portion of their time to making inquiries in this direction.

THE PREMIER: The duties of the veterinary surgeon were those usually required from such an officer. He inspected cattle which were from time to time under departmental observation. Considerable attention had been given to the disease referred to by the member for Kimberley (Mr. Connor); but it had not yet been satisfactorily diagnosed. The hon. member's remarks had been noted for future inquiry. The poultry expert to whom the member for York referred was not a new officer, he having previously appeared in another item. The State was now free from swine fever, and the disease was believed to be thoroughly eradicated.

Vote put and passed.

Agricultural Bank, £2,685:

MR. N. J. MOORE: In common with all who had dealt with the Agricultural Bank, he expressed his satisfaction with the management. It was gratifying to know that the bad and doubtful debts amounted to no more than £10; and this was due to the fact that in Mr. Paterson we had a really practical man, who gave the State the advantage of his undoubted talents. We were lucky to have such a manager.

MR. GREGORY: It would be interesting to hear whether the Government intended to continue the policy of the past.

THE PREMIER assured the Committee that the intention of the Government was to continue the past policy of the Agricultural Bank; and he expressed some satisfaction at the increase in the bank's business, which demonstrated that its sphere of usefulness was being continually widened, necessitating an increased expenditure. It was found necessary to appoint an inspector to assist the manager, so that the interests of the bank might be protected. The bank was evidently on a sound commercial basis, and rendered great service to the agricultural community. The Bill now passing through Parliament had for its sole object to increase the authorised capital of the bank, to meet the great demand for advances.

MR. BURGES: The bank would be more largely availed of every year, owing to the enormous increase in settlement. Many farmers who had not yet approached the bank would take advantage of it. Government lecturers should be instructed to advertise the institution. No private bank would give the same terms. Money was lent for 30 years, and five years elapsed before any repayment was required. With such advances the work of farming could proceed twice as rapidly as under ordinary conditions Within the last 12 months a new inspector was appointed, and the land inspectors now met the farmers at stated times in all centres, so that advances might be obtained without delay. The vote for the bank would probably have to be increased every session or so.

Vote put and passed.

This concluded the Lands votes.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at nine minutes past 12 o'clock (midnight), until the next Tuesday afternoon.

Legislative Council,

Tuesday, 20th December, 1904.

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

PRAYERS.

LEAVE OF ABSENCE.

SIR E. H. WITTENOOM moved that leave of absence for 14 days be granted to the Hon. W. Oats (South), on the ground of urgent private business.

THE PRESIDENT: Members were rather trespassing on the good nature of the House in asking for leave when the session was nearly at an end. One member's leave had recently been renewed, and this afternoon a member had given notice of another motion for leave of absence.

Question put and passed.

ASSENT TO BILL.

Message from the Governor received and read, assenting to the Supply Bill (No. 4).

BILLS, THIRD READING.

DISTRESS FOR RENT RESTRICTION, read a third time, and returned to the Legislative Assembly

MUNICIPAL INSTITUTIONS ACT AMENDMENT, read a third time, and returned to the Legislative Assembly.

PRIVATE BILL—KALGOORLIE AND BOULDER RACING CLUBS.

IN COMMITTEE.

Resumed from the 16th December; Hon. W. KINGSMILL in charge of the Bill.

Clause 16—Committee may make by-laws:

HON. R. D. McKENZIE: Mr. Moss had moved an amendment that all the words after "racecourse," in Subclause (*e*), be struck out. He (Hon. R. D. McKenzie) supported the subclause as printed. He had long been a member of the Kalgoorlie Racing Club, and had considerable experience on its committee. The subclause gave the Kalgoorlie and Boulder clubs power to make by-laws for the management of their racecourses, and all race meetings held thereon. If the subclause was amended, the committees would have no power to control what were called "picnic meetings," held regularly by the polo club and the trades gala association. The subclause was also needed in order that unregistered clubs might be permitted to use the courses. For this it was now necessary to get exemption from the W.A. Turf Club; for unregistered clubs did not observe the rules of racing, and were not amenable to the turf club. At these picnic meetings there would be unregistered horses and disqualified jockeys and bookmakers on the course; and if the amendment were carried, the clubs could not make by-laws necessary to deal with these meetings as well as the meetings held by the clubs themselves. The by-laws were purely of a domestic character and applicable to the local clubs. The subjects to be covered by the by-laws were given on page 11 of the evidence taken by the select committee. The objection of the W.A. Turf Club was that friction would arise if the Kalgoorlie and Boulder clubs were allowed to make these necessary by-laws. If the W.A. Turf Club committee were afraid that friction would be caused in using their absolute control and supremacy in regard to racing matters, they were not worthy of holding that supremacy. There was no talk on the goldfields of any secession from the W.A. Turf Club. The only mention of it came from the controlling body in Perth, who seemed to see an ulterior motive of intention to break away through the operation of this subclause. There was nothing of the sort. It was fully intended to observe the rules and laws of the governing body. Only when the Bill had come before the Council had the W.A. Turf Club awakened to the fact that the Bill did not altogether please them; but through the evidence taken, members would see that the request to retain Subclause (*e*) as printed was justified. The W.A. Turf Club could wipe out any other club; and if the people of the goldfields did anything not in accordance with the wishes of the governing body, the power of being wiped out by the governing body was always hanging over their heads; so the goldfields clubs would not attempt to pass any by-law which would not be approved by the W.A. Turf Club, and merely sought statutory power to control their racecourses and races, in fact asked for the identical powers the W.A. Turf Club sought ten years ago when a very small club. Yet the W.A. Turf Club followed a dog-in-the-manger policy by now refusing to give the same power to the goldfields clubs. The goldfields clubs had been instru-

mental in improving racing in Western Australia and gave a great deal more in prize money per annum between them than the W.A. Turf Club. This subclause would do no harm, and was merely inserted in a domestic Bill. There could be no harm in passing it.

HON. R. F. SHOLL: Then what was the objection to striking it out?

HON. R. D. McKENZIE: If it were the thin edge of the wedge to dual control of racing, he would vote for the amendment; but having looked into the matter thoroughly, and having sought the advice of those with a greater knowledge, he had come to the conclusion that the clause would not in any way take out of the hands of the W.A. Turf Club the control of racing in Western Australia.

HON. M. L. MOSS: Under the amendment proposed by the select committee the goldfields clubs would have power to deal with any of those matters set forth in page 11 of the evidence, with the exception perhaps of the power to fix starting times of races.

HON. R. D. McKENZIE: And the control of jockeys, trainers, etc.

HON. M. L. MOSS: The goldfields clubs would have full power under a general authority to make by-laws for the general management of racecourses. The hon. member approached the Bill in the character of a partisan. It was his (Hon. M. L. Moss's) desire to effect a compromise, satisfactory not only to the W.A. Turf Club, but to the clubs on the goldfields; but in all sincerity he believed the amendment recommended by the select committee would give the goldfields clubs power to make by-laws on the subjects set out on page 11, as the hon. member desired.

HON. C. E. DEMPSTER: Under the rules of the W.A.T.C. there had been no friction, and that club had been able to carry out meetings in a successful manner. The Committee would be pleased to support the Bill, were it not for these two paragraphs, which the W.A.T.C. thought undesirable. If these provisions were passed, there would be friction in the future, and not only would the power asked for have to be extended to those two clubs on the goldfields but it would be demanded by every club in Western Australia. Disputes of this sort were undesirable. The attitude taken up was not adopted with any desire to give annoyance to the goldfields in any way. The W.A.T.C. was looked upon as the governing body of racing, and had been so from the commencement of the goldfields.

HON. T. F. O. BRIMAGE failed to see that in a Bill of this kind it should be necessary to include the name of the W.A.T.C. This Bill was for the purpose of managing the clubs named, and their importance could not be overlooked. The Bill was before another place for a long time, and it seemed strange that this opposition was not shown before. Since it had come to this place a red rag had been drawn across the trail, because statements had been made that this Bill was likely to create dual control in racing. Mr. Moss had urged that the passing of this Bill would create dual control, but that was not so, because the W.A.T.C. had control of every race meeting in the country, inasmuch as other clubs could not race without the sanction of the W.A.T.C. On the occasion of the second reading debate Mr. Dempster was willing to vote for the Bill as it stood, but now he had had conversation with some members, perhaps legal members of the House, he adopted a different attitude. It was only in their opinion that there was a chance of dual control; but legal members of the goldfields clubs were of opinion that there was no chance of dual control, that they were still under the W.A.T.C., and they were willing to remain under it. They did not wish to have racing apart from the W.A.T.C., but he failed to see the necessity of inserting the W.A.T.C. in a permissive Bill of this kind. The importance of the goldfields clubs could not be overlooked. The goldfields clubs paid away £16,000 for 20 days' racing, and the W.A.T.C. and proprietary clubs £18,260 for 40 days' racing. The conditions on the fields were vastly different from those on the coast. He made a last appeal to members to reconsider the measure, and let it pass as it stood.

Amendment relating to paragraph (*d*) put and negatived.

Farther question (that the words proposed to be struck out of paragraph (*e*) stand part of the subclause) put, and

a division taken with the following result:—

Ayes	...	...	6
Noes	...	...	12
Majority against		...	6

Ayes.	Noes.
Hon. T. F. O. Brimage	Hon. C. E. Dempster
Hon. J. M. Drew	Hon. J. W. Hackett
Hon. W. Kingsmill	Hon. J. W. Langsford
Hon. W. Maley	Hon. W. T. Loton
Hon. R. D. McKenzie	Hon. E. McLarty
Hon. G. Bellingham (*Teller*).	Hon. M. L. Moss
	Hon. G. Randell
	Hon. R. F. Sholl
	Hon J. A. Thomson
	Hon. Sir E. Wittenoom
	Hon. J. W. Wright
	Hon. V. Hamersley (*Teller*).

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

HON. M. L. MOSS moved that paragraph *(f)* be struck out.

HON. R. D. McKENZIE: The select committee recommended that this paragraph be struck out; but the report went on to say that the decision was not unanimous. He remembered distinctly saying before the report was written that he objected to the striking out of this paragraph. He believed that Mr. Kingsmill also objected to it and wished the clause to remain in. If the W.A.T.C. had this power in regard to the totalisator, it was only fair and reasonable that the goldfields clubs should have it for working on their own racecourses. This was asked for in the best interests of racing in Western Australia.

HON. W. KINGSMILL: The use of the totalisator by any racing club was now regulated by certain sections in the Criminal Code, whereby the whole control of the use of that instrument was vested in the W.A. Turf Club, with power to grant licenses to other clubs. So this subclause could in no way affect the use of the totalisator; but it was fair and reasonable that clubs on the goldfields should have certain rules suited to local conditions for the working of the totalisator; and this Bill, in providing such power, would not interfere with any legislation vesting the control of the totalisator in the W.A. Turf Club. The power of granting the use of the totalisator would remain in the sole province of the W.A. Turf Club.

HON. R. F. SHOLL: Until that was repealed.

HON. W. KINGSMILL: The hon. member, who had caused a good deal of trouble in connection with this Bill, now suggested that this power might be repealed; but in the matter of repeal we must trust to Parliament in the future as we had trusted it in the past. In no way was the repeal of the power even suggested in this subclause. The W.A. Turf Club appeared to be needlessly nervous in regard to it.

HON. M. L. MOSS: One member (Mr. McKenzie) had stated that he and Mr. Kingsmill did not agree as members of the select committee to striking out that clause; but he (Mr. Moss) must affirm that both Mr. McKenzie and Mr. Kingsmill did agree to everything stated in the committee's report, Mr. Kingsmill remarking that he did not feel strongly in regard to the striking out of the clause. It appeared from the evidence given before the select committee that the Kalgoorlie Race Club did make suggestions for the better working of the totalisator, and that the W.A. Turf Club adopted those suggestions, and had in every way shown their readiness to assist these particular clubs. By these by-laws which the clubs were seeking power to make, it was a question whether, as this enactment was later than the Criminal Code, which gave the control of the totalisator to the W.A. Turf Club, the effect might be that if by-laws were authorised to be made for the working and management of the totalisator on those racecourses, the by-laws so made might interfere with those provisions in the Criminal Code, and thus override them. We had given power to make by-laws for the general management of the racecourses, also to make by-laws for regulating the use of the totalisator in accordance with the license given by the W.A. Turf Club. Therefore it was desirable the House should strike out the subclause.

HON. W. KINGSMILL: It would be comforting to racing clubs on the goldfields to have the opinion of the hon. member (Mr. Moss) as to the powers conferred on them by Subclause *(e)*; but he would vote for retaining it because he desired that the provisions in the clause should be as explicit as possible. It was absurd for Mr. Moss to say that because the report of the select committee came

down signed by the chairman, therefore the committee were unanimous. As member in charge of the Bill he objected to any amendment unless he stated to the contrary.

HON. R. F. SHOLL: There was a difference of opinion in the select committee over Subclause (*e*). It was suggested by Mr. Moss that there should be a minority report brought up. On Subclause (*f*) members were fairly unanimous, Mr. Kingsmill not seeing much in it. As to the working of the totalisator, Mr. Hare when giving evidence said he desired to see Subclause (*f*) deleted, because he said it was likely to create friction between the two clubs, and would establish a dual control. There were only three private Acts controlling race clubs in Australia—one in New South Wales, one in Victoria, and the West Australian Turf Club Act. This House would be justified in throwing the Bill out altogether. The goldfields clubs, in asking for a concession, wanted to raise up a body to act in opposition to the West Australian Turf Club. A compromise was offered, such as he hoped would never be offered again; but it was rejected because those in favour of the Bill desired to create friction between the two bodies. These members wished to get in the thin end of the wedge of dual control, which would not be in the interest of straight racing in the country. If we passed this measure, every twopenny-halfpenny club would want a private Bill passed, and would bring pressure to bear to repeal the Totalisator Act so as to run totalisators without consent.

HON. M. L. MOSS: Members would see, by reading the evidence on page 17 of the report, that the contention of Mr. Kingsmill was completely answered.

HON. R. D. McKENZIE: The select committee did not bring up the report in order. The committee sat up to the time of the meeting of the House, when Mr. Moss volunteered to draw up the report, which was not seen by any member of the committee until printed and laid on the table. Mr. Moss was incorrect in stating that he (Mr. McKenzie) was agreeable to the subclause being eliminated. He wished to see the subclause remain in the Bill.

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

Ayes	...	...	10
Noes	...	...	7
Majority for	...	...	3

AYES.	NOES.
Hon. C. E. Dempster	Hon. G. Bellingham
Hon. J. W. Hackett	Hon. T. F. O. Brimage
Hon. W. T. Loton	Hon. J. M. Drew
Hon. E. McLarty	Hon. W. Kingsmill
Hon. M. L. Moss	Hon. R. D. McKenzie
Hon. G. Randell	Hon. J. A. Thomson
Hon. R. F. Sholl	Hon. W. Maley (*Teller*).
Hon. Sir E. Wittenoom	
Hon. J. W. Wright	
Hon. V. Hamersley (*Teller*).	

Amendment thus passed.

HON. M. L. MOSS: From the evidence given before the select committee there appeared a general desire that the members of the clubs should have power to confirm or to reject proposed by-laws. At the wish of the committee, he moved an amendment that the following proviso be added:—

> And provided, farther, that before such by-law shall be submitted for the approval of the Governor, the same shall have been confirmed by a resolution supported by at least two-thirds of the members of a club present and entitled to vote at a general meeting of the members of the club convened for the purpose of considering such by-laws.

Amendment passed, and the clause as amended agreed to.

Clauses 17 to 21—agreed to.

Clause 22—Obstructing officers, etc., of committee, or trespass on racecourses:

HON. W. KINGSMILL: Some doubt had been expressed whether the racing rules of the W.A. Turf Club could be given effect to if the amendments made in the preceding clause were passed. However, he understood that the goldfields clubs were satisfied with the position, and did not require the passing of the amendment to this clause proposed by the select committee.

Clause put and passed.

Clauses 23 to 26—agreed to.

Clause 27—Power to mortgage:

HON. M. L. MOSS moved an amendment that the words "in fee simple or," in line 5, be struck out.

HON. W. KINGSMILL: The other House, in amending the Bill to disallow the granting of the fee simple, had overlooked these words.

Amendment passed, and the clause as amended agreed to.

Clauses 28 to 41—agreed to.

Clause 42—Buildings to be paid for if possession resumed:

HON. M. L. MOSS moved an amendment:

That the words "Notwithstanding anything in this Act contained," in line 1, be struck out, and "Except upon a reversion to His Majesty in pursuance of the next proceeding section," be inserted in lieu.

The original grant contained a provision that if the Crown required the land for any purpose of public utility, it might resume without compensation. Clause 41 provided that the land, if it ceased to be used for racing purposes, should revert to the Crown; but by Clause 42 as printed, notwithstanding anything in the Bill, even if the land were not used for racing, the Crown must, before resuming the land, pay the full value of every building erected on it. The select committee did not think that expedient; hence this amendment, by which, if the clubs ceased to use the land for racing, no compensation would be paid on resumption; but compensation would be paid on resumption from any other cause. By this amendment the clubs would benefit; for by the original grant the land might be resumed, without compensation, for any purpose of public utility. That was equitable when the grant was made, but the position was altered now that many thousands had been spent on improvements.

HON. W. KINGSMILL accepted the amendment. It was but equitable that if the Crown resumed the land, save on account of its not being used for racing, compensation should be paid.

Amendment passed, and the clause as amended agreed to.

Clause 43—agreed to.

Schedule, Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

BILLS (3), FIRST READING.

BRANDS ACT AMENDMENT, received from the Legislative Assembly.

NORTH PERTH TRAMWAYS, received from the Legislative Assembly.

VICTORIA PARK TRAMWAYS, received from the Legislative Assembly.

NAVIGATION BILL.

FIRST READING.

Received from the Legislative Assembly.

THE MINISTER FOR LANDS (Hon. J. M. Drew) moved that the Bill be read a first time.

HON. M. L. MOSS (West) entered his protest against a Bill of this character coming down at such a late period.

THE PRESIDENT: The proper time to raise a protest was on the second reading. It was not customary to raise objection on the introduction of a Bill.

HON. M. L. MOSS asked if he was out of order?

THE PRESIDENT: No. The hon. member was not strictly out of order, but it was courtesy to the introducer of a Bill to allow the first reading.

HON. M. L. MOSS: There was no desire to oppose the first reading, but there was a desire to warn the Minister that members of the House protested strongly against Bills of such an important character coming to the Council at a time when it was absolutely impossible to give them proper consideration, and at a time when Standing Orders were suspended in another place to carry Bills through all stages. Had the Minister for Lands not been a member of the Government, he would have been the first to protest against the action of any Government sending a Bill of first-class importance to this House at a time when it could not receive proper attention. This was a Bill containing over 100 clauses dealing with a very important industry of this State; and he (Hon. M. L. Moss), after giving a month of close attention to legislation that had come down to the House, felt unfitted to deal with such an important measure, and also that the work could not be done beneficially to the country at large during the few days at our disposal. The Minister should convey to his colleagues his (Hon. M. L. Moss's) opinions on the matter, which he (Hon. M. L. Moss) believed were the opinions of a considerable number of members.

HON. R. F. SHOLL (North): The Legislative Council was a House of revision, and he was opposed to having a lot of important Bills rushed down at the tail-end of the session. The Council ought to be careful in considering Bills that were sent down. In six months'

time Parliament would again be meeting, and no great hardship would be caused if this Bill were postponed for six months. At any rate it would have the effect of teaching the present Government and future Governments that they must send down important measures early in the session so that they could receive due consideration from members of this House.

THE MINISTER FOR LANDS (in reply): Not being personally responsible for this procedure, he would do nothing to hasten legislation against the wishes of the House. He would first consider the wishes of the Council in every particular, and would not endeavour to rush any legislation through the House during the few days at our disposal.

Question put and passed.

Bill read a first time.

Ordered, that the second reading be made an order for the next Thursday.

INSPECTION OF MACHINERY BILL.

AMENDMENTS.

Consideration of Assembly's Message *re* Council's amendments now resumed from the previous Friday, in Committee.

No. 4—Clause 16, Subclause 2, strike out the whole of paragraph (*b*):

[The Minister for Lands had previously moved that the Council's amendment be not insisted on.]

THE MINISTER: The Subclause was inserted in the Bill to bring the measure into conformity with the Factories Act.

Question put and negatived, the Council's amendment insisted on.

No 5—Clause 16, Subclause 3, strike out the words "or machinery":

THE MINISTER moved:

That the amendment be not insisted on.

HON. W. KINGSMILL: The amendment should be insisted on. Its object was to allow youths to have control of certain machinery. We would be restricting the employment of growing boys to a great extent if we did not insist on striking out the words "or machinery."

Question negatived, the Council's amendment insisted on.

No. 12—Clause 64, strike out the whole:

THE MINISTER moved:

That the amendment be not insisted on.

The Government placed importance on Clause 64, which granted certificates to boiler-attendants. The granting of these certificates, however, was purely optional, and there could be no harm in passing the clause.

HON. W. KINGSMILL: Application for the certificate was optional, but it would be extremely difficult for a man without a certificate to obtain a position. He (Mr. Kingsmill) objected to having certificates for men who were not required to have technical knowledge.

HON. G. RANDELL: This clause must be read in conjunction with 69, which provided that an inspector might require the employment of certificated boiler attendants.

THE MINISTER: The certificate would simply be a test of greater efficiency. If the man was fit to pass an examination, why should we prevent him from applying for the certificate?

HON. J. D. CONNOLLY: The boiler attendant was a man who carried firewood to the boiler.

HON. W. KINGSMILL: It should not be optional for a man to obtain a certificate to carry firewood. The examination for the lowest class of engine-driver was such that any man who had begun to learn the trade could pass it. He objected to this over-grading of trades. It only raised trouble and complication in considering the wages question.

THE MINISTER: A person must show some indication or proof of efficiency. Clause 69 dealt with the same question.

HON. W. KINGSMILL objected to this ultra refinement of grades.

HON. M. L. MOSS agreed with Mr. Kingsmill that refinement of grading meant more obstacles in the way of employment of labour. A person might well be fitted to be a boiler-maker's attendant without having a certificate. The House should not reverse a vote given on a former occasion after much debate.

Question negatived, the Council's amendment insisted on.

No. 13.—Clause 69, strike out the whole:

On motion by HON. M. L. MOSS, the Council's amendment insisted on.

No. 2.—Clause 6, paragraph 1, strike out the words:

"Every person so appointed shall pass an examination to be prescribed," and insert "Any person may be appointed inspector without examination who, prior to the passing of this Act, has been employed as a Government boiler inspector under the Steam Boilers Act, 1897. Every other person before appointment shall pass an examination to be prescribed, and shall have been for at least five years actually employed in a workshop or workshops as a mechanic in the manufacture and repair of engines and machinery, or where work of a similar character is performed."

Assembly's farther amendment—Strike out the words "Government boiler," in lines 3 and 4 of the amendment.

THE MINISTER moved that the Assembly's amendment be agreed to. The words "Government boiler" were superfluous. He was asked by the Chief Inspector to move this, but then it was too late for the Council.

Question passed, the Assembly's farther amendment agreed to.

Resolutions reported, and the report adopted.

A committee of three brought up reasons for insisting on the Council's amendments.

Reasons adopted, and a message accordingly returned to the Assembly.

At 6·30, the PRESIDENT left the chair.
At 7·30, Chair resumed.

MOTION—PIPES MANUFACTURE, TO DISAPPROVE.

Debate resumed from the previous day, on the motion of the Hon. G. Randell.

THE MINISTER FOR LANDS (Hon. J. M. Drew): I hope that the mover, after hearing my explanation, will see fit to withdraw the motion. It is the intention of the Government to instal a small pipe manufacturing plant in connection with the Fremantle Workshops. The Minister is induced to do this, first in the interests of efficiency and economy, secondly to protect the State against monopoly of supply by introducing a wholesome check on prices, which check does not at present exist. I am sure it will be realised by members that some such check is necessary when I read out the prices asked by the local manufacturers as compared with prices asked by manufacturers outside the State, for pipes of the same description. Here it has been the desire to support local manufacture; but there has been discrepancy between the price asked by local manufacturers and the prices asked by outside manufacturers. There has been practically only one firm in Western Australia tendering for the pipes, and this firm has consequently found itself in the happy position of being able to ask just what prices it pleased. From this firm there were purchased for the metropolitan water supply in 1902 pipes at £10 15s. a ton, also for the Claremont water supply pipes at £10 15s. In 1903, pipes were purchased for the Coolgardie reticulation at £9 18s. a ton, also for the Kalgoorlie-Boulder reticulation at £9 5s. a ton, for the Coolgardie submains at £9 a ton, for the Perth-Fremantle road at £9 10s. a ton. In 1904, pipes were purchased for the Midland Junction Workshops at £9 a ton. These pipes if purchased in England, according to the statement put before me, could have been purchased for £8 17s. 11d. per ton; and indeed in some instances as low as £7 0s. 5d. was paid in 1895. Pipes imported in 1903 through Messrs. J. Barre Johnston & Co., for the Fremantle water supply, cost the department £8 12s. 3d. per ton landed at Fremantle, and with railage to Perth added at 5s. 8d., the cost was £8 17s. 11d per ton delivered in Perth. In some instances this local firm has charged as high as £10 15s. per ton. The Minister for Works on going into this matter saw there was a necessity to instal a sort of check against these excessive prices, and consequently initiated in the workshops at Fremantle a small plant for the manufacture of these pipes. [Interjection.] It is the desire as far as possible, and wherever reasonable, to spend the money in the country. [Interjection.] I am informed that the pipes were practically the same in quality and size. After the present Government came into office, the Minister for Works made full inquiries, and found that as the Minister responsible for the department he could not guarantee that the methods adopted previously would ensure either efficiency or economy, and he immediately moved towards introducing some means by which he could guarantee that the interests of the State should be safeguarded. From the departmental officers

it was ascertained that at our Fremantle Workshops we had sufficient room to carry on the manufacture of these pipes, and that with a small expenditure of some £350 the manufacture of these pipes could be carried on. The matter was fully considered by the Government, and they decided to carry on this manufacture as an experiment, in order that some sort of check might be put on the firm which, in the Minister's opinion, had previously been tendering at excessive rates. It is not the intention of the Government at present to manufacture all the pipes that may be needed by the Public Works Department; and I think members will see that it is not so intended, as the Government have only gone in for a small plant costing £350. From £12,000 to £15,000 worth of pipes will be required to carry out the water supply works provided on this year's Estimates. If members give the matter some consideration they will see that with a small plant, and at present there is no intention of increasing that plant, only a small proportion of the pipes can be manufactured. If the experiment proves successful the Government may decide to carry on the manufacture of pipes to a greater extent. I cannot see any objection on the part of Parliament to such an enterprise. If the Government were manufacturing pipes for sale it would be a different matter, but the Government are manufacturing pipes only for their own use. If the motion be carried it may interfere with the intentions of the Government, for the Government may be obliged to accept tenders outside, or the tender of this local firm, who are charging far too high a price. With regard to the farther statement of Mr. Randell that the Government intend to establish other manufacturies, that is news to all the members of the Government. This is the first time we have heard anything about it.

HON. G. RANDELL: It is common report.

THE MINISTER: The Government have no intention at present of establishing any manufactories. The sole object in establishing this small factory was to supply pipes as cheap as possible. There was no intention to provide employment for any workmen. That point was not considered, but the interests of the Works Department was the sole consideration. I am fully seized with this question, and I may say that that consideration never entered into the minds of the Government. The question at issue at the time was whether it was necessary or not to provide some check against the local firm who had been tendering for making the pipes.

HON. J. W. WRIGHT: Is there any truth in the statement that the Government have drawn some of the best men from the local firms?

THE MINISTER: I am assured such is not the case. I am told that one or two men have applied for positions with the Government. There is one case of the kind, but the person had left the employment of the private firm before applying for work with the Government.

HON. W. T. LOTON: What is the estimated saving in the work as carried out by the Government?

THE MINISTER: At least one pound per ton, and we are hoping there will be a larger saving. In any case the starting of this industry will serve a useful purpose. I hope the member will not press his motion, but if he persists in it I hope the House will not carry it.

HON. W. T. LOTON (Central): After listening to the speech of the Minister for Lands, I say his explanation is perfectly unsatisfactory. I am not in any way a supporter of this or any other Government entering into competition in a general way with the ordinary manufacturer or mercantile man. It is the duty of the Government to legislate, to pass good laws, and see they are properly administered. I do not believe in any Government entering into competition with trading concerns in this State, and from my experience it will only end in trouble. If there are a certain number of men out of employment in any particular industry, I am satisfied that the competition which is going on in the world, and I include Western Australia, although only a small portion, will be sufficient to absorb those unemployed. If the goods cannot be made in Western Australia, then we must go to the next best place to get them. We should get what we want in our own country even at a little extra cost; but if we cannot do that, then we must go to the next cheapest place. The present Government, in entering into this industry in a small

way, are only tinkering with an industry to see what can be done in competing with outside establishments. The spending of £350 in a small plant will not place the Government in a proper position. The Government would have to spend a very large sum of money to compete with outsiders, if they already had the plant. I object to the Government entering into this industry, and I shall support the motion and take every opportunity of opposing matters of this sort where the Government come into competition with private individuals in the State. The duty of the Government is in other directions. Let us have good sound government, and good laws well administered. We have a Government to-day, and in six months time we may have a new Government. The Government are to be the head of this industry, and can we expect the Government to have experience to carry on such an industry? If they have, then in six months' time we may have another set of Ministers who will have to learn this business. The Government are merely dependent upon those whom they place in charge of their works. I am strongly opposed to the new venture of the Government.

HON. J. D. CONNOLLY (North-East): I am heartily in accord with the motion; and I am one with Mr. Loton when he says that he listened with regret to the lame explanation given by the Minister for Lands. The Minister said the Government instituted this pipe-making business because they had been paying too much in the past for pipes. It will be remembered, in reply to some questions on this matter put by Mr. Langsford, one very reasonable question was asked, but was answered very unsatisfactorily. If the sole intention of the Government is to get the cheapest article, why do they object to let their manufactory tender against outside manufactories? That would be the best way of getting the cheapest article. The answers given to the questions of Mr. Langsford were very evasive. The Government were asked straight out if they would tender against outside firms, and the reply was in the negative, but it was said that a strict account would be kept. From past experience we know how the accounts will be kept. The Government officers have given estimates that work will be performed at a certain price, and it is usual for the officers in charge to place the cost to any particular work they like, and so divide up the cost of these works. I was surprised to hear the remarks of Mr. Briggs. He said he disagreed with the system generally, but in this particular instance he was favourable to it because the work was being carried on in Fremantle. If we are to take up the attitude that because work is being done in our own town we must support it, we will soon get into a pretty mess. The Minister has not said one word in reply to the second part of the motion. Will the Government consent to the appointment of a Royal Commission, and will they stay their hands in the matter of day labour until the Royal Commission has reported? The Minister simply confined his remarks to the manufacture of pipes to be started. I trust the House will pass the second portion of the motion, so that a Royal Commission may be appointed to inquire into day labour *versus* private enterprise. It is nonsense for anyone to suppose the Government can manufacture or contract for work as cheaply as a contractor can. It has been frequently said that the reason a contractor can carry out work cheaper is because he is harder on his men, practically that he is a sweater. That is a mistaken idea. The reason, to my mind, is that if men are employed by the Government at any particular work, it is very unusual when that work is finished for the men to be put off. When a man is once employed by the Government, he seems to be looked on as a permanent hand. If men are employed by the Government on building bridges, when those bridges are finished the men may be put on to build a house. That is the reason why the Government cannot carry out work as cheaply as contractors can. If tenders are called for the erection of a public building, a contractor who makes this a special line tenders for the work, for he has expert men to do the work and he himself is an expert. The contractor has made a study of the class of work, for he must compete in the open market. When the contract is finished and if the contractor does not get work in that particular line, again he discharges his men and his work is finished. Then again if a bridge is needed, tenders

are received from contractors who make bridge work their study. They employ men skilled in that class of work; and that is why contract work is and always has been cheaper than the work done by Government day labour. It is not that the contractor works his men any harder: it is simply that he has spent half or nearly the whole of his life in making the kind of work for which he tenders a special study. Another very good reason why the Government can never do work as cheaply as a private contractor is because they have not and never will have the same control over their men. Political influence is always brought to bear. Every Government is and always will be amenable to such influence. How can it be otherwise? The Minister may say no; but that is not common sense. The tenure of office of all Governments depends on votes of members of Parliament; and Governments must in some degree be amenable to those members' influence. If a man is discharged from a departmentally-constructed public work, he will always find a friendly member who will busy himself in the case; and the man will probably be reinstated. On a railway constructed by day labour in my province was a ganger in charge of certain work. The engineer thought him a good ganger over certain kinds of work, but that he was not the best man to be placed in charge of this particular work; so he discharged him and employed another ganger who thoroughly understood that work. A certain member of Parliament went to the then Minister for Works, made a certain report, and the engineer was instructed to take back the man. The man was taken back; and I am credibly informed that through his not understanding the work, that work cost at least £1,000 more than the engineer's estimate, and certainly £1,000 more than it should have cost. Members know that such things are constantly happening. For that reason, for the reason already given, and for numerous other reasons, the Government cannot do their work by day labour as cheaply as it can be done by contract. I hope the Royal Commission will be appointed, and that it will be, as Mr. Randell aptly put it, a commission free from political influence. Let us have an independent commission. Competent commissioners can easily be obtained outside the ranks of politicians. Let the commissioners hear evidence, and give a true verdict according to that evidence, and I am certain what that verdict will be. I trust the motion will be passed.

HON. J. W. LANGSFORD (Metropolitan-Suburban): I support the motion, more especially its reference to the appointment of a Royal Commission. Although the expenditure of £350 on this State pipe factory appears small, there is a serious principle involved which should, I think, be faced at once. The enterprise is the thin edge of the wedge; and if permitted to go on will be only one of many similar enterprises. If the Government are confident that the undertaking is in the best interests of the country and that the country will get better value for its money, why do they hesitate to tender against outside firms? The Government do not allow men who have spent money in building factories to tender against the department. My strong objection to departmental day labour is that if extended widely it will tend to make all the residents of Western Australia servants of the State. They will all wear the same uniform, and will all be in one way or other employed by the Government. We are not yet prepared for that. Certainly I am not; and I hope the day will never come when every man and woman in the State will look to the State for work. We should inculcate in our citizens the doctrine of self-help instead of State-help. It has always been held that the cost of departmental day labour exceeds the cost of contract labour; and this has been proved again and again. We should not put the taxpayers of the State to any farther expense than is legitimately necessary; and if we can get work done as well and more cheaply by private enterprise, it ought to be done by private enterprise. The utilisation of the harbour-works shops for pipe-making by an expenditure of £350 may of itself look very harmless; but as I said, it involves a great principle, and one which should as soon as possible be faced.

HON. J. W. WRIGHT (Metropolitan): It is my intention to support the motion. I do not believe in Government competition with local firms. Mr. Connolly's statements are supported by my

experience. I could mention not only one similar case but nearly a dozen. Departmental day labour is one of the worst methods of working which the Government can adopt. Of what sort of plant they propose to establish at Fremantle for £350 I can form no opinion.

HON. C. SOMMERS: A tallow-candle plant.

HON. J. W. WRIGHT: I do not think they could establish it for that sum. I do not think they could put up even a cupola for casting their iron. At any rate, the principle is wrong, and I shall certainly vote against it.

HON. G. RANDELL (in reply as mover): I do not think there is any need for me to reply at length. I regret I cannot comply with the Minister's request; and I am pleased that the motion has been moved, because of the able arguments advanced to-night by hon. members who have dealt with this subject in a broad and I think a proper spirit. I think the debate will certainly impress the Minister himself with the fact that the volume of opinion in this House and outside of persons engaged in business and industrial pursuits is utterly opposed to the principle adopted by the Government. I do not intend to hold the Minister responsible for the reasons he gave to-night, because I think they have probably been supplied to him by the Minister responsible for this new Government trading venture. Members who have spoken to-night have shown the inadvisableness of the scheme, and the difficulties which will almost inevitably arise, which difficulties I detailed in my opening speech. I could say much in reply to the Minister, and I quite agree with Mr. Langsford that the thin end of the wedge is here inserted, and that Government trading may, if certain circumstances eventuate, be carried to greater lengths; and that a feeling of distrust, if not of alarm, will thus be created in the minds of business people, who will ask where is the system to end. As Mr. Loton says, it is the duty of the Government to pass good laws and to see that they are properly administered, and to hold the balance of power between the different classes of the community. But the Government cannot possibly be disinterested administrators of the law if they themselves become traders and manufacturers. It is not alone the casting of these pipes in Fremantle that is in question; it is the great broad principle that lies behind the scheme. I earnestly trust the Government will see the matter in the light in which I am trying to place it. I should be false to those who asked me to make this motion if I were to withdraw it. I should look on that as almost a betrayal of the trust imposed in me as a representative of the metropolitan province. The question of monopoly has been raised by Mr. Briggs and by the Minister. Possibly only one firm has been tendering for these pipes because it has the necessary plant, and because it in some degree established itself here for the purpose of doing that class of work, while other firms have not had the capital or or the appliances for carrying it on. At any rate, the tenders were open to all firms engaged in the manufacture of pipes and similar articles. I am instructed that the firm has not taken advantage of a monopoly; and I think I can gather as much from the statements made to-night. One quotation for the pipes imported was £8 17s. 6d. per ton—I do not know whether from the Eastern States or from England. [MEMBER: from England.] It is admitted throughout Australia, and it has been stated by different Premiers, that it is advisable to encourage local manufacturers so long as we do not pay too much for the product. I think it is generally agreed that a fair payment to the local firm is a 10 per cent. advance on the foreign or the interstate price; for the reason that in some States the whole of the material has to be imported, and that in all the States the money will remain at home, will encourage enterprise, and will therefore tend towards the increase of the population and the wealth of the community. With Mr. Loton I agree that we should not pay too much to the home manufacturer; but I think we should allow a moderate advantage to persons who establish factories in our midst. I believe that principle will commend itself to members and to the public generally; and that principle is permeating the whole of the Governments in Australia, including the Commonwealth Government. In Western Australia there are 49 firms engaged in this kind of business. Some of these are

small; others are large. They now employ over 1,000 men. The factory in question employed a fair number; the proprietor spent a large sum in purchasing land and putting down a plant for this and kindred work; and he should receive every encouragement from the Government. The withdrawal of Government work will make a considerable difference to him; for it is a well-known principle of production that the price is greatly affected by the quantity, and a larger quantity can be turned out at a very much smaller relative price than a smaller quantity. If the Government take this work from these firms the firms will no doubt have to reconsider their prices. The size of the pipes will make a difference in the price. Thin pipes cost more than stouter pipes. That is well known. No advantage has been taken of the fact that this firm, Hoskins & Co., have been the only tenderers. They have tendered at a price to pay themselves, and any firm would do the same. They have reduced prices and have shown a reasonable desire to meet the Government in the matter of the cost of pipes. I think that the explanation given by the Minister will prove that no unfair price has been charged; and it would be only fair if the Government start their own works, that they should call for tenders, and that the works the Government establish should submit a tender.

THE MINISTER FOR LANDS: I believe that will be done.

HON. G. RANDELL: It will be a good test at any rate of the sincerity of the Government, and of the principles that will be at the back of this business in which the Government propose to embark. I think the principle utterly and entirely wrong. A political body should not enter into a business concern unless it is absolutely essential. This is not a question of Fremantle *versus* Perth. There are very large firms in the neighbourhood of Fremantle. There is one at North Fremantle, and there are firms at Fremantle in the same business. This question of Fremantle *versus* Perth has not entered into this question of the manufacture of pipes at all. It is simply a matter of the great principle which the Government are attempting to maintain. I hope that the Minister will impress upon the Government the dangerous paths on which they are starting. It is sometimes right and proper for a Minister to have fads; but no Minister should take on a fad of this description where the consequences may be considerable. The Government may make a success of the business; but that would be a temptation to proceed farther; and no doubt when the time comes that the pipes are no longer wanted and men are not wanted, the Government will not care to discharge men on to a market which, to a certain extent, they have ruined, but will be tempted to look round and see if there is no other opportunity for employing them. As Mr. Connolly has indicated, it must have proved an expensive matter to pay off a man who understood his business and give employment to another. The Government are entirely dependent on the foremen and others in charge of these works; and we know from bitter experience in the Fremantle workshops what that means. I do not wish to refer to this, farther than to say that it is a well-known fact to anyone who has his eyes open that public money has been wasted to an enormous degree in that establishment at Fremantle. I am very pleased at the support I have received from members, and I hope the motion, when carried, will be forwarded to the other House. It is only right that members of another House should agree to the principle adopted here.

Question put and passed.

On farther motion, the resolution transmitted to the Legislative Assembly for concurrence.

LAW OF LIBEL AMENDMENT (IMPERIAL) ACT ADOPTION BILL.

SECOND READING MOVED.

HON. J. W. WRIGHT (Metropolitan-Suburban), in moving the second reading, said: It is not my intention to speak at any great length, and what I wish to say will be pretty well to the point, and will, I hope, convince members on the necessity for adopting this Imperial Act that should have been adopted 16 years ago. It has fallen to my lot to have to move this, because I am one of the members for Perth; but the matter might have been entrusted to some better hands, in the shape of some legal gentleman or

other person versed in the law. I found it difficult to read up some of these Acts, which I know very little about, and it has caused me to make voluminous notes. The Bill has one good recommendation. It is one of the shortest that has been introduced into the House, having only two clauses and no schedule. I shall take up very little time. In placing the Bill before members I am following almost exactly the precedent set by this House in a former Bill on the same subject—the Law of Libel. Before dealing with the character, and probable effect of the Bill, it might be profitable to quickly glance at the history and scope of libel legislation here.

THE PRESIDENT: The hon. member must not read his speech.

HON. J. W. WRIGHT: I am a lay member, and I have a terrible lot of notes. I have "Victoria this," and "Chapter that;" and it is difficult for me to follow them without voluminous notes. If I cannot refer to these notes I shall have to go through the Bill and explain the amendments. I do not wish to take up time in doing that, for I can get through in a quarter of the time by using my notes.

THE PRESIDENT: You may use the notes; but you must not read a speech as it is written out.

HON. J. W. WRIGHT: But I have so many notes. As you seem to think I have too many notes and am taking up the time of the House, I shall try and cut these memos. as short as possible. Broadly speaking the libel legislation of Western Australia consists of the adoption of three English Acts in 1847, 1884, and 1888. Two of these are mainly Acts adopting the British legislation. The Act of 1847 adopted the whole of Lord Campbell's Act of 1843. The Act of 1884 virtually adopted the Imperial Act of 1881. I should like members to bear in mind the date of the Act of 1888, because the Imperial Act came into the House of Commons in 1887, and took 12 months to pass through both Houses. When it was introduced in this House, it was passed through in two days, and only the member for Perth and the Colonial Secretary spoke upon it. It was a private Bill, and was brought in under some peculiar circumstances. The new Act was called the Law of Libel Amendment Act of 1888, and amended the Act of 1884 in many respects. Odgers in his great work on Libel says, in reference to the Imperial Act:—

> The Bill was carefully discussed and amended in both Houses of Parliament, and as a result is a useful and practical measure.

This Act has been in force for 16 years, and has neither been amended, nor has there been any objection in any way against it. It is really the Act I wish this State to adopt.

HON. W. T. LOTON: What advantages are there in preference to the ones we have?

HON. J. W. WRIGHT: It will be much easier and cheaper to obtain redress in a case of criminal libel. The one clause thrown out in the English Parliament which they have copied into this Act, and is in force, is the clause providing that the plaintiff has to find costs and such like before he can proceed. It is only a matter of a newspaper making an affidavit to a Judge and saying it believes that in the event of the action failing, the plaintiff cannot meet the expenses. In that case the plaintiff has to pay into Court at any rate not less than £100. That is one of the benefits. It does not affect honest newspapers, newspapers catering for the benefit of the public, but the scurrilous rags which they want to get at. This is the only English-speaking community in the whole of the British empire that has not adopted the English Act of 1888. And there is a peculiar thing about this Act which was passed here. We know the reasons why it was rushed through. Some members will know that at the time there was a certain law suit here, in which one of our noted men, afterwards a Judge, got a verdict against a certain paper for £800, and this measure was pushed through the House in a hurry, with the idea of preventing farther actions.

MEMBER: No.

HON. F. M. STONE: It had nothing to do with that.

HON. J. W. WRIGHT: It is a very funny thing it should have come at the same time. I am very pleased to hear the hon. member say what he does. He is up in the law, and I am not. I only go by what I have heard and read. My main object is to get this House to adopt

the law of England, and as I say, it is adopted in every English-speaking community except Western Australia. All the other States have adopted it, and it has worked in England for 16 years solid. If one refers to the records of the Supreme Court he will find remarks that have been made there by our own Judges in reference to this question, and I think those Judges have gone as far as their positions as Judges will allow them in condemning the West Australian Act. At any rate, if the House will bear with me for a few moments, I would like to explain in a few words this English Act. There are not many sections in it, and my notes are short. They are extracts really from the work of this authority, W. B. Odgers:—

By Section 1, meaning of "Newspaper" remains as in 1881 Act. Section 2 repeals Section 2 in 1881 Act. Section 3 protects newspapers by allowing them to publish fair reports of judicial proceedings without danger of libel. Section 4 protects properly conducted newspapers, by allowing them to publish fair reports of public meetings without danger of thereby publishing libel. [The substance of this section is that of Section 7 of the West Australian Act, but is set out in a manner far fairer to the general public.] Section 5 also protects newspapers by allowing several defendant papers sued by a plaintiff for publication of the same libel to consolidate their actions, so that they be tried together. Section 6 again further protects newspapers by allowing a defendant paper to show in reduction of damages that a plaintiff has previously recovered against one or more other papers for the same libel.

This is the Act which was passed on the 24th December, 1888. I will show by *Hansard* that when the Bill was introduced in this House it was supposed to be a copy, but it is nothing of the kind. Section 7—and this deals with what Mr. Loton wishes to know about—

simplifies and cheapens libels (especially criminal libel), proceedings enabling plaintiff to put in the publication itself instead of setting out the whole publication in the body of the indictment. Section 8 protects newspapers by repealing Section 3 of 1881 Imperial Act and making it necessary to get a Judge's order and notify the accused before issuing criminal process against an editor.

I think that is a very good provision. It is a great protection for newspapers and saves them from being unduly harassed.

Section 9 provides that the wife or husband of a person accused of libel shall be competent but not compellable as a witness.

When I made use of the word "appealable," some members joked me about it, but this word "compellable" appears in the English Act.

Section 1, application of Act. Section 11, Act cited as Law of Libel Amendment Act 1888.

This is really the essence of the English Act of libel. The difference from our Colonial Act in the matter is as to finding these necessary expenses. I should like to read an extract or two from what was said by the mover when the Bill was introduced in this House. It was introduced on the 29th November, and read a first time, also read a second time on the 30th November, and passed on the 6th December.

HON. J. D. CONNOLLY: What year?

HON. J. W. WRIGHT: In 1888, 17 days before the English Act was passed of which it was supposed to be a copy.

HON. G. RANDELL: Who was the introducer?

HON. J. W. WRIGHT: The Hon. Dr. Scott, a man greatly respected by every member of the present House who knew him, a man I had the greatest respect for, and a man who saved my life. When he moved in this House the reading of this Bill—

He said that in doing so he would call the attention of the House to the report of the select committee which, although short, he trusted hon. members had read through. The Bill was thought necessary owing to the peculiar circumstances of this colony in reference to newspapers, and which rendered it incumbent on people following the occupation of journalists to try to obtain some protection against civil actions of a frivolous nature being brought against them. Although this might be somewhat like exceptional legislation——

I would like hon. members to take particular notice of these four lines because they simply show the mover had some doubt about the legislation when he brought it in——

And although it might by others be thought revolutionary as regards previous law bearing on libel, he thought that if the circumstances under which the Press was carried on in this colony were considered, it would be allowed that the committee had not gone too far in the Bill. It would be noticed that Clause 3 provided that no civil action for libel should be brought against a newspaper, unless there be special damage.

This is the first section which was cut out of the English Act, and was No. 7

of the original English Act. I can give members the exact wording of that section.

HON. W. T. LOTON: Take it as read.

HON. J. W. WRIGHT: I am sorry to weary members, but I think I will have to refer to it, because the matter is dealt with by a great authority. These are not our ordinary small legislators; these are by great men in the old country, men who have made a life-study of it, who have the matter at their fingers' ends. Clause 7 of the English Act was worded exactly the same as Section 3 of our Act, so I will not weary members by reading it. I will just read from remarks by Odgers about the clause being taken out. He says:—

> I think the clause was rightly rejected. Section 7, enabling the defendant in certain cases to obtain security of costs from a plaintiff, was thrown out in Committee. It introduced a new and dangerous precedent.

Our Act is the only Act throughout the British empire which contains that clause, and that is what Odgers says about the clause after it was thrown out. The West Australian Act of 1888 was originally a copy of the Bill as introduced in the House of Commons, but it had the fortune or misfortune of being passed through this House 17 days in advance of what may be termed its father, the Imperial Act. The motion for the second reading was seconded by Mr. Marmion, and the Colonial Secretary (Sir M. Fraser) made these remarks:—

> With regard to the Bill which is now before us, I understand that a Bill similar in character has been before the Imperial Parliament last session. Whether it has yet become law or not, I am not aware. It is, however, thought desirable by this Bench that the present Bill should not be proceeded with farther this session. We have no desire to throw out the Bill by moving that it be read a second time this day six months, but we think it is well that it should wait until we know what has become of this movement in the British Parliament. At present I am not aware that it is necessary for me to go into the merits or demerits of the Bill, but I hope myself that the hon. member who has interested himself in the matter may see the propriety (having got the Bill before the House) of letting it rest, with a view to its being considered at another session.

That was the opinion of the then Colonial Secretary and the leader of this honourable House at that date.

HON. G. RANDELL: Not this House; the old Legislative Council.

HON. J. W. WRIGHT: The Bill was passed, the Ayes numbering 15 and the Noes five. Members had made up their minds that the Bill should become an Act, and it was so. As to the Western Australian Act, Section 1 gives the name of the Act. Section 2 simply provides for the Acts of 1888 and 1884 being read together. Section 3 is most accurately described as exceptional and revolutionary. As I said, no such provision exists in any other State, nor so far as I can hear in any part of the civilised world. If the Imperial Act were adopted, that would do away with Section 4, Section 5, and the remaining sections. Section 3 of our Act must necessarily come under the notice of the Supreme Court Judges, and certain Judges have expressed themselves against the section as far as it was expedient for them in their judicial position to do so. Let us hope that at any rate this Act will disappear from our statute book during the next few days. I think it is unnecessary for me to go through any farther comments from *Hansard* or anything else. I see members are getting weary of this tirade of law. I beg to move the second reading of the Bill.

On motion by HON. F. M. STONE, debate adjourned.

EARLY CLOSING ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew) in moving the second reading said: The purpose of this Bill is to amend the Act in such a manner as will be for the convenience of the general public and shopkeepers. I wish to draw attention to Section 10 of the Act of 1904, which provides that certain shops must not, except on holidays, be kept open later than 10 p.m. The effect of the amendment in Clause 3 of the Bill is to allow fruit shops to be open till 11 p.m. At present hotels are kept open till 11 o'clock, and there seems no reason why fruit shops should not be kept open as late as hotels. While the shop hours are thus extended, the interests of the shop assistants are protected in every way, for it is provided in the Bill that no male assistant of 16 years or

under shall be kept employed for more than 56 hours in any one week. Some doubt has arisen as to whether hairdressers' assistants can be classed as shop assistants; and to get over this difficulty I intend to move an amendment which appears on the Notice Paper. This is a small Bill, and having briefly pointed out the differences between the Bill and the existing Act, I need not speak farther on it. If necessary we can go into the details fully when in Committee. I move that the Bill be now read a second time.

HON. H. BRIGGS (West): As I shall not have an opportunity in Committee to speak on the Bill, I wish to express my strong opinion that the existing Act should not be altered in the case of hairdressers; and I am not simply voicing my own opinion, but am voicing the opinion of the hairdressers, masters and assistants, in the town of Fremantle. It may be well to look back briefly at the history of these Early Closing Acts. It will be in the memory of some members here that the first Early Closing Act that came into force in this State was introduced in the Legislative Council in 1898 by the Hon. A. B. Kidson, and was passed by very narrow majorities. I was one of those opposed to it at first, and many other members now present were also opposed to it; but we consented to vote for it because it was to operate only for a limited period. That Act of 1898 was to have a duration of three years, and when it expired on the 1st November, 1901, on account of some inadvertency of the Government at that time there was a lapse in the working of the Act; but so good had been its working during the three years it was in operation, that many members who at first were opposed to the measure became satisfied with its good effects. So in 1902 the existing Early Closing Act was brought into force, and it has worked remarkably well, especially in regard to hairdressers, of which I especially wish to speak because I shall not be able to do so in Committee. The hairdressers, masters and assistants, wish no change in the Act as it affects their business, for they have found that closing at 6·30 p.m. serves the public very well, and that if, as is proposed in this Bill, they have to work till 7·30 p.m., a portion of that time must be taken for a meal; and not only will hairdressers' assistants be affected, but generally there is a woman or girl employed in a large shop of this kind as cash accountant, who will have to remain till 7·30 along with the others, and thus the whole evening will be spoiled for them an account of this extension from 6·30 to 7·30 o'clock. There has been no demand whatever for this change, but it has sprung up suddenly. Not only the master hairdressers, but their assistants and the general public, all seem to have been well served until this disturbing influence arose. The Early Closing Act of 1898 was the outcome of two large and noisy meetings held, the one in Perth and the other in Fremantle, and that agitation affected only the large towns. But as the Act provided that other towns might come under its operation, several of the smaller towns and a few suburbs had the Act extended to them. While the general public do not complain of the way they were served under that Act in regard to the closing hour for hairdressers, and while the master hairdressers and their assistants are practically at one, yet I see by the newspapers that a great meeting has been held in Perth. I can answer for the hairdressers and their assistants in Fremantle that they do not want the present closing hour disturbed, but prefer to close at 6·30 daily, except Wednesdays and Saturdays.

HON. W. KINGSMILL (Metropolitan-Suburban): It affords me much pleasure to support the Bill, more especially in regard to the extended closing time for fruit shops. I am of opinion that, with the safeguard which the Minister has alluded to, every facility should be given to those who keep shops for the sale of perishable goods, so that they may make the best use of their time so long as they do not work their assistants an excessive number of hours. I feel inclined to support the contention Mr. Briggs has raised in regard to the closing hour for hairdressers' shops; but my feelings are somewhat mixed when I find that those members who should represent the assistant hairdressers—I mean the supporters of the present Government—have unanimously voted for lengthening the working hours to 7·30 p.m. This rather weakens the case of those assistant hairdressers who have, as Mr. Briggs has said, expressed their consent to the Act con-

tinuing as it is in regard to hairdressers. I should be inclined to follow Mr. Briggs in objecting to the lengthening of hours for hairdressers' shops to 7·30; and with regard to fruit shops I am at one with the Minister as to the desirability of extending the hour of closing.

HON. G. RANDELL (Metropolitan): I shall support the Bill in some of its clauses. On the same ground as Mr. Briggs, I must oppose Clause 4, extending the closing hour for hairdressers' shops to 7·30 p.m., and I believe I have the best authority for stating that the hairdressers' employees are unanimously of opinion that the Act should remain as it is in regard to hairdressers. To show how ill-advised it is to alter the law in the direction proposed in the Bill, I will draw attention to the fact that hairdressers' shops are now open from 8 a.m. to 6·30 p.m. on ordinary days, and on Wednesdays from 8 a.m. to 1 o'clock. That arrangement has acted very well indeed, and the employers as well as the assistants are perfectly satisfied with the law as it stands. What will be the effect of altering the closing hour to 7·30, and at the same time giving the assistants an hour for a meal between 5 and 7·30? Members here will be sufficiently acquainted with the habits of towns to know that from 5 o'clock to 6·30 p.m. is the busiest portion of the day in the streets, and that from 6·30 to 7·30 the streets are comparatively empty and business is not proceeding. Therefore this provision, if passed into law, will require the employer to send his assistants away for an hour between 5 and 6·30 o'clock, at the time when the streets are most busy and customers are most numerous. A number of employers both in Fremantle and Perth have signified their assent to the proposition that the closing hour for hairdressers' shops should remain as at present. It would be highly undesirable, except on strong grounds, to alter the law in this respect against the desires of the persons interested, unless there is some public advantage gained, and unless there is greater benefit to the general public I think it would be exceedingly wrong for the Legislature to alter the law. I do not think I need labour the question, it seems so simple. As to the opening of fruit shops I have no objection, although I do not like late hours. Eleven o'clock at night is a late hour, but if these shops wish to keep open I have no objection, but one must take care that the employees are not kept longer than the hours limited by the Early Closing Act now in existence. I hope the member who moves to strike out Clause 4 will carry the House with him. With reference to the amendment tabled by the Minister for Lands, it will be for the hon. member to say if Clause 4 is struck out whether he will proceed with that amendment. I shall certainly vote for the striking out of Clause 4, it being highly objectionable.

Question put and passed.

Bill read a second time.

ROADS ACT AMENDMENT BILL (JETTIES, ETC).

SECOND READING.

HON. W. KINGSMILL (Metropolitan-Suburban): The object of this short Bill, the second reading of which I have pleasure in moving, is in the main economy, as members will be prepared to admit when I have explained the provisions contained therein. The Bill consists really of two parts. The first deals with the power of roads boards to assist in, or to wholly construct sea jetties, and the second part deals with the facilities given to roads boards to take over the duties of drainage boards under the Drainage Act of 1900. It will be within the recollection of members that when the Roads Boards Amendment Act of last year was before the House it contained a provision enabling roads boards to devote portion of their revenue to the construction of sea and river jetties and bathing houses. No members can cavil at the construction of jetties and bathing houses. For some reason objection was taken to the provision, principally by one member, to the inclusion of the word "sea," and it was decided by a narrow majority that the construction of sea jetties should not be included in the powers of the Bill. It was thought that local authorities should not have the power of diverting portion of their revenue to the construction of sea jetties. I am not aware of the motive which actuated the Chamber last year. I have not been able to see any logical reason why the distinction should have been drawn. There is one case which

will illustrate what I mean. About a year or more ago the inhabitants of Cottesloe and Cottlesloe Beach, having expressed a desire that a jetty should be built, approached the Government, who assured them that if the local authority found part of the funds the Government would find the remainder. To this proposition the roads board, representing the people, readily agreed, and it was with the object of enabling them to find part of the funds towards the object, which would undoubtedly make their district more attractive and be the means of bringing more population to that district, that the Bill was introduced. It gave the roads board power to partially or altogether finance the construction of sea jetties and bathing houses. Owing to the action which the House took Cottesloe and Cottesloe Beach are still without their jetty. It may be urged by members that it is more within the province of the Government to construct sea jetties, and this is so in many cases, I admit. When a jetty has a commercial significance, and revenue is derived, the Government should undertake the construction of such a work, and as a matter of fact this has been the rule in the past. Jetties at places like Fremantle, Bunbury, and Geraldton, and at those places where jetties serve as a convenience for shipping and as a means of entrance and exit for goods imported or exported from a district the Government are justified, and it is their duty to altogether finance the construction of such works; but in places like Cottesloe where a jetty would add to the attraction of the district, and where the construction of the work would be of material advantage and for the pleasure and the health of the people, then I think it is justifiable that the local authority should take a hand in the procedure and assist in the construction of such a work. As to the second part of the Bill, it proposes to effect economy in this direction. It will be found, more especially in the district of Canning, that there are in existence two boards, one carrying out the duties of a roads board, and the other carrying out the duties of a drainage board, which means increased cost of administration. It is competent for the drainage board to obtain money from the Colonial Treasurer at certain rates of interest. In the case of the Canning drainage board the cost of administration amounts to more than the interest paid on the drainage works constructed. This is a position ridiculous in the extreme. The roads board in the Canning district have expressed their willingness to take over the duties of the drainage board and the Canning drainage board have expressed their willingness to hand over the assets and liabilities to the roads board. Members will admit it is a sensible provision that these two bodies should be united and carry out the work at as low a cost as possible. These are the objects of the Bill, and I think there can be no objection to them. I can commend the Bill to the House.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 4—agreed to.

Clause 5 —Manner of showing amendments:

On motion by HON. W. KINGSMILL progress reported and leave given to sit, again.

CITY OF PERTH TRAMWAYS ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew) in moving the second reading said: This Bill seems to cancel a part of a provisional order now in force for the construction of certain tramways. The object of the cancellation is to take certain tram lines in a different direction from that previously arranged. It is proposed to cancel the order for the extension of the tram line from the junction of Wittenoom Street and Claisebrook Road, along Claisebrook Road to Kensington Street to Trafalgar Road, as that portion of the metropolis through which it was intended to run the trams is not thickly populated and it is thought not likely to be thickly populated for some time; hence the necessity for altering the direction in which the trams shall run. The provisional order enables the company to extend the tramways in the city of Perth, and contains the ordinary clauses relating to the manner of construction. The local authority may consult with the tramway company and arrange a time table, and in

the event of any disagreement may appeal to the Minister. The terms of the previous provisional order apply to this extension. The Bill also provides that the promoter at his own expense may alter or divert wires, pipes, or cables adverse to electrical influence. This is done owing to the fact that the pipes belonging to the Metropolitan Gas Company and the Metropolitan Waterworks have been destroyed or injured to some extent through electrical influence. There is a clause giving the Metropolitan Fire Brigade the right to ring up the tramway company and compel them to cut off the electric current when necessary. I need not go farther into the Bill, but simply move the second reading.

HON. G. RANDELL (Metropolitan): I suppose all the parties to the Bill are agreed?

THE MINISTER FOR LANDS (in reply): I take it that is so, because the Bill has come from another place, and there has been no opposition whatever to the measure. I think that is pretty good proof.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at seventeen minutes past 9 o'clock, until the next afternoon.

Legislative Assembly,

Tuesday, 20th December, 1904.

MR. SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

QUESTION—POLICE SUPERANNUATION FUND.

MR. NEEDHAM asked the Colonial Secretary: 1, Whether there is a Police Superannuation Fund in this State? 2, If so, what is the system of raising this fund? 3, How is the money invested? 4, What is the amount of money in the fund at the present time?

THE COLONIAL SECRETARY replied: 1, There is no Police Superannuation Fund in this State, but there is a Police Benefit Fund established under the provisions of 30 Vict., No. 10, and 48 Vict., No. 18. 2, The derivation of the fund is as follows: (*a.*) An annual grant of £1,000 voted by Parliament on the Estimates; (*b.*) All fines imposed on members of the police force; (*c.*) A monthly deduction from the pay of each member of the force below the rank of inspector, ranging from 2s. 6d. to 6s., according to rank; (*d.*) Proceeds of sale of unclaimed stolen goods sold under Section 75 of the Police Act, 1892; (*e.*) Fees and mileage received by members of the police force (not being appointed bailiffs) in serving process of a Local Court, under Section 10 of 58 Vict., No. 13. 3, £5,500 in local inscribed stock at 3½ per cent., the balance (£2,457 3s. 8d.) on current account at Treasury without interest. 4, £7,957 3s. 8d; the annual