measure, and formal in its character. Under the Municipal Institutions Act, it is incompetent for any council to expend money in making a street under a certain width. The street known as Douglas Street, South Fremantle, is not of the regulation width. The principle of this Bill is contained in one clause, providing that the Fremantle Council shall be entitled, on the application of the owners of land abutting on the street, to declare the street to be a public street, which means that then the council may expend such portion of its revenue as may be deemed fit in making the thoroughfare. The width of the street now is 30ft. 3in. On several occasions similar requests to this have been granted when made by a municipality.

On motion by the COLONIAL SECRETARY, debate adjourned.

ADJOURNMENT.

The House adjourned at half-past 5 o'clock, until the next Tuesday.

Legislative Assembly,

Thursday, 13th September, 1906.

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

PRAYERS.

BILLS (2)—FIRST READING.

Fire Brigades, introduced by the ATTORNEY GENERAL.

Jandakot-Armadale Railway, introduced by the PREMIER.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

COUNCIL'S AMENDMENTS.

Schedule of four amendments made by the Legislative Council now considered in Committee; MR. ILLINGWORTH in the Chair, the ATTORNEY GENERAL in charge of the Bill.

No. 1—Clause 2, strike out the words "final examination" in Subclause (*c*), line one, and insert "examinations" in lieu:

THE ATTORNEY GENERAL moved that the amendment be agreed to. The literary examination was not an examination passed by an articled clerk, because he must pass an examination before he was articled. Therefore the amendment made in another place simply meant calling on those entitled to take advantage of this Bill to pass two law examinations, instead of one known as the final. The difference was not of much account, because in the matter of law examinations he understood the course was similar as regarded the intermediate examination and the final examination, although slightly different.

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

Ayes	...	...	23
Noes	...	...	12
Majority for	...	...	11

AYES.	NOES.
Mr. Brebber	Mr. Bath
Mr. Brown	Mr. Bolton
Mr. Carson	Mr. Collier
Mr. Davies	Mr. Daglish
Mr. Eddy	Mr. Holman
Mr. Gordon	Mr. Johnson
Mr. Gregory	Mr. Scaddan
Mr. Gull	Mr. Taylor
Mr. Hayward	Mr. Underwood
Mr. Hicks	Mr. Walker
Mr. Hudson	Mr. Ware
Mr. Keenan	Mr. Troy (*Teller*).
Mr. Layman	
Mr. McLarty	
Mr. Male	
Mr. Mitchell	
Mr. Monger	
Mr. N. J. Moore	
Mr. S. F. Moore	
Mr. Smith	
Mr. Stone	
Mr. F. Wilson	
Mr. Hardwick (*Teller.*)	

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

No. 2—New Clause, add the following to stand as No. 3:—

Any person who (*a*) shall have completed the term of ten years as a clerk in the office of a practitioner or practitioners practising in Western Australia, and shall have obtained the degree of bachelor of laws in some university in the British dominions recognised by the Barristers' Board; (*b*) shall have obtained from the Barristers' Board a certificate to the effect that he is, in the opinion of the board (whose decision shall be final), a fit and proper person to be admitted a practitioner; shall be qualified to be and, subject to the provisions of the principal Act and the rules, may be admitted, a practitioner.

THE ATTORNEY GENERAL moved that the amendment be not agreed to. When introducing the Bill he pointed out that it was of a limited character, and was meant simply to carry out an undertaking given by the James Government, the Daglish Government, and the Rason Government, and which was subsequently entertained by the present Government. If he rightly interpreted the feeling of this House, there had been a desire that examination in any event should be a criterion of the ability necessary to discharge properly the duties of this particular profession. This amendment appeared to depart from that rule. For the two reasons that it was outside the scope of the measure submitted to the House, and was an alteration in a direction in which he did not think it wise to go, he asked the House to dissent from the amendment.

Question passed, the Council's amendment not agreed to.

No. 3 - New Clause, add the following to stand as No. 7:—

Any person who shall have served the full term of five years as associate to any one of the Judges of the Supreme Court, or who shall have acted as Official Receiver in Bankruptcy for the full term of five years, and shall have passed all the examinations prescribed by the principal Act and rules, may be admitted a practitioner.

THE ATTORNEY GENERAL moved that the amendment be not agreed to. He had pretty well the same observations to offer in regard to this amendment as in relation to amendment No. 2. True in these cases an examination had to be passed; but this amendment was outside the scope of the measure passed through the Assembly.

MR. HUDSON: It was for a particular individual.

THE ATTORNEY GENERAL: Apparently the object of the amendment was to suit the suggestions of a particular individual.

MR. TAYLOR: It was pleasing to see the attitude of the Attorney General. It seemed that a few individuals desired to be admitted as practitioners, not particularly to practise but to sport the wig and gown, the hair and silk, for their own vanity.

Question passed, the Council's amendment not agreed to.

No. 4—New Clause, add the following to stand as No. 8:—

No person who has matriculated or graduated at or passed the matriculation examination of any University in Great Britain or Ireland, or Australasia, shall be required to pass the preliminary examination required by the rules framed under the principal Act to be passed by articled clerks.

THE ATTORNEY GENERAL: The principal Act provided that any person taking the degree of bachelor of laws at any recognised university was called upon to serve only three years as articled clerk. The object of this amendment was to amend the principal Act in regard to articled clerks; but this Bill was not meant to touch on that subject in the slightest degree. Furthermore, the Barristers' Board could by regulations it was empowered to frame dispense with the preliminary examination in the case of those who had a university degree. The preliminary examination was simply one on general subjects. As the clause inserted by the Council was foreign to the whole intent of the Bill, he moved—

That the amendment be not agreed to.

MR. TROY: There was no reason why we should not agree to this clause. In fact the Council should be congratulated on endeavouring to liberalise the principal Act. If we did not endeavour to liberalise a measure when it was being amended in any way, members would not have the opportunity of liberalising any statute, but must simply deal with measures as brought down to the House by some Minister. There was no reason why this clause should be rejected on the ground that the subject was not intended to be touched upon in

the Bill as brought down. As a university matriculation examination was of a higher character than the preliminary examination required under the Act, there was no reason why we should not allow persons desiring to serve articles and having passed the matriculation examination at a recognised university, to dispense with the necessity of passing the preliminary examination here.

THE ATTORNEY GENERAL: The hon. member misunderstood the purport of his (the Attorney General's) remarks. The Bill was brought in to achieve a very limited object, and was not intended to be a general amendment to the principal Act; also the Barristers' Board could dispense with the preliminary examination in the case of a person taking a degree which would sufficiently vouch for his general knowledge. This was really an unnecessary clause, and particularly unnecessary because it was outside the scope of the Bill.

MR. HUDSON: The amendment should be agreed to. Consideration in the matter of articles was given in one part of the principal Act to a qualification obtained outside the State; and surely the Attorney General would agree that the same view should be taken in regard to the preliminary examination. The fact of an intending articled clerk having passed the matriculation examination of a recognised university should entitle him to become articled without passing the preliminary examination.

MR. FOULKES: The Attorney General was right in opposing this amendment, from his point of view, the Bill having been introduced solely to facilitate managing clerks being admitted to practise by dispensing with articles and to a certain extent with examinations; but the Council, in making this amendment, had not heard the reasons the Attorney General now advanced to confine the measure to a particular object. This amendment would not affect managing clerks, and the number of persons it would affect would be exceedingly small. The majority of men passing matriculation and desiring to enter on articles would become articled as soon as possible after matriculating; and as the preliminary examination was not so important in comparison with the matriculation examination, it would be no hardship to call on them to pass the preliminary examination, which they could do with ease. While recognising that the amendment was foreign to the Bill, yet having been himself a member of a univerity in the old country, he felt a certain amount of *esprit de corps* and respect for men who had graduated at home universities; therefore he did not think it right to call on those men to undergo the preliminary examination stipulated in the principal Act. To take a degree at one of those universities in the old country was sufficient testimony that a man had obtained a certain amount of education.

MR. DAGLISH: The Attorney General seemed to object to this clause on the ground that it included a provision found in the principal Act, so far as it related to persons who had graduated; but the hon. gentleman overlooked the fact that it went farther than the principal Act, inasmuch as it covered all who had matriculated and not graduated, and that was a class of individual entirely untouched by the principal Act. The object of the preliminary examination was to provide evidence that the person who passed it had that amount of elementary education requisite to enable him to carry on with advantage, or without disadvantage to the country, his legal studies. It was absurd to ask that a youth should graduate before being admitted to become a student at law; but that was really the position the Attorney General took up, that if a man had merely matriculated he should not have the right to become a law student. The other argument of the Attorney General was that because this amendment was not contemplated when the Bill was first introduced, it should not be considered by the Committee. He (Mr. Daglish) was not prejudiced in favour of the amendment nor against it, merely from the fact that it came from another place. Apparently the Attorney General was so, and the hon. gentleman was wrong in allowing his prejudice to override his judgment in the matter. At present the legal profession was more strictly safeguarded than any other, more so even than the medical profession; and the Attorney General apparently resisted the amendment because it went farther than he desired to go when the

particular measure was introduced. Even with the amendment, the Bill would not go as far as it might do with advantage to the public. The preliminary examination provided by the Barristers' Board was not so severe as the ordinary matriculation examination provided by the British or Australian universities.

MR. BATH: If we were to accept the doctrine that the scope of a Bill as originally introduced should not be extended, any amendments or new clauses desired could be tabooed. The whole question hinged on whether the matriculation examinations covered by this clause were equal to the preliminary examination which had been set down by the Barristers' Board. If they were so, he failed to see any reasonable argument in opposition to the clause. He had no desire to oppose an amendment simply because it came from another place.

MR. TAYLOR: This measure had been brought down by various Governments with a specific object, and the simplicity of that object appealed to the House. He recognised the arguments by the Attorney General, and not alone by him but by others who had legal knowledge and had brought the matter forward. He was in favour of liberalising the profession. This Bill was piecemeal legislation, and would do nothing to break through or lower the ring fence surrounding the legal profession. But at this stage it would not be wise to try to widen the scope of the measure. Let the Attorney General promise that a comprehensive Bill to liberalise the profession should be brought in next session, and he (Mr. Taylor) would support him in disagreeing with the Council's amendment.

THE ATTORNEY GENERAL contradicted the statement of the member for Subiaco that pure "cussedness" actuated his disagreement with the Council's amendment. The hon. member, despite his somewhat mournful voice, had surely on this occasion worked off a grim joke; in fact, in evolving such phantasies he acted as a rival to the Leader of the Opposition. In his (Attorney General's) opinion, if the Barristers' Board thought it wise they could practically do what the Council's new clause would authorise. The member for Dundas suggested that the board had already exercised the power. Whether or not they did so, the power evidently existed. It must be remembered that some clauses which crept into a Bill during its passage had a history behind them. They were said to liberalise the Bill; but as a rule the movers were simply working a point for some particular person.

MR. DAGLISH: Was the Minister imputing motives?

THE ATTORNEY GENERAL: There was a desire to make the measure suit the requirements of particular persons.

MR. DAGLISH: Was that motive imputed to members of this Committee?

THE ATTORNEY GENERAL: Presumably one could criticise not a particular member but the general motives which actuated members suggesting amendments. When the Bill was previously before the Committee he was pestered with applications to suit the clauses to the wants of individuals; and in every case he explained that this was impossible, and he absolutely refused to mould the Bill as suggested. Apparently some other members had not shown so stern a front. There was no reason for including this clause in the Bill. It was foreign to the purport of the measure; and that was a sufficient reason for its omission.

MR. TROY: The Attorney General had implied that some person had influenced members to have this clause passed. When the Bill was previously in Committee here, the Minister tried to pass a clause at the instance of the member for Claremont (Mr. Foulkes) for the purpose of presenting an honorary degree to one person.

MR. FOULKES: Not so. It was to apply generally.

MR. TROY: The hon. member interjecting moved that any person who had for five years acted as Registrar of the Supreme Court might without examination be admitted as a practitioner. How many had acted as registrar? Then the Attorney General said that this proposal would be accepted if framed so as to empower the Barristers' Board to grant degrees *honoris causa*. Later on the Minister brought in a clause providing that the Barristers' Board might admit a person who had not complied with the provisions of the principal Act. That clause was entirely foreign to the Bill,

and must have been drafted in the interest of one or two persons, whereas the Council's amendment was in the interest of a large number of people. When a Bill was introduced to amend an Act, it was the duty of members to remedy defects in that Act or to liberalise it wherever possible. If that were not done, the time would never come when a comprehensive Bill would be brought in embracing all that members required. The Attorney General argued that the Barristers' Board could admit any candidate who had matriculated. Had that power ever been exercised? Why leave that to the Barristers' Board, elected by barristers who naturally desired to hedge round with difficulties the entrance to the profession? The principal Act was for the guidance of the board; hence the Council's amendment should rightly find a place in this Bill. We were only making trouble for ourselves by objecting to a liberal amendment from another place. Let the Attorney General show his backbone when there was some reason for fighting the Council.

MR. DAGLISH: It was unnecessary for the Minister to drag in personalities. The Attorney General had chosen to assume that those supporting the Council's amendment were doing it from hidden motives not referred to; and he informed members that certain members had been approached, that he (the Minister) had been approached. As to that he (Mr. Daglish) had not been approached by anyone, and he took it rather as a compliment, because the public who approached members generally knew the persons from whom they could gain something, and they approached the Attorney General. Since he had been in the House there had been attempts to liberalise the legal profession, and he supported any proposition that would admit fit persons to the profession. He had done his best towards defining the powers of the Barristers' Board. As to the Barristers' Board having already the power to give effect to this proposal, that board was a body elected by the legal profession, interested in keeping it within the narrowest limits, and therefore representative not in any sense of the public, but entirely of a profession interested in reducing competition. The body that established the Barristers' Board was entitled to give that board specific instructions as to its duties and to define and limit its powers. This clause removed from the Barristers' Board a certain amount of discretion, instead of giving it power—if desired to please in any individual case—to admit certain persons to study for the law. It was said that under certain conditions the board should admit those individuals to study for the law; and the Council's amendment made the power an obligation.

Question (that the Council's amendment be not agreed to) put, and a division taken with the following result:—

Ayes	...	...	13
Noes	...	...	20
Majority against	...		7

AYES.	NOES.
Mr. Gordon	Mr. Bath
Mr. Gregory	Mr. Bolton
Mr. Gull	Mr. Brebber
Mr. Hayward	Mr. Collier
Mr. Keenan	Mr. Daglish
Mr. Layman	Mr. Davies
Mr. McLarty	Mr. Eddy
Mr. Male	Mr. Foulkes
Mr. Mitchell	Mr. Hicks
Mr. N. J. Moore	Mr. Holman
Mr. S. F. Moore	Mr. Hudson
Mr. F. Wilson	Mr. Johnson
Mr. Hardwick (*Teller*).	Mr. Scaddan
	Mr. Smith
	Mr. Taylor
	Mr. Underwood
	Mr. Veryard
	Mr. Ware
	Mr. A. J. Wilson
	Mr. Troy (*Teller*).

Question thus negatived, the Council's amendment agreed to.

Resolutions reported, and the report adopted.

Reasons for not agreeing to two amendments were drawn up and adopted, and a message accordingly returned to the Council.

ASSENT TO BILLS (2).

Message from the Governor received and read, assenting to the Permanent Reserves Rededication Bill and the Prisons Act Amendment Bill.

BILL—MINES REGULATION.

IN COMMITTEE.

Resumed from the previous Tuesday; MR. ILLINGWORTH in the Chair, the MINISTER FOR MINES in charge of the Bill.

Clause 33—General Rules:

Subclause 28—Shafts with ladders to have platforms:

MR. HOLMAN: Had the Minister any idea of the meaning of the words "substantial platforms at intervals of not more than 30 feet?" As the sinking of shafts had become deeper, platforms were placed on opposite sides alternately at distances of say 25 or 30 feet; and the more they went down the more they retarded ventilation. An up-to-date system was that of using iron bars so that ventilation should not be retarded so much. The platform he alluded to was known as the gridiron platform. Had the Minister inquired into the matter, or had anything been done or brought under notice in relation to the use of more up-to-date platforms than those used in the past?

THE MINISTER FOR MINES: Nothing whatever had been brought under his notice. What we desired was to see that the platform placed at the bottom of each ladder was of a substantial nature. As long as we insisted on there being a secure platform at the end of the ladder we ought not to insist on anything farther. When a man felt tired he could have a rest upon a platform.

MR. SCADDAN: The conference sitting at Bendigo had unanimously agreed that it was not to the best advantage to have the platforms as they had been placed in the past, but that there should be the gridiron system. By the method adopted at present there was only sufficient space left for a man to pass through, and very often he had to struggle to do it. That retarded ventilation.

THE MINISTER: What was referred to was more a matter of departmental work.

Subclause 29—Cover overhead:

MR. BATH moved an amendment—

That after "cage" in line 2, the words "or skip" be inserted.

It was just as essential for a cover to be used on skips as on cages.

THE MINISTER: Skips were used in an underground shaft for the purpose of raising the ore from the various levels to the top of the mine, and as a rule they discharged from the top; therefore it would be impossible to have a cover overhead. We might insist on a hood being placed over them, but it would be an inconvenient and awkward thing, and if we insisted on a cover at the top and the skips discharged from the bottom, that would be much more dangerous than discharging from the top. In dealing with a skip, one was only dealing with a machine used in an underlay shaft.

MR. SCADDAN: Not necessarily.

THE MINISTER: That was how he interpreted it.

MR. BATH: What was meant by "from the top?"

THE MINISTER: From the top of a skip. If they discharged from the bottom, stuff might fall on men.

MR. BATH: This subclause applied to cages used for raising ore and men, and there was as much danger involved in a man riding in a skip without a cover as in a cage without a cover. As to skips being used in underlay shafts, he had seen places where the shaft had run down perpendicularly to cut the reef, and then on the underlay when the reef was cut. He had no objection to withdrawing the amendment if the Minister would promise to consult his departmental officers in relation to it.

THE MINISTER: If the hon. member would try to work in some amendments in the next general rule he could understand it, because there we should be dealing with "every cage or skip used in a shaft for raising or lowering men."

MR. BATH: The cover would prevent ore from falling on men in the skip.

THE MINISTER: If we allowed men to travel in skips in vertical shafts without a cover, there would be danger.

Amendment by leave withdrawn.

Subclause 31—Safety cages to be tested, etc.:

MR. SCADDAN moved an amendment to strike out the subclause and insert the following:—

Before any safety cage be used it shall be tested in the presence of an inspector of mines, or an inspector of machinery to show that it is in working order, and no such cage shall be used unless and until an inspector as aforesaid gives a certificate to the effect that such cage is in fit working order and condition. It shall thereafter be tested by the mine manager or other duly qualified person appointed by him at least once in every two

weeks, and the result entered in the record books also at least every six months, and the certificate renewed by the inspector as aforesaid. All cages to be tested with full and empty trucks, from the drums in the engine-house.

In Kalgoorlie alone between 3,000 and 4,000 men were conveyed to work in safety cages; hence the need for keeping cages in repair. Sometimes the rope broke; and the cage, instead of hanging in the shaft as it should, fell to the bottom. The inspector's report showed that a recent accident in the South Kalgurli mine resulted from the safety appliances not holding the cage in position. The cage fell about 60 feet on to the penthouse at No. 12 level. Men who were working in the bottom of the shaft escaped by a miracle, the cage burying itself 4 feet in the mullock of the penthouse above them. The subclause provided that the cage should be inspected by the management, and an entry made in the record book. That accident proved that this practice was unsatisfactory. Frequently the manager examined a cage by shaking the springs or giving them a little oil. Cages were not often tested as they should be, by actually disconnecting the rope. The cage mentioned was recorded as being in good condition; but had it contained men when the rope broke, they would have gone to eternity.

THE MINISTER: Would not accidents be as likely under the amendment?

MR. SCADDAN: No. The amendment provided that every cage before being used should be tested in the presence of the inspector, with full and empty trucks, from the drum in the engine-house. Probably that test was never made in this State. The method often used of testing from immediately above the cage in the shaft was not a fair test. The amendment followed the Victorian rule, by which the cage was tested by an appliance on the rope near the drum in the engine-house. It was first tested with an empty truck, then with a truck full of ore, representing the ordinary load that the cage would carry; and if the safety catches would not act they were condemned. The amendment would inflict no hardship, though it might have the effect of condemning some cages now at work on the Kalgoorlie field. Recently in Victoria the member for Bendigo asked the Minister whether he would amend the clause which compelled the inspector to test the cage with empty and with full trucks. After consideration the Minister declined, as he was informed by managers and by makers of safety cages that these should be tested with both full and empty trucks, to ensure efficiency. We provided for the certification of boilers; but in the case of cages a far greater number of lives was at stake.

THE MINISTER regretted that he could not accept the amendment, which would give the working miner no more security than the Bill provided. The fact that the inspector had two or three months previously tested the cage would not have prevented the accident on the South Kalgurli mine. The great speed of the cage appeared on some occasions to prevent the catches from acting, though they might act at a lower speed. He would draft a regulation for the inspection of cages; but he did not wish to overcrowd the Bill by including every such rule. In Kalgoorlie the amendment might be workable, for a manager with a new cage might ask the inspector to call on the following day to grant a certificate. But a mine a hundred miles away could not stop work until the new cage had been approved by the inspector. Throw the whole responsibility on the manager, as the Bill proposed, providing that every two weeks he must inspect the cage and make a record that in his opinion the cage was safe. If the inspector certified that the cage was in working order, the manager would be relieved of a grave responsibility. The hon. member talked of a test being made near the surface. If anything went wrong the cage would fall to the bottom of the shaft.

MR. SCADDAN: The accident referred to had not occurred during a test, but when stuff was being hauled from one level to another.

THE MINISTER: There was little difference between the amendment and his (Minister's) suggestion. The hon. member required a test to be made before the cage was used; but in outlying centres that would hamper the mines; and, in addition, our object should be to

throw the responsibility on managers. As regulations had the force of law, if we provided the method by which the tests should be made it should be sufficient, and the hon. member should rest satisfied.

MR. HOLMAN: We should know what the regulations would be before we passed the subclause.

MR. TAYLOR: The member for Ivanhoe suggested that cages should be tested with full trucks.

THE MINISTER: There was no amendment to that effect on the Notice Paper.

MR. TAYLOR: But the hon. member had expressed his intention to add to the amendment on the Notice Paper to provide that tests be made with full trucks. The strength of a chain was its weakest link; so why test with an empty truck? The test should be made with a full truck.

THE CHAIRMAN: That amendment had not been moved.

MR. TAYLOR: The member for Ivanhoe had expressed a desire to add a sentence to the amendment on the Notice Paper.

MR. SCADDAN: Yes; that the cage be tested with full and empty trucks.

MR. TAYLOR: The test with a full truck would be sufficient. The Minister did not wish to load the measure with too many amendments; but we could not load a measure too much in the direction of protecting the lives of miners, especially those working 1,000 feet below the surface. A case had been mentioned where a truck was precipitated hundreds of feet. It must have been some distance, because the truck buried itself four feet in the penthouse.

MR. SCADDAN: It fell 500 feet.

MR. TAYLOR: If members were under that truck they might imagine the anxiety of the position, and could then judge whether there was any objection to overloading this measure by putting in this amendment instead of leaving the matter to regulations. The amendment provided that the inspector of machinery should make the test, but the Minister wished the onus to be placed on the mine manager. The onus should be on both the manager and the inspector, because in outlying districts the miners looked to the inspector to see that their safety was assured in appliances and timbering. If the Minister thought the amendment would work disadvantageously to outlying centres, owing to the distances the inspector would need to travel in order to be present at the testing of a cage, a regulation could easily be framed to say that the clause should not apply in certain districts. There was no desire to make a law for one part and not for another; but our gold-mining industry covered a large area, and it was impossible to devise one rule which would be applicable to the whole State. It was easy for the Minister to do as suggested.

THE MINISTER: The hon. member wished to make the Bill subservient to regulations. The hon. member would put this in the Act and thereby make it compulsory, and then have regulations made so that it should not apply to certain districts.

MR. TAYLOR: Power was given in all similar Acts to make regulations. He had always objected to the power given to draw up regulations, because the regulation invariably was more crushing than the measure, when it was not the intention of Parliament that the measure should be too stringent. It was not necessary for this Bill to be subservient to regulations. This amendment would work admirably on the Golden Mile; but it would be most inconvenient to outlying places. That was the Minister's argument. The difficulty could be overcome easily by regulations.

MR. HOLMAN: It was to be regretted that the Minister had not accepted the greatest part of the amendment, because something in this direction was absolutely necessary. Too great care could not be taken in the matter of testing safety appliances. The Minister should accept the amendment moved by the member for Ivanhoe.

THE MINISTER: It would be done as promised by regulation. The amendment as worded would give no more security than the clause. All it would do would be to cause trouble.

MR. HOLMAN: At Bendigo a cage was tested with an empty truck and the grip acted splendidly; but when tested with a loaded truck it did not act. He had seen that himself.

THE ATTORNEY GENERAL: Just the opposite had occurred in his presence.

The grip had acted with the full truck and had not with the empty truck.

MR. HOLMAN: It was all a matter of springs. They should be carefully seen to. Another matter that had been mentioned was the testing of cages from the drum in the engine-house. It was said that tests were often made by lashing the cages up by a piece of rope and then cutting the rope. That was not sufficient. The test should be made from the drum in the engine-house. There was a fixture in the engine-house, and by giving it a tap with a hammer the rope could be released and the cage tested properly. The time had arrived when we should make it compulsory to have safety appliances fixed on kibbles or buckets where men were working underneath them. Patents had just been granted for such appliances. They had been tested in Bendigo and proved a splendid success. Mr. Greenard, one of our inspectors of mines, had brought to the State a model of the appliance.

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

MR. TROY could not agree with the subclause as printed, nor with the amendment. Probably outside the Golden Mile the amendment would not work, for on other goldfields inspectors of mines had duties extending over large areas of country, and would not be able to test every cage when required. The district of the inspector for the Murchison field stretched from Gullewa in the south to Peak Hill in the north, and the inspector might be away for two or three months. During that time a number of cages might be introduced in the locality. The proposal would be a hardship to the mining companies, for a cage could not be used until an inspector had tested it. If a mine manager at Gullewa required a cage tested and the inspector of mines was at Peak Hill, 600 miles away, the mine manager would have to wait until the inspector could visit the locality and inspect the cage. We could easily get over the difficulty by providing that in the absence of the inspector a mine manager could test the cage or the rope and at once report to the inspector the result of such a test. Objection could not be taken to such a provision. A mine manager had to take the responsibility, and it would be to his interest to test the cage before it was put into use.

THE MINISTER: A mine manager had to test a cage every fortnight now.

MR. TROY: A new cage might be defective and should be tried before being used on a mine. The men always knew how an old cage was working, but it was absolutely necessary that a new cage should be tested as soon as it was placed on a mine.

MR. SCADDAN: It was more essential that the old cage should be tested.

MR. TROY: The Committee might agree to an amendment in these words: "If the inspector is not available, the mine manager may test, the cage and record the result of the test and forthwith notify the same to the inspector." This was provided for in the Tasmanian Act. The words might be added to the amendment of the member for Ivanhoe.

MR. SCADDAN: It was to be regretted the Minister could not accept the amendment, because this was one of the matters we should be very particular about. In speaking on the second reading the Minister asked him (Mr. Scaddan) to give assistance in making the Bill a good one. Did the Minister mean that assistance should be given to carry the Bill as it was printed, whether right or wrong, or did he wish the Bill to be made a workable measure, to provide for minimising the accidents that happened in the mines? If that was the view of the Minister, the amendment should be accepted. If the safety of the men was to be the first consideration then the amendment was essential. In every mining district in the world the same difficulty in regard to the testing of cages had arisen. In Victoria 10 or 12 years ago it was quite common for ropes to break and often for the safety hooks to split. Now they had adopted a provision similar to this, and it was working well in Victoria. We should make inspection rigid in Western Australia. He was sorry the Minister on every occasion when we desired to do something for the safety of the men should bring up the argument about out-back districts. We had a machinery Act which provided that the owner of a boiler working without a certificate was liable to prosecution for an

offence against the Act, and there was no exemption made of any particular district. It was arranged that if the inspector was not able to get to a place he would permit the people to continue working the boiler for a short period until he could get there. With regard to this particular amendment it not only provided that the inspector of mines should make this test, but that the inspector of machinery might do so; therefore in those districts there would be two chances. The amendment would work no hardship on mine owners in out-back districts. But to meet the objection raised he was prepared to accept the amendment of the member for Mt. Magnet. On the big mines in Kalgoorlie the lodes varied constantly every day in the week, and the springs were put to different tests which made it absolutely essential that they should be periodically tested.

MR. EDDY: The amendment and the clause meant practically the same thing. The question was whether the inspector or the management should have the responsibility. Managers had to accept the responsibility legally, and we should let them accept it under this measure. It would be impracticable for an inspector to visit every mine on the fields to undertake this work.

THE MINISTER: The member for Ivanhoe was hardly fair in drawing attention to the fact that he had been asked by him (Minister) to render assistance regarding the Bill because one could not accept every amendment the hon. member placed on the Notice Paper. The hon. member was actuated by a desire to promote the best interests of the men employed on the mines, and he (Minister) would be able to accept the next three amendments the hon. member had on the Notice Paper, but was unable to accept this amendment. We wanted to throw the responsibility upon the mining manager in connection with the careful overlooking of these safety appliances, and we insisted that every fortnight an examination should be made. As to boilers, there had to be a certificate from the maker in relation to a new boiler—[MR. SCADDAN: That was not much use]—and in the next place it was somewhat different from a certificate granted for the safety appliances of a cage, where a man with a hammer or screw-wrench could alter those appliances. The Government would bring forward regulations dealing with the methods that should be adopted by the inspector, so that when he went upon a mine there would be an approved method. By his amendment the hon. member asked that before any of these safety cages should be used they should be inspected by an inspector and a certificate granted. The difficulties that would occur in out-back districts had been pointed out. We did not want to have mines held up until an inspector came along and approved of the safety appliances to be used.

MR. SCADDAN: What was done in the case of a boiler?

THE MINISTER: In the first place we had a certificate of the maker.

MR. SCADDAN: That was no protection under the Act.

THE MINISTER: No; but still we had a certificate of the maker, which was something for a man to go upon. It would not be wise to alter the clause. One of the main things would be the method of testing the cage, and regulations would be made for that.

MR. HUDSON: Did the Minister object to the suggestion made by the member for Ivanhoe as to the method of testing?

THE MINISTER: No; and he had made a promise about that.

MR. TAYLOR: Why not give the assurance in the Bill?

THE MINISTER: Because he wished to have a thorough knowledge of the method to be adopted.

MR. HOLMAN: This had been working for years in Bendigo.

THE MINISTER: In Bendigo the position was altogether different. There were great objections to issuing a certificate on such machinery, which could be altered in a few moments by any workman. After the inspector had made his test of a cage and had given a certificate and approved of the safety, they could screw up the springs so as to make them spread out the grippers.

MR. HUDSON: Could they do it under regulations?

THE MINISTER: What he was doing was to put the responsibility on the manager. It was the manager's duty to see that the appliances were kept in order. The clause provided that the manager could put the cage to such test

as he thought proper, and every fortnight he would have to make a test and enter a report of the test in the record book of the mine.

MR. TAYLOR: The member for Mt. Magnet had overcome the difficulty in regard to outlying districts, yet the Minister would not accept the suggestion. To get over the difficulty the first procedure to be adopted would be to strike out the clause. While Opposition members might not be competent to test safety appliances, many of them had ridden in cages without grips, at a time when the worker was not well represented in this House. The old cage required what the amendment would secure—a more severe test than the new cage. Some of the Opposition were practical men, who had worked winding engines. Such men should be listened to, and it was idle for the Minister to disparage their opinions, after stating on the second reading that he would look to the Opposition for assistance.

MR. SCADDAN: The amendment would not shift the responsibility from the manager to the inspector. The Minister said the cage might be altered after the inspector left. That would apply to a boiler, for which certificates were issued.

THE MINISTER: A boiler had a lockup safety valve.

MR. SCADDAN: With a key in possession of the owner.

THE MINISTER; What about the seal?

MR. SCADDAN: Some safety-valves had neither locks nor seals, and the owner could screw down the valve to make it withstand a greater pressure. The same would apply to a safety cage. No one wished to remove responsibility from the owner; and the amendment would provide for half-yearly tests by the inspector, and fortnightly tests by the owner. In view of the number of workers involved this provision should be made in the Bill, and not left to regulation. Why the objection, when the Minister could, with the Governor-in-Council, alter or repeal these general rules, or exempt any district from their operation? The protection of life should be the first consideration.

MR. TROY: As the preceding subclause provided that a cage used for raising or lowering men must be fitted with side-catches, it followed that the cage should be inspected before use. True the inspector could not make all the inspections; and the amendment proposed that the manager should make some. Pass the subclause as drafted, and the manager need not inspect the cage till two weeks after he began to use it. That the responsibility was on the manager was cold comfort for the widows of men fatally injured. A new cage was in greater need of inspection than a cage in use. Make the test at the beginning, instead of waiting two or three weeks. With a safety cage, to find out whether it was working properly, it should be tested before even one man was lowered underground in it. The mover of the amendment was reasonable, and agreed that for mines outside the Kalgoorlie Belt an inspection by the manager should be sufficient; but he rightly held that the inspection should be made before the cage was used. The Minister admitted the reasonableness of this by promising that this would be provided in the regulations.

THE MINISTER: Not that, but the method of testing by the inspector. We could add after "inspector" the words, "in the prescribed manner." Then it would be necessary to make regulations.

MR. SCADDAN: It was as easy to deal with it in the general rules as to make regulations.

MR. TROY: It would be more satisfactory to know that we had decided that the Bill should include the provision that a cage must be tested before being used. Regulations could be altered without members knowing anything about it, but the Bill could not be altered.

THE MINISTER: Power was given to vary the general rules.

MR. SCADDAN: And the Minister could exempt any district.

MR. TROY: All the more necessary that the manager should make the inspection. The Minister and the mover of the amendment agreed that the subclause and the amendment meant the same thing. He (Mr. Troy) disagreed with that, because the subclause provided that safety appliances should be used when the inspector considered it necessary to do so. That left the question to the discretion of the inspector. In that

way the clause differed from the amendment.

THE MINISTER: Discretion was necessary, because there was no method of having safety appliances in an underlay shaft.

MR. TROY: If the Minister desired to place the responsibility on the manager, what objection could there be to providing that in the Bill? Then the manager would know that he had to make an inspection before the cage was put into use.

MR. JOHNSON: The question under discussion was the main feature of the Bill, inasmuch as the lives and limbs of the men depended on the safety of cages. Those who had not been connected with mining might not appreciate the dangers attaching to the raising and lowering of men in cages, but the illustration given by the member for Ivanhoe should convince such members of the necessity for the amendment. In that case the inspector stated that the cage had been regularly tested on the surface by the management and was always found to be satisfactory—that was the ordinary inspection which the Minister suggested; and the accident seemed to have been due to the safety appliance failing to hang up the cage. The amendment distinctly laid it down that an inspection should be made before a cage was put into use, and if anything were needed to convince the Committee of the necessity for this, it should be supplied by that illustration of an accident which occurred in one of our own mines only a few weeks since, when men's lives were only saved by the fact that there was a very strong penthouse in the mine. The amendment proposed by the member for Ivanhoe was no experiment; the provision was now in operation in both Victoria and Tasmania. Yet while the Minister agreed that there was something in the contention of the member for Ivanhoe, he refused to put the provision in the Bill, though he had agreed to put it in a regulation.

THE MINISTER: That was incorrect; he had agreed to do that only in regard to the method of testing.

MR. JOHNSON: What else was the Committee discussing?

MR. TROY: When the test should be made.

MR. JOHNSON: If any provision should be put in the Bill, it was this suggested by the member for Ivanhoe. It should not be left to the discretion of the inspector. A similar provision to the amendment already existed in the principal Act, yet the Government now proposed to leave it out of the Bill for the purpose of putting it in the regulations. The Committee should insist that every precaution be taken to protect the men against the possibility of accident, and the amendment would assist to that end.

THE ATTORNEY GENERAL: The real point of difference between the clause as printed and the amendment was whether or not the responsibility should be placed on the manager or on the inspector.

MR. SCADDAN: That was only a lawyer's reasoning, not common-sense.

THE ATTORNEY GENERAL: It was clear under the clause that a mine manager, or somebody deputed by him, had to take the responsibility of testing the cage, not once in six months but once every two weeks. If responsibility were taken off a person's shoulders it tended to make him more or less negligent.

MR. SCADDAN: The Attorney General had some experience in the responsibilities of a manager, in the South Boulder case.

THE ATTORNEY GENERAL: It was useless the hon. member interrupting. If the inspector had gone there six months before, would it have made any difference in that case? The hon. member referred now to an accident which had occurred not through any defect in the cage but through a culpable system of working, two ropes being hung the same way.

MR. SCADDAN: The case was that in which the Attorney General prosecuted on behalf of the Crown; and the Attorney General as counsel had pointed out that the maximum penalty was £10 for a man's life.

THE ATTORNEY GENERAL: It was £10, and if the member had been acting for the Crown it would have been his duty to point that out, because if a greater penalty had been imposed the conviction would have been upset. Was it not only

human that if we took the responsibility off a man's shoulders he would become more or less negligent? Assuming that a manager was more or less negligent, would it not be a case of far greater danger to the men that the inspector was not required to give a certificate at stated periods? The maximum of safety was arrived at by placing the responsibility on the shoulders of the manager who was there every day, and not on the shoulders of the inspector who was there only at intervals. A certificate would be a perfect shield for anyone who wanted to get out of his responsibility. The position of the Minister was clear, in stating that the method of testing should be provided in regulations. If the amendment meant anything, it was to shift responsibility from the manager's shoulders and place it on the shoulders of a person who visited a mine only at intervals.

MR. HUDSON: There was a good deal of confusion in regard to the wording of the amendment and the effect of it. At first he saw little difference between the clause as drawn and the amendment of the member for Ivanhoe; but the member added certain words, and the proposition resolved itself into two points of dispute. The member for Ivanhoe wished cages tested before they were put into use, and also wished included in the clause the method of testing before cages were used, and afterwards when being tested by the inspector and the mine manager. Under the present law a cage had to be tested before it was used. No reason had been given why any alteration should be made. If a cage was to be tested at all, it should be done before men were asked to go into it. The present clause provided that a desultory sort of inspection by the inspector might be made; but the manager could put down a cage without having it first tested, and could wait until the inspector came along. The member for Ivanhoe had shown that his amendment was the law in Tasmania and Victoria, where the method of testing was inserted in the Act, and it was shown to work well there. The Attorney General pointed out that the clause placed greater responsibility on the mine manager than the amendment did. The very opposite effect arose. If by law the manager was directed every fortnight to test a cage in a particular method, there was greater responsibility on him if he tested it in a desultory way. As the member for Ivanhoe had agreed to accept the amendment of the member for Mount Magnet, there was no reason why the Minister should object to the proposal.

MR. HORAN agreed in general terms with what had been proposed by the member for Ivanhoe. One feature of the discussion appeared to have been overlooked. With a long experience in connection with mining matters, it was not right to attach too much importance to safety appliances in cages. A company he (Mr. Horan) was connected with in the Eastern States spent £2,000 in testing the best safety appliances that could be found, but they were not satisfactory. Only the other day in the district of Dundas a special test was put on for the benefit of the Premier, who was visiting the mine, and the cage stopped at the bottom. In the New South Wales Coal Mines Act, it was a duty laid down very clearly that either the mine manager or his representative should every morning before the men went down the mine, examine the ropes. They did not rely on any safety appliances but on the strength of the rope, and that was the main point the Minister should notice. The breaking strain of the rope was always reckoned at a certain amount, and they had at least five times that. They never relied on anything else, because all those things were delusions and snares.

MR. TROY: It had been pointed out that something more was wanted than was provided in the Bill, and provision was made for this by the amendment of the member for Ivanhoe, with one exception, and on that point the hon member was willing to accept the amendment advocated. The member for Yilgarn laid great stress on the fact that more importance should be placed on the testing of the rope than the testing of the cage. That was provided for later on also by the member for Ivanhoe. A full truck would test the breaking capacity of the rope. The Bill provided that the cages should be tested after a certain

time, and that the responsibility should rest on the shoulders of the manager. According to the Attorney General the maximum responsibility on the manager would be covered by an amount of £10. If by the negligence of the manager a person in his employ were killed through the breaking of the rope or the breaking away of the cage, the manager could only be fined £10.

THE ATTORNEY GENERAL: That was the maximum penalty under this measure; but apart from that, one could be tried for manslaughter.

MR. SCADDAN: There was a case of manslaughter against a person, and it fell through because a fine had been inflicted.

THE ATTORNEY GENERAL: The evidence was not sufficient.

MR. TROY: Whether a manager would accept the responsibility or otherwise would depend upon the difference between £10 and the expense which would be incurred in testing a cage. If the expense were £12, the risk would be incurred.

THE MINISTER: If he thought that the provision suggested by the member for Ivanhoe would give one little bit more security to the men, he would be only too pleased to agree to the amendment. His idea was, however, that by adopting the amendment we should take away from the manager the responsibility which should rest upon him, and he conscientiously thought that by so doing we should be causing an injustice to those whom we should protect. The hon. member and himself had come to an agreement so far as testing was concerned, it having been agreed that the words "all cages shall be tested from the drums with full and empty trucks" should be inserted.

MR. SCADDAN: It had been agreed that either in the event of the amendment being carried, or of the clause being adopted, those words should be added.

THE MINISTER: In any case those words had to go through.

MR. HORAN: Would the Minister make some restrictions with regard to the testing of the ropes?

THE MINISTER: Yes.

Question (that the subclause be struck out with a view to inserting other words) put, and a division taken with the following result:—

Ayes	14
Noes	17
Majority against ..	3

AYES.	NOES.
Mr. Bath	Mr. Brebber
Mr. Bolton	Mr. Cowcher
Mr. Collier	Mr. Davies
Mr. Daglish	Mr. Eddy
Mr. Holman	Mr. Ewing
Mr. Horan	Mr. Gregory
Mr. Hudson	Mr. Gull
Mr. Johnson	Mr. Hayward
Mr. Scaddan	Mr. Kecnan
Mr. Taylor	Mr Layman
Mr. Underwood	Mr. McLarty
Mr. Walker	Mr. Male
Mr. Ware	Mr. N. J. Moore
Mr. Troy (*Teller*).	Mr. S. F. Moore
	Mr. Smith
	Mr. F. Wilson
	Mr. Hardwick (*Teller*).

Amendment thus negatived.

MR. SCADDAN moved an amendment—

That the words "All cages shall be tested from the drums with full and empty trucks" be added to the subclause.

MR. HOLMAN: By the subclause as printed the cages were to be tested according to the requirements of the inspector. Would the Minister instruct the inspectors to make thorough tests whenever necessary?

THE MINISTER: Yes. That should be the principal duty of the inspector when he visited a mine, and he should at once condemn the cage if he found it was not working properly. But it was not desirable that the manager should be able to allege that the responsibility for the safety of the cage rested on the inspector.

MR. TAYLOR: The inspector for the North Coolgardie Goldfield reported on the 2nd January, 1906, that "safety cages are dropped every week and examined by the management; they are also dropped and tested by me on every visit of inspection." If all inspectors were so vigilant, there would not be many accidents.

Amendment put and passed.

Subclause 33 — Ladders in winzes, etcetera:

MR. BATH moved an amendment—

That the words "or winzes" be inserted after "shafts," in line 5 of Subclause 33.

It was as necessary to have ladders in winzes as in shafts.

Amendment passed.

Subclause 36—Additional rises to be constructed if required:

MR. BATH moved an amendment—

That the words "or good health" be inserted after "safety," in line 1 of Subclause 36.

Amendment passed.

Subclause 39—Maximum number in cage:

THE MINISTER moved an amendment—

That the words "at each level," in the last line of Subclause 39, be struck out.

The subclause provided that notice of the maximum number of men permitted to ride at one time on a cage or skip should be posted in legible characters at the top of the shaft and at each level. The Chamber of Mines suggested the amendment.

MR. HOLMAN: As many men went up the shaft as went down. The platman as well as the braceman on the surface should have the notice under his eye. The expense of writing the notice on a piece of tin was inconsiderable.

MR. TAYLOR: Men leaving work, particularly those leaving wet workings, were over-anxious to enter the cage, and unless the platman was protected by the notice the men might enter in spite of him. This would apply to all levels where men were working. It was a pity the Minister so readily accepted the amendments of the Chamber of Mines, and so reluctantly accepted those of Opposition members.

MR. SCADDAN: There was no reason why the suggestion should not be accepted. A legible notice posted at the surface brace should suffice; for no man could get below without entering the cage at the surface and seeing the notice while waiting for the change of shift. But the notice should be posted at the surface brace, and not anywhere else at the top of the shaft.

THE MINISTER: After the remarks of the member for Mount Margaret (Mr. Taylor), it became necessary to show the House the numerous amendments suggested by the Chamber of Mines. [Document held up, showing lengthy list.] Few of these suggestions had been adopted by the Government: far fewer than were tabled by hon. members opposite. The Chamber of Mines objected that the failure to post the notice would be an offence against the Act. The Government would now accept the proposal of the member for Ivanhoe.

Amendment by leave withdrawn.

THE MINISTER moved an amendment—

That all the words after "characters," in line 3 of the subclause, be struck out.

Amendment passed.

MR. SCADDAN moved a farther amendment—

That the words "at the surface brace" be added.

Amendment passed.

Subclause 41—Ropes to be tested.

MR SCADDAN moved an amendment—

That the words "at least every six months or" be inserted after "re-shod," in Subclause 41, line 2 of paragraph (*d*).

The subclause provided for re-shoeing of ropes for winding. These should be re-shod every six months, or oftener if the inspector thought fit. In last year's Mines Report, one inspector held that ropes should be shod at least half-yearly, and another recommended quarterly re-shoeing to show the condition of the rope. The part shod was at the end near the cage. That part stood the severest strain and came into contact with salt water.

MR. EDDY: The mover should add to the amendment, "if in constant work." A rope might not be in use for more than a week every three months.

MR. TAYLOR: That was the rope which should be looked after; for like the hon. member, it got rusty.

Amendment put and passed.

MR. SCADDAN moved that the following paragraph be added to the subclause:—

***(f)* Proper appliances shall be kept for cleaning and oiling ropes.**

Some mining Acts stated what appliances should be used. He did not desire to go that far, but on one mine there was no appliance whatever, the braceman being required to stand on a plank over the shaft, dip a piece of waste in oil occasionally, and let the rope pass through his hands. That was both dangerous and unsatisfactory—unsatisfactory because in the course of time ropes became caked with dirt, and the oil did not penetrate through the dirt. Some time ago a Bendigo mine manager, or his blacksmith, invented an appliance for oiling and cleaning ropes, and on one occasion, when the invention was being put to a test in the presence of a Minister for Mines, the appliance did the work so well that several defects in the ropes were discovered, and it was found necessary to take the rope off.

THE MINISTER: There was no strong objection to the amendment, but it was not necessary. Managers were bound to take precautions to have the ropes oiled and cleaned in order that the lives of the ropes should be maintained. This was a small thing to put in a statute. It was more a matter for the managers' administration of their mines. Where there were many ropes used on a mine the management would provide ample facilities for looking after them.

MR. SCADDAN: The illustration given showed the necessity for the amendment.

THE MINISTER: Managers would need to clean their ropes to protect them. If the hon. member pressed the amendment it could be inserted in the Bill.

MR. SCADDAN: The appliance necessary for cleaning ropes was very primitive, and the amendment would inflict no hardship on our outlying mines. Managers would not look after the safety of their ropes, upon which so many lives were dependent.

THE MINISTER: The amendment would not be opposed.

MR. TAYLOR: The illustration given by the member for Ivanhoe showed the necessity for the amendment.

MR. COLLIER: It was touching to see the confidence the Minister placed on managers, seeing that ropes were tested and that all things were properly conducted on mines. The annual report of the Department of Mines told a different tale. On page 56 of the last report it was shown that there were four prosecutions for breaches of the Act on the East Coolgardie field. The first was against the manager and underground manager of the Boulder Deep Levels mine for neglect to keep the winding rope in good order and condition, and negligence, as the result of which one Albert Sergeant was killed. The manager was fined £25, with costs £11 17s., and the underground manager £10 on each of two charges, with costs £11 17s. It was proved by the evidence at the inquiry that the rope had not been oiled for six months, and that it was shown to be, when tested, absolutely rusty and rotten inside. It was also shown that there were no appliances on the mine to test the rope. It was useless the Minister making out that the managers were solicitous for the condition of their ropes.

THE MINISTER: There were managers and managers.

MR. COLLIER: One of these men was now underground manager on one of the best mines. The Attorney General had defended this manager when brought up on a charge of manslaughter, and had secured an acquittal on the plea that the man had already been prosecuted. This was continually happening; yet we were told that we should not relieve the managers of responsibility. What was the use of finding them small sums?

THE MINISTER: How would this amendment affect the case brought forward? It simply provided that proper appliances should be kept for oiling ropes, but there was nothing to make it compulsory that the rope should be oiled. If miners had to depend on the member for Boulder for their protection they would have a very bad time.

MR. HORAN: Did the Minister propose to recommit the Bill?

THE MINISTER: Yes.

Amendment put and passed.

MR. HOLMAN: Would the Minister provide in the regulations for rope oiling?

THE MINISTER: The matter would be seen to.

Subclause 43—Underground winches:

MR. SCADDAN: The subclause provided that every winch worked by steam or compressed air used underground for hauling purposes should have a proper pressure gauge to indicate the pressure available for working. This could be improved by inserting the words "suitable receiver and" before "proper pressure gauge." In nearly every case where a winch was used underground, a receiver was put at the plat so that if the air was cut off at the surface there would be sufficient in the receiver to take up the bucket; but it would be wise to make it compulsory. If the air was cut off at the surface, and there was no receiver, immediately the winch was brought into use the air would be lost, because there would not be sufficient air between the plat and the surface to carry the bucket up.

THE MINISTER: An amendment suggested by the member for Leonora would get over that.

MR. SCADDAN: To an extent; but in the event of something happening on the surface and rendering it necessary to immediately shut the valve, if there was a receiver on the plat to hold sufficient air to take the bucket to the top there would be no danger. He moved an amendment—

That the words "suitable receiver and" be inserted before "proper," in line 3.

Amendment passed.

MR. SCADDAN farther moved that the following words be added to the subclause:—

In no case shall the steam, air, or other motive power used underground be cut off unless and until the person in charge of the generating plant on the surface has received express instructions from the persons in connection with whose work such motive power is employed.

In the event of a breakdown of machinery, it would be impossible for the driver to continue making air, and in such circumstances it would be impossible for the amendment to apply; but by the amendment just agreed to that difficulty had been overcome, and the two amendments might go together.

THE MINISTER: Some provision of this character was necessary, and he would accept the amendment, but desired to amend it by striking out the words "persons in connection with whose work such motive power is employed," and inserting in lieu "drivers of the underground machinery." He moved to that effect.

Amendment on amendment passed, and the amendment as amended agreed to.

Subclause 44—Incompletely centered shaft:

THE MINISTER moved an amendment—

That the word "forty" in line 3 be struck out, and "sixty" inserted in lieu.

He had been advised that unless the distance were increased from 40 feet to 60ft. there was a danger that explosions would destroy the underground appliances.

Amendment passed.

New Subclause—Rises:

MR. SCADDAN moved that the following be added as a subclause:—

All rises exceeding a height of twenty feet above the recognised back shall be divided into three compartments by means of a securely constructed box.

This was necessary from the point of view of sanitation and ventilation and also for the safety of the men engaged in the rise. Under the box system the rise was divided into three compartments, and by this arrangement danger to the men from falling earth was obviated, besides which it also permitted of a current of fresh air passing through the rise. The subclause would inflict no hardship, because up to 20 feet there was no necessity for a box, but above that height there should be this provision. The system was of advantage to the companies inasmuch as it tended to economical working. Most managers approved of the system, and it had also been recommended by the Commission on the Sanitation and Ventilation of Mines, which had gone thoroughly into the question and had made a good recommendation in regard to it. It was pointed out by that commission, that although most managers approved of the system the commission had only seen it in operation in three of the mines they visited, which

showed the necessity for this provision in the Bill.

THE MINISTER asked the member to postpone the amendment. He had been given to understand that the majority of rises were made 6 feet by 4 feet, and to carry out the proposal contained in the subclause would necessitate the increasing of the size to 10 feet by 4 feet.

MR. SCADDAN: That was rubbish.

THE MINISTER: Mining managers at Kalgoorlie had advised him to that effect. Again, he had been advised by the mine managers at Southern Cross that the extra expense which would be entailed would make it impossible to carry on the working of the mines on that field. Of course, the health of the miners had to be considered, but inasmuch as special regulations were to be introduced dealing with the question of the sanitation and ventilation of mines, the chief argument in favour of the subclause from a health point of view would be removed. If the statement made to him that to instal the box system would mean that the size of the rise would require to be increased by 4 feet were correct, it was a serious matter. If the subclause were postponed, he would endeavour to obtain farther information on the subject. The Miners' Union desired that this work should be undertaken; on the other hand, the Chamber of Mines said it would cost an enormous amount of money, and he had been asked that if the provision were made it should be applied only to rises over 60 feet.

MR. JOHNSON: Such a proposal was scandalous.

MR. SCADDAN: It was criminal.

THE MINISTER: They told him that the workmen made no objection at all with regard to it. We had to consider first the health of the miner, and secondly the injury that might be done to the mining industry if we were to insist on a very expensive system of working. He would like farther consideration of the subclause postponed until we finished the Bill.

MR. BATH: Some of the contentions in those mentioned by the Minister were wrong. It would not be necessary to make a rise of 10ft. by 4ft. It would be ample to have 8ft. by 4ft. That would allow of two compartments of 3ft. each and a travelling way of 2ft. He had been where propositions were poorer than in Western Australia and where the box system of rising was invariably adopted. He knew copper mines and silver mines where the value of the ore was not over 30s. a ton, and the cost of production was much higher than in gold mines, and on all those mines whether small or large the box system was adopted. The recommendation of the Chamber of Mines that if we inserted such a provision it should apply only to a rise of 60ft. was absurd on the face of it. If a man fell 20 or 30 feet he would not do much afterwards. There was a general consensus of opinion on the part of those who had made a study of the question that if rising was to be carried on to any extent, there should be an insistence on the part of any mining legislation that the box system should be carried out. No matter how good the ventilation might be in a mine, there was still danger of bad ventilation in a rise. In fact the more powerful the current of air sweeping through a level, and the greater the volume, the worse very often was the ventilation of the rise, because the pressure coming along the drive kept the vitiated air in the rise. He hoped that when the question was dealt with on recommittal the proposal of the member for Ivanhoe would be adopted.

THE MINISTER: Serious consideration would be given to the subject. He moved the postponement of the subclause.

THE CHAIRMAN: That course could not be taken. The matter could be dealt with on recommittal.

MR. BATH: If the hon. member withdrew the amendment, he could give notice of a new subclause.

Amendment by leave withdrawn.

New Subclause—Safety-hooks:

MR. SCADDAN moved an amendment that the following be added as Subclause 31—

> All safety-hooks and catches shall at least once in every month be taken to pieces, examined, cleaned, and oiled by a competent person, who shall record the fact in the record-book.

It was necessary that safety-hooks and catches should be cleaned periodically and oiled, and the rivet in the safety-hook should be renewed.

THE MINISTER: It was to be hoped the mover would not press the amendment. Was it copied from any section?

MR. SCADDAN: Yes; from the New South Wales Act.

THE MINISTER: It seemed a trifling sort of thing. We had already passed legislation to the effect that safety appliances should be examined, and we anticipated that these examinations would be made every fortnight. He was not going to offer any strong protest against the amendment, but he did not wish to see the Bill saddled with matters of a trifling nature which at the very best ought to belong to regulations.

MR. SCADDAN: It was not a matter of saddling the Bill. The amendment was absolutely essential. Although these things might look small in print, they were very considerable when it came to the safety of the men. It was very easy for a rivet to become gradually cut, and unless it was overhauled and cleaned it might not be noticed until it was disconnected. That might happen in the middle of the shaft, and unless the safety cage appliances were in excellent condition the cage might drop to the bottom.

Question passed, the subclause added.

New Subclause—Height of stope:

MR. SCADDAN moved an amendment that the following subclause be added:—

> A stope shall not be worked to a greater height from the filling than twelve feet, or such lesser height that the inspector may order.

There had been much controversy in the past as to the height to which managers often carried stopes, especially if near the end of a high-grade run of ore. A considerable number of men was injured, especially on the belt, by falling ground, and about 75 per cent. of these accidents occurred on stopes carried to too great a height. A manager at Boulder was summoned by an inspector of mines; but there was nothing in the Mines Regulation Act dealing with the height of stopes, and the magistrate dismissed the case. We should not always depend on the sound in regard to ascertaining whether a place was safe, but be able to see it. When a stope was 20 or 30 feet from the filling it was impossible to see with any degree of correctness. The matter had been agitating miners for some considerable time. When managers were getting near the end of a rich run of ore, they wanted to leave the filling and would run all sorts of danger. The responsibility of having to pay a fine of £10 was not much. Moreover, the mining companies' system of accident insurance relieved the manager of much personal responsibility; and the insurance companies apparently cared little how the mine was worked. It was needless to quote statistics of the miners killed or maimed for life owing to the dangerous height of stopes. The inspector should have some discretion. At Kalgoorlie, on one occasion, the inspector ordered that the height should not exceed ten feet. The order was disregarded. He sued the manager, and the case was dismissed.

THE MINISTER: The amendment could not be accepted. Several members had mentioned that managers when proceeded against for negligence could only be fined £10; and members referred to a particular case. They doubtless knew that the second prosecution failed because the first action was taken and the man punished under the Mines Regulation Act. Had the man been first charged with the more serious offence, a heavier penalty would doubtless have been inflicted.

MR. SCADDAN: Had any manager in this State been prosecuted for manslaughter?

THE MINISTER: If criminal negligence could have been shown, action would have been taken.

MR. SCADDAN: Did not the Attorney General know that the second case would not lie?

THE ATTORNEY GENERAL had been asked to prosecute in the first case, and had prosecuted. He was not in the second prosecution.

THE MINISTER: Newspapers had protested against the extreme height of stopes. The Boulder *Star* made some rather sensational statements; and concerning these the local inspector, Mr. Hudson, wrote on the 25th August last to the secretary of the Miners' Union to the effect that stopes were said to be worked to 30 and 40 feet without filling; that such stopes were undoubtedly unsafe but had not come under the notice of the

inspector, who would be glad to know in what mines they existed. To that letter no reply was received. If the secretary of the union knew of those stopes, it ought not to be necessary for the inspector to write to him, but rather should he run after the inspector with the information.

MR. SCADDAN: The information would be furnished.

THE MINISTER: It should have been furnished immediately; and so far as he knew, it had not yet come to hand. The 12 feet provided in the amendment would not be a sufficient height for a leading stope.

MR. SCADDAN: Undoubtedly it would.

THE MINISTER disagreed with the hon. member. Nothing less than 14 to 16 feet would be sufficient where there was a large body of ore. For other than leading stopes a less height would suffice. The different methods of working and the varying nature of the ground made this question difficult. Under Clause 37 of the Bill there had been a conference between the State Mining Engineer and the Chamber of Mines, and the department were trying to arrange for fixing in each mine the height to which stopes could be worked.

MR. SCADDAN: Why differentiate between mines?

THE MINISTER: In an underlay, stopes could safely be worked to a greater height than elsewhere.

MR. SCADDAN: There was no such difference.

THE MINISTER: The State Mining Engineer wrote that the amendment should not be agreed to, as it was not reasonably practicable to prescribe a maximum height of stopes. This depended on circumstances, and the height could not be fixed in an Act.

MR. TAYLOR: Where was the justification for the Minister's statement as to a leading stope, unless the Minister called the level a portion of that stope? The level was already secured by its timber, and was not included in the stope; hence a leading stope need not be higher than any other stope. The ground would not be so likely to give way in a leading stope as in a higher level because more weight was on the hanging wall. In all probability the ground was more shaken through the heavy charge of fracteur used in driving the level. However, there should be some limit fixed to deal with unscrupulous managers. Five or six years ago stopes were open for about 75 to 100 feet in some mines, These were designated by the miners man-traps, and no man would work in them unless he was hard up. These things had been remedied since because of the vigilance of the inspectors, and perhaps through changes of management, but the Minister himself was aware that there had been cases of stopes from 50 feet to 70 feet high. Managers would not take proper care of human life, and some limit should be specified. The Minister might suggest some reasonable limit before the point was again considered.

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

BILL—PERTH TOWN HALL.

SITE FOR NEW BUILDING.

SECOND READING.

THE PREMIER (Hon. N. J. Moore) in moving the second reading said: This measure is one on which detailed information will not be required, in view of the fact that the subject has been discussed on public platforms and in the columns of the newspapers during the last few weeks. The Bill practically explains itself. It asks that Parliament should give power to enable the mayor and councillors of the Perth municipality to surrender certain land to the Crown, in consideration of the granting by the Crown of other lands and the payment of £22,000. The Bill also provides that a provisional agreement may be entered into between the Government and the City Council, to be ratified afterwards by a poll of ratepayers to be taken in accordance with the provisions of the Municipalities Act. If a majority of votes is in favour of the provisional agreement, it shall be confirmed; but if not, it shall be rendered null and void. The land referred to is the portion of land on which now stands the Perth Town Hall, being portion of Perth town lot B 17, and all right, title, and interest in the portion of land adjoining the same block on which is situated the building known as the Old Police Court, having a

frontage to Barrack Street of 114 links. At the same time, the Bill authorises the transfer from the Crown to the Council of the Irwin Street block, which has a frontage of 197 links to Hay Street, 206 links to St. George's Terrace, and 560 links to Irwin Street, containing in all 1ac. 0rd. 21 perches. This question of securing a new town hall site has been agitating the minds of the ratepayers of Perth for a considerable period. Negotiations were first entered into some eight years ago, when the council offered the present site to the Government in exchange for the Irwin Street block and £40,000. This offer was repeated two years later. Then in 1903 the Chamber of Commerce approached the Government and asked the Government to assist in the building of a town hall by granting a sum of money and the police court building and site. They afterwards asked the James Government to buy this particular site at a valuation. That Government promised to give the police court site on condition that a new town hall was built at a cost of not less than £30,000, according to plans to be approved by the Government. The plans and papers in connection with the proposal were laid on the table of the House for some five months.

MR. DAGLISH: A promise was made that Parliament would be consulted, but it never was.

THE PREMIER: In 1904 the mayor applied for the title to the additional area, the 114 links frontage on which the police court buildings stand, and was informed that when the plans were approved and the work was in hand the title would be issued. In 1905 the Daglish Government were approached and asked to revive the matter, and I understand the Perth council were notified that the purchase of the town hall site was approved by Cabinet at a reasonable price. The council offered the building and site for £67,000. This offer was declined by the Government; the valuation then made by Mr. Stronach, of the Works Department being £31,000. The next move on the part of the Perth council was that they asked for the police court site to be handed over, and a month later they stated they had decided to build and wished the title to be held *in escro* pending the commencement of the contract. The price of the property was £22,300; the buildings were estimated to be worth £3,500, and the land was valued at £18,000. The then Government—the Daglish Government—took up practically the same attitude as the present Government do, and would not transfer the site without parliamentary approval. In May of this year the Perth council again approached the Government and urged to be allowed to take over the Savings Bank site in addition, and extend the town hall over that building. After consultation, the members of the town hall building committee decided it was impossible to build a modern town hall worthy of the city of Perth on the site, which was objectionable for many reasons, one being the area was not large enough, and owing to the fact that it was so near the centre of the city that practically it was impossible on many occasions for people to hear one another speak in the town hall. Afterwards they asked the Government to acquire the town hall site and hand over the Irwin Street block, the Government paying the difference in value. Later on they approached the Government with a view of getting something definite done, and a deputation, which consisted of the mayor and all the councillors from the building committee, stated that the council were practically unanimous in desiring a site on which a town hall should be erected, which would be suitable for present and future requirements. The disadvantages of the present site were emphasised, and as a result of the representations made, a valuation was made by the Government valuator of the various sites which had been referred to. The town hall site was valued by Mr. Stronach at £31,200, the police court site at £22,300, and the Irwin Street block at £20,000, while the Technical School site which was suggested as an alternative to the Irwin Street site was valued at £25,760. Thus the town hall and police court building sites were estimated to be worth £53,500; while the Irwin Street site, which the Government paid some £16,000 for some years ago, was valued at £20,000. The Government then agreed to pay, providing Parliament approved, £22,000 in addition, or a total of £42,000 for the property which was estimated by Mr. Stronach to be worth £53,500. This was accepted, and the Bill is the result of these rather

lengthy negotiations which have gone on. The Government believe the course adopted is the wisest one to pursue in the interests of all parties. It is practically unanimously agreed on all hands that the present site is totally unsuitable for a modern town hall, and if it can be secured by the Government it is a site very suitable to complete the Government block of buildings, so that the various Government offices may be contained in what is known now as the Government block. I have nothing farther to add at this stage than to commend the Bill to the consideration of members. I beg to move the second reading.

MR. DAGLISH (Subiaco): I move the adjournment of the debate, and in doing so I ask the Premier that before it is resumed he should lay the papers on the table, so that members may be able to refer to them.

THE PREMIER: I shall have pleasure in acceding to the request of the hon. member.

Motion passed, the debate adjourned.

ADJOURNMENT.

The House adjourned at 10·27 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 18th September, 1906.

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

PRAYERS.

QUESTION—EXPERIMENTAL FARMS.

HON. W. T. LOTON (without notice) asked the Colonial Secretary: When is it intended to lay on the table the return moved for on the 26th June, relative to the various experimental farms?

THE COLONIAL SECRETARY replied: Last week I called to memory the return asked for by the hon. member, and I made inquiries from the Honorary Minister for Agriculture. I understand that the return is almost complete, and I shall probably be able to lay it on the table this week. Owing to the system in which the accounts of the experimental farms have been kept, it is rather difficult to get the return asked for in quick time. That explains the delay.

QUESTION—RAILWAY BRIDGE, BEAUFORT STREET.

HON. C. SOMMERS asked the Colonial Secretary: 1, If the proposed new Beaufort Street bridge is built in a straight line with Barrack Street, will any compensation have to be paid to private property-owners, so as to obtain the proposed grade of 1 in 16 for the roadway? 2, As it has been stated that the estimated cost of the proposed bridge is £16,000, does that estimate include the various attendant works such as a temporary bridge to carry the traffic during construction of the new bridge, and also any other works that may be necessitated by its construction? If the estimate stated at £16,000 does not include such attendant works,