Legislative Assembly,

Tuesday, 11th August, 1903.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Retirement of Trade Instructor at Fremantle Prison, Papers on motion by Mr. Daglish.

By the MINISTER FOR LANDS: Erection of Cattle Dip on Quarantine Boundary (North), Papers on motion by Mr. Pigott. Stock Department *v.* Forrest, Emanuel, and Co., Papers on motion by Mr. Wallace.

Ordered, to lie on the table.

QUESTION—RAILWAY BALLAST, MENZIES-LEONORA.

MR. PIGOTT asked the Minister for Railways: Whether his attention had been drawn to the nature (*a*) of the ballast used in the construction of the Menzies-Leonora railway, constructed by day labour. (*b*) If so, whether he could assure this House that the said ballast was in accordance with the usual specification for ballast used for the railways of this State.

THE MINISTER FOR RAILWAYS replied: (*a*) Yes. (*b*) Some portions of the diorite stone ballast are not broken to the size generally specified for stone ballast, viz. two and a half inches. The whole matter is being inquired into.

QUESTION—POLICE STATION, MOUNT GOULD.

MR. WALLACE asked the Premier: 1, Whether it was true that the Mount Gould police station had been sold. 2, If so, to whom, on what date, and for what price. 3, What was the total area of land comprising said station. 4, What was the total cost to the State of the said station. 5, Whether the station was submitted for sale by public competition. 6, If not, why.

THE PREMIER replied: 1 and 2, The police buildings and fencing were sold to Messrs. Darlôt Brothers on the 20th October, 1902, for £150. 3, A reserve of 7,000 acres, which reverted to the Crown. 4, The station was erected by Messrs. Darlôt Brothers at their own cost, and exchanged for the old Berringarra police buildings in 1887. 5, No. 6, Because the reserve is surrounded by the runs of Messrs. Darlôt Brothers, and they were regarded as the only likely *bona fide* purchasers.

REDISTRIBUTION OF SEATS BILL.

Introduced by the PREMIER, and read a first time.

AUDIT BILL.

Message from the Governor received and read, recommending appropriation for the purposes of this Bill.

SECOND READING.

Debate resumed from 6th August.

MR. F. ILLINGWORTH (Cue): I moved the adjournment of the debate on the second reading of this Bill, at the request of the Premier, and for reasons then apparent. I welcome the Bill as being one of the most important we are likely to deal with this session; that is to say, if the provisions contained in the measure are to be faithfully carried out. A good many provisions of the old Audit Act were not carried out. The simplification of this amending Bill I hope will remove many difficulties, and that the Audit Act will be fully carried out. I notice under Clauses 6 and 7 provision is made for placing the salary of the Auditor General under statute. This is calculated to make him more independent, which he has desired for some years past. The only matters I wish to make a remark or two about are the changes in reference to the stores account. The Auditor General is to take charge and properly audit and make himself conver-

sant with the fact that the stores are in the store. I hope, in addition to this, that at an early date steps will be taken to deal with the stores account and place it on a more satisfactory basis. The Bill proposes that we shall be satisfied that we have the stores in hand and that they are debited to the Treasurer. I hope some steps will be taken at an early date to remove the stores from the balance-sheet of the Treasurer altogether. I hold and have long held—when sitting in Opposition I frequently spoke in opposition to the matter—how unfair a thing and how improper a thing it was that year by year the accounts of the State should be represented by large quantities of goods and not in cash. The Treasurer should deal with cash except in those cases in which he acts as a banker and receives documents to hold. At present I suppose we have something like a quarter of a million of a surplus, and most people—perhaps some members of the House—indulge in the idea that the Treasurer has something like 250,000 sovereigns about. A good deal of the trust account is represented in goods and stores. Now the Treasurer himself has on several occasions expressed a desire, with which I heartily agree, that some proper fund should be placed to credit, out of which stores should be paid for. These stores should not appear as cash in the Treasurer's balance-sheet. The system of treating goods as cash has led us into many difficulties, probably most of our difficulties. Departments order goods without regard to votes; they order their goods for the year; they buy the goods as it suits their convenience, and the Treasurer has to bear the whole weight of the indent. It is not a fair thing to the Treasurer; at the same time it is not a fair thing to the State, because every department ought to take the responsibility of their own indents, and as soon as the goods arrive they should take the responsibility of them. A proper vote should be taken for the year to cover the indents for that year. The amendments in this Bill are calculated to restrict to a large extent the wasteful extravagance of departments in ordering goods from home. I hope the Bill meets the desires and aspirations of its promotor, especially in connection with the stores, and I hope at an early date the Government will see their way to deal drastically with the stores. In times past, in the hurry and rush in years gone by when public works were not anticipated, this matter had to be taken in hand by the Government of the day. Now, as we are getting into more settled conditions, we ought to have a proper stores credit to cover the stock which we can lay our hands on, and to cover the stock not otherwise disposed of at present. The stores as they come to hand should be debited to the different departments and a proper vote taken, and the departments made responsible for the stores they indent. I believe this is the only remedy for the disorder which has taken place in past years. When I say disorder, I have already suggested reasons for matters, as in past years, getting into disorderly conditions; but there is no reason why this should continue now we have more settled conditions. A start has been made by the Treasurer providing £60,000 to cover depreciation, which is good; and that the Auditor General is to be responsible for the stores and is to be able to satisfy Parliament and the country that the goods are really in the stores, is still better. But the thing to be aimed at is that each department shall control its own stores, and be debited with its own vote year by year, and that there shall be no stores account at all in the Treasurer's books, unless as I say he happens to be acting as banker for the time being, and simply passes the payments through his hands. As soon as the stores come to hand they should be passed over to the departments; the Treasurer should receive credit in his books, and the debits should be passed to the accounts to which they belong. As a whole, this Bill seems to me very much simpler than the original Act. As regards the stores account it is drastic, but not too drastic, and perhaps not sufficiently drastic. It is a step in the right direction; I welcome it with great pleasure; and I hope that when it gets on the statute-book, as no doubt it will, the Government will see that its provisions are enforced to the fullest possible extent, and that those clauses especially which relate to the stores account will be properly carried out. I have every pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the TREASURER in charge of Bill.

Clauses 1 to 34—agreed to.

Clause 35—Power to vary the annual appropriation:

MR. PIGOTT: Would this clause abolish Form J and Form I?

THE TREASURER: No. Presuming that any items contained in a subdivision of a vote—say "contingencies"—were incorrectly described, then if there were not sufficient funds passed for "contingencies" in one vote, and there were a surplus under "contingencies" in another, the clause gave power to apply the surplus to making good the deficit. Any such alteration must be laid before Parliament.

Clause passed.

Clauses 36 to end—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

INSPECTION OF MACHINERY BILL.

SECOND READING.

Debate resumed from 4th August.

MR. TEESDALE SMITH (Wellington): When the debate on the second reading was adjourned, it was understood the adjournment was to be for one week, which would be until next Wednesday. As I learn from the Minister in charge of the Bill that any alterations thought necessary can be made in Committee, therefore I will reserve my remarks until that stage.

HON. F. H. PIESSE (Williams): There is no doubt a necessity for an Inspection of Machinery Bill. In fact there are now so many engines and machines in use throughout the State that protection should be afforded, not only to those who are driving or have control of them, but also to those who may be engaged in other parts of a building in which engines or machinery are at work. There are several points in the Bill that need some attention; and although they may be touched upon in the Committee stage, yet it is well at this stage to bring them before the House, so that the attention of members may be called with a view to such amendments as may be necessary. Clause 17 provides that certain machinery is to be fenced; but there is no definition as to what kind or amount of fencing is to be provided. The term appears to be a technical one, and some explanation is necessary.

THE MINISTER FOR MINES: A guard-rail would be a fence.

HON. F. H. PIESSE: It should be defined clearly in the interpretation clause as to what is a fence as required by the Bill, because it is left to the inspector apparently to define the fence, and it is better for those who are using machinery that they should know how far this provision as to a fence is to be carried. The inspector may be acting under instructions, and may carry them out in an arbitrary way; whereas the Bill should describe clearly the fence which is required. There is some machinery that need not be fenced, and I take it this again is to be at the discretion of the inspector. If we are dealing with portable threshing machinery travelling about the country, for instance, there would have to be some portable means of protecting the driving wheels. In the case of large and complicated machinery and where it is dangerous, it is better for the safety of those who are concerned in the working of such machinery to have proper means of protection; therefore it will simplify matters if the term "fence" is more clearly defined. In regard to machinery which is prohibited, the Bill says "The Act shall not apply to any boilers or machinery used on or employed in the working of the Government Railways under the control of the Commissioner of Railways," and so on as to steamships. I take it there are already special Acts dealing with steamships. There is other machinery which would be under Government control, for instance pumping machinery in connection with the Coolgardie Goldfields Water Scheme; and I take it that this and other machinery will be subject to the provisions of the Bill. One part of the Bill provides that certain machinery shall not come under its provisions, and another part provides that it shall come under the Bill. That is paradoxical in a sense, and should be made clear. How will the Bill be applied to locomotives which are under the control of the Commissioner of Railways? It will be well to look into

these provisions and remove the inconsistency. The professional advisers of the Government or the Minister in charge of the Bill may be able to give some explanation on the point. Clause 31 provides for the inspection of boilers:—

> For the purpose of inspection the owner shall cause every boiler to be emptied and made cool . . . . . and when required by the inspector, all brickwork and other material in which a boiler is set shall be taken down and all tubes shall be taken out.

There are certain classes of boilers to which this will not apply; for instance, the Babcock boiler, which is of a different type from the multitubular or Cornish or Lancashire boilers; therefore that is a case in which some other provision should be made for inspection. I take it that the inspector would not ask the owner of a Babcock boiler to do certain things which are not necessary to be done in a boiler of that kind; therefore this clause needs looking into. In regard to the question of fees, Clause 36 provides that a fee is to be charged each time an inspection is made. I presume there is a registration fee for every boiler registered, and the fee for inspection should therefore not be made too heavy. The fees should be graded, in a measure.

THE MINISTER FOR MINES: So they are. Inspection is insisted on only once a year.

HON. F. H. PIESSE: But if necessary the department may require that inspection shall be made oftener than once a year. The inspector may find a boiler in such a condition that, although he may give a certificate that it is safe to be worked for a certain period, yet he may find it necessary to make another examination of that boiler within a certain time, and so another fee in the same year may be exacted. In regard to certificates for engine-drivers, Clause 53 provides that certain classes or grades called first, second, and third, are to be made; and it defines the degree of competency required for the man in charge of the machinery. There are certain engines, such as the ordinary portable engine or engines of a simple type that might be exempt from the conditions of the Bill. I take it that the Bill is intended to apply principally to engines used in connection with mining, where the lives of men employed are at the mercy of the man in charge of the machinery, who is required by the Bill to hold a certain certificate. The Cornish or Lancashire boiler is the simplest kind of boiler; for instance, an ordinary type of horizontal boiler; which is as simple as possible, should need very little in the way of expert knowledge to manage it. There may be a man in charge who is thoroughly qualified; but those engaged in connection with the simpler kinds of engines are men who are able to do certain work which is not the work of engine-drivers. This Bill would prohibit those men from taking control of such work, because they do not possess a certificate.

THE MINISTER FOR MINES: Look at Subclause 5 of Clause 80, which provides for the making of regulations.

HON. F. H. PIESSE: Subclause 5 makes provision with regard to agricultural and dairying machinery; but there are other classes of machinery which should be included. In ordinary milling work, machines are used for which it is not necessary to have competent certificated engineers. Men may take up that class of work at certain times of the day. This class of machinery should be exempted. If the provisions of the Bill as now drafted are carried out, it will be found that a class of men will be employed who will drive other men out of occupations for which they are suited, and who may not be able to obtain certificates under the Bill. If the clause is made to apply to agricultural and dairying machinery, then it should be made to apply to machinery of a similar character. In regard to the removal of engines from place to place, seven days' notice has to be given to the inspector before any person can move an engine from one part of a district to another. That is provided for by Clause 69. How would it be possible to deal with the question of chaff-cutters, which travel about the country and are here to-day and five or six miles away to-morrow, and perhaps farther on the next day? Seven days' notice is to be given apparently on every occasion that the machine is moved. There would be a difficulty in carrying out this provision, because notice may be posted in accordance with the Bill but may not reach the inspector until the

machine is moved; for a chaff-cutter may be moved seven times in seven days, the time of the notice, therefore will be of very little service. That clause should be looked into and modified in certain respects, as it may act harshly on a class of people who move about the country very rapidly with traction engines, or a locomotive type of engine which are called portable engines and which are used in agricultural work. I mention these points at this stage because they can be looked into, and if any modification can be proposed it is better to come from those who are responsible for the framing of the Bill, and who have greater technical knowledge of the principles and working of machines than any members in the House. It will be helpful to members if some amendment is brought in which will meet with encouragement when in Committee and make the Bill, what everyone interested wishes to see it made, a perfect measure, to enable us to have properly certificated drivers for portable engines throughout the country. It is to be hoped the measure will be made a good one and meet with the approval of the House. With the reservation that during the Committee stage the various amendments suggested will be considered, with a view to the clauses being farther remodelled in the direction I have indicated, I am in favour of the measure, and I think it is a necessary enactment and one that should receive every consideration at the hands of the House.

MR. R. G. BURGES (York): I wish to make a few remarks on the Bill, following in the same lines as the member for the Williams. This measure I believe has been introduced in consequence of complaints which were made of the hardships occasioned by the Act of 1897. Inspections have been carried out often twice in a year. Any person having a 6-horse power engine must pay £2 a year for the inspection of that engine. In some case this amount has been paid twice in the year, and other people have been sued for the amount. It is a great hardship to a man to have to pay that amount. I notice in the Bill that a charge of £1 is also made for the inspection of machinery; that is a great hardship. The inspector may only take five minutes over the inspection of a chaff-cutter, yet the owner of the chaff-cutter has to pay £1 for the inspection of that machine.

THE MINISTER FOR MINES: If run by steam.

MR. BURGES: Clause 16 is quite necessary in regard to engines on mines or in factories. This clause refers to the age of the driver of the engine. A person under 14 cannot be employed in driving machinery. This will be a great hardship to the farming community, and the clause will shut out boys from working farming machines. The clause is a perfect farce. Of course the provision is necessary in regard to factories.

MR. TAYLOR: It should not apply to farming areas.

MR. BURGES: This clause does not say it does not apply to farming areas. Subclause 3 of Clause 16 says that no boiler shall be left in charge or in the conduct of anyone under 18 years of age. That may be a good clause, but boys of 14 who are trained to working farming machines can take charge of an engine for half a day in the country. It is all very well to have this provision in regard to large factories; but in farms it may lead to engines not being used at all, if such a provision is insisted on. Some men who have already ordered machines from certain firms in town and who have heard that this Bill was coming on, and who understood that it would be necessary to employ certificated drivers, have had to cancel their orders because they cannot bear the burden of employing certificated drivers to work the machines. Anyone engaged in agricultural pursuits and in dairying knows that farmers cannot always get the labour they require: they are forced to employ young people.

MR. TAYLOR: Because they will not pay for the labour.

MR. BURGES: I cannot hear the hon. member. In the country, farmers have to employ boys. It will be impossible under the Bill to employ a boy to put chaff into a chaff-cutter. This clause is very stringent and I think it is unnecessary. The member for the Williams has referred to Clause 17, therefore, I pass that over. The hon. member made some remarks in regard to the fencing in of engines. I suppose the class of engines referred to

will be defined, so that there will be no trouble about it, and that when the inspector comes round the farmer will know what he has to do. There is hardly a machine to which some danger is not attached. On Clause 25 I wish to make a few remarks. That provision was carried out under the old Act. The clause says :—

> The chief inspector shall provide each inspector with proper standards and appliances by which all pressure-gauges can at any time be compared and tested, and with all other appliances necessary for carrying into effect the succeeding sections of this Act relating to boilers, and shall from time to time issue to each inspector such instructions (not inconsistent with this Act or any regulations made hereunder) as he thinks fit.

That may be considered necessary, but I may say that the well-known boiler-makers, Martin & Sons, have never done such a thing with their engines, and many persons have had to have these arrangements attached to their boilers. I have a six-horse power boiler, and these improvements have had to be effected, which only means weakening the boiler, because the improvements cannot be done so well here as the maker can do them. I referred to Clause 42 just now in regard to giving two years. I think the fee should be reduced. It is a very different thing going to inspect what is required for the farming industry and what is required for factories. If the inspector makes an order that certain things have to be done, and if those things are not carried out there should be a small penalty.

THE MINISTER FOR MINES: The inspection of machines driven by steam.

MR. BURGES: There are a lot of oil engines throughout the country, and why should they have to pay for oil engines any more than those that are driven by steam?

THE MINISTER FOR MINES: There must be one inspection.

MR. BURGES: The test is too high. When the inspection is made it may be necessary to have a look at the bolts and nuts and the safety valve, and I think this is an unnecessary burden which is cast upon people who are trying to settle the country. With regard to the examination, it is provided in the last clause that there may be regulations; but Clause 57 and the following clauses of the Bill affect the people in the country, for if these provisions have to be carried out the country people may have to give up the use of machinery altogether. A certificate from a doctor must be obtained in the first place, and then Clauses 60 and 61 provide where a driver shall get his certificate. It is impossible for men to carry out these provisions in the country. A man may have a machine working for two or three days, and it may be impossible in the country to get a certificated man, no matter what you may pay him. I hope the recommendations of the member for the Williams will be carried out. It would be advisable if, before the Committee stage comes on, the few members of the House who are interested in this matter would meet together and draft amendments which would suit the country generally. We do not want anything unreasonable, but we want a law which will be a protection to those who are working machines, and one that employers can reasonably exist under. I am sure that if some of the provisions of the Bill are carried out, men will be driven out of industries which we are trying to foster in this State. From my own experience, I know that the position of those living near a railway will be bad enough, but it will be impossible for agriculturists in outside places to carry on their occupations if the Bill is enforced. These industries cannot now be carried on without machinery, and there is hardly any machinery made which will not come within the scope of the Bill. I hope the measure will be amended before we get into Committee, to make it workable both for employers and employees.

MR. T. H. BATH (Hannans): Every time measures of this description, or similar provisions in other Bills, come up for consideration, certain members tell us that the Bill should be made to apply almost exclusively to the mining industry, other industries being exempted from its operation. Now, I think if it is necessary to make regulations for the inspection of machinery and boilers on the goldfields, it is necessary to have similar inspection elsewhere. If a boiler used in an agricultural district explode, it is just as likely to send people to kingdom-come as if it were on a mine.

MR. BURGES: I did not object at all to the inspection of boilers.

MR. BATH: It is always stated that while those employed on what are called our rich industries can afford to pay inspection fees and to employ certificated engine-drivers, yet if the Bill is made to apply to farming or other rural industries, it will form a burden which those engaged in them cannot bear. I say that such people are just as capable, have just as much money for providing proper boilers and other machinery and seeing them properly safeguarded, as people in any other industries, and I do not see why they should be excluded. It is stated that they are not always able to secure certificated drivers; but I know there is no difficulty in securing such if employers are ready to pay a decent wage. A certificated driver would infinitely prefer to be employed in the farming industry, where he would live in better circumstances than on a mine in the back country, where conditions are harder. It is all a question of an adequate wage; and if that wage is paid, employers can always get certificated men. Looking through the measure I find it is practically a consolidation of regulations and sections in various existing Acts as set forth in the schedule; and there is in it nothing very new, and nothing unjust in its incidence. By Clause 46 it appears that the purpose of the Bill will be defeated, because the responsibility is removed from the owner of a boiler, and thrown on the employee. While we cannot expect that on every occasion the owner shall be compelled to bear the onus of any negligence of his employee, I think the clause as it stands will remove the responsibility from the employer, and will make him careless in seeing that his boiler is in good condition.

THE MINISTER FOR MINES: If the man is careless, and the employer is not, the man has to bear the brunt.

MR. BATH: But then the employer will not be bound to see that proper men are employed. [THE MINISTER FOR MINES: Oh, yes.] Another clause provides for the issue of third-class certificates; and I think the opinion both of employers and employees is against their issue. I know that the Royal Commission which investigated the mining industry in 1898 reported that both the employers' organisations—the Chamber of Mines and the Mine Managers' Association—and the representatives of the workers also, were against the issue of third-class certificates. I think a provision for a compulsory certificate, which might be termed a third-class certificate, for boiler attendants who are not under the supervision of the engine-driver would meet the case, would greatly improve the Bill, and would be to the advantage of employer and employee. Of course, where a boiler is under the eye of the engine-driver, it should not be necessary for the boiler attendant to have a certificate; but I know that many gold mines have nests of boilers at some distance from where the engine-driver works, and in such cases it should be compulsory for the boiler attendant to have a third-class certificate, and the proposed certificate for third-class engine-drivers could be done away with. Clause 56 proposes to constitute a board for dealing with the examination of engine-drivers for certificates, and while it constitutes the board, the clause provides that the examinations shall be supervised by such persons as the board may appoint. Now if the board are to be constituted, I say they should have direct control of the examinations, and should not be permitted to delegate their powers to any other persons, the nature of whose qualifications is not set forth in the Bill. I fail to see why we should depart from the old provision which has given satisfaction right through; and unless the Minister in charge desires to have something new, I fail to perceive what justification he has for this departure. In moving the second reading the Minister said that the board would travel in order to hold examinations for drivers' certificates. [THE MINISTER FOR MINES: No.] I understood the Minister to say so, and that this would result in a reduction of the cost of conducting the examinations. I fail to see why the board should be allowed to delegate their powers to some persons unknown to Parliament, and whose qualifications are not set forth in the Bill; because this provision is very important. Generally, I think this a good measure, and one which in Committee can be made to fit the case without inflicting hardship on any section of the community compelled to come

under its provisions; therefore I shall support the second reading.

THE MINISTER FOR MINES (in reply): I should like to answer a few of the criticisms. The member for the Williams (Hon. F. H. Piesse) asked for a fuller explanation of Clause 17, dealing with fencing. I went very carefully into that matter, and adopted the provision which we see in the Bill. We have so many different classes of machinery that if we try to specify too distinctly what sort of rail shall be erected around dangerous machinery, we may in certain cases cause too much expenditure. I think it wiser to leave that to the inspector, who will be a qualified engineer. As to the inspection of boilers, we started in this country by appointing boilermakers as inspectors; but in future all who act as inspectors under this Bill must, before appointment, qualify as engineers.

HON. F. H. PIESSE: I quite agree that there should be some protection, but I think the word "guarding" might be better than "fencing."

THE MINISTER FOR MINES: I will look carefully into the matter, so that when we get into Committee I shall be satisfied that proper provision is made. The member for York (Mr. Burges) complained of the age restrictions. Now I am sure the hon. member will agree that no person under the age of 18 should be left in charge of a steam engine. I do not perceive how the clauses will prevent the employment of young persons generally; but there are too many instances of people who send their own children to take charge of machinery, careless of what may happen.

MR. BURGES: Under the Bill, young people will be prevented from working with the machinery.

THE MINISTER FOR MINES: Special provision is made to enable the agriculturist to carry out work without certificated drivers. The very last clause in the Bill, giving power to make regulations, provides that the Governor-in-Council can make regulations prescribing how and in what circumstances engines used for agricultural or dairying purposes only may be driven by uncertificated persons. I perfectly understand that it would be absolutely impossible to get a certificated driver to attend to a small engine driving machinery for dairying or ordinary agricultural purposes, and we shall make regulations to give such relief as may be needed; but I shall not go so far as the member for the Williams by saying that the engine-driver in charge of a mill need not be certificated.

HON. F. H. PIESSE: I did not say that. What I said was borne out by the member for York. Where there is a certificated engineer in charge of a mill, and where there are stokers feeding a boiler furnace with wood, I do not see why such stokers need have certificates.

THE MINISTER FOR MINES: I can assure the hon. member that we are not making it compulsory for such men to hold certificates. We are providing for granting certificates to boiler attendants, but are not making them compulsory. A person requiring a man to take charge of a boiler may prefer one who has proved his qualifications by long service, or who can show that he is qualified by the production of a certificate. We do not make the certificate compulsory.

MR. BATH: Then of what use is the provision?

THE MINISTER FOR MINES: Many employers may desire it; but if it were made compulsory, persons in outside places might have great difficulty in getting certificated attendants. I for one will not agree to its being made compulsory; at the same time, we shall have the provision in the Bill, to enable persons who have gained an adequate knowledge of boilers to obtain certificates. The only other criticism was that regarding the board. To grant certificates we intend to appoint a board of three qualified persons—the Chief Inspector of Machinery, the State Mining Engineer, and another person who shall be an engineer. Say that we hold examinations in Kalgoorlie, the papers will be sent from Perth to the local police magistrate. On the date of examination these papers will be distributed by the inspector of machinery for the district and the inspector of mines. The papers will be handed round to the various applicants for certificates, and an oral examination will be made by those officers.

MR. BATH: What about the practical examination? We want a practical examination as well. Any man can, by reading up, pass an oral examination.

THE MINISTER FOR MINES: We have the various parts of an engine, and I feel satisfied that with the inspectors we have they will be able to carry out the examination as well as the boards have done in the past, and without much expense to the State. There has been no practical examination in the past, because there are not many owners who will employ men to work a winding plant and other such machinery unless they are satisfied that the men employed have some knowledge of machinery. There must be an oral examination and an examination to be made on paper. If a man is not able to read, as one member suggests, he will not be able to get a certificate of competency. If a man has been in charge of an engine 12 months or more prior to the passing of the Bill, he will be able to get a certificate of service at once. There are numerous small engines about the city of Perth, for instance, and we do not want to compel drivers of such engines to pass a very hard examination; but our desire is to make it easy for them to obtain a certificate of the third class, so that if they choose they can work themselves up and obtain a certificate of the second or first class. In making it easy for them, we want them to show that they have some knowledge, that they understand to some extent the working parts of an engine, and that is why a third-class certificate is provided for. Not only will it become a qualification to those who have to work the smaller class of engines, but it will induce them to try and get a greater knowledge of machinery so as to obtain a higher class of certificate.

Question put and passed.

Bill read a second time.

THE MINISTER FOR MINES expressed a hope that members would be prepared to go on with the Committee stage on Thursday next.

Ordered, that the Bill be considered in Committee on the next Thursday.

CONSTITUTION ACT AMENDMENT BILL.

IN COMMITTEE.

MR. ILLINGWORTH in the chair; the PREMIER in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Issue of writs for new Parliament:

MR. DAGLISH moved as an amendment in line 10,

That the words "of the Council and" be struck out.

His object was to provide that in the event of a double dissolution taking place three months after the passing of the Bill, when the two Chambers would have been dissolved, only one should be re-elected. He did not intend to start any lengthy discussion of a principle which was discussed at some length last year when a similar amendment was moved, though unfortunately on that occasion the amendment was blocked. He introduced the amendment again now because since that time there had been farther evidence, if farther evidence were needed, showing that the second Chamber was out of touch with the requirements of the people of this State. They had for years past been calling for an amendment of the Constitution, and for a redistribution of seats. They had been demanding a liberalisation at all events of the franchise, and the abolition of plural voting. When measures dealing with these subjects were passed by this House last year and sent to another place, that other place cast them aside without the slightest consideration. Either that Chamber or this Chamber must be utterly out of touch with what the people wanted; and as he was satisfied that this Chamber was not out of touch with the demands of the electors, he had moved this amendment for giving effect to his conviction that the Upper House was out of touch with the requirements of the electors.

THE PREMIER: The object of the hon. member was to raise a discussion or take a vote on the question as to whether it was or was not desirable at the present moment to abolish the other Chamber. If the hon. member thought that, after the passing of this Bill, and the consequent dissolution of the two Houses there would be an opportune time to consider his amendment for abolishing the Upper House, he could make a good case, but quite apart from the merits of the discussion the present time was inopportune. If the hon. member, with his strong belief in democratic principles, was even convinced that a majority of the electors were inclined

to agree with the amendment he had now proposed, members would not be justified in making so radical and important a change unless the matter had been fully discussed in the Press and on the platforms of the State, and opinion had been strongly expressed by the electors concerning the proposed change. [Several interjections.] If the mover, or any member in this House, had placed clearly before the electors in his constituency this question of abolishing the Upper House, and was able to distinguish between those of his electors who voted for him in support of this principle and those who might be connected with organisations that would in the future vote for him, if he were satisfied that those who did so were influenced mainly by a desire to support the hon. member's design on another Chamber, then he would be justified in voting for this amendment; but those of us who did not come to the House fortified with so strong an expression of opinion from our electors would not be justified in voting for an amendment so far-reaching in its effect. No member had a right to vote for this amendment unless his electors had the issue placed distinctly before them at the time of that member's election.

MR. BATH: The Premier had said his electors were in favour of it.

THE PREMIER: Any member who was elected to this House on one platform was not justified in voting for so drastic a change unless the matter was clearly put before his electors. In dealing with this far-reaching amendment, none of them were justified in allowing their personal opinions to control them, unless they had an emphatic indorsement from their electors. Each member should put the question to himself, whether his electors were in favour of this change or not. Members owed a strong obligation to their electors in such cases. For instance if he (the Premier) represented a farming constituency and knew that an overwhelming majority of his electors were opposed to the abolition of the Upper House, he would not be justified in voting for this amendment unless the matter had been clearly put before his electors and indorsed by them. They ought to obtain the direct expression of their constituents' views before they committed themselves to a policy which struck so deeply at constitutional privileges and usages as the amendment did.

MR. DAGLISH: Would the Premier support a referendum on the question?

THE PREMIER: That proposal was to come before the House later in the session, and they could deal with it then. Let them deal with the question before them. He had no doubt the eloquence of some members would convince the electors that this amendment was taking a right course; but until members had convinced their electors in that direction, it was well to remember the mandate given to the House in this connection was mainly to secure redistribution of seats. He was glad that discussion had been raised, but would be sorry to think that a majority of members would agree to make such an important amendment without a full discussion on what it involved.

MR. TAYLOR said he was fortified with a mandate from the electors he represented. During a tour of his electorate after last session he had pointed out the way in which the Upper House had dealt with the Constitution Bill and the Factories and Shops Bill and the necessity to have an appeal to the country before the measures could be carried; for unless the Bills were altered to suit the Upper House, there was no possibility of that Chamber passing them. There was a unanimous decision at every meeting that, rather than lose those two measures, the Upper Chamber should be swept away. He had no doubt as to the opinion of the people of the State on that matter. If the Premier would agree to a referendum it would be found that 90 per cent. of the electors were in favour of abolishing the Upper Chamber. That had been the cry not only in this but in other States. The Premier, when sitting in Opposition, had stated that he had a mandate from the East Perth electors to do away with the Upper House; but the Premier did not now carry out the conviction which he then held.

MR. NANSON: No one imagined that if the amendment were agreed to the result would be the abolition of the Upper House. The object of the member for Subiaco was no doubt to ascertain what members in this Chamber were in favour of a single-chamber Constitution, and what members were not yet prepared to pledge themselves on the

subject, and who were keeping an open mind on the point in view of the forthcoming general elections. For his part he had no wish to wait to know what he was told to do by the preponderating voice of public opinion; therefore he intended to vote for the amendment, not because it would result even if a majority of the House were in favour of it, in abolition of another place, but because it gave members an opportunity of affirming a principle they believed in. Even if a majority voted for the amendment, they knew the treatment which the clause would receive in another place. Therefore the Premier might be perfectly satisfied, and would be acting with perfect safety that he was not going to bring the Constitution toppling down about their ears by voting for the amendment. The Premier's opinion on the subject was well known, and he would be helping the movement materially and strengthening his own reputation if he voted with the member for Subiaco. This battle was beginning, and it must be a long one, and those earnest in the desire for the single-chamber Constitution should show it on every opportunity that presented itself.

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

Ayes	...	..	...	9
Noes	...	...	...	19
Majority against			...	10

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Daglish	Mr. Burges
Mr. Diamond	Mr. Butcher
Mr. Hastie	Mr. Ewing
Mr. Johnson	Mr. Foulkes
Mr. Nanson	Mr. Gardiner
Mr. Oats	Mr. Gordon
Mr. Taylor	Mr. Gregory
Mr. Wallace (*Teller*).	Mr. Hayward
	Mr. Hicks
	Mr. Higham
	Mr. Holmes
	Mr. James
	Mr. McWilliams
	Mr. Piesse
	Mr. Pigott
	Mr. Rason
	Sir James G. Lee Steere
	Mr. Jacoby (*Teller*).

Amendment thus negatived, and the clause passed.

Clauses 6, 7—agreed to.

Clause 8—Electoral Provinces:

MR. DAGLISH moved as an amendment,

That in line 2 the word "eight" be struck out, and "twelve" inserted in lieu.

There should be smaller provinces, and each province should return two members instead of three. A similar amendment was proposed last year, and they did not need much argument to justify the proposal to make the provinces as small as possible. Probably the Premier would see his way to accept the amendment. The provinces should be made small so that it would be easy for a larger number of individuals to contest the seats, in which case the Council would be brought more into line with public opinion.

THE PREMIER: It would be advisable to postpone the consideration of Clause 8 until after Clause 24.

MR. DAGLISH: The amendment only affected the Council.

THE PREMIER: The number of members of the Council depended on the number of members of the Lower House, and the size of the provinces depended upon the number of members to be returned. As the number of provinces in the Council depended upon the number of members in the Lower House, until the number of members for the Assembly was fixed it would be difficult to deal with Clause 8. Suppose for the sake of argument the Committee decided there should be 60 members in the Lower House, that would naturally increase the representation in the Upper House. The number of 24 members for the Council was based on the assumption that there would be 48 members in the Lower House.

MR. DAGLISH: That did not affect the question whether there should be two or three members for each province.

THE PREMIER: Did not the number of provinces affect the size?

MR. DAGLISH: Certainly.

THE PREMIER: Supposing, for the purposes of argument, the Committee came to the conclusion that there should be 60 members in the Assembly, that would give an increased representation over 24 to the Legislative Council, and therefore increase the number of provinces. The number of provinces on the three-member basis might give a province which territorially was quite small enough to be worked by three members, and which need not be reduced to a two-member standard to make it a workable area.

MR. DAGLISH: The territorial size could not be too small, but it could be too large.

THE PREMIER: The territorial size could be too small. If a province was too small it would remove one of the distinct differences which existed to-day between the Lower House and the Upper House.

MR. DAGLISH: Supposing there were 15 provinces, would the Premier argue that any of those provinces would be too small, assuming the Assembly consisted of 60 members?

THE PREMIER: In suggesting that 15 electorates might be too large, the hon. member had surely in his mind knowledge derived from last year's Redistribution of Seats Bill.

MR. DAGLISH: No. With 15 electorates, could any one of them be too small?

THE PREMIER: Yes, if made too small; but what was the hon. member's standard?

MR. DAGLISH: Say the standard of the present representation in the Upper House, having regard to areas.

THE PREMIER: Then the country could be divided into 15 easily-workable electorates; but the difficulty was that we now ignored the question of area when dealing with the populous electorates. We were not now dealing with redistribution of seats. In answer to a bald question, irrespective of present representation, or of the particular area, or of the number of electors members in another place represented, he would say that we could territorially divide this State into easily workable electorates not exceeding 15. The hon. member's argument might be affected by the number of members to be fixed for the Lower House; therefore it would be well to discuss this matter with the full knowledge which would be ours when the most important factor, the number of Assembly members, was known.

Motion passed, and the clause postponed.

Clauses 9, 10—agreed to.

Clauses 11, 12—postponed.

Clauses 13 to 16—agreed to.

Clause 17—Absence of President:

MR DIAMOND: Surely the Chairman of Committees in the Council, rather than an Acting President to be appointed by members, should take the Chair in the absence of the President.

THE PREMIER: That point could be settled in the Standing Orders of the Council. Some members thought there was no special need for a Chairman of Committees in the Council. On this he (the Premier) did not express an opinion; but there was no reason why the provision suggested should be made here.

Clause passed.

Clauses 18 to 21—agreed to.

Clause 22—Vacancy by absence:

MR. HIGHAM: The seat of a Legislative Councillor would become vacant were he absent for one month. Owing to the long adjournments of another place, it might happen that a member absent when that House adjourned for a month would lose his seat. Better fix a definite number of sittings.

THE PREMIER: The clause read "fail to attend." If there were no sittings, there could be no failure to attend.

Clause passed.

Clause 23—Legislative Assembly:

THE PREMIER moved that this Clause and Clause 24 (electoral districts) be postponed. When they were reached, he hoped members would be prepared to deal with them fully.

MR. BATH: Could figures be supplied?

THE PREMIER: The figures given last session could hardly be usefully added to. Members would see from the last report of the electoral officers that these gentlemen did not consider the Federal returns accurate, and the Government were not able to give farther information than that published about a month ago in the Press by the Electoral Registrar, dealing with the figures and commenting on the Commonwealth returns. Copies of this would be provided.

MR. BATH: The Federal returns were more businesslike and up to date.

THE PREMIER: Possibly.

MR. DIAMOND: Provide Census returns, State returns, and Federal returns.

THE PREMIER: The Census returns and State returns given last session could not be exactly accurate. The Census did not show on which side of a street a man lived.

MR. DIAMOND: Though the population was increasing, the State returns showed a decrease of electors in some large districts.

THE PREMIER: Copies of the figures recently published would be provided.

Motion passed, and the clauses postponed.

Clauses 25 to 30—agreed to.

Clause 31—Quorum:

MR. DAGLISH moved, as an amendment,

That the words "one-third" in line one be struck out, and "one-half" inserted in lieu.

The clause would then be in unison with that already passed for the Council, and would encourage members of this House to attend; for the lower the quorum the smaller would be the attendance. When members decided to sacrifice themselves for the country, half of them at least should be prepared to make that sacrifice every day during session. In an Assembly of 48, 24 was surely a small enough number to be intrusted with the work of legislating.

THE PREMIER opposed the amendment. One-third was a fair quorum. All members could not be expected to be always here. [MR. DAGLISH: Half should be here.] Members knew how difficult it was to secure a quorum at a meeting of any corporate body.

MR. DAGLISH: And the smaller the quorum the more difficult to get it.

THE PREMIER: But as there was the same difficulty in all bodies, ought we not to fix the lowest quorum consistent with an attendance sufficient for the proper discharge of legislative duties? A minimum of 16 was surely sufficient; for though only a bare quorum might be present, additional members were always available if required. Frequently a thin attendance meant that obstructive tactics were being pursued, and that some members had retired to avoid weariness, or they might be relieving each other in relays. Difficulty in keeping a quorum arose not so much when there was work to be done as in case of obstruction for the purpose of delay.

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

MR. DAGLISH called attention to the state of the House. Other members having entered, he withdrew the call.

MR. WALLACE supported the amendment for increasing the quorum to 25, because he had noticed that for many years past important legislation passed through this House when less than a quorum of members were present. When members went before electors they should bear in mind the fact that important legislation was dealt with when less than a quorum of members were present in the Legislative Assembly. Last session he had spoken on the desirableness of securing a quorum by making some provision in connection with the payment of members; but he now recognised that it would be more suitable to make the amendment in the place proposed by the member for Subiaco. It was only asking that in a House of 48 members, at least 24 should attend to give assistance in legislation, by voting if not by speaking. Not many members of this Assembly were patrons of the Refreshment Room; and most of those members who were conspicuous by their absence when business was going on were beyond the precincts of the House. He hoped the mover would press the amendment to a division.

MR. ATKINS: The amendment would only put more work on those members who actually did attend to transact business, and those who were usually absent would be absent all the same. If there were an amendment which would impose some penalty on absentees he might support it.

MR. BATH: When the Premier spoke on the amendment, he advanced a good argument in favour of dispensing with the services of many members of this House. [THE PREMIER: Hear, hear.] It was not reasonable to expect that less than 25 members should attend to take part in legislation. Last session there were repeated instances of important measures dealt with when a bare quorum of 17, or even less, was present; and when divisions had been taken on important clauses in a Bill, some members would troop in from the Refreshment Room and vote on the question, asking afterwards what the voting had been about. That was not the sort of conduct for a Legislative Assembly. If the quorum were increased to 25 as proposed, it would not be any hardship on those members who did attend to do business. If members objected to a quorum of 25 because it would be too much of a requisition on their services, it

should be remembered that it was the duty of members to give at least a reasonable time to the consideration of business before the House. The amendment would tend to insure that when members did exercise their vote they would have some knowledge of the subject on which they were called to vote.

THE MINISTER FOR WORKS: While agreeing with those who wished to encourage the attendance of members, he thought that to insist on the quorum of the House being half the total number would offer a premium to obstruction. It was not likely to occur this session, but there had been instances in which members on one side of the House had purposely gone out, leaving only one of their number present to call attention to the state of the House. Let us assume, for the sake of argument, that the parties were more equally divided than at present, and that the full House consisted of 48 members; then one would be in the Chair, leaving 47; and suppose 26 were on one side and 21 on the other, then if the tactics he had referred to were attempted, one member might remain on one side of the Chamber, and that would make it compulsory on the other side to provide 20 members out of a possible total of 26 so as to form a quorum for carrying on the business. In such circumstances it would be very difficult, if not impossible, to insure the presence of a quorum on every occasion, if the quorum were fixed at half the total number.

MR. BATH: How long would they last if they carried on those tactics?

THE MINISTER FOR WORKS: If the quorum were made one-half the whole number, we might find many occasions on which obstructive tactics would be resorted to, and with greater success than had been possible in the past. Such a state of things would be an inducement to members who were disposed to obstruct business, if they knew that the Government would have to keep nearly their full strength in the Chamber in order to carry on business, while the Opposition could do practically as they chose.

MR. TAYLOR: How long would the country stand it?

THE MINISTER FOR WORKS: The country had stood it before, and perhaps the country would stand it again. Such a state of things was a danger very apparent to him in considering this amendment; and when members realised the danger, they would be loth to increase the quorum provided in the clause.

MR. BUTCHER: One could hardly think that such a state of things as had been described could exist or ever did exist here. He was inclined to support the amendment because it would have a good effect; it would be the means of keeping a larger number of members within a reasonable distance of the House, and would not be so likely to throw the whole work of the session upon a few. It was deplorable that such a measure as this Bill for amending the Constitution should be discussed here by such a small majority of members as were now within the Chamber – less than a majority. He had noticed on many occasions last session, when important measures were before the House, that it was difficult to get the necessary number to form a quorum. By increasing the quorum to one-half, or even larger, it would be the means of keeping more members here.

MR. DAGLISH: Before his amendment was put to the vote, he would explain that he was asking the House to do in regard to this Chamber what this Chamber had already done in regard to another place. Last session a proposal moved by him was carried, affirming that a quorum of the Legislative Council should be one-half; and as that amendment had since been embodied in this Bill, it showed that the Government had adopted the principle. How, therefore, could the Government with consistency protest and say that half the members was too large a quorum for the Assembly. The Bill was either wrong in the clause dealing with the Council or it was wrong in the clause which members were now considering. His opinion was that the clause members were now considering was wrong. The argument of the Minister for Works was in favour of the clause for the reason that in three years it was possible for the Legislative Assembly to get somewhat out of touch with the will of the electors. And if by obstruction the business of Parliament could not be carried on, the Government could report to His Excellency that they were unable to carry on although they had a majority behind them, and the Governor no doubt

would give them an opportunity of going to the country, when the electors could decide on their merits. If a larger quorum acted as the Minister suggested there would be a dissolution when the House absolutely called for it. When the Government lost control of the House and when they could only carry on the business by the weight of their numbers and by using the brute strength of their majority, it was time the Government should go to the country. If the Government had public opinion behind them, then they could always without numbers keep the Opposition reasonably quiet. Since members were paid, surely it was their duty to attend. Therefore members should insist that no business should be done unless one-half complied with the requirements of their duty.

MR. PIGOTT: The argument of the member for Subiaco was that as members were paid they should always be in attendance. If the member for Subiaco believed that he came under that view and believed that he was well paid for his services, and could devote the whole of his time, and thought that his stipend of £200 per annum was ample repayment for his time, yet there were many members of the House who did not come within that category.

MR. DAGLISH: The House only sat for a few months of the year, and for a few hours on a few days of the week.

THE PREMIER: They were very tiresome hours when some members were speaking.

MR. PIGOTT: Members of the House were not to be twitted because they happened to be away for a few sittings. A member was not to be charged with obtaining money by means of false pretences, as the member for Subiaco would like to put it, if he did not happen to attend every day. If a member did his duty to his constituents, that was all that was required of him.

MR. BATH: Did he do it, though?

MR. PIGOTT: A member's constituents might think he was doing his duty if he did not attend the sittings of the House. The members of the Labour benches knew that their power lay more outside the House than it did inside. Let members fix the quorum at a reasonable number, and the business of the House could be transacted in fair time. The member for Subiaco argued that by increasing the quorum business would be more speedily dealt with. Last session there were many occasions when a quorum could not be obtained in the House, and the number of members required to form a quorum was only 17. He could not see how the argument applied that if the quorum were increased the work done would also be increased. Were members to stand the dictation from the Labour benches because the members sitting on those benches had absolutely nothing to do but to attend to their duties in the House? The members on the Labour benches were well paid for their duties.

MR. DAGLISH: The hon. member regarded the amendment as an attack on the Government: that was why he was so indignant.

MR. PIGOTT: The position of the country members must be considered.

THE PREMIER: The member for Subiaco moved the amendment entirely in accordance with the principles of his party. The larger a quorum was made, the more it played into the hands of a third party.

MR. DAGLISH: There were only two parties in the House.

THE PREMIER: That was the only reason why the member for Subiaco moved the amendment; not because he thought that a quorum of one-third was insufficient, but he knew that if the quorum was made larger the more influence his party exercised in the House. In a House of 48 members there were 47 effective members divided into three parties. There were 10 members of the Labour Party, leaving 37 out of which the two other parties had to be formed, making a majority of 19 members; therefore it was necessary to have 19 members to give a majority in relation to one party or the other, putting the third party out of the question. But whilst 19 members would give a majority in relation to the two parties in the House, it would not give a quorum. Only the other day the member for Subiaco complained about this in the House. He wanted to see the Government strong and the Opposition strong; and he (the Premier) then interjected, "So that the third party would hold the balance of power." The larger the quorum the more it would assist the Labour or any third party, who

strongly objected to any condition of affairs in which they saw a strong Government. The Labour Party wished to see an evenly-balanced Government and Opposition, so that they held the balance of power. The larger the quorum was made the more it played into the hands of those who wished to control the House. The larger a quorum was made, the stronger the position it gave to a combined third party, whether labour party, country party, or goldfields party. What was required was a fair quorum, and one-third appeared to be a fair number. The country judged the men who were most active and assisted in the work of legislation. There should be a free choice in the hands of the electors, who should say if a man should be returned time after time to the House. A great number of those who had spoken in favour of the amendment were often absent for weeks at a time, but when present were very active and asserted their presence by talking. That did not apply to the member for Subiaco or the members on the Labour bench. Knowing the difficulties in connection with the carrying on of work in Parliament, which were not peculiar to Western Australia, it was unreasonable to ask the House to adopt a quorum the only effect of which would be to place any Government in the hands of a minority who were bound together as a party, and would refuse to assist unless they were given this or that, and who would not assist to carry on the business of the House by forming a quorum.

MR. HASTIE: Even such an extraordinary logician as the Premier must see that with a quorum of 16 or 17, seven or eight members bound to act together would have far greater power in the House than they would have with a larger quorum. Not satisfied with probabilities the Premier talked of possibilities, and spoke of what would occur if the Labour party as a body left the House, so as not to keep a quorum. But the Premier was unable to state that such a thing ever took place. Certainly it had not taken place during the last two sessions, nor would it in future. The Premier and the Minister for Works assumed that some party would act thus; but surely if it did so once it would never repeat the experiment. This was a question of principle. Should we encourage the presence in Parliament of ornamental members who came here only occasionally? Why not insist on a substantial quorum? Last session many important provisions in Bills were objected to by the leader of the Opposition and by other members here and in another place, on the ground that they had been considered by a very thin House. The objection, though stereotyped, was genuine, as was another that certain legislation was ill-considered and hasty. And why? Because few had taken the trouble to come here to discuss the measures, but preferred to neglect their duties by staying away. A fuller attendance would have prevented many of the serious objections raised by another place. The only possible objection to the amendment was that in a House of 48 some half-dozen members might be absent on leave, and four or five might be sick; hence 24 might be too large a quorum. Some provision might be made for excepting absentees; but surely half of the paid representatives of the country was a reasonable quorum, especially as the House would then be on the same basis as another place. He agreed with the leader of the Opposition that some members were paid too much for their services; for they attended only occasionally, and did not make Parliamentary affairs their serious concern. On the other hand, members who attended earnestly to business should not be sneered at by the hon. member because their services were fairly well remunerated.

MR. CONNOR: At least half the members of the House should be present before any legislation affecting the country was undertaken. He supported the amendment, which he himself had intended to move; and he thanked the mover for bringing it forward. It was pleasant to note the Premier's consistency, since he took office, in opposing suggestions which, when he sat in Opposition, he would have warmly supported; and this was one of those suggestions. None could deny that one-half was a fair quorum.

THE PREMIER: Why did not the hon. member attend more frequently?

MR. CONNOR: Last session he was not in the country, but was banished for a time, though he had been impelled to return by reflecting on the talent and

beauty to be found on the Treasury bench. As an ultra-democrat the Premier must surely support the amendment.

MR. BATH: The Premier displayed conspicuous ability in arguing against his own side. He said the House had no right to tell members how often and how long they should attend, and that if they did not carry out their duties satisfactorily their electors should deal with them. But in addition to the appeal to the electors, there was a wider appeal to the whole State; for members represented the country as well as their electorates, therefore the State could judge of their conduct.

THE PREMIER: Was not the work of one man for a day sometimes more valuable than a week's work of another man?

MR. BATH: That had not appeared in this House, nor was it the case in his experience. Only through Parliament and by amendments like this could the State decide whether members had carried out their duties to the country as a whole. The leader of the Opposition was as illogical as the Premier when he stated that some members were not so well able as Labour members to devote time to the country's business. Surely members were sent here to legislate; and if to this they could not devote sufficient time, they should, rather than stay away, try to have the number of sitting days and sitting hours reduced; for none could maintain that by remaining away they could intelligently express the views of their constituents on the measures discussed.

THE TREASURER: We had seen that certain members lectured others as to how we should discharge our duties; but if some were in default, surely the remedy lay with their constituents, who, if dissatisfied with the meagre attendances of their representatives, could decide whether the representation should continue. The member for East Kimberley (Mr. Connor) rushed into the breach, but if members like him were to constitute a quorum, the House would meet at 8 p.m. instead of 4·30. If the number of the quorum were increased there would always be difficulty, and the country had not complained of the present number. All must admit that there were times in every session when it would be almost impossible to get 24 members in or about the House, and certainly quite impossible to get 24 in the House. A quorum of 17 was fair. The other States experienced the same difficulty. How could the House of Commons work if half the members formed a quorum? It would be impossible to do that; and so long as the remedy was in the hands of the constituents, so long had members here no voice in regard to it. A quorum of 17, as provided in the Bill, was a fairly reasonable proportion in a House of 48 members.

MR. GORDON: The amendment would tend to limit the choice of constituents in regard to candidates; for while members of the Labour party were willing to give their services and their whole time for £200 a year, other members did not find it practicable to give their whole time to the work of legislation when they had to earn a living in addition to attending to the duties of this House. If the amendment were carried, men of ability would hardly agree to give their whole time to the work of legislation. Also, there would not be a sufficient margin to come and go on, if the quorum were fixed at 25 in a House of 48 members. It was only natural that a member who wanted to earn more than £200 a year, and especially a member with a large family, should give some time to his business outside this House. The quorum should stand at 17.

MR. DIAMOND supported the amendment. The Premier, whether wilfully or unintentionally, had misrepresented the facts. The question resolved itself into one of percentage. There were certain Labour members of this House, not ten as had been stated, but seven, and he was not himself one of the seven.

MR. JACOBY: How many were indirectly members of that party?

MR. DIAMOND: Therefore, how a body of seven men could control the legislation of this House, if the quorum were fixed at not less than 25, was an argument he could not understand. The amendment would mean that with a House of 48 there must be at least 24 to carry on legislation; yet nearly all the previous arguments were based on the assumption that the Labour party controlled the legislation of this House because they were a united body. This meant

that seven men could control the deliberations of 24 or more men; and surely that argument was absolutely illogical. The Labour members had had it thrown in their teeth that they were receiving £4 a week and were not worth more. The leader of the Opposition and the member for South Perth (Mr. Gordon) had spoken to that effect. The suggestions were unworthy of this House. Every member was sent here to represent his constituents, and it was an unworthy and improper imputation to say he should give a greater amount of his time to the State as a Labour member, because if he were not a member of Parliament he would not be able to earn more than he received for his services as a member. The amendment must do good, for if members knew that it was necessary for 24 to be present, it would be likely to insure a larger attendance than had been the case in the past.

MR. TAYLOR supported the amendment. By the present system of registering the attendance of members from day to day, all that a member need to do was to walk into the House, remain a few minutes and go away, thereby having himself recorded as in attendance at that sitting. This method of recording attendances did not enable electors in the country to know whether their representative took any part in debate, and they might infer that he was present the whole time. Some members could be seen counting their attendances at the close of the session, as a record to show how many times they had been present; yet some of those members who were recorded as present every day throughout the session, except on perhaps three or four days, had in some cases averaged not more than 25 minutes of attendance at each sitting throughout the session. It would be well if the Premier could devise some better system of recording attendances.

THE PREMIER: The Standing Orders dealt with that.

MR. TAYLOR: The present system was very misleading, and while that system continued the quorum should be increased to half the full number of the House.

MR. DAGLISH: Certain unwarrantable innuendos had been thrown at the party with which he was connected, and he regretted that some of these innuendos emanated from the Premier. It would not have been a very unworthy thing even had he proposed this amendment with the object of increasing the power of the Labour party; but it would be unworthy if, having proposed an amendment with that object, he denied that it was his object. He had put forward the amendment entirely for the reason that if legislation were carried on by less than half the full number of members, the House as a whole was not doing its duty to the country. The Premier had said he would show how, in a quorum of 24, the seven Labour members would have a greater influence than in a quorum of 17; but the Premier omitted to show how that would be. Of course he did say they could withdraw from the House.

THE PREMIER: A quorum of 17 was more easily kept than a quorum of 24.

MR. DAGLISH: It was so hard to keep a quorum of 17 all last session that if even one Labour member had withdrawn there would not have been enough members to go on with the business on some occasions. As to trusting the Opposition now, the fact was that if a member listened with his eyes closed he could hardly distinguish whether the remarks in favour of a particular course came form the Government side or the Opposition side. The Treasurer had complained that the Labour members were lecturing the House, and apparently that Minister regarded himself as having a monopoly of the right of lecturing members; so that Minister had immediately taken on himself to lecture the member for Hannans (Mr. Bath) because he spoke twice on an amendment of this importance. It was the duty of members to prevent important questions going through without adequate discussion. The Treasurer had said the country did not complain of the poor attendances of members in this House; yet one recollected that last session the newspapers were full of complaints as to the poor attendance of members. If the country then had any remedy, undoubtedly the constituents in a large number of cases would have used that remedy. Now we should make it unnecessary for the country to complain by making it necessary for a larger number of members to take part in legislation. The member for South Perth (Mr. Gordon) had said

the Labour party valued their services at £200 a year, but that other members valued their time at a higher rate. It was not that members of the Labour party valued their services so low, but they valued their promises and pledges to constituents a little higher than did other members, and were prepared to make greater sacrifices to fulfil those promises and pledges. The Labour members had pledged themselves that if sent to Parliament they would devote their time, energies, and powers to fulfilling their parliamentary duties; and he did not think it was any justification for a taunt that, having been elected, the Labour members were trying to the best of their powers to fulfil their promises. The Labour members might not possess the same transcendent genius as the member for South Perth, but they did make a more serious effort to fulfil their election pledges than the member for South Perth thought necessary.

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

Ayes	...	...	9
Noes	...	...	21
Majority against	...	...	12

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Butcher	Mr. Burges
Mr. Connor	Mr. Foulkes
Mr. Daglish	Mr. Gardiner
Mr. Diamond	Mr. Gordon
Mr. Hastie	Mr. Gregory
Mr. Johnson	Mr. Hayward
Mr. Taylor	Mr. Hicks
Mr. Wallace (*Teller*).	Mr. Holmes
	Mr. Hopkins
	Mr. Jacoby
	Mr. James
	Mr. McWilliams
	Mr. Oats
	Mr. Piesse
	Mr. Pigott
	Mr. Purkiss
	Mr. Quinlan
	Mr. Rason
	Mr. Smith
	Mr. Higham (*Teller*).

Amendment thus negatived, and the clause passed.

Clauses 32, 33—agreed to.

Clause 34—Vacancy by absence:

MR. DAGLISH: There was a provision that the seat of a member became vacant if for any month of any session of Parliament, without permission, he failed to attend the Assembly. The words "without the permission of the Assembly" might be omitted, as members had no right, nor were they given any power by the electors, to grant a member leave of absence. A member applied for leave of absence from the House, and as a matter of course members never refused any such application, which might be made on absolutely insufficient grounds, and the electors represented by the member might disagree with the granting of permission. It was not reasonable that the House should express an opinion at all on the absence of a member, who if he should consult anyone it should be his constituents, and get authority direct from them.

THE PREMIER: What about cases of illness?

MR. DAGLISH: In cases of illness, absence was absolutely justifiable.

THE PREMIER: The constituency would be unrepresented still.

MR. DAGLISH: The circumstances were entirely different. A man might be absent at the Melbourne Cup seeing the races, or he might be absent on private business in South Africa. Where there was a certain amount of pleasure or profit to be derived from the trip, then it could not be compared to the case of absence through illness, except the illness was likely to be permanent.

THE PREMIER: How would a member obtain the consent of the electors?

MR. DAGLISH: He could go before the electors in the principal centres. An exception might be made where absence was occasioned by illness, but it was not fair to the House that we should be asked to grant permission for absence. If members thought they had no right to grant permission, and that a member, without justification, was applying for permission to absent himself, no one would object, for if a member did so he would rest under the stigma of the member's personal hostility. He moved that in lines 2 and 3 the words "without the permission of the Assembly" be struck out.

MR. PIGOTT: If a member was away from the House for a month his seat would be forfeited, and in case of illness there could be no excuse.

MR. DAGLISH: If the amendment were carried, he intended to propose to add at the end of the clause the words "unless his absence be caused by illness." That would give ample power to a member to be absent during any session on the

score of illness, or for 29 days without being ill.

MR. DIAMOND: What did a month mean? Did it begin on the first of the month or in the middle? Was a month to be reckoned a calendar month or four weeks, and if so how many Parliamentary days were there in a calendar month? Why should we not stick to the present rule? If a member remained away from the House for a month he must lose his seat.

THE PREMIER: Under the existing Constitution Act a member could remain away for two months without leave.

MR. DIAMOND: At present a member could remain away for a fortnight by obtaining leave of the House. Why not allow a similar practice to continue?

Amendment negatived, and the clause passed.

Clauses 35 to 40—agreed to.

Clause 41—Member to vacate his seat on sitting in Parliament of Commonwealth:

MR. BUTCHER moved that all the words after "Parliament," in line 3, be struck out. It was not right to allow a member of this Parliament to acquire a seat in the Federal Parliament, and retain his seat in this till he actually took his seat in the other. His seat here should be vacated upon his election.

THE PREMIER: True, as the law stood, the seat here did not become vacant until the member actually took his seat in the Federal House. There was no objection to the amendment, which was fair, because a member so elected had made up his mind to go to the Federal Parliament, and the sooner there was a vacancy here the better.

Amendment passed.

On motion by the PREMIER, further consideration of the clause postponed.

Clause 42—Disqualification of members:

MR. HASTIE: Subclause 4 disqualified clergymen and ministers of religion. Against this he had protested last session, but did not get much support. It was unwise to limit the choice of electors by refusing to allow them to return any ordinary citizen. The only reason for this disqualification was the English precedent, which disqualified none but clergymen of the Established Church other than bishops and archbishops. No reason had been given in Australia for excluding clergymen or ministers, except that these gentlemen might have exceptional opportunities for wooing the electors. He moved that Subclause 4 be struck out.

Amendment negatived.

MR. JACOBY: Would Subclause 5, dealing with offices of profit under the Crown, prevent any civil servant retired on a pension from entering the House?

THE PREMIER: Yes; pensioners were not allowed to enter Parliament.

MR. JACOBY: In Britain, half-pay officers could enter.

THE PREMIER: So they could here, by the last paragraph of this clause.

MR. JACOBY: As the Government could not increase the pensions, there was no objection to the pensioner's presence in Parliament.

THE PREMIER: Why was the point raised? Did a pensioner desire to stand?

MR. JACOBY: An experienced civil servant drawing a pension might wish to devote the rest of his life to Parliamentary duties, and might be of great assistance. Why should he be debarred if a constituency were willing to elect him? In this House there had been Imperial pensioners.

THE PREMIER: The clause as it stood was preferable; for it followed the practice of the past, and that of the old country.

MR. HASTIE: If a pensioner were elected could his pension be suspended while he continued a member of the House?

MR. JOHNSON: The Premier should afford more information. Surely members did not desire to debar any retired civil servant from being elected?

MR. FOULKES: The subclause was necessary, for it referred to pensions payable during the pleasure of the Crown; and as the Crown acted on the advice of Ministers, a pensioner sitting in Opposition might be dealt with harshly by the Government. Such a member might not be disinterested, but might support a Government which would make his pension safe. There was a distinction between such a man and an Imperial pensioner. The latter had been pensioned because he lost office when Responsible Government was instituted, and he could not be deprived of his pension, hence his position would be independent.

THE PREMIER: The matter would be looked into prior to recommittal.

Clause passed.

Clauses 43 to 48—agreed to.

Clause 49—postponed.

Clause 50—Powers of the House in respect of legislation:

MR. HASTIE: The clause stated that the Council might not amend proposed laws imposing taxation or proposed laws appropriating revenue, while the next paragraph stated that the Council might not amend any proposed law so as to increase any proposed charge or burden on the people. Was not the second provision redundant?

THE PREMIER: No. The first dealt with laws imposing taxation, and the second prevented the Council from dealing with an ordinary law by amending it in such a way as to impose taxation. The addition was by way of abundant caution. A taxation Bill must not be touched by way of amendment, nor must any other Bill be amended in such a way as to increase any proposed charge or burden on the people.

MR. HASTIE: If the Legislative Council were not to have the power to increase any proposed charge or burden on the people, why should they have power to decrease such charge or burden? He moved that the words "or decrease" be inserted.

THE PREMIER: In the case of a Bill which indirectly proposed taxation, the Council had not the power to increase any rate or charge provided in such Bill, but they might reduce it. In a taxation Bill pure and simple, the Council could neither increase nor decrease any tax or burden; and their only means of obtaining amendment consisted in the power to suggest. The third paragraph in the clause dealt with the class of cases not covered by the second paragraph. In an ordinary Bill which indirectly imposed a charge or burden on the people, why should the Council not have the right to decrease it? An income tax would be a law imposing taxation generally. As to the next class of cases, suppose that in an ordinary Bill there was a provision for imposing say a municipal rate, the Legislative Council would have power to amend the rate by decreasing it, according to this clause. The third paragraph in the clause dealt with those cases which imposed indirectly a charge or rate, as for instance a Bill imposing fees for timber licenses or miners' rights; and such a Bill was not deemed to be a measure imposing taxation. The idea was that the Legislative Council should have power to decrease a charge or burden in a Bill which was not directly a taxation Bill; that they should have power to amend by decreasing, so long as the Bill did not form a part of the financial policy of the Government.

Clause put and passed.

Clause 51—Provision for disagreements between Houses as to Bills:

MR. PIGOTT suggested that the clause be postponed.

THE PREMIER assented, and said that Clauses 51 to 54 should be postponed together.

Clauses 51 to 54 postponed.

Clause 55—Salary of President and Speaker.

MR. DAGLISH: It seemed out of proportion to make the office of President of the Legislative Council the same in regard to emolument as the office of Speaker of the Assembly. In dealing with this matter, he was not referring personally to the gentlemen holding those offices; but he regarded the relative importance of the Speakership as far greater than that of the President of the other place. The amount of work, the length of hours during which the Speaker had to be in the Chair, and the responsibility of his work, were far greater than in the other case; and it was not a reasonable proposal that the President of the Council—a body sitting about one-third of the time as compared with the Assembly, and even this would be an exaggerated estimate—should be paid on the same scale as the Speaker of the Assembly. To test the feeling of members, he moved as an amendment

That the word "equal" in the first line be struck out, and the words "one-half" inserted in lieu.

He understood that the gentleman who held the position of President of the Council was very unlikely to be a candidate for the office when it again became vacant, and so the question as regarded him could not have a personal bearing.

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

Ayes	...	...	...	7
Noes	...	...	...	23
Majority against			...	16

Ayes.	Noes.
Mr. Bath	Mr. Atkins
Mr. Connor	Mr. Burges
Mr. Hastie	Mr. Butcher
Mr. Johnson	Mr. Diamond
Mr. Nanson	Mr. Gardiner
Mr. Taylor	Mr. Gordon
Mr. Daglish (*Teller*).	Mr. Gregory
	Mr. Hayward
	Mr. Hicks
	Mr. Holmes
	Mr. Hopkins
	Mr. Jacoby
	Mr. James
	Mr. McWilliams
	Mr. Oats
	Mr. Piesse
	Mr. Pigott
	Mr. Purkiss
	Mr. Quinlan
	Mr. Rason
	Mr. Smith
	Mr. Wallace
	Mr. Higham (*Teller*).

Amendment thus negatived, and clause passed.

Clause 56—agreed to.

Clause 57—postponed.

Clauses 58, 59, 60—agreed to.

Clause 61 (allowance to members)—postponed.

Clause 62—agreed to.

THE PREMIER, in moving that progress be reported, expressed a hope that members would be prepared to go on with the postponed clauses at the next sitting.

Progress reported, and leave given to sit again.

RESIGNATION—NORTH FREMANTLE.

THE SPEAKER informed the House that he had received the resignation of Mr. D. J. Doherty, member for North Fremantle. It would be necessary that a resolution be passed by the House declaring the seat vacant before he, as Speaker, could issue a writ for a fresh election.

THE PREMIER suggested that a motion might be made at the next sitting.

CO-OPERATIVE AND PROVIDENT SOCIETIES BILL.

SECOND READING.

Resumed from 6th August.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. ILLINGWORTH in the chair; the PREMIER in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Societies which may be registered:

MR. DAGLISH: How would this clause operate so far as it related to empowering societies to deal in land? Could any building society register under the Bill? Was that the object?

THE PREMIER: Not necessarily, but where co-operative societies were formed for buying large estates and selling a portion of them, dividing the profit amongst the members. Under the clause persons were authorised to carry on any lawful industry, business, or trade, wholesale or retail, and including dealings of any description in land. He was looking into the matter and would see if he could introduce a Building Societies Bill during this session.

Clause passed.

Clause 4—Conditions of registration:

MR. HIGHAM: According to Subclause 1 any co-operative society consisting of seven persons might be formed. That number was too small. He moved that the word "seven" be struck out and "twenty-one" inserted in lieu.

Amendment negatived, and the clause passed.

Clauses 5, 6, 7—agreed to.

Clause 8—Cancelling:

MR. BATH: Subclause 3 provided that registry could be cancelled at "his request." What was the meaning of those words?

THE PREMIER: Evidently it referred to the request of the society. He would look into the matter as there appeared to be a mistake in drafting.

Clause passed.

Clause 9—Rules:

MR. BATH: Subclause 3 provided for a fee of 10s. for the registration or alteration of rules, which sum was rather high. While societies should pay sufficient for the registration of amendments without expense to the Government the amount mentioned was too high.

THE PREMIER: It was important that rules registered under the society should be closely examined so as to see whether they came within the purview of the Bill and did not infringe it. It was just as difficult to deal with amendments

as with original rules. It was necessary that amendments to rules should be closely scrutinised, therefore 10s. was not an unreasonable fee.

MR. BATH: Amendments to rules in regard to the Friendly Societies Act and the Conciliation and Arbitration Act were caused in consequence of there being no sample rules laid down for the guidance of associations. If a model set of rules were placed in the schedule, then the work of the registrar might be rendered lighter and the fee could then be reduced. Farther on a provision could be made for the registrar drawing up a set of model rules, and the clause could then be recommitted for a reduction of the fee.

Clause passed.

Clause 10—agreed to.

Clause 11—Audit:

MR. BATH moved that the words after "mentioned," in line three, be struck out. For this and for similar societies registered under other Acts, a Government auditor should be appointed. Defalcations were frequently due, not to the criminal intent of a secretary, but to his lack of knowledge of accounts, and to equal ignorance of the auditors. Such societies often appointed two ordinary members as auditors, who, knowing nothing of accounts, were utterly incompetent. An audit by a duly qualified auditor appointed by the Government should be made at regular intervals.

THE PREMIER: The Government should not be asked to audit the books of these societies, which were the same as ordinary limited companies. Small societies frequently objected to pay the high fees charged by fully qualified auditors, while the reports of many men calling themselves auditors were no more valuable than reports by ordinary members of the society. The next clause provided that annual returns must be sent to the registrar, and such returns must state that the audit had been conducted by a public auditor, or if by any other person or persons, their names, addresses, and occupations, and how and by what authority they were appointed. Such provisions would enable the registrar to exercise some control. The annual returns must include copies of the balance-sheets, and such other information as the registrar might prescribe.

MR. JOHNSON: The registrar would see the balance sheet but not the books. The amendment sought to assist the secretary to keep his books correctly.

THE PREMIER: Should we be justified in compelling all co-operative societies to have their books audited by a public auditor?

MR. JOHNSON: That would be to the advantage of the societies.

THE PREMIER: Seven members might form a society; and a qualified auditor would demand what to a small society must seem a large fee. How many companies were now prepared to pay for properly-qualified auditors? They got men who called themselves auditors and charged five or ten guineas a year. Bodies registered under this Bill would be the same as public companies; but being smaller and less wealthy, simpler machinery was provided for their registration.

MR. DIAMOND: The accounts of all friendly societies and trade unions should be audited by the State Auditor General's Department. It was not fair to class a friendly society with a public company; for the former was an association for mutual benefit, and not for individual profit. Anything which protected friendly societies protected the State, because membership of such societies relieved the State from responsibility for charitable relief. South Australia, he believed, provided for a compulsory State audit of all friendly societies' accounts. Such an audit should be made here by the Auditor General; but the societies should not be compelled to employ professional auditors, whose fees were often excessive. Amateur audits in friendly societies were frequently absurd and useless, and anything which would keep such accounts pure and accurate must benefit the State in general. Not only the balance sheets but all books and accounts should be audited. In South Australia, prior to the adoption of such a system, defalcations were numerous. Better postpone the clause.

THE PREMIER: If the mover of the amendment thought it would not do injustice to small societies, the Government did not object; but they desired to point out that injustice might be done if small societies were compelled to obtain the services of public auditors.

MR. BATH: The amendment would be in the interests of the societies proposed to be registered under the Bill. Friendly societies and trade unions had been much discouraged and often broken up by slipshod accounts and faulty audits. There was no reason for compelling them to employ a highly qualified public accountant. A Government officer should be appointed to audit the accounts of societies registered under this and similar Acts, the societies being charged a regular fee of so much per day or so much per audit, which fee, without being a strain on their finances, would recoup the department. He withdrew the amendment. Postpone the clause to admit of a satisfactory amendment being drafted.

Amendment by leave withdrawn, and the clause postponed.

Clauses 12, 13—agreed to.

Clause 14—Returns and other documents to be in form prescribed by the registrar:

MR. BATH: The returns prescribed under similar Acts were in his experience insufficient to give an accurate and intelligible view of the accounts. He urged that the forms should be drawn up in a fashion much superior to those of the Trades Union Act and the Conciliation and Arbitration Act.

MR. JOHNSON: The form provided under the latter Act could not be used.

THE PREMIER: Would members interested see him privately?

MR. QUINLAN took the Chair.

Clause passed.

Clauses 15, 16, 17—agreed to.

Clause 18—Power of nomination for sums not exceeding fifty pounds:

MR. BATH: Any member of the society could nominate £50 to be distributed among his relatives. One would like to know why that distinction was made, seeing it was possible for him to hold as much as £200 in scrip of the society.

THE PREMIER: This power of nomination, he thought, only extended to small sums. There might be a risk, in the event of disputes arising, of misrepresentation. The object was merely to provide a simple method of dealing with a small sum. If we unduly increased the amount, it would, he thought, put a temptation in the way of men to commit fraud.

MR. JACOBY: It was done in the case of the Oddfellows' and Foresters' insurance.

THE PREMIER: What did they allow?

MR. JACOBY: Any amount.

THE PREMIER said he did not think so.

MR. JACOBY: Yes.

THE PREMIER: That was their own rule and their own risk. Under this clause a person could say, "I desire my property or my shares to be given to such persons up to £50."

MR. DIAMOND: Supposing he had £100 to be dealt with, and he died intestate?

THE PREMIER: That was dealt with under the ordinary law. The point was whether it was advisable to allow this simple method to apply to larger sums than £50. So far as the provision gave power of nomination between the ages of 16 and 21, it afforded greater power than existed now. When we adopted a method like that and removed the need of having witnesses or signatures or having the matter verified in some other way, it at once opened the door to fraud. Whatever sum was fixed he thought it should be a comparatively small one.

MR. DIAMOND: If one man had £150 to dispose of and another £50, why should we restrict those men to the same amount?

THE PREMIER: It did not, he thought, depend on what a man had for disposal, but on what was a fair sum, a sum which would not be likely to lead to fraud.

Clause passed.

Clauses 19 to 30—agreed to.

Clause 31—Any body corporate may hold shares in a society:

MR. BATH: The power given to any body corporate to hold shares in a registered society would lead the way, he thought, for such company to swamp a registered society. The company would be permitted to buy shares in their corporate name, and then they could sell them to their individual members, so that if a big society registered under the ordinary Companies Act and trading in a certain direction were threatened by the competition of one or more registered corporate societies in the same line, they could acquire the shares in that company, and then by splitting them up among

their members to the limit of 200 or less, they could practically knock the registered society out of existence.

THE PREMIER: This clause would not allow that. It merely enabled a body corporate to hold its shares by its corporate name.

MR. BATH: We could not prevent their selling them.

THE PREMIER: Then they would cease to hold them in their corporate name.

MR. BATH: They would accomplish their purpose all the same.

THE PREMIER: True, but could they not accomplish their purpose without this clause? This clause was not intended to meet that difficulty.

Clause passed.

Clauses 32 to 38—agreed to.

Clause 39—Special resolutions:

MR. BATH: The reading of Subclause (*a*) was somewhat ambiguous. Did it mean that the majority should consist of three-fourths of the total membership, or did it mean a three-fourths majority of those present?

THE PREMIER: Three-fourths of those present.

Clause passed.

Clauses 40 to 66—agreed to.

Postponed Clause 11—Audit:

THE PREMIER: The member for Hannans (Mr. Bath) had suggested an amendment in the early stages, and he (the Premier) thought it would be wiser if the amendment were passed.

MR. BATH moved, as an amendment, that the words after "mention," in line 3, be struck out.

Amendment passed, and the clause as amended agreed to.

Schedules (4)—agreed to.

Preamble, Title—agreed to.

Bill reported with an amendment.

ADMINISTRATION (PROBATE) BILL.

SECOND READING.

Debate resumed from 6th August.

MR. S. C. PIGOTT (West Kimberley): Only a few words need be said with regard to this Bill. The measure was before the House last session, and I believe also during the session previous to that. It is now in a form acceptable to members, and I trust it will pass in its present form. Last year a certain amendment was made, and that amendment was the cause of the measure's downfall. I trust that a similar amendment will not be forced on again.

MR. R. G. BURGES (York): I have a few remarks to make on this Bill. Clause 14, in my opinion, is rather too sweeping, inasmuch as it gives up to £500 to the husband or wife without reference to the children, who may thereafter become a burden on the State. The surviving parent may will the money away from the children. Certainly, before money is given to either husband or wife, the children ought to be considered. A clause which will prove of great benefit to poor people is Clause 53, under which in respect of assets not exceeding £300 in value application may be made direct to the Master, or, if the deceased person reside at a distance of 30 miles or more from Perth, to the district agent of the Master. That provision represents a great improvement on the present Act, under which it is necessary to employ even in connection with small estates two solicitors, one in the country and one in the town, with the result that costs are heaped up and that people will let an estate drop rather than carry out the provisions of the law. In Committee I shall suggest that the maximum under this clause be raised from £300 to £500. I see no reason why the maximum should not be raised as I suggest. I base my statements on information received from solicitors in country districts. Great powers are now given under the Justices Act, and I see no reason why the amendment I have indicated should not be adopted. I shall not detain the House longer.

Question put and passed.

Bill read a second time.

COMMITTEE STAGE.

THE PREMIER moved that the Speaker do leave the Chair for the purpose of the Bill being considered in Committee.

HON. F. H. PIESSE: In connection with an important matter like this haste was undesirable.

THE PREMIER: The Bill had been through the House two or three times.

HON. F. H. PIESSE: Then let it go through the House again. The fact was that a great deal of legislation was brought down with a view to its being

galloped through. Then it was sent to another place, and came back again.

MR. JOHNSON: All that the Bill dealt with to-night had been previously discussed.

THE PREMIER: That was so.

HON. F. H. PIESSE: Let the Bill be properly considered.

THE PREMIER: If the hon. member was tired, there was no desire to work him too hard. He moved that the consideration of the Bill be postponed.

Motion passed, and the stage postponed.

FACTORIES BILL.

SECOND READING (MOVED).

THE PREMIER (Hon. Walter James): As this matter rests with me, I propose to do the work. It is quite early yet, only 10 minutes past 10; and I do not feel particularly fatigued, although I began work in the House at half-past four.

HON. F. H. PIESSE: But you did not travel several hundred miles last night.

THE PREMIER: No; because I happened to be on the spot. I have but a few words to say in placing this Bill before the House for the second time, because I hope that no member will be so exacting as to demand that I shall again explain, as I did on the last occasion, the various features of the Bill, and again urge the arguments then urged in favour of the measure. Even the few remarks I do intend to make I approach with a great deal of diffidence, because I have not yet lost the impression I obtained last session from the sight of the hon. member who then led the Opposition rising during the long, long hours of the night and illuminating by his eloquence even so prosaic a subject as factory legislation. The hon. member showed such power to weave eloquence around the dry details of a Factories Bill as to make us think that we were sitting in the Parliament of the mother country, where they manufacture great speeches and may perhaps be called "factories." I said on the last occasion that I believe a Bill to deal with factories to be necessary, and I do not believe many members can deny it. There seems, however, to be about the phrase "Factories Bill" some peculiar meaning, some peculiar force which causes such a measure to act on members lately in direct Opposition or now in direct Opposition like a red rag held up to a bull. If you tell them there is any need for legislation in regard to factories, they say "Oh, yes; we admit that; but do not call it a Factories Bill; call it a Health Bill." If you tell them that in every other part of the Empire provision is made for sufficient air space for those employed in factories, they reply, "Yes; we admit that; but do not call your measure a Factories Bill; call it a Health Bill." Then, if you point out that in other countries legislation is deemed essential to deal with the various abuses that have arisen in connection with factories, they say, "Oh, yes; we admit all that; but do not call it a Factories Bill; call it a Health Bill." We were assured last session that there was no need for legislation of this nature. I do not accept that statement, because I am quite confident that human nature is the same in Western Australia as it is in any other State of the Commonwealth or in any other part of the world; and as in every other part of the world where factories have been established and factory work is carried on an absolute need has been experienced for legislation of this nature, it follows inevitably that, there being factories here and factory work being carried on in this State, the same evils will arise here as have arisen everywhere else. I say these evils have arisen in Western Australia, and there is a need for legislation of this nature in this State to-day. I hope in the course of a day or two to place before members a copy of a report of an inspection made by the health inspector, who at my request has examined some at all events of the factories in Perth and Fremantle; by no means all the factories, because there is no legislation now existing which requires registration of factories. Certain factories are registered under the Industrial Statistics Act, but those factories are establishments employing more than four hands The result of that examination will show members that such evils as any reasonable man would expect and must have expected have arisen in this State, and that there is need for legislation to control factories. The Bill introduced last year was one of the most moderate Bills ever placed before Parlia-

ment, and I candidly admit that I was astonished, after that Bill had been placed before the House and had been received with so much sympathy from the Opposition benches, to find subsequently that when the second reading had passed, members opposite, in the heat of their opposition fervour, desired to oppose the Bill at all costs, without worrying about any particular policy or principle. They determined to attack this innocent Bill, and so they kept us here night after night, through long, weary hours, not for the purpose of discussing the merits of the Bill, but to indulge in obstructive tactics, and to waste the time of the House, and——

MR. JACOBY: That is an unfair statement.

THE PREMIER: I say that Opposition members indulged in obstructive tactics, and wasted the time of the House, and that without any good cause. As a result what did we find? We were kept here until two or three o'clock in the morning, and then members on this side of the House, in sheer annoyance, said, "We will humour the eloquent member for the Murchison (Mr. Nanson)." Indeed, his eloquence deserved to be humoured; because, although I disagreed with him, and was somewhat annoyed at the way in which he spoke, yet I must admit that on all occasions he spoke well, spoke eloquently, and spoke to the point, however long his speech happened to be. What occurred? When members at two or three o'clock in the morning had got exhausted, and said, "Oh, give the hon. member his way; it can be put right in the morning," that was done; and when the Bill had passed its initial stage under those auspices and came before the full Committee again, members at once restored the Bill to the position it was in when it came down to the House. As the result of all those weeks of weary effort, we found ourselves in the end at very much the point we were at when the Bill was first introduced; and I hope the House will in this particular instance reach the same result, but by other means. I turn to any member and ask if he will take the Bill and free himself from prejudice, and from a desire to secure party kudos either on the Government side or on the Opposition side, and tell me that any provision contained in the Bill is unreasonable. The measure comes before the House the same in substance as the Bill of last session. Members will remember on that occasion we had a Bill dealing with early closing and shops and factories. That part of the old Bill which dealt with shops has been embodied in a separate Bill, and that part which deals with factories has been embodied in the Bill now before the House. Members will find that in substance the provisions in this Bill are the provisions we had before us, and which we knew so well during the course of last session. I can only say what I have previously said, that there is need in this State for legislation of this nature, and the Bill which the Government produce is a moderate and reasonable Bill sufficient to meet those needs. I am satisfied that unless legislation of this nature is adopted during the course of this session, the present moderate Bill will not be accepted; it will not be acceptable. There will be still stronger demands raised, and as session follows session unless this question is dealt with, demands will crop up with increasing force, and will have to be recognised. Members must realise that there is no principle contained in the Bill which has not been debated and tested and tried in the old country for years, and has been tested and tried in the Eastern States for several years. Recognising that fact, and that every year adds to our manufacturing industries in this State, and increases the need for legislation of this nature, I am willing to assist members to pass a Bill that will meet our needs, and thus discharge our duty much more worthily than by allowing around the Bill a certain amount of heated discussion which does no good to the Bill itself, and certainly does not fruitfully fill the time of members of the House. As I travelled over the Bill so often last session, I do not intend to travel over it again. I am not quite sure whether the member for the Murchison (Mr. Nanson) is looking up his old speeches with a view to repeat them; but if so, I am willing to ask the leave of the House to get them reprinted, and have them circulated amongst members, so as to save him the trouble of delivering them again. If members, between now and

the Committee stage, will spend a little time in reading the *Hansard* debates of last session, they will come back seized of the facts, and in a mood to give reasonable and honest judgment on the various clauses. I beg to move the second reading.

On motion by Mr. PIGOTT, debate adjourned.

ADJOURNMENT.

The House adjourned at 20 minutes past 10 o'clock, until the next day.

Legislative Council.

Wednesday, 12th August, 1903.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Railway Classification and Rate Book Alterations. Return of Exemptions granted on Mining Leases, year ended 30th June, 1903.

Ordered to lie on the table.

LEAVE OF ABSENCE.

On motion by the COLONIAL SECRETARY, leave of absence for one week granted to the Hon. S. J. Haynes (South-East), on the ground of illness.

BREAD BILL.

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

PRISONS BILL.

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

PHARMACY AND POISONS ACT AMENDMENT BILL.

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

LUNACY ACT AMENDMENT BILL.

SECOND READING (MOVED).

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: I do not anticipate that any hon. member will deny the necessity for legislation in the direction of this Bill. More especially will that be the case when it is taken into consideration that the date of this State's legislation dealing with lunacy is as far back as the year 1871, a period when the methods of dealing with the insane were just emerging from that disgraceful period of almost crass ignorance as to what form those methods should take which obtained in the years previous. It is a most remarkable thing that if the history of lunacy, so far as we can ascertain it, be traced, it is found that the methods adopted by the ancients—adopted up to, say, the year 600 A.D.—were distinguished to a great extent by more clemency, by more reason, and by greater care for those unfortunate beings who had become bereft of reason, than are the methods obtaining in the succeeding period. The physicians of ancient days have left among their works many valuable treatises on the cure of the insane, and some of the methods of restraint anciently employed were marked by the utmost consideration for the feelings of the patients; and not alone that, but by a regard that the treatment of lunacy should take a curative as well as a repressive form. Then, strange to say, from about the year 600 A.D. until towards the middle of the eighteenth century—that is to say, about 1750—there seemed to be a sort of relapse into ignorance and superstition. The insane were then looked on as being possessed by devils, and they were allowed, in a large measure contrary to the treatment in the earlier period of which I have already spoken, to roam about the face of the earth, often a sport for the thoughtless, and