

## THIRD READING.

THE COLONIAL SECRETARY moved that the Bill be read a third time.

HON. F. WHITCOMBE: The third reading of the Bill would be opposed by him. Owing to the attitude of the Government, with regard to the question of federation, it was proper to take such a step as would practically compel them to dissolve Parliament within the next month or so. The Government had decided that the question of federation should be submitted to the people in one form or another, but this House did not send the measure to the people in the way it was asked to do.

THE COLONIAL SECRETARY rose to a point of order. The hon. member was now dealing with the Federal Bill, and not with the Constitution Bill.

HON. F. WHITCOMBE: What he was urging was that the House should refuse to pass the third reading of the Constitution Bill.

HON. C. A. PIESSE: Would the reasons be removed to-morrow?

HON. F. WHITCOMBE: The Bill should be thrown out, and if members opposed to the extension of the franchise to women were of the same opinion now as at first, they would vote against the third reading of the Bill. Those who were earnest in their desire that the federal question should be submitted to the people would also oppose the passing of the Bill, and force a crisis upon the Government that would compel them to dissolve Parliament and bring the matter before the people in a constitutional manner. As a rule, when a Government found it could not pass its policy Bills through the action of the Upper Chamber, it dissolved Parliament and took a direct vote from the country, so as to bring to bear upon the Upper House the only influence which could fairly and constitutionally be brought to bear upon them. By that step the House and the country would be placed in a proper and constitutional position, and an opinion would be expressed as to what should be done in the present state of affairs.

HON. J. W. HACKETT: The Assembly would be penalised.

HON. F. WHITCOMBE: We should not thereby be penalising the Assembly, which was practically a moribund body now. The step he advocated would, he

admitted, be an extreme one, but it would be the only way of practically forcing upon the present Government the responsibility of insisting upon holding office with this Parliament, and refusing to allow questions of vital moment to be settled by the people themselves.

A MEMBER: It was the hon. member's action which prevented the question of federation from being referred to the people.

HON. F. WHITCOMBE: The referendum was opposed by him because it was not a constitutional procedure, and the only constitutional way of submitting the question to the people was that of dissolution.

Question put and passed, the Hon. F. Whitcombe dissenting.

Bill read a third time, and *passed*.

## ADJOURNMENT.

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

## Legislative Assembly,

Tuesday, 12th December, 1899.

Question: Government House Flag—Fremantle Water Supply Bill, in Committee, reported—Fire Brigades Amendment Bill, first reading—Beer Duty Amendment Bill, second reading, in Committee, third reading—Health Act Amendment Bill, second reading (moved)—Pearl Dealers Licensing Bill, second reading, in Committee, third reading—Sunday Labour in Mines Bill, recommittal, reported—Totalisator Amendment Bill, in Committee, Clause 3 onward, reported—Petition *re* Perth Tramways, discharge of order—Industrial Conciliation and Arbitration Bill, discharge of order—Police Act Amendment Bill (No. 2), first reading—Harbour and Pilot Services, Joint Committee's Recommendations, amendment passed, Divisions (2) Bank Holidays Amendment Bill, second reading, in Committee, reported—Petition of Mr. F. L. Weiss (withdrawn)—Mines Regulation Amendment Bill, Council's Amendments—Adjournment.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

# QUESTION--GOVERNMENT HOUSE FLAG.

**MR. ILLINGWORTH:** By permission and without notice, I would like to ask the Director of Public Works whether it is the intention of the Government to take immediate steps to repair the Union-jack that is floating over Government House at the present time, in a most dilapidated condition.

Orders of the day read.

## FREMANTLE WATER SUPPLY BILL. IN COMMITTEE.

Clauses 1 to 3, inclusive—agreed to.

Clause 4—Director of Public Works to have certain powers:

**THE DIRECTOR OF PUBLIC WORKS** moved that the following be added to the first paragraph: "And any additional powers which, by the Metropolitan Waterworks Act of 1896 or any amendment thereof are vested in the board created by that Act, may be exercised by the Director of Public Works for the purposes of this Act as if such powers were expressly enacted herein."

Amendment put and passed, and the clause as amended agreed to.

Clauses 5 to 7, inclusive—agreed to.

Clause 8—Power to levy water rate:

**THE DIRECTOR OF PUBLIC WORKS** moved that all words after "municipalities" be struck out (last two lines). The amendment was submitted because the words were superfluous.

Amendment put and passed.

**THE DIRECTOR OF PUBLIC WORKS** further moved that in paragraph 2 the word "ten" be struck out and "five" inserted in lieu thereof.

Amendment put and passed, and the clause as amended agreed to.

Clauses 9 to 20, inclusive—agreed to.

Title—agreed to.

Bill reported with amendments, and the report adopted.

## FIRE BRIGADES AMENDMENT BILL.

Introduced by leave, and on motion by the **COMMISSIONER OF RAILWAYS**, read a first time.

## BEER DUTY AMENDMENT BILL.

### SECOND READING.

**THE ATTORNEY GENERAL** (Hon. R. W. Pennefather), in moving the

second reading, said: The Bill consists of three clauses, two of which disclose the object aimed at, namely to make the employer liable for the act of his servant while in the discharge of his duties. These clauses should have been inserted in the original Act, but were left out by mistake.

Question put and passed.

Bill read a second time.

### IN COMMITTEE, ETC.

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

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

## HEALTH ACT AMENDMENT BILL.

### SECOND READING (MOVED).

**THE ATTORNEY GENERAL** (Hon. R. W. Pennefather), in moving the second reading, said: The Bill is practically confined to verbal amendments in the principal Act; but the Central Board of Health are given authority to frame model by-laws for adoption by local boards; and further provision is made in Clause 8 for giving the Central Board more effective authority than at present, in the supervision and inspection of public buildings.

**MR. A. FORREST** (West Kimberley): I move the adjournment of the debate until to-morrow. The Bill has been thrown down before hon. members at the end of the session, and the debate should be adjourned to enable those interested to look more closely into the amendments proposed. The local boards which have to administer the Act look with great suspicion, especially in the city of Perth, on the Central Board of Health, to whom it is proposed to give further powers.

Amendment put and passed, and the debate adjourned accordingly.

## PEARL DEALERS LICENSING BILL.

On motion by **MR. A. FORREST**, the House resolved into Committee to consider the Bill.

### IN COMMITTEE, ETC.

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

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

SUNDAY LABOUR IN MINES BILL.

RECOMMITTAL.

THE MINISTER OF MINES formally moved that the Bill be now read a third time.

MR. MORGANS moved, as an amendment, that the Bill be recommitted for the purpose of adding a clause to cover the working of certain plants on gold-mines. No hon. member desired to abolish unnecessary labour on Sunday more than he did; and speaking for the mining community, and especially that section which was looking after the interests of mine-owners and managers, this also was the general feeling among them. As a matter of policy, it was not desirable to ask any man to work seven days a week if it could be avoided. The whole mining community felt that, when it was possible to avoid Sunday labour, it was not only desirable and proper to do so, but was beneficial to the interests of mine managers and owners. When the Bill was passing through Committee last week, it aroused much consternation and anxiety on the goldfields, because there it was felt that a great injustice would fall on a large number of mines in Western Australia owing to the passing of this Bill. He would read to hon. members some telegrams he had received from the goldfields in reference to the matter, asking for the intervention of the Assembly in order that a very grave injustice should not be done to the gold-mining community. One telegram was from the Chamber of Mines in Coolgardie, signed by Mr. Ernest Williams, the president; and with regard to Mr. Williams, he was one who took the greatest interest in matters relating to Sunday labour, and had identified himself with the movement for abolishing all unnecessary labour on Sunday. Mr. Williams held not only a strong social, but a religious conviction against Sunday labour. This telegram was as follows:

General meeting chamber further considered letter to Minister of Mines of October 20, re Sunday observance. Chamber recognises your efforts prevent injustices being done mining industry, and unitedly supports your action in Parliament.

In addition, he had received this telegram:

The following companies individually support and urge you use every effort prevent Bill becoming law:—Arrow, Brown Hill, Australian

Gold Leases, Bayley's United, Burbanks Birthday Gift, Burbanks North, Burbanks Main Lode, Burbanks Grand Junction, Blackett's Burbanks Deep West, Bellevue Proprietary, Burbanks Southern Goldfields, Bewick, Moreing & Co., British King, Continental W.A. Trust, Colonial Goldfields, Cotherwood, City of London, Donegal, Euro, Empress of Gwalia, East Murchison United, Empress of Coolgardie, Great Fingal, Gresham Syndicate, Great Northern Guests, Gullewa Gold Mines, Gladiators, Golden Arrow, Hannans Brown Hill, Hannans Croesus, Hawks View, Hill End, Half-Mile Reef, Hannans Central, Hannans Consols, Hampton Plains, Hannans Star, Hannans Brown Hill Extended, Hicks Gold Mine, Hit or Miss, Hannans South Brown Hill, Long Reef, Lindsay's Consolidated, Lady Charlotte, Lady Loch, London W.A. Mines and Finance Agency, Lake View Gold Mines, Lady Forrest, Cue, Lady Lily, Australis, Kanowna, Menzies Gold Estate, Mount Burges, Mount Charlotte, Rawson's Reward, Mystic, Mount Margaret Reward, Menzies Limited, Margaret Syndicate, Mount Malcolm Proprietary, Mimosa Gold Mines, Northam Mining and Milling Company, Norseman Gold Mines, New Austral, North Star, New Australasian, Pride of Gwalia, Prince of Gwalia, Phoenix, Paringa Consolidated, Primrose, Mount Magnet Railway Venture, Sons of Gwalia, Star of Gwalia, Speakman's, Mount Carlyon, Sherlaw Gold Mines, Vale of Coolgardie, Waroonga, W.A. Goldfields, White Feather Reward, Feather Main Reef, Herbert, King's Cross, Britons United, Westralia East Extension, Cement Proprietary, Black Flag Proprietary, Croesus North, One New Central Investment Corporation, Central Exploration Company, United Australia Exploration, Woodley's Mines, City Chester.

The names attached to this telegram were over 80. He had also a telegram from the Kalgoorlie Chamber of Mines, to this effect:

Meeting to-day unanimously decided express appreciation your efforts secure postponement third reading Sunday Labour Bill, thus enabling our president, Mr. Hamilton, to explain position fully. The chamber strongly protests against adoption of Bill present form. If no modification in regard roasting, dry crushing, and cyanide plants, results very serious to mines this district.

That was signed by the secretary of the chamber. Another telegram he had received was from Mr. Iles, general manager of the South Kalgoorlie mine, protesting vigorously against the passing of the Sunday Labour Bill in its present form. Another telegram of a similar nature was from the manager of the Kalgoorlie mine, and in connection with this telegram it might be explained that the company had expended many thousands of pounds in fitting up a plant for specially

treating the ores at this mine; and the same explanation applied also to the North Kalgoorlie mine which he had mentioned, where the company were now completing the erection of machinery at a cost of £50,000 for specially treating ores raised in that mine. Another telegram was from the Hannans Brown Hill Company, which had expended from £80,000 to £90,000 on a dry crushing plant already in operation; this telegram also protesting against the Bill in its present form. Another telegram, protesting against the Bill as it stood, was from the manager of the Golden Horseshoe mine, where a battery was at work, and where there was a continuous cyanide process in operation, with which this Bill would seriously interfere. In the face of these strong protests from all the leading mine managers on the goldfields, from managers who represented companies which had invested millions of money in this colony, this Assembly must pay some attention to their requests. Hon. members, when they considered the facts with regard to this Bill, would not raise any objection to dealing out justice to these people who asked for it at the hands of this Assembly. It was clear that any man who had anything to do with the employment of labour must agree with the principle that the occupation of men more than six days a week was a mistake from a financial and an economical point of view, unless the work was absolutely necessary; and if we put this question on the lowest plane, on the plane of convenience to the mine-owners and employers of labour, he (Mr. Morgans) contended that every mine manager agreed with the position that he (Mr. Morgans) was taking in regard to this Bill, that if it were possible to avoid all Sunday labour on mines, they would be only too glad to do it for the reasons he had given. These objections to the Bill arose, not from an unwillingness to lose one day a week, for every mine manager would be prepared to let his batteries and all other machinery, if possible, remain idle for one day; but because the newly adopted gold-extracting processes were so arranged that it was impossible to stop a mill for 24 hours. Mr. Hamilton, the manager of the Great Boulder mine, had been in Perth for the last few days, and surely no labour organisation on the fields would suggest that Mr. Hamilton was not in

absolute sympathy with the aspirations of labour, for that gentleman had secured the respect of all the goldfields workers; and having come to Perth, he had brought plans of the new plant now at work at the Great Boulder for treating refractory ores. Several hon. members had seen these plans, and must perceive that if the Bill came into operation, it would not be a question of stopping a mill on Sunday only, but on Monday also, so that nearly if not quite two days instead of one day a week would be lost.

MR. ILLINGWORTH: Mere rubbish!

MR. MORGANS: Rubbish?

MR. MORAN: The hon. member knew nothing about it.

MR. MORGANS: The hon. member (Mr. Illingworth) would hardly know a cyanide vat from a fly-wheel; and for the hon. member thus to interject was beyond endurance. He (Mr. Morgans) was speaking of what he understood, and was trying to lay the facts of the case before the House, leaving hon. members to judge of the merits. The treatment adopted at the Great Boulder was known as "agitating"; and unless the process were carried on continuously, the material running into the vats would settle down, and must be dug out; and moreover, to get the mill into full operation took 16 hours, and to stop it took another 16 hours; so that to stop and to start the mill would involve a loss of 32 hours. In addition to that time, there was the Sunday; so that by the Bill the Great Boulder mill must not only stop on Sunday, but must begin to stop operations 16 hours before the Sunday; and 16 hours on the following Monday must elapse before the mill could be again in full work. These were facts and not misstatements. Were hon. members prepared to run the risk of jeopardising the interests of the mining companies to the extent proposed in the Bill? No doubt it was true, as stated, that Victorian mines did not work on Sundays; but, so far as he could ascertain, no instance of a strike on the Sunday labour question had ever arisen in Victoria. The hon. member (Mr. Illingworth) recently pointed out, as a strong argument for this Bill, that it would prevent strikes; and the same idea was voiced by the member for North-East Coolgardie (Mr. Vosper). According to mining men who had lived 30 years in

Victoria, there had never been a strike in that colony on the Sunday labour question. Moreover, roasting furnaces did run on Sundays in Victoria. Victorian managers did not object to cease work on Sunday, because the class of ore they treated was entirely different from the ores dealt with here, the former being free-milling ores, which could be treated in a battery by a simple process of concentration. To fairly compare Victorian mines with ours was therefore impossible. The ores at and north of Kalgoorlie were peculiar to Western Australia, and required special treatment. The oxidised ores, when treated in a battery, seldom yielded more than 40 to 50 per cent. of the gold contained; while the majority of Victorian ores gave, by an amalgamation process, from 80 to 90 per cent. of their gold, and required no further treatment. Every mine manager on the Kalgoorlie field would confirm the statement that no Kalgoorlie mine treating these ores by the ordinary amalgamation and battery process was getting more than 50 per cent. of the gold value. The Westralia Mount Morgan mine, for example, in which he (Mr. Morgans) was interested, had passed many thousands of tons of ore through the batteries by an ordinary amalgamation process spread over 18 months, and the average extraction of gold had only been 46 per cent.

MR. GREGORY: Was that a fair example?

MR. MORGANS: Very fair.

MR. GREGORY: No.

MR. MORGANS: The same remark would apply to every mine in Kalgoorlie.

MR. MORAN: By that process they could not get 6 per cent. of the gold in the ore.

MR. MORGANS: No. Many ores, with ordinary battery amalgamation treatment, would not give 2 per cent.; therefore in this colony the working conditions were special. Let us pause before attempting to foist an injustice on the mining companies of the colony. He moved that the Bill be recommitted.

THE SPEAKER: Recommitted generally, or with a view of adding another clause?

MR. MORGANS: With a view of adding another clause.

MR. MORAN (East Coolgardie): The proposal to recommit would not be opposed; therefore the debate need not

be prolonged. Hon. members had doubtless listened with great attention to the last speaker. This Assembly existed for the development of the colony's industries, and it would be fatal to gold-mining in the East Coolgardie and more northerly districts to pass the Bill as it stood, for, by so doing a deadly blow would be dealt to the industry, especially at Kalgoorlie and the Boulder. He therefore supported the proposal to recommit the Bill, for after all, hon. members were representative men, and would not be swayed by any motive save the wish to promote the good of the colony. That could be done by being reasonable in everything; and if it were necessary, on account of the peculiar nature of the local ores, that certain machinery must run continuously, the Bill would no doubt be altered accordingly. He (Mr. Moran) had received telegrams from the managers of the principal mines in the East Coolgardie district, asking him to assist the member for Coolgardie (Mr. Morgans) in having reasonable proposals inserted in the Bill, providing that the reduction works need not be stopped on Sunday. The companies were quite willing that all underground labour, and every kind of constructive above-ground labour, should stop on Sundays. Speaking roughly, that would mean that two-thirds of the labour would be stopped on Sunday by this Bill. That was not objected to; but nothing must be done which would take away one-third or one-fourth of the producing power of the mining plants, as would be done by passing the Bill as it now stood. He supported the motion.

Question put and passed, and the Bill recommitted.

#### IN COMMITTEE.

##### Clause 4--Exceptions:

MR. MORGANS moved that in paragraph (a), after the word "furnaces," the following be inserted: "or ore reduction plants using cyanide or chemicals in a continuous automatic process." The word "chemicals" was used because on the goldfields at the present time there were other processes besides that of cyaniding used in the extraction of gold. If the clause found favour with the Committee and was adopted, he believed that not more than 3 per cent., but he would say certainly not more than 4 per

cent., of the total number of the men engaged in the gold-mining industry in the colony would be affected.

MR. GREGORY: What was meant exactly by "automatic" process?

MR. MORGANS: The plant used at the Great Boulder was the Gates Crusher and the Griffin Mill, while that at the Associated Mines consisted of crushers and Krupp Mills; and the word "automatic" was used in order not to include batteries which had no automatic appliances attached to them. If the amendment were read carefully, it would be seen that it could not be applied to the ordinary battery.

MR. HASSELL: Was the automatic process referred to by the hon. member similar to the process at Broken Hill, where the slimes were agitated by air in large vats?

MR. MORGANS: Yes; and because that plant, was an automatic continuous process, it was allowed to work on Sunday at Broken Hill.

MR. KINGSMILL: The amendment would receive his support, but he failed to see any necessity for the word "automatic," because no process was absolutely automatic, inasmuch as the tailings had to be placed in the vats and taken out again.

MR. MORGANS: Under the old cyaniding process, no doubt labour was required, but by the new automatic process the slimes were kept agitated the whole time, and never settled in the vats. He agreed, however, that the word "automatic" was not really necessary.

MR. MORAN: The later processes at Kalgoorlie involved no battery treatment, and the only labour required was that of the engine-driver. The mine managers from whom he had received the telegrams referred to had no desire to work their trucks, tramways, underground appliances, or hauling gear on Sunday; and the bin would hold a sufficient supply of ore for the day: indeed, he believed the feeding of the bin was also automatic. He, too, regarded the word "automatic" as unnecessary in the amendment, and moved that it be struck out.

MR. GREGORY: The member for Coolgardie (Mr. Morgans) had dealt largely with information which had been given also to other members by the manager of the Great Boulder mine, now

visiting Perth. The reason given by the manager for the loss accruing was that, by stopping certain necessary work on Sunday, the mine would practically be stopped for nearly two days, thus causing a loss to the workmen as well as to the owners. The hon. member (Mr. Morgans) had read a long list of names, but most of the mines referred to did not work on Sunday; therefore those signatures to the telegram meant nothing. If the clause were passed in its present form, every battery throughout the colony having a cyanide plant in connection with it might be described as "automatic," and therefore would be allowed to work on Sunday. That was not desirable. If at some mines the loss would be so great as stated, a provision should be made in the Bill to meet such cases. The hon. member had quoted many names as showing that he was supported in his action in opposing the Bill in this House. Well, it was evident enough that the hon. member had been opposing the Bill; still it was to be hoped the Bill would go through, notwithstanding the hon. member's opposition. Telegrams had been sent from Perth to Mr. Hewitson, of Kalgoorlie, asking for replies to certain questions, one question being this: "Was it necessary to run batteries on Sunday?" The reply was: "No; not at all necessary to work batteries on Sunday." A second telegram was replied to by him as follows: "Consulted the several companies named, and they consider necessary work furnaces Sunday." This telegram also suggested that the Bill should be modified to meet these requirements. He (Mr. Gregory) would go so far as to allow the Minister of Mines to grant permits, where it was found that great loss would accrue owing to the cessation of work on Sundays; but it would not be right to give permission to every battery throughout the goldfields to work on Sunday, providing it could be shown that there was in connection with the battery some process which could be called "automatic," and therefore must continue even on Sunday.

MR. CONOLLY: This was a question on which most mining representatives were more or less committed to their constituents. He did not think any mining representatives would be willing

to seriously interfere with the economical and proper working of machinery on Sundays. He would support the amendment moved by the member for Coolgardie, believing that it covered the ground from an economical and practical standpoint, and that it also protected the working miners from any abuse which might result from pressure being applied in regard to working on Sunday, though he did not think any such pressure had been used on any portion of the goldfields with which he was acquainted. He had always found amongst mine managers a feeling that the less labour they employed on Sundays, the more satisfied they were with the working of their mines; and this was the spirit which prevailed among all classes of persons interested in the mining industry, from the dryblower up to the mining investor. The idea of working on Sunday seemed to be totally opposed to the spirit of civilisation. He recognised that this question should be treated from an intelligent and fair standpoint.

MR. ILLINGWORTH: It might be somewhat of a surprise to the mover of this amendment to learn that he (Mr. Illingworth) intended to support it. If the word "automatic" were retained in the amendment it would remove the principal difficulty that was in the way at present for stopping unnecessary labour in mines on Sunday. He was aware that very large plants did work with a small amount of labour. By taking out the word "automatic" from the amendment, the effect would be to throw open the working of all batteries on Sunday.

MR. MORAN: Did the hon. member know of an automatic piece of machinery in the wide world?

MR. ILLINGWORTH: Strictly speaking, no; but there was a practical distinction, and if we could get the greater number of men employed on mines brought within the scope of this Bill, we should have done all he desired.

MR. MORAN: The hon. member's view of the question in regard to the word "automatic" should not be pressed, because such a thing as an automatic plant was not known in the universe. To discover an automatic plant would practically be to discover perpetual motion. Under the word "automatic" any inspector could stop the work on Sunday of any

mining plant in Western Australia. A mine manager was a reasonable being, and was, in most cases, imbued with the instincts of Christianity or of humanity in regard to the employment of labour on Sunday. The mine manager had yet to be discovered who would wait till Sunday to load his cyanide vats.

MR. ILLINGWORTH: The word "automatic" had been inserted by the only mining expert in the House.

MR. MORGANS: Its insertion was a mistake.

MR. MORAN: "Automatic" was used loosely in general conversation, but in an Act of Parliament it would be interpreted strictly.

MR. KINGSMILL: An automatic plant would be an impossibility, for it would involve perpetual motion. Better strike out "automatic" and insert "necessarily," thus permitting of all necessarily continuous processes on Sundays.

MR. MORAN: Yes; agreed.

THE MINISTER OF MINES: Mr. Hamilton distinctly called his process "automatic."

MR. KINGSMILL: But it should not be so called in an Act of Parliament.

THE MINISTER OF MINES: Such machines as clocks were automatic; and when a crusher was once started the process was continuous for a period.

MR. MORAN: There must be someone present to receive the product.

THE MINISTER OF MINES: Experts called the process "automatic," though some human labour was required.

MR. MORAN: Judges would not so interpret the term.

THE MINISTER OF MINES: To prevent litigation, let the meaning be clearly specified by more suitable language.

Amendment on amendment (Mr. Moran's), to strike out "automatic," put and passed, and the new sub-clause as amended agreed to.

Bill reported with a further amendment, and the report adopted.

# TOTALISATOR ACT AMENDMENT BILL. IN COMMITTEE.

Consideration resumed from 11th December, on amendment proposed by Mr. Monger, that Clause 3 be struck out, with a view to inserting other words.

Amendment—that the clause be struck out—put and passed.

MR. MONGER said he did not now intend to move the new form of clause, and would allow the Bill to consist of Clauses 1 and 2 only.

New Clause:

MR. HIGHAM moved that the following words be inserted in lieu of those struck out, to stand as Clause 3:

Any club using the totalisator machine shall pay to the Colonial Treasurer one pound per centum of the gross proceeds of moneys passing through the said machines.

Amendment put, and negatived on the voices.

Schedule:

MR. MONGER moved that the schedule be struck out. The Bill carried out all the objects he had in view without the schedule.

Motion put and passed, and the schedule struck out.

Title—agreed to.

Bill reported with amendments, and the report adopted.

#### PETITION—PERTH TRAMWAYS.

##### DISCHARGE OF ORDER (PETITION).

Order read for consideration of petition re Perth Tramways Amendment Bill.

THE COMMISSIONER OF RAILWAYS: The question of the tramway routes having been disposed of, he moved that the order relating to this petition be discharged.

Motion put and passed, and the order discharged.

#### INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

##### DISCHARGE OF ORDER.

Order read for consideration of the Bill in Committee.

THE PREMIER: The Government were prepared to go on with this measure, to which they had devoted a good deal of trouble and attention; but at this late stage of the session, it was out of the question to expect that this Bill could become law, even if it were to pass through this House. It was much to be regretted, but he did not know that he was responsible for the position, to any large extent. At the beginning of the session, the Government were willing to go on with the Bill, but its consideration was continually postponed at the request of various members, on requisitions from their constituents; and before it was possible to get into Committee on this

Bill, the Estimates had been reached, and the financial operations of the Government were for some time under discussion; so this Bill had to give way until now, when it was found impossible to deal with the measure. If there had been time for the discussion of the Bill by both Houses, a really useful working measure would have been available, if unhappily any necessity arose for the application of such a law. He hoped to be able to reintroduce the Bill at an early date next session; and after the discussion which had taken place, after the attention the provisions had received from the various labour organisations throughout the country, and from those connected with the management of mining and other industries, a good deal of knowledge ought to be brought to bear on the measure. Under the circumstances, he moved that the order be discharged.

MR. LEAKE: Members on the Opposition side regretted the necessity for the discharge of this order, and hoped the Premier did not suppose it was in any way their wish that the Bill should be removed from the Notice Paper, or infer that the motion was necessary in consequence of anything done by them.

THE PREMIER: Certainly not. What had been said was that in the early part of the session there were so many postponements that now business was in such a condition it was impossible to deal with the measure.

MR. LEAKE: Several members on the Opposition side were particularly anxious the Bill should pass; but it could not possibly become law in the short time now at the disposal of Parliament.

Question put and passed, and the order discharged.

At 6:30 the SPEAKER left the Chair.

At 7:30, Chair resumed.

#### POLICE ACT AMENDMENT BILL (No. 2).

MR. MONGER, on leave given, introduced a Bill to amend the Police Act Amendment Bill, 1893.

Bill read a first time.

#### HARBOUR AND PILOT SERVICES—JOINT COMMITTEE'S RECOMMENDATIONS.

MR. GEORGE (Murray) moved that the report of the Joint Select Committee



on the harbour and pilot services at Rottneſt be adopted. The report was ſo full, and the evidence which hon. members had had opportunity of reading was ſo ample, that it was not neceſſary to take up time in ſpeaking further on the queſtion.

**THE PREMIER** (Right Hon. Sir J. Forreſt): While the thanks of himſelf and of this Houſe were due to the Joint Committee which inquired into this queſtion, and investigated the ſhipping diſaſters which occurred off Rottneſt ſome months ago, yet he regretted to ſay he did not agree with the finding of the committee in one important particular. He could not make himſelf believe that the fact of a flare-up light being lit at Rottneſt near the lighthouse on a certain night, whether exhibited once or a thouſand times, ſhould be ſufficient juſtification for a prudent commander of a ſhip to approach that lighthouse within ſoundings which even caſual inſpection muſt have ſhown were dangerous. All thoſe who had taken any trouble to investigate the facts, or had had any experience about the port of Fremantle, would be aware that the water along the coaſt at Rottneſt Iſland ſhoaled gradually, and anyone could ſee at once whether he underſtood navigation or not, that on approaching with a veſſel and finding the depth only 20 fathoms, he muſt be nearing the coaſt, and when the line ſhewed only 15 fathoms it muſt be evident that the veſſel was ſtill nearer to the land, and was nearer to the lighthouse than it ſhould be. When further ſoundings ſhewed the depth to be only 10 fathoms, the commander of the veſſel muſt know he was in abſolute danger and cloſe to the ſhore. Therefore that unfortunate commander of the "City of York," when he found the ſoundings were ſomething like 10 fathoms, muſt have known he was in a very dangerous place. In fact, the ſailing directions ſtated that in approaching the port of Fremantle the perſon in charge of a ſhip muſt not go nearer than a depth of 30 fathoms. That was his own recollection, and he (the Premier) had carefully examined the chart and found that 20 fathoms was certainly as cloſe as anyone ought to go at any time with a veſſel. It would appear, therefore, that when the lead ſhewed 15 fathoms, the veſſel was in

abſolute danger and muſt be near the coaſt. We knew the particular ſhip came into leſs than 10 fathoms, and the evidence ſhewed that the lead was kept going until the ſhip ſtruck on the rocks. As to the flare-light misleading the commander of that veſſel, it would not matter if 50 flare-lights were ſhown, when the commander knew by frequent caſting of the lead that he was getting into very ſhallow water. The commander would know, from the bearings given, exactly where he was when the line ſhewed a certain depth from the lighthouse, the light ſhowing at regular intervals; and if on that bearing the depth was 20 fathoms, the commander had only to look along the chart to ſee where 20 fathoms occurred on that line, and the indication would ſhow him approximately the poſition of his ſhip. According to the evidence, the lead was kept going; and when the captain found himſelf in 15 fathoms of water or leſs, an endeavour was made to put the ſhip about, but without ſucceſs. At this time the ſhip was nearly on the ſhore at Rottneſt, whereas ſhe ought to have been miles away.

**MR. GEORGE**: The captain was lured to the ſhore.

**THE PREMIER**: Such obſervations came from perſons who thought that mariners could be lured into danger in ſpite of their having means of accurately aſcertaining what the danger was, and what was their poſition.

**MR. HIGHAM**: The Committee's opinion had been indorſed by maſter mariners.

**THE PREMIER**: "A fellow feeling makes us wondrous kind"; and none cared to ſpeak harſhly of a man who had loſt his life. If he (the Premier) found himſelf on a dark and ſtormy night off the north of Rottneſt, provided he could get the bearing of the lighthouse and were ſufficiently expert to take a ſounding, he could tell within a ſhort diſtance where he was; and no flare-up light would lure him into danger. From the ſailing directions, it was clear that in coming into 15 fathoms one was getting into abſolute danger. Of courſe if a mariner took no notice of the chart, and allowed himſelf to believe that the light muſt be a pilot boat, and if he approached it without ſounding, it could eaſily be

imagined that such a man would be lured into danger. But if the ordinary precautions which seamen should take were taken, no allurements in the shape of flare-lights would lead a careful mariner into this sort of danger. There might be cases in which it was not too easy to ascertain a ship's position at sea, and cases of difficult navigation where an error of a quarter of a mile might land the ship on a sandbank; but here was a ship out in the open sea to the north of Rottneest.

MR. HIGHAM: To the west.

THE PREMIER: Where did she strike?

MR. HIGHAM: Right opposite the lighthouse.

THE PREMIER: North of the lighthouse?

MR. HIGHAM: She was coming slightly from the southward.

THE PREMIER: But she was on the north side of the island.

MR. HIGHAM: No; on the west.

THE PREMIER: Did not Rottneest Island lie east and west?

MR. HIGHAM: There was a big bay, and the ship was coming into that bay from the westward.

THE PREMIER: Cape Vlaming was the westernmost part of Rottneest. The greatest length of the island was from east to west, and this vessel was wrecked a short distance from the lighthouse, about a mile from the island.

MR. HIGHAM: Read the evidence of Murphy.

THE PREMIER: The north shore of Rottneest was seven or eight miles long, and the vessel was wrecked to the north or north-west of the lighthouse.

MR. HIGHAM: Rottneest was shaped like a boot; Cape Vlaming, the toe of the boot, running out to the westward; and this vessel rounded that point.

THE PREMIER: But she was on the north side of the island.

MR. GEORGE: The Premier was all at sea.

MR. HOLMES: The Select Committee had visited the island.

THE PREMIER: So had he; and he knew the chart. The vessel was to the northward of the island of Rottneest.

MR. HIGHAM: Wrong.

THE PREMIER: She was coming from the westward, and probably was

steering south-east; she must have been travelling south-east to get to the lighthouse.

MR. HOLMES: She was travelling to the north; the light blocked her.

THE PREMIER: In what direction was she sailing?

MR. HOLMES: From the west.

THE PREMIER: In what direction was she going?

MR. HOLMES: North.

THE PREMIER: Although the hon. member represented Fremantle, he did not know north from south, because if one went north from Cape Vlaming, one would run into Champion Bay. This unfortunate captain, if he had kept the lead going and had inspected the chart, could not have gone wrong.

MR. GEORGE: Remember, it was raining and blowing.

THE PREMIER: No matter: the captain could see the lighthouse; therefore the report of the committee, in seeking to show that the disaster was due to the flare-up, could not be substantiated by any competent tribunal; for none would excuse the master of a vessel for taking notice of outside signals when he had at hand the means of ascertaining his whereabouts.

MR. HASSELL: Was not a flare-up a recognised signal throughout the world that a ship should come on?

THE PREMIER: But a captain would not come on when he knew that he was going into danger.

MR. HASSELL: Not if the signal were repeated?

THE PREMIER: No; not if he knew there was danger. If the light went out at Rottneest, was it to be supposed that a vessel would come steadily on looking for it, and would get wrecked without taking the ordinary precaution of sounding on approaching the land?

MR. GEORGE: That was not the question.

THE PREMIER: Of course, he was under a disadvantage in arguing this point before hon. members who did not understand the matter so well as he.

MR. HIGHAM: The situation was *vice versa*.

MR. GEORGE: The Premier's statement was unfair.

THE PREMIER: But when people talked about the situation of an island,

and substituted north for south and east for west, one felt a difficulty in comprehending whether they understood the subject.

MR. GEORGE: It must be 30 years since the Premier had boxed a compass.

THE PREMIER: No. However, it was pleasing to find the committee had exonerated the pilot from blame, because there had been ground for supposing that if the pilot had gone out sooner, this disaster might have been averted. The committee were to be congratulated on concluding that the charge against pilot Abrahamson was groundless, that it should never have been made, and that the pilot did everything expected of him. That finding must be very satisfactory to the department, which it exonerated from all blame for this terrible disaster. The committee had done well to give information on certain other matters, for this would enable the Government to try to remove existing difficulties, especially with regard to means of communication by telegraph between Rottneest and Fremantle. The cable had been ordered long ago, and a few days previously he had telegraphed to find whether it had left the old country, but no reply was yet to hand. No doubt the cable was now on its way, or would soon be shipped, and when it arrived it would be laid forthwith. The only part he did not like in the committee's report was the reflection upon the finding of the court of inquiry. He believed that finding to be absolutely right, though it might have been worded in terms a little more gentle, especially in reference to those so unfortunate as to lose their lives.

MR. GEORGE: Was it true that two reports were furnished—one to the public and one to the Premier?

THE PREMIER said that so far as he knew there were not two reports regarding the investigation as to the wreck of the "City of York." He believed a communication had been made to him of which members of the select committee must have been aware, as appeared by their report, paragraph 14, to the effect that if Captain Abrahamson had gone out sooner, the accident might have been averted. No doubt that report was absolutely right; but the question arose as to whether the pilot had any necessity

to go out sooner. If he had gone out sooner, no doubt he would have been there in time to prevent the disaster; but the pilot knew his work, and he was not expected to board the vessel immediately: he had other work to do, and he was waiting till the ship arrived at a certain spot before going out to her; therefore it did not appear that the report furnished was incorrect in respect of the statement that if the pilot had gone out several hours sooner, the disaster would have been averted. It was gratifying that the committee had decided, although Captain Abrahamson did not go out earlier, that he was in no way to blame for the disaster, and that he did what might have been expected of him in going out at the ordinary time to meet the ship at the usual place. It was not reasonable that the finding of the Court should be condemned because couched in stronger language than we might think necessary in the distressing circumstances, or that for such a reason the decision was wrong. All that he (the Premier) would say was that he regretted the decision had not been couched in gentler terms, but he absolutely agreed with the finding. None could deny that if the lead had been properly used, and the chart properly scrutinised, this disaster would not have happened.

MR. GEORGE: If there had been no ship and no ocean, it would not have happened.

THE PREMIER: No; but there were rules and sailing directions to be observed, according to which no vessel should come within 15 fathoms of Rottneest; and there should have been no doubt about the position of the ship, because the light was visible every 20 seconds. Therefore he was not in accordance with the Select Committee's report in these particulars, and he maintained that the finding of the court was in substance proper, and he did not believe the disaster was due, or at all events it ought not not to have been due, to the flare-up at Rottneest; for an experienced mariner could have found his position by one cast of the lead, and by taking a bearing from the lighthouse. While he did not propose to divide the House in regard to the adoption of the report, yet it would have been a wiser course if the committee had placed the

report on the table and not asked this House to confirm it, because to confirm it would be doing what was not right. The loss of that ship should not have resulted from any flare or any number of flares near Rottneest lighthouse.

HON. H. W. VENN: The course proposed in regard to this report was so unusual that he could not recall any similar case. By adopting this lengthy report, the House would be adopting at once the whole of the findings of the committee, and this course might or might not involve the Government in some considerable trouble. Either the report should have been laid on the table, or some motion in regard to it should have been moved. After what the Premier had stated, he (Mr. Venn) could not be sure that by adopting this report the House would not be opening up the whole question, because this report disagreed with the finding of the jury which brought in a verdict in regard to the loss of life resulting from that wreck.

THE PREMIER: Inquiries from England were being made already, in regard to it.

MR. HOLMES: Had the hon. member (Mr. Venn) read the evidence?

HON. H. W. VENN: It was enough to have read the report, and he did not intend to traverse the evidence, but he did object to this unusual proceeding in regard to adopting the report.

THE SPEAKER: It was perhaps desirable for him to say what was the proper parliamentary practice in regard to a case of this kind, and the practice was that there should be a resolution on the report of the committee when laid on the table. Mr. Blackmore said:

If any measure or proceeding be necessary upon a report of a committee, such measure or proceeding shall be brought under the consideration of the House by a specific motion, of which notice must be given in the usual manner.

No doubt there should be a specific motion before the House, asking members to take such action on the report as the House might think necessary. He mentioned this in order that hon. members might know what would be the proper course in any future case of the kind.

MR. HIGHAM: The ruling of the Speaker amounted to this, that we could not do anything in the matter without a direct motion.

THE SPEAKER: The remarks he had made did not go so far as that.

MR. HIGHAM: If the report were formally received by the House, the effect desired by the committee would be in a great measure accomplished. Most of the recommendations in the report had been either promised or carried out by the Government. The flare lights, to which so much exception had been taken, were now abolished, and not too soon; and although it might be no justification to the captain of the "City of York" that he wrecked his vessel and lost his life and the lives of others on the vessel, still it must be manifest that such a flare was calculated to mislead a master mariner on such a coast. As to the recommendation in regard to cable communication, the Premier had given an assurance that this would be promptly carried out, and he (Mr. Higham) could only regret that the cable was not instituted two or three years ago when urgent representations were made on the point. As to the finding of the court which inquired into the disaster, he must admit that, strictly speaking, the finding was perhaps correct; but he certainly did not think the court took into consideration the fact that in spite of the sailing directions and possibly in spite of precautions that should have been taken, the captain of the "City of York" was misled by the flare light shown on that night. Anyone who read the evidence of Murphy must realise that this was so. If the Premier would read the evidence of Murphy on page 84 of the report, he would see that the conclusion of the committee was justified by the evidence. He (Mr. Higham) was willing to admit that the captain of the "City of York" did make a great error of judgment, and this possibly led to the wreck of the vessel; but he was induced to alter the course twice by observing the flare light, and mistaking it for a light showing an approaching pilot boat. While believing that the captain of the "City of York" committed an error of judgment, still the finding of the court of inquiry after the disaster was unduly harsh in regard to the captain who lost his life. One point in the report he did not quite agree with, for the report was drafted in his absence (through his inability to attend every meeting), and paragraph 17 stated there

had been Ministerial interference with the Harbour Master's arrangements at the port, resulting from representations made by some persons to the Minister in charge or to the Government.

**THE PREMIER:** They never came to him at all.

**MR. HIGHAM:** If this passage in the report referred to the action of individual shipping companies, he would not take exception to that; but if it meant the deputations which had waited on the Premier and the Commissioner of Railways in regard to various matters affecting shipping and the harbour works at Fremantle, he must take exception to that statement, because both the Premier and the Commissioner of Railways had received useful assistance and suggestions from the Chamber of Commerce and the Steamship Owners' Association at Fremantle.

**MR. HOLMES:** The Joint Committee, of which he had been a member, inquired carefully into the subject, and their report was, without doubt, founded on facts brought out in evidence; yet the Premier was now disputing and defying the opinions of nautical men and of those who knew what was necessary for bringing the harbour and pilot services up to date. While there were rules to be observed by mariners approaching the coast, there were also rules which should be observed by those engaged in harbour and pilot services, and among these was the rule that a flare-up light should not be burnt near a lighthouse, when that light was usually understood to mean that a pilot boat was approaching a ship lying off the harbour.

**THE PREMIER:** What sounding had that vessel when she stood in?

**MR. HOLMES:** The evidence showed that masters of vessels stood in close to pick up a pilot, and the master of the "City of York" appeared to have stood in to pick up what he supposed to be a pilot boat approaching. The committee toned down the report, because they desired that no unnecessary trouble should be brought about. As to deputations approaching Ministers and upsetting the arrangements of the Harbour Master, the fact was that the Harbour Master at Fremantle had had his arrangements considerably upset by the Minister interfering.

**THE COMMISSIONER OF RAILWAYS:** In what direction was the interference?

**MR. HOLMES:** Two or three ships arrived at Fremantle during the last two or three months, with material for the Coolgardie goldfields water scheme, and they had a bill of lading from London indorsed by the Agent General, guaranteeing to each ship a berth within 24 hours after arrival in port.

**THE COMMISSIONER OF RAILWAYS:** That had been withdrawn.

**MR. HOLMES:** Yes; but it was in force at that time.

**THE PREMIER:** When that was agreed to, the Government thought there was more room for berthing at Fremantle.

**MR. HOLMES:** Interference of this kind did not tend to the successful working of the harbour. This report was necessary, and might have been made in stronger terms while still being in accordance with the evidence.

**THE COMMISSIONER OF RAILWAYS:** The report should not be adopted in its present form, but a motion should be moved embodying some opinion in regard to the matter. As no such motion had been moved, he would therefore move that all words after "that" (first word) be struck out and the following inserted in lieu thereof:

(That) this House desires to record its appreciation of the labours of the Select Committee appointed to report on the harbour and pilot services of the colony.

Everyone would admit that the committee had given due consideration to the matter, and that a good deal of attention had been bestowed on it by calling evidence and preparing a report.

**MR. HASSELL:** As a member of the committee, and while regretting that he was unable to attend its meetings, the report which had been presented appeared to him to deserve something more than the amendment just proposed. The Government were afraid to allow the report to go forth, and there was no doubt grave reason for it. That unfortunate ship the "City of York" was lured to her doom by the flare-light on Rottnest Island, and he strongly protested against the effort now made by the Government to suppress the report.

**THE PREMIER:** Was the House to adopt every report of every committee?

**MR. HASSELL:** To a certain extent.

THE PREMIER said he did not think so.

MR. HASSELL: If he (Mr. Hassell) could have attended the committee's meetings, he would have brought forward matters in relation to a shipping disaster at Albany which ought to have been brought into notice.

MR. GEORGE, speaking to the amendment, expressed regret that the Premier, in dealing with this matter of national magnitude, had done so in a manner that was not worthy of his position. The first tribunal cast the blame on a dead man, and privately blamed one of the pilots. The conclusion came to by the committee was a fair one, and he thought it was such a conclusion as the Government ought to adopt. The fact that the flare light had been abolished since the inquiry made by the committee was in itself a proof that the light ought not to have been used. The evidence showed clearly that the men on the ship mistook the flare light for the light of a pilot boat approaching, and the captain was misled by the light. The least we could do to show our respect for his memory was not to cast stones on his grave, while at the same time sheltering the man who, in his (Mr. George's) opinion, ought to be in gaol for his misdeeds.

MR. LEAKE: Apparently the member for the Murray only proposed that the concluding paragraph of the report be adopted.

THE PREMIER: If the motion were confined to that paragraph, it would be agreed to; but the report stated that the ship was wrecked because of the flare light.

MR. LEAKE: The Select Committee were the best judges of that, and should be supported; for they had, in fact, treated the Administration very leniently. On good authority he had been informed that the Premier had an opportunity of seeing the draft report and of getting it toned down. Had the Select Committee said all they originally intended, someone might have smarted. In paragraph 14 of the report, the serious statement was made that publicly the blame was cast on the late Captain Jones, but privately on Pilot Abrahamson. The original draft report would be interesting. He supported the motion. Such a committee, who had done their duty fearlessly, were entitled to countenance and encouragement.

THE PREMIER said his objection to the report was that it adversely reviewed the finding of a competent court, and said that finding was incorrect.

MR. ILLINGWORTH: Why not?

THE PREMIER: There was no reason why they should not do so; but he (the Premier) did not agree with the opinion. Generally he was in accord with the committee's suggestions, though the Rottnest cable project did not originate with that body, having been on the Estimates for some time, and also in last year's Loan Bill. While the flare-up might have lured the vessel to the rocks, it ought not to have done so, for the captain had ample means of ascertaining his position; and the mere sight of a flare light was no excuse for coming into water shallower than 20 fathoms. The motion for appointing the committee had been made in a time of excitement, and it was then thought that a terrible indictment would be formulated against the department; but instead of cursing the department, the committee had blessed them, and had complimented the harbour master and exonerated pilot Abrahamson, the only point reflecting on the Administration being the remarks on the flare light.

MR. GEORGE: The Premier was condemned by his own minute.

THE PREMIER: Had the committee recommended the discontinuance of the flare-up, no more need have been said; but they went on to exonerate the master from all blame for losing his ship, and to put all the blame on the Government. As a fact, the Government never knew there was a flare-up, which had apparently been used for some 20 or 30 years, without disastrous results, as a signal from the lighthouse to the pilot station. The member for Plantaganet (Mr. Hassell) posed as a nautical authority. If that hon. member had anything to say concerning the Albany harbour and dangers of navigation, he (the Premier) would be glad to hear it.

MR. HASSELL: Apparently the Premier was annoyed.

THE PREMIER said he did not care whether the hon. member was annoyed or not. He (the Premier) would be easily annoyed if he could be annoyed by the hon. member. Rather than agree to the motion he would divide the House,

for to indorse the report of the committee would, in the first place, be flying in the face of the decision of a competent tribunal, and going against one's common sense. Surely the member for the Murray, as a sensible man, would not desire him (the Premier) to set aside his own judgment. Let the hon. member be content that the House should thank the committee for the great care and trouble they had taken in the matter.

MR. HASSELL: The court of inquiry had made two reports, a public and a private one, as appeared by paragraph 2 of the committee's report.

MR. HOLMES: As a member of the committee, he could not accept the Premier's suggestion. The committee were asked to lay the facts before the House, and had done so in the expectation that their report would be adopted.

THE PREMIER: Many such reports were not adopted.

MR. HOLMES: The committee were convinced that reform was urgently needed, and had been sure that the House would have adopted their report, which at one time had apparently satisfied the Premier.

THE PREMIER: Not with regard to the finding of the court of inquiry.

MR. HOLMES: At the request of the Premier and of the President of the Legislative Council, the report had been made as mild as possible consistently with the evidence, in the hope that the Premier would assist in having it adopted by Parliament. It was said that the court of inquiry was competent; but that court had brought in two findings—one for the public and one for the department. Was that a competent court? The private finding stated that had pilot Abrahamson left the pilot station at the proper time, the casualty would have been averted.

THE PREMIER: If that finding had been private, he had not kept it private, but sent it on to the committee.

MR. HOLMES: The committee dealt with the facts, and asked the House to accept their report.

THE PREMIER said he could not help sending the report to the committee after that body had been appointed.

HON. H. W. VENN: It was unusual to adopt a long report *in globo*. When had that ever been done?

THE PREMIER: Never.

HON. H. W. VENN: The finding of the committee was dangerous. Who knew what expense would be thrown on the Government by adopting the report? Would not the Administration be made liable for the death of the sailors and the loss of the ship? Possibly an action at law might then lie against the Government. Let the case rest on its merits, apart from the committee's report, which, though valuable because of its suggestions, need not be adopted. He supported the Premier's proposal.

MR. HIGHAM: The report of the committee embodied so many recommendations that its adoption would probably have the full effect of a resolution passed by the House. The contention of the committee with regard to the pilot service was fully borne out by pages 79 and 80 of the report. The minute of the Under Treasurer admitted that the pilot had committed a great error of judgment in not leaving the station sooner. Nevertheless, the pilot had left immediately on being notified, and could hardly have left before ascertaining whether the vessel would enter by the north or the south passage. Not the slightest blame could be attached to pilot Abrahamson, and it was hard to conceive why the minute reflecting on the pilot had been written; but the committee were justified in stating that the finding of the Court *in camera* was inconsistent with its public finding. As to throwing on the Government great responsibility—

THE PREMIER: It would make the Government responsible for the loss of the ship, and there had been a claim made already.

MR. HIGHAM said he could not see how the adoption of this report would throw on the Government the responsibility for that wreck. The committee did not say the Government were responsible for it.

THE PREMIER: That would be the effect of it.

MR. HIGHAM: The committee said the showing of a flare-light did in some measure mislead Captain Jones. It must be admitted at the same time that Captain Jones did go against his sailing directions in following that light; still he was misled by the light.

THE MINISTER OF MINES (Hon. H. B. Lefroy): There was no desire on the part of the Government to speak disrespectfully of the report of the select committee; he therefore proposed to add to the amendment the following words:

And is of the opinion that the recommendations contained in the report should receive the careful attention of the Government.

That addition should satisfy hon. members that the Government would take the report into consideration, with a view to adopting any of the recommendations they might think necessary.

THE PREMIER said he would like that addition to be part of the amendment.

Question—that the words proposed to be struck out stand part of the question—put, and a division taken with the following result:—

Ayes ... ..	6
Noes ... ..	18
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Majority against ...	12

AYES.	NOES.
Mr. George	Mr. Connor
Mr. Gregory	Mr. Conolly
Mr. Hassell	Mr. Doherty
Mr. Holmes	Sir John Forrest
Mr. Illingworth	Mr. A. Forrest
Mr. Higham (Teller).	Mr. Hall
	Mr. Lefroy
	Mr. Locke
	Mr. Monger
	Mr. Moran
	Mr. Pennefather
	Mr. Piesse
	Mr. Quinlan
	Mr. Rason
	Mr. Throssell
	Hon. H. W. Venn
	Mr. Wood
	Mr. Hubble (Teller).

Question thus negatived.

Amendment—that the words proposed to be inserted be inserted—put, and a division taken with the following result:—

Ayes ... ..	18
Noes ... ..	5
<hr/>	
Majority for ... ..	13

AYES.	NOES.
Mr. Connor	Mr. George
Mr. Conolly	Mr. Hassell
Mr. Doherty	Mr. Higham
Sir John Forrest	Mr. Illingworth
Mr. A. Forrest	Mr. Holmes (Teller).
Mr. Hubble	
Mr. Lefroy	
Mr. Locke	
Mr. Monger	
Mr. Moran	
Mr. Pennefather	
Mr. Piesse	
Mr. Quinlan	
Mr. Rason	
Mr. Throssell	
Hon. H. W. Venn	
Mr. Wood	
Mr. Hall (Teller).	

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

## BANK HOLIDAYS AMENDMENT BILL.

### SECOND READING.

MR. HIGHAM (Fremantle), in moving that the Bill be read a second time, said: I do not think it requires many words from me to commend this Bill to the attention of hon. members. It has already received the approval of members in another place, and this Bill is the outcome of a long deliberation on the part of the Chambers of Commerce of Fremantle and Perth, besides consulting various Chambers of Commerce throughout the other colonies, more especially South Australia, in which colony this Act is in force. The main point is that when any of the holidays mentioned in the schedule happens to fall on any other day but Monday, every such holiday shall be held on the Monday following. It is found that this arrangement not only suits the traders, but is also a great convenience and benefit to persons employed in various occupations, by enabling them to get nearly three days' consecutive holidays away from business from Saturday till Tuesday following. Only one slight amendment is necessary, so far as I know, and that is the alteration of one day wrongly named in the schedule. In the second schedule the anniversary of the succession of the Sovereign has been printed in lieu of Coronation Day; but this is an amendment which can be made in Committee. I commend the Bill to the House as one that will afford considerable pleasure and convenience to the trading community, and to persons employed in many occupations. By assimilating our practice with that of other colonies, and especially South Australia, we will save a good deal of friction which occurs now in sending telegrams on a day which persons here may suppose to be an open day for business there; and when any such case occurs, telegrams that are sent from here must necessarily be delayed twenty-four hours longer than would otherwise occur before an answer can be received. By passing the Bill, we will confer a considerable benefit on the business community.

MR. ILLINGWORTH (Central Murchison): In opposing this Bill, I must



say it appears to me to be one of the most absurd things in creation to ask us to commemorate the birthday of Her Majesty on some day which is not her birthday, and may be four or five days removed from it. Apart from what is to a certain extent a sentimental view, I am opposed to the whole proposal from a commercial standpoint. A good deal of commercial business is done on Saturday, and it amounts to this, that commercial people are compelled to keep their takings of Saturday not only over Sunday, which involves some risk, but right up till the Tuesday following, when the banks reopen.

MR. DOHERTY: The Safe Deposit Bank can be used, you know.

MR. ILLINGWORTH: I do not think that is a sort of convenience for all of the storekeepers of Perth. The absurdity of trying to commemorate Her Majesty's birthday on the Monday next following—

MR. DOHERTY: It is done in the old country.

MR. ILLINGWORTH: A few things at home are absurd, and that is one of them. There are occasions when by proclamation Her Majesty's birthday has been celebrated on a day other than the 24th of the month, but there is no case on record in which a birthday falling on a Tuesday is postponed till the Monday following. It becomes a question in such cases whether the event is worth celebrating at all; and if celebrated, then certainly it should be on the day the birthday properly falls. Apart from that objection, we know the commercial inconvenience caused by banks being closed two or three days in succession, and on all these holidays the banks are to be closed right on till Tuesday morning. I shall oppose the Bill for these reasons.

MR. QUINLAN (Toodyay): This Bill has been brought in through the unanimous wish of those connected with banks in this colony; and so far as the trading public are concerned, I most respectfully differ from the member who spoke last, inasmuch as it is better to have some principle by which a certain day can be settled for the re-opening of banks after a holiday. I have experienced that inconvenience when I was in business years ago. It will be no hardship on the public, and will certainly be useful to banking institutions, to have the holidays

fixed in the way proposed in the Bill; and if I thought the measure would interfere with the convenience of the public, I should join with the hon. member in opposing it. It may cause some inconvenience on the part of business people in having to keep their money in charge from Saturday evening till Tuesday morning till the banks re-open; but most business people have the means of taking care of their money, and I know it used to be the practice among persons who had an overdraft to avail themselves of a holiday to issue cheques which they knew must be dishonoured on presentation.

MR. ILLINGWORTH: Will you pass a Bill to perpetuate that sort of thing?

MR. QUINLAN: It will be more convenient to have a recognised day for re-opening banks, and then everybody will know; and this arrangement will be more to the benefit of the public than an inconvenience.

MR. DOHERTY (North Fremantle): I support the Bill, which has emanated from the Chambers of Commerce in Perth and Fremantle, and is supported also by the chambers in other places; and, after considerable deliberation and great care, those concerned came to the conclusion that this was the best way of arranging for public holidays. The Bill will be very convenient for the trading public, and will certainly be a benefit to those persons employed in shops, banks, and offices, who will be able to have three days holidays in succession.

MR. ILLINGWORTH: They cannot get three days, because they work till 11 o'clock on Saturday night.

MR. DOHERTY: The banks and warehouses do not, and shops do not keep open till 11 o'clock, because the hon. member must know that the Early Closing Act requires them to be open not later than 10 o'clock.

MR. ILLINGWORTH: What about the "pubs"?

MR. DOHERTY: The "pubs" do not interest me: they may interest the hon. member. This Bill will especially benefit girls working in shops, and indeed all employees will be able to get a good running holiday of three days, which will be much better than the irregular system of holidays at present. The chambers of commerce are supporting the Bill because

it will give a prolonged holiday to business people.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

Clauses 1 to 6, inclusive—agreed to.

Schedule 1—agreed to.

Schedule 2:

MR. HIGHAM moved that the word "accession," in line 2, be struck out, and "coronation" inserted.

Amendment put and passed, and the schedule as amended agreed to.

Title—agreed to.

Bill reported with an amendment, and the report adopted.

#### PETITION OF MR. F. L. WEISS.

MR. GEORGE (Murray) moved:

That the Government lift the award of Mr. Roe, in order that this honourable House and the public may be aware of the justice or otherwise of the petition of Mr. F. Lyon Weiss.

On the principle that a person's poverty should be no bar to his obtaining justice, he had taken up this petition. Responsible Ministers were practically in the position of trustees of the nation, and when necessary should assist in furthering the ends of justice. The right of appeal to Parliament was secured by the Constitution; hence he would ask the House to consider this petition, and to give a verdict upon it. The petitioner had been appointed head master of a public school, and carried out his duties for a considerable time, apparently earning the approbation of the department; but for some reason it had been decided to ask him to resign his position, and the resignation had been practically an enforced retirement. After the date of his retirement the petitioner was asked by the department to complete some returns. This he did, and expected to be remunerated for the time occupied; for, though it might be alleged these returns should have been completed earlier, the department should have seen to their completion before dismissing the schoolmaster. The petitioner further alleged that he had sent to the department, by mistake, a five-pound note in lieu of a one-pound note, and had thus lost four pounds, no refund having been made. Mr. Weiss sued the department, which, by some neglect in the Crown Solicitor's

office, was not represented in Court, and the plaintiff obtained judgment for some £70. The Crown secured an order for a new trial, and it was ultimately resolved that the matter be referred to the arbitration of Mr. A. S. Roe, the police magistrate. Mr. Roe heard evidence, completed his award, and left it for the petitioner or the Government to take up. The Government, however, refused to take it up, and the petitioner was precluded from so doing for want of funds. Perhaps the department could not well be blamed for not taking up the award, for it was evident that it would be of no use to look to the petitioner for costs, and this view of the case could hardly be quarrelled with from a commercial standpoint; but there were special reasons why the Government should have taken up the award; firstly, because it was their duty to see justice done, and secondly because the publication of the award would have finally settled the matter, thus preventing the necessity of bringing it before Parliament, and saving the country perhaps ten or twelve times as much as the actual amount in dispute. Originally the department opposed the claim because they considered Mr. Weiss should have completed the returns before leaving the service. That might be so, and doubtless the department did not care to create a bad precedent. There were, however, circumstances in which exceptions should be made; and he trusted the House would agree to the motion which he now moved.

THE MINISTER OF MINES (Hon. H. B. Lefroy): None would dispute the right of the hon. member to adopt the course he had taken; but if the Government paid every unjust demand made on them, there would be no end to such demands. The hon. member only referred to two or three paragraphs in the petition, and according to him the petitioner had been asked to retire from the service though his service had been satisfactory to the department. On the contrary, the service of the petitioner was not satisfactory, and therefore the petitioner was informed that he would not be required after the end of the then current year. Surely any department, and particularly the Education Department, had the right to ask such an officer to resign.

MR. GEORGE: The department kept the teacher after the end of the year.

**THE MINISTER OF MINES:** The petitioner was not a permanent teacher, but was only temporarily engaged; and the House might rest satisfied that the department were justified in dispensing with his service. There was no reason to say one word against the petitioner's character, but a teacher required many qualifications which every honourable and reputable man did not necessarily possess. The petitioner was obliged to furnish certain returns on certain dates; he had been repeatedly asked for these returns, which had not been furnished; and he was informed that he could not be paid until the returns were forthcoming. To complete these would not have taken more than two or three hours; but the petitioner remained after the first of January, as he alleged, to make out these returns, which were required by the department, and remained in the teacher's house free of rent for a considerable period during the new year.

**MR. GEORGE:** What was the amount at stake?

**THE MINISTER OF MINES** said he did not know; but there was a principle involved. Considerable trouble had been taken by the Government in the matter, the petitioner having wearied out every officer except himself (the Minister), who was then the head of the Education Department. He had promised the petitioner to inquire into the merits of the claim, and the next morning he received from Mr. Weiss a most peremptory letter, demanding that the amount alleged to be due be immediately paid. What would the member for the Murray do in these circumstances? He (the Minister) had devoted much time to the consideration of the petitioner's claim—more time, in fact, than ought to have been given, in order to make every possible inquiry. The hon. member dwelt upon the five-pound note which the petitioner said had been forwarded to the department by mistake. The accountant had said the petitioner's statements were incorrect. True, the five-pound note had been received, and Mr. Weiss was asked by letter whether it had been sent by mistake for a one-pound note; then, on his replying in the affirmative, the balance of four pounds was at once returned. No doubt proof of the payment was available. It was

unnecessary to discuss the petition clause by clause. The petitioner had originally brought his action in the local court, and recovered a verdict in the absence of the defendant. The Crown Solicitor secured a reinstatement of the case, which was ultimately decided by arbitration.

**MR. GEORGE:** But the petitioner obtained execution, and the execution did not issue.

**THE MINISTER OF MINES** said he was not aware of that. The police magistrate was appointed arbitrator, and the case dragged on for months, the petitioner making numerous applications for injunctions, etcetera, to the Supreme Court.

**MR. GEORGE:** The Court agreed with him on one or two points.

**THE MINISTER OF MINES:** After the case was pleaded, there was the award available to be taken up. The Crown Solicitor refused to take up the award, and the plaintiff had not taken it up on his own behalf. It was an unheard-of thing for the defendant in a case of this kind to take up the award. Had the Attorney General ever heard of the defendant in such a case taking up the award, particularly when the defendant had reason to believe the award was in his favour?

**MR. GEORGE:** How could he know that?

**THE MINISTER OF MINES:** In this case the department knew they were right throughout, and had no doubt that the award must be in their favour. He (the Minister) did not need to go to a court to be told what was right or wrong, in a clear case of this kind. We should deal with this matter in the same way that we should deal with such a case in our personal affairs; for if we established a principle such as this motion sought to affirm, we should be harassed continually with unreasonable claims against the Government. An aggrieved person might say, "If you do not pay up what I demand, I will take you into court."

**THE PREMIER:** He might say he would take us into Parliament.

**MR. WILSON:** What would be the cost of lifting the award?

**THE MINISTER OF MINES:** Twenty-six pounds.

**MR. GEORGE:** The Government were the trustees of the people's money, and

it was their duty to see that the poorest person got justice.

**THE MINISTER OF MINES:** If the petitioner could satisfy anyone, in this speculative age, that the award was in his favour, the petitioner should have no great difficulty in getting some speculative person to take up the award for him. He (the Minister) was ready to reply to any point in the case that any member of the House might raise, and he felt sure the reply he could give would be satisfactory; but he did not wish to go into details unnecessarily. If the House wished to consider this petition as affirmed by the motion, it would take all the time of the House up to the end of the year, if, like the magistrate who inquired into the case, hon. members wished to go into all the papers and evidence which had occupied the magistrate so long. When the petitioner came to see him (the Minister), a promise was given that inquiry should be made, and that if upon the statements made it was found that the department was in the wrong, the matter should immediately be put right; yet after that he received a letter next morning, peremptorily demanding that he (the Minister) should forward at once the money he had promised to hand over, and should send it to the petitioner's address. That was the last straw that broke the Ministerial back, and he could not have anything more to do with Mr. Weiss. The next thing he heard was that Mr. Weiss was going to sue the department. He (the Minister) asked the House now to take his assurance that as far as justice was concerned, justice had been done thoroughly in this matter up to the present.

**MR. GEORGE (in reply):** It was the right of the poorest subject of Her Majesty to appeal to Her Majesty's representatives in order to have justice done. He had no doubt the Minister of Mines had had considerable trouble with Mr. Weiss, but that circumstance should not be a bar to the justice which even the poorest petitioner was entitled to. There was a principle embodied in Magna Charta that the poorest subject was entitled to approach Her Majesty by petition.

**THE PREMIER:** We had heard that before.

**MR. GEORGE:** And the right hon. gentleman would hear it again. If the

case had been raised by a member on the Government side, it would have been treated differently; but coming from one on this side of the House, that respect was absent, and the matter was treated with an unworthy sneer. The Minister had made a certain statement in regard to the repayment of the £4 claimed, which statement he (Mr. George) felt bound to accept as true; and if it was a fact that Mr. Weiss did what the Minister said he did, then Mr. Weiss had misled him (Mr. George). Finding that the petition was not true on one point in regard to which the Minister had spoken positively, he must infer that the petition as a whole was unworthy of support. He therefore asked leave to withdraw his motion.

**THE MINISTER OF MINES:** The petitioner was informed that his services would not be required after the end of the year, but he remained after the end of December a certain time, making up returns to the department which should have been made before the end of the year; and for this work he demanded certain payment for the time he said he was occupied in making up returns after the 31st December, although these returns should have been made in the ordinary course by him before the end of the year.

Motion, by leave, withdrawn.

#### MINES REGULATION AMENDMENT BILL.

##### LEGISLATIVE COUNCIL'S AMENDMENTS.

The Council having made 10 amendments in the Bill, the same were now considered.

##### IN COMMITTEE.

On motions by the **MINISTER OF MINES**, all the amendments, except No. 2, were agreed to. In regard to No. 2, the amendment was agreed to subject to a further amendment by adding the words "and machinery" after "mine," in the first line.

Resolutions reported, report adopted, and a message accordingly transmitted to the Council.

##### ADJOURNMENT.

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