at nine o'clock. If the principle worked satisfactorily in Adelaide it could be worked here. There was no reason why the Act should only apply to one part of the State. The shop girls in Perth should receive no more consideration than the shop girls on the goldfields, who had harder work to perform under most trying climatic conditions. The Bill should apply to the whole of the State. If legislation was good for one class it was good for all classes. This was legislation affecting women far more than men, and for that reason the Committee should pass the amendment. At the end of twelve months, if the closing at nine o'clock on Saturday nights was not a success we could alter the Act.

MR. TAYLOR: And close at eight o'clock.

MR. PIGOTT: If the hon. member moved in that direction in 12 months' time, he might support him. We, however, were treating this matter from a wrong point of view. It was not necessary that shops should be closed, but it was the general opinion that hours of labour should be limited in Australia. We should limit the hours of labour and allow the storekeeper to keep open by relays of hands if necessary.

MR. BATH: Then there would be difficulty.

MR. PIGOTT: The hon. member always had some difficulty to raise. The hon. member's idea was that men should work as few hours as possible, and that women should not work at all in some cases. The amendment should be carried. A similar amendment was carried last year, but the Bill was recommitted and the Government made it a party concern, and rolled up their supporters and had the amendment cancelled.

THE PREMIER: That was not correct.

MR. PIGOTT: The amendment was carried last year, but on recommitment of the Bill it was rejected.

THE PREMIER: One would like to have heard some arguments during the discussion.

MR. BATH: The Premier should supply some.

THE PREMIER: As a rule the onus lay on the mover and on members who supported the proposal. One could understand the employees being in favour of the amendment. They would support a proposal to close the shops at five o'clock, but they would not stand a corresponding reduction in their wages. There was no suggestion on the part of members who wanted to shorten the hours of labour that the employees were prepared to make any sacrifice. On the other hand it was desired to have the hours shortened and to keep the wages the same. One could not support that view. It was said that the employers would not suffer. They must obviously suffer. At first they would suffer a loss of trade until it got back to proper channels, and city shopkeepers must suffer unless the provision was made to apply to the whole of the metropolitan area. By closing shops at nine o'clock the Fremantle and Perth merchants would be deprived of the suburban trade. The member for Kanowna said that there would be no loss of trade; but those who advocated the lessening of the sale of drink argued that it could be done by reducing the facilities for its sale. The member for Kanowna should remember that all things sold in the shops were not necessities. If storekeepers only sold necessities we would only have one-fourth of the number of shops that now existed. If the hours during which a shop could open were limited the sales must be limited. The argument held good in regard

to the drink traffic, and should hold good in relation to this matter. Members should look at the question from both sides. The law was working well at present. If it were sought to limit the hours of women and young persons, there was a special clause in the Bill under which members could gain their object. The mover had argued in favour of poor women and poor young people; but they could be provided for in the special clause limiting their hours of labour, without closing shops at nine o'clock and thus releasing from work the adults also. If members were honest in their desire to help women and children, shorten the hours provided for these in Clause 14; but the object should not be sought by closing shops at nine o'clock, thereby inflicting some injury, however small, on the shopkeepers and benefiting nobody.

MR. McDONALD: Last year a combined meeting of Perth and Fremantle traders decided practically unanimously in favour of closing at nine o'clock on Saturdays if this were made the law from Midland Junction to Fremantle. He would vote for the new clause if its scope were thus extended. The goldfields, where the conditions of life were much harder than on the coast, should be included. The member for Kalgoorlie (Mr. Johnson) had said employees on the fields worked shorter hours. Anyone passing through Hannan Street, Kalgoorlie, at eight in the morning would find the shops open. A farther meeting of traders declared that if Thursday were made the general pay day, they would close their shops at one on Saturday, and there was no reason why this should not be done by retail as well as by wholesale houses. Nought was needed but a late night on Friday, which had been successfully tried in other places. Most of the State's trade was done on the credit system, and shops could be closed as easily at one on Saturday as at nine or ten o'clock, if the law embraced the whole State or embraced large districts like the metropolitan area and the Eastern Goldfields. He would vote for the new clause if made to apply to the whole State.

MR. FERGUSON regretted that the mover did not take the risk of making the clause applicable to the metropolitan area and the Eastern Goldfields, when it would probably have been carried. Much

had been said of the harm impending on the shopkeeper and his customers. The clause would harm neither party. For one or two Saturdays sales might be affected, but not afterwards. Shopping done on Saturday was mainly for necessities; and in spite of shorter hours the volume of trade must be the same, because people must buy necessities, and if shops closed at nine on Saturday people would purchase earlier. Foy & Gibson and Boan Brothers, two of the largest firms who catered for working people, had not signed the petition against closing at nine. Members talked of Ministerial interviews with employers. These found it much easier than employees to get interviews with Ministers; and employees had so far had a poor chance of interviewing anyone. The Premier said the hours of women and children could be shortened by Clause 14. If so, pass the new clause and amend Clause 14 afterwards. If, as stated, the hours of women and children were limited to 10½ on Saturday, men worked only eight hours; thus women and children were asked to work two and a-half hours longer than men.

THE PREMIER: The hours for women were shorter here than in any other part of Australia.

MR. FERGUSON: Men leaving their work on Saturday night at eight o'clock were quite lively, while women and children had sometimes enough to do to drag themselves along; and if they did not catch the 10 train they had to wait for the 10.30, thus reaching home at far too late an hour.

MR. TAYLOR supported the new clause on the grounds taken by the mover. It would not injure the trader; for those who now purchased at 10 on Saturday nights would purchase earlier, and a number of Perth traders had no objection to the amendment. Most of the opposition arose because the clause was not made to apply to the whole State. Throughout Australia the hours of work were shorter on Saturday than on any other day for all workers save shop assistants; yet the Bill sought to compel women and children, the physically weak, to work longer on Saturdays than on other days.

THE PREMIER: What about the Wednesday half-holiday?

MR. TAYLOR: The fight for a half-holiday in New South Wales was a more uphill battle than the present struggle for closing at 9 on Saturdays; and Sydney traders argued that a Wednesday half-holiday would ruin their businesses, through trades organisations. People there had to get the half-holiday by their organisations without assistance from Parliament. He remembered the opposition advanced by the traders, who more strenuously opposed the granting of the half-holiday than the early closing was being opposed to-day. Most of the opposition, on the part of the employer, was that the closing was not universal. The traders who did not desire to sweat their employees were compelled to do so, because the trader on the opposite side of the street wished to keep open. He was sorry the amendment was so worded that it stipulated the places which should come within the scope of the amendment. The opposition of the goldfields came only from Kalgoorlie. There was no desire on the part of the goldfields generally to have any more privileges than other parts of the State had. If the traders in the whole of the State were placed on the same footing there would be no objection to the amendment. The Premier had pointed out that if shops were closed at nine o'clock there would be a rush of customers at that hour, and that the assistants would not get away until half-past nine. The same thing obtained now, for he had yet to learn that customers were turned out of a shop at ten o'clock. If customers were in a shop at ten o'clock they were served. Shop assistants would be relieved as soon after nine o'clock, if the hour of closing was made nine, as it was possible; they would get away ten minutes or twenty minutes after the closing hour. Anyone standing outside a large trading establishment when it closed and seeing the number of young girls and women coming out of the establishment after ten o'clock would admit that there was necessity for the amendment, so as to allow these people to get home before eleven o'clock at night. It was idle for members to say that people working in shops had easy times. A young person starting work in a shop at 14 years of age and following that occupation for four or five years was practically worn out. People

who did a lot of standing were very tired after a day's work. The amendment was only opposed by a small section of the traders. The employees through their secretaries and delegates had waited on every member in the Chamber within the last two months, asking members to support the closing of shops at nine o'clock, so that it was idle to say the amendment had not been asked for.

MR. PIGOTT: Clause 14 of the Bill limited the number of hours that any employee could be kept at work during any one week. The argument of the Premier did not apply. If an employee left off work at nine o'clock, the hours which were thus knocked off could be distributed over the remaining days of the week. The Committee would accept the amendment if it was made applicable to the whole State. That being the case, he moved as an amendment on the new clause:—

That all the words after "schedule" in line 2 be struck out.

If the new clause as amended was passed, another new clause could be introduced making the law applicable throughout the State. If his amendment was defeated he hoped the new clause would be carried as proposed.

MR. PURKISS: There were three very important interests affected by the amendment, the interests of the employers, the interests of the employees, and the interests of the purchasing public. With reference to the employees it was only right to mention, in view of the fact that certain members had stated that the employees had not made their views known on this question, that at ten minutes past 3 o'clock to-day the employees, not knowing the rules as to petitions, handed a petition to him (Mr. Purkiss) for presentation to Parliament, and that petition pointed out that the assistants of Perth prayed the Assembly to pass the proposed clause making it compulsory to close shops at 9 o'clock on Saturday night within the metropolitan area, as such provision would be advantageous to the assistants, particularly to females, and would not be detrimental to the interests of the employers. The benefits accruing to the employees were obvious, while the interests of the employers would not suffer, as trade could commence at 6:45 instead of as at pre-

sent at 7:45. This fact was proved by the experience of Adelaide, Bendigo, and Ballarat. Until the morning the employees were not aware that there was any opposition to the passage of the proposed clause, and the 482 signatures to the petition had been obtained to refute the argument that the shop assistants had not asked and did not desire the clause. The petition was signed by 482 signatures, being employees in the metropolitan area. The employees' interest was a large one, and the employees appeared to be anxious and desirous that all shops in the metropolitan area should close at 9 o'clock on Saturday nights. On the other hand there were the interests of the employers to study, for the Committee should study the interests of all. The employers had made their views known by reason of the various deputations which had waited on the Premier during the last two or three days, and the petition which had been presented to-night by the member for East Fremantle. During the last week he (Mr. Purkiss) had received many deputations privately from both employers and employees. Those who were the fathers of the petition which he had read interviewed him, and he discussed the matter in all its phases from their point of view. The employers had interviewed him on several occasions and discussed the matter from their point of view. Outside of that he had taken every opportunity of trying to discover what the views of the purchasing public were. Of course it was absolutely impossible to obtain a comprehensive idea of the views of the purchasing public. He had interviewed numbers of persons, not of the wealthy class, but of the labouring class, and he found that a very large proportion of the purchasing public strongly desired that the retail dealers should keep their shops open on Saturday nights until ten o'clock. He was prepared to admit that many persons in the metropolitan area put off their purchases to the last minute, whereas they could very well purchase before nine o'clock; but on the other hand it had come home to him from interviews with various members of the purchasing public that on Saturday nights between something like eight o'clock and ten was really the only convenient time for a large number of that particular class to

make their purchases. Nine out of ten of working class men enjoyed the half-holiday on Saturday afternoons, the wives being at home attending to their household duties and looking after the children. When the evening meal was over, the wife, having looked after the children and got some of them to bed, set sail and got to town about eight o'clock. These were the people who bought boots, clothing, and other wearing apparel, the purchase and trying on of which occupied a long time. These people, who came in from outlying streets, got into Perth about eight o'clock on Saturday night, and it took them all their time to obtain the various things they required. A month ago a deputation from the grocers waited upon him and the leader of the Opposition and one or two other members, and informed him that the grocers were agreeable to shut at nine o'clock if the early closing were made applicable to the whole of the metropolitan area, extending from Midland Junction to Fremantle. Now there had been deputations which interviewed the Premier, one of them representing the wholesale ironmongers. He (Mr. Purkiss) had come to the conclusion that there was as much to be said for one side as for the other. Ten o'clock had worked fairly smoothly, and employees and employers seemed to get on very well together, the employees being apparently fairly well paid and satisfied with their lot so far as the conduct of their masters was concerned; and seeing that was the case, and the system of closing at ten o'clock had apparently gone on satisfactorily to everybody, including the general public, he intended to vote in such a way as would, at any rate for the present, allow things to remain as they were now.

MR. GORDON: During the last three years where labour and capital were opposed, in every instance the middle section had been ignored. The member for Perth was the only one who had attempted to champion the cause of the middle party. He (Mr. Gordon) agreed with the member for Perth on this question, and would cast his vote for the middle section. He intended to oppose both amendments.

MR. TAYLOR: The member for South Perth said the middle class were not considered; but one would like the

hon. member to read the report of a deputation that waited upon the Premier, for he would find that it was that unfortunate middle class that swerved the Premier off the right track.

MR. GORDON: What was advocated by him was the cause of the purchasing public.

MR. TAYLOR: The new clause protected the purchasing public in the same measure as the employees, for it simply called upon them to make their purchases before nine o'clock rather than leave them till ten; and the purchasing public, the same as the employees, would thus have an opportunity of getting home early, if the amendment were carried. A representative of the *Herald* held an interview with business people regarding the amendment moved by Sir James Lee Steere, and we had a report setting forth that most of the large employers were in accord with the amendment. The manager of the Bon Marché said he was strongly in favour of the amendment so long as it was made universal. Mr. Cross, the manager of the United Supply Stores, did not see why shops should not close at nine o'clock, and asserted that if they did so there would be no loss of business, and a day ending at nine would be quite long enough. The manager of the Economic Drapery Warehouse was against the amendment. Freedman was also against it. Foy and Gibson were in favour of it, so far as the summer months were concerned. These people were by no means small traders in the city of Perth, but the largest employers; and whilst we had those employers on the side of justice and the employees, the Committee should consider that fact as evidence in favour of the amendment. He did not see that the public were going to be put to any inconvenience at all. Between six and eight practically nothing was done, whereas between eight and ten those engaged in shops were very busy; but if people knew they could not do their purchasing after nine o'clock, they would do it between seven and nine. Quite young girls were going home at eleven o'clock at night. When the Speaker moved his amendment that was the section of employees which appealed to the mover, and that was the section which appealed to him (Mr. Taylor), and should appeal to all men,

especially those who were rearing families. Members should think of the people who had to send out young children to work, and we should shorten the hours for these during their tender years of employment. The opposition to the amendment was hardly worth considering, for if the amendment were carried we should hear in a few weeks' time nothing but general satisfaction both from employer and employee.

MR. JOHNSON: The Premier in his argument relied on the idea that members for the goldfields did not desire the amendment to apply to the goldfields. The Premier would remember that a deputation from the East Coolgardie Goldfields, representing employers and employees, convinced him that 9 o'clock closing would inflict a hardship on the purchasing public around Kalgoorlie. The positions on the coast and at Kalgoorlie were different. Ninety-five per cent. of the workers on the coast knocked off and received their pay by one o'clock. On the goldfields 95 per cent. of the workers knocked off and received their pay by five o'clock. Thousands on the goldfields lived around the leases, and as there were no business licenses on these areas they were compelled to go to Kalgoorlie or to Boulder to get their provisions, and it was almost impossible for them to get into the cities to do their shopping before nine o'clock. While satisfied that the closing at nine o'clock would inflict certain hardship on the consuming public at Kalgoorlie, he was more strongly of opinion that closing at ten o'clock was detrimental to the big majority of employees on the coast, and that closing at nine o'clock would not inflict a hardship on the purchasing public of the coast. The amendment of the member for West Kimberley was not moved in the interests of the employer or the employee on the coast, but was moved with the object of defeating the Bill, because there would be stronger opposition to it if the Bill was made to apply to the whole of the State. The Bill, however, should be applied to the whole of the metropolitan area. It was wrong that a man on one side of a street could keep his shop open till all hours. The argument that closing at nine would lead to a decrease in receipts did not hold good because the majority of people

were not in a position to buy luxuries on Saturday night. The articles they could not get on the Saturday night they would purchase on the Monday morning. It only meant that the receipts would be a little less in the first week, but they would be made up on the Monday morning. The Bill should apply to the whole of the metropolitan area but not to the whole of the State, because by making it apply to the whole of the State we might lose the Bill altogether. He would, however, vote to apply the Bill to the whole of the State if it was necessary to carry the amendment for closing shops at nine o'clock.

MR. GORDON: It was only natural that the member for Mt. Margaret should criticise any remarks which were fair. Members should not be led away by the "hat-rack" class of politician the member for Mt. Margaret was.

MR. ILLINGWORTH: The amendment of the member for West Kimberley should not be carried, because a general application throughout the State was not a practical proposal. There were many towns to which it could not apply. On the other hand the amendment of the hon. the Speaker could be applied. Closing shops at nine o'clock made no difference whatever. Goods that were not sold on Saturday night would be sold on Monday. The crowding in of all business on a Saturday night was one of the worst habits of the British public, arising from the fact that people usually received their wages on Saturdays. It would be a better system to have wages paid on Fridays as obtained in many cases in great Britain. Shopkeepers looked upon Saturday as a particularly special day and prepared for it. Assistants were on hand in the morning sharp to time, were kept busy all day, and were expected to remain in the shop with all the atmospheric disadvantages up to ten o'clock at night. The shop assistants were, after closing time, positively unfit for anything else, and instead of Sunday being a day of rest it had to be rest in another way, for the employee had to recuperate for the Monday's work. Instead of the Sunday being a day of recreation it was spoiled to the employees by reason of their weariness. There would be no difference to a shopkeeper if shops closed at six o'clock.

Sandover and Co. closed at one o'clock on Saturdays, and all the ironware disposed of on Saturday night would make no difference to the volume of their trade.

THE PREMIER: Where should we find ironmongers' shops open on Saturday night?

MR. ILLINGWORTH: Did the Premier really want that information? In Victoria these shops closed on Saturday nights in every town except Melbourne. It was simply a question of habit. Why should drapery be bought between six and ten o'clock on Saturday night? It would be better bought on Monday. To apply the new clause throughout the State would include all country storekeepers, which would be absurd, for they supplied customers who travelled many miles to make their purchases, and for whom fixed hours were impossible. Make it apply to any municipality or other place where business was concentrated and where the customers were within reasonable distance of the shops.

THE PREMIER: If the proviso were struck out, the clause would mean that in the early closing districts the hour of closing would be nine instead of ten. If it were desired to extend the early closing districts, that must be done in another clause.

MR. ILLINGWORTH: Then there could be no reason for not passing the new clause.

MR. GORDON: It was admitted that if shops closed at nine the same quantity of goods must be purchased as when they closed at ten. The shop assistant was paid to work till ten, and if he left at nine would not have his wage reduced; nor would the employer suffer loss, which must be borne by the purchaser, and was a tax we had no right to impose. If nine o'clock closing were a matter of habit in a town, why not in the country? Men would leave home in time to find the shop open. Let us be consistent.

MR. ILLINGWORTH: Business was entirely different from work. A man who worked eight hours could produce a certain result only. In business a man would in one day buy or sell as much in an hour as he could in six hours on another day. Half a salesman's time was spent in waiting for customers. The hours were nothing to the employer

provided the volume of business were unaltered.

Amendment (Mr. Pigott's) agreed to; the new clause as amended passed on the voices, and added to the Bill.

New Clause:

SIR JAMES G. LEE STEERE moved that the following be added as a new clause:—

The principal Act and this Act shall apply to the several municipalities and roads board districts following:—The municipalities of Midland Junction, Guildford, Victoria Park, Perth, North Perth, South Perth, Subiaco, Leederville, Claremont, Fremantle, East Fremantle, and North Fremantle; and the roads board districts of Cottesloe, Peppermint Grove, Buckland Hill, Claremont, Bayswater, Belmont, Perth, and Fremantle. Each such municipality and roads board district shall be deemed a district for the purposes of the said Act.

This clause was not similar to that on the Notice Paper, which would be inapplicable in the absence of the proviso just struck out. This would extend the application of the Act to all the districts forming the metropolitan area. Any member wishing to extend the principle still farther should move that the names of the other districts be added to the new clause.

MR. DAGLISH opposed the new clause. The Bill extended the principle of local option already embodied in the Early Closing Act; and there was no reason why the metropolitan district should be deprived of an option granted to other districts. The new clause was a vital infringement of the main principle of the Bill, and took an entirely new departure in proposing to nullify decisions of Parliament recorded in two preceding sessions. We were thus asked to stultify ourselves by undoing what we had done before. Some good ground for the new departure should be adduced. Apparently the only result would be to centralise all the suburban trade in Perth. The suburban shops did not compete with the city shops for city trade, but the city shops competed with those of the suburbs for the trade of suburban residents. City people did not go to a suburb to do their shopping; and no Perth shop was situated within competing distance of a suburban shop, the closest to the suburbs being at least a mile distant.

MR. NANSON: What about the shops in Hay Street West?

MR. DAGLISH: They were not within half a mile of any part of the busiest centre of a suburb, though there was one isolated shop in Subiaco within a quarter of a mile of the city boundary. Even so, the suburban shops did not obtain city trade, and could not hope to do so; while the city shops not only obtained city trade but also suburban trade. The competition was all on one side. There were a number of members who wished to build up the central shops, but members would be acting wrongly if they did so in the third session of a Parliament, having refused to do so in the two previous sessions. He felt keenly on the matter, because since this question was previously before the Assembly the municipality he represented had established a municipal lighting plant, and the municipality would be affected considerably by the carrying of the amendment. He was willing, as he had always been, to see the limitation of the hours of shop assistants independent of the hours of closing. That limitation had been applied in New Zealand, and was an effective way of settling the question aimed at by the clumsy fashion of an early closing measure. There was no reason why shops should not be kept open for longer than eight hours, although there was good reason why shop assistants should not work for longer than eight hours. He would like to see the Assembly take into consideration legislation in the direction indicated instead of legislation which would interfere with trade when it could not successfully achieve the object aimed at. It would be urged against him that he was speaking in the interests of a particular district; but it was his business in the House to represent amongst other things the district which returned him, but not by advocating a principle that would be bad if adopted generally. He was prepared to assert that the principle he advocated would not only be good for one locality but be good if the principle was applied generally. He asked the Committee to give the matter some consideration before accepting the amendment.

Question passed, and the clause added to the Bill.

Schedule, Title—agreed to.

Bill reported with amendments, and the report adopted.

ADJOURNMENT.

The House adjourned at 10-35 o'clock, until the next day.

Legislative Council, Thursday, 5th November, 1903.

	PAGE
Bills: Redistribution of Seats, Constitution Act Amendment, and Electoral, Amendments recommended	1899
First readings: Factories, Municipal Institutions Act Amendment, Water Supply Companies Duty Act Continuance, second reading	1900
Administration (probate), Assembly's Amendments	1902

THE PRESIDENT took the Chair at 4-30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Aborigines Department.—Report for the year ending 30th June, 1903. 2, By-laws of the Municipality of South Perth. 3, Public Works Department.—Roads Act 1902. Return showing names of Roads Boards that have rated themselves under the provisions of the Act, etc. 4, Report on the working of the Government Railways and the Roebourne-Cossack Tramway for the year ended 30th June, 1903.

Ordered, to lie on the table.

BILLS—REDISTRIBUTION OF SEATS, CONSTITUTIONAL ACT AMENDMENT, AND ELECTORAL, AMENDMENTS RECOMMENDED.

HON. J. W. HACKETT brought up the report of the select committee appointed to inquire into these Bills.

Report received, and ordered to be printed.

THE COLONIAL SECRETARY moved that the consideration of the Bills in Committee of the whole House be made an order for Tuesday next.