landlord to distrain, and it frequently happens that a person gives a bill of sale over his property, connives with the landlord, who then puts in the bailiffs and charges four or five months' rent, with the result that the mortgagee, instead of finding some security, loses the whole. There is no further material alteration by the Bill in the present law, until we come to Clause 53, which deals with the registration of debentures and reads:

> Every debenture issued by any company or other incorporated body registered or incorporated or carrying on business in Western Australia shall be registered under this Act in the following manner:—(1.) A written notice in the form and containing the information indicated in the Fifth Schedule hereto shall be presented to and filed with the Registrar, who shall indorse thereon the date of such filing. A copy of the debenture, or if a series of debentures be issued, a copy of one debenture of each series shall accompany and be filed with such notice. (2.) Upon the expiration of 14 days from the filing of such notice, the debenture shall be registered by the Registrar, unless in the meantime a *caveat* has been lodged as herein mentioned, in which case such registration shall be forthwith made upon the removal or withdrawal of such *caveat*. (3). Registration of a debenture, or of a series of debentures, may be renewed by the holder of any debenture, or by any officer of the company or body issuing the same. The renewal of registration of any one debenture of a series shall be deemed a renewal of all the debentures of such series.

Then it is provided that certain clauses of the Bill shall apply to debentures, and a debenture is put on the same footing as a bill of sale. A debenture has exactly the same effect as a bill of sale, and I do not think it is open to anyone to object to their being put on the same footing. The Bill has been drafted by Mr. James, who deserves the thanks of the commercial community for the trouble he has taken with a measure which has been submitted to bank managers and most of the leading business people, and has received their hearty approval.

HON. F. T. CROWDER: It has not been submitted to the Chamber of Commerce.

HON. R. S. HAYNES: I do not know whether it has or not, but the last Bills of Sale Bill was submitted to them, and I do not know there is any great difference between the measures. I have looked through the Bill very carefully, and it seems to have been most carefully drafted. It shows in this respect a striking contrast to bills drafted by the professional draftsman of the Government.

HON. R. G. BURGES: There have been a hundred different amendments made in the Bill before the House.

HON. R. S. HAYNES: Certainly; and I am going to move more amendments. I am speaking now as to the way in which the Bill has been drafted, and the amendments such as altering terms from 14 days to 7 days, and so on, do not affect the drafting. I shall be glad indeed to accept any amendment hon. members wish to propose to carry out the spirit of the Bill. I leave the measure to the House with the earnest hope that it will be accepted and passed, so that it may come into operation after March of next year.

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

ADJOURNMENT.

The House adjourned at 8·30 until the next day.

Legislative Assembly,

Wednesday, 13th September, 1899.

Question: Discharge of Ballast, Albany—Question: Police Protection, Pilbarra Goldfield—Bank-note Protection Bill, first reading—Return ordered: Goods Indented through Agent General—Motion for Papers: Caroline Leases at Bulong (negatived)—Motion: Railway Truck Weighing (withdrawn)—Motion: Schools for the Goldfields, Amendments passed—Papers presented—Municipal Institutions Bill, in Committee (formally), progress—Police Act Amendment Bill, second reading continued and adjourned—Wines, Beer, and Spirit Sale Amendment Bill, in Committee (formally), progress—Motion on Petition: Railway Engine Drivers, etc.—Land Act Amendment Bill, Order discharged—Constitution Acts Amendment Bill, in Committee, Clauses 18 to end, reported; Schedule 2 referred to Select Committee—Patents, Designs, and Trades Marks Bill, second reading, resumed and concluded—Mines Regulation Amendment Bill, second reading, in Committee *pro forma*—Adjournment.

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

PRAYERS.

QUESTION—DISCHARGE OF BALLAST, ALBANY.

MR. ILLINGWORTH (for Mr. Leake) asked the Premier: Whether any steps would be taken to prevent the discharge of ballast from ships into Frenchman's Bay, in King George's Sound.

THE PREMIER replied:—No steps have been taken to prevent the discharge of ballast from ships into Frenchman's Bay; the Railway Department has, however, undertaken to discharge ballast at 1s. per ton into trucks at jetty, if masters so desire. I desire to add that I have referred to the Chief Harbour Master in regard to this matter, and he has telephoned stating there is no place other than Frenchman's Bay available for the discharge of ballast, and that the arrangement with the Railway Department is a cheap one, and has given satisfaction to the people of Albany, so far as he is informed.

QUESTION—POLICE PROTECTION, PILBARRA GOLDFIELD.

MR. ILLINGWORTH (for Mr. Kingsmill) asked the Premier: Whether, in view of the outrages lately committed by natives at Braeside, the Government would recognise the necessity of affording protection to the settlers and other residents in the outlying portions of the Pilbarra goldfield, either by re-establishing the police station at Bamboo Creek, or by stationing police at some point on the Oakover River.

THE PREMIER replied that the Government would do all in its power to arrest the murderers and to give protection to the settlers.

BANK NOTE PROTECTION BILL.

Introduced by MR. A. FORREST, and read a first time.

RETURN—GOODS INDENTED THROUGH AGENT GENERAL.

On motion by MR. ILLINGWORTH (for Mr. Wilson), ordered that a return be laid on the table showing a list of goods indented through the Agent General's Office during the past 12 months, with total values of same.

MOTION FOR PAPERS—CAROLINE LEASES AT BULONG.

MR. ILLINGWORTH (for MR. VOSPER) moved that the whole of the papers in connection with the recent case of Harney and others *versus* the Minister of Mines, concerning the Caroline leases at Bulong, be laid on the table of the House.

THE MINISTER OF MINES (Hon. H. B. Lefroy): These papers were now in the hands of the Crown Law Department, which was engaged in preparing a case for appeal to the Privy Council in the matter referred to, and the papers were required for that purpose. As the case was *sub judice*, and no reasons had been given in support of the motion, he must oppose the laying of these papers on the table at the present time, because of the obvious inconvenience which must result to the Crown Law Department. Some reasons should be given for a motion of this kind, and in the absence of reasons he must oppose it.

Motion put and negatived.

MOTION—RAILWAY TRUCK WEIGHING.

Mr. HARPER moved:

That, in the opinion of this House, it is desirable, for the purpose of facilitating trade in all produce sold by weight or railway trucks, that the weight of all such trucks should be tested twice annually, that is, in the months of June and December.

The matter involved in this motion was of considerable importance to producers. Some years ago it was considered by farmers and others sending goods by rail that there was considerable peculation going on in the transit of goods along the lines. But recently, within about 12 months, it had been found that a portion of the loss was due to the incorrect tare marked on the railway trucks, which had to be deducted in ascertaining the total weight of goods carried. After those trucks had been used for a time, the paint got worn off, the wood become ingrained with foreign material, and in wet weather the wood absorbed an immense proportion of water, so that the tare, when taken under varying circumstances, was likely to be incorrect. The farmer had the weight which was marked on the trucks deducted from the load, which really meant so much taken off his return. It had been found that there was as much as 400lbs. difference in the weight of a load. The buyer had found this out long ago, and would only buy according to railway weights, and

had thus been the gainer. He (Mr. Harper) was informed that a short time ago, when a man sold a certain quantity of wheat, the buyer stipulated, as usual, for the Government weights. The seller subsequently found out some discrepancy in the tare, and weighed the goods on to the truck, by which he found that on this sale alone he would have lost £30 in cash if he had taken the railway weights. This was a serious matter for the producer, who generally sold his produce in the dry, warm months of the year, when railway trucks weighed their lightest, whereas the trucks might have been "tared" in the wet months of the year. He wanted the trucks checked regularly, until some means were found by which fair treatment could be ensured to the producer. He did not know whether the Commissioner of Railways had looked into this matter, but if he had he would have found that the statements which he (Mr. Harper) made were borne out by facts. No doubt the Minister had had many complaints in times gone past as to pilfering on the railways, while all the time it was the tare that was wrong.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse): The hon. member having brought this matter under the notice of the House, first by a question which he asked a few days ago, and to which he was furnished with a reply, and now by this motion, the object the member had in view would have been attained; that was so far as we could assist him in the Railway Department. To ask to have the trucks tested twice annually was asking for a service which would incur a great deal of expense, and it was hardly possible to have this done, for the reason that we had something like 4,000 wagons on the railways, and to bring them in twice during the year and have them weighed and the tare marked on them was a work in itself. To do this would put the Department to considerable expense. The only way to get over the difficulty was that when the trucks came in for repair to have them tested and have the weights put on them as they left the shop. But even if we did this, it would not show the tare was absolutely correct, because if the truck got into wet weather that would increase the tare; therefore it was difficult indeed to give anything like a correct tare in regard to the trucks. Speaking of his own personal knowledge, in regard to his own business—and he expected that his firm used a larger number of trucks in the carriage of produce than any other engaged in the business—five or six years ago he found that this difficulty existed, and his firm took steps to protect themselves against it. He might say that there would always be trouble in reference to the tare while people used trucks. The only way to get over the difficulty was to see that the goods were weighed into the trucks before they were despatched. His firm had despatched something like 6,000 tons this year, and every ton had been weighed before being despatched. His firm never relied on the tare marked on the trucks at all. A man must take the right course to see what the tare of the truck was. The goods could be accurately weighed and the weight marked on the consignment note. No doubt to undertake a work of the kind mentioned in the motion, to have every truck checked twice annually, would result in a considerable expenditure of money, and then it would not prove that the tare was absolutely correct. There would still be difficulties as to changes that occurred owing to differences in climate. A truck might go out in the summer, but it might have to be weighed with goods in it when the truck had been through wet weather for some time. He could not see how the department was to do this work. Every person who had to deal with this class of business should see that their goods were weighed into the trucks, and give the people they were dealing with to understand that the weights were not the truck weights. Anything the department could do to see that the tare was correct would be done, but to make it a hard and fast rule that the trucks should go into the shops to have the tare marked on them twice a year could not be done. He hoped the hon. member would not press the motion.

MR. ROBSON (Geraldton): With due deference to the Commissioner of Railways, he had much pleasure in supporting the motion. It was almost absolutely necessary that trucks should go into the shops twice a year to undergo repairs, and then they could be "re-tared." It was all very well for those dealing with produce, particularly in large places like Perth and Fremantle, to have the goods weighed

before they were consigned; but there were many people who had to buy on the truck from the farmer at small sidings, where there were no weighbridges, and where the weights and scales of the consignee were not too good. In those cases the purchaser looked to the railway weights to be correct. The railway weights nearly always differed. Not only should the trucks be "re-tared" twice annually, and the correct weight put on the trucks, but the department should forego the charge which they made for giving the consignee the correct weight. If hon. members turned up the department's tariff they would see that when consigning goods to the fields, a person had to pay 3d. to know what the weight was. The charge was not a heavy one, and he understood it was made by the department to obviate the necessity of having the trucks "re-tared." The department said in effect that they did not guarantee the weight of the trucks, but that if a person using a truck wanted the correct weight, the person must pay for it. He would remind the Commissioner of Railways that only a few years ago, when dealing with Government coal trucks, the Government had to pay pretty severely in connection with the tare of the coal trucks to Cave and Company, or Slay and Company. The merchants found they had been getting short-weight for years. In Geraldton we had the trucks "re-tared," and found that we had been supplying so much more coal to the Government than the Government were paying for. He had no hesitation in saying that it would pay the Government well to see that the trucks were "re-tared."

MR. WALLACE (Yalgoo): Having had a great deal of experience in the haulage of goods by railway, he agreed to some extent with what the Commissioner had said. He would point out how he got over the difficulty. He did not take the railway rates as from the place where the goods were consigned. At all Government sidings there were weighbridges, and those using the trucks could demand that the trucks be put on the bridge and weighed, and when the goods were taken off, the truck could be pushed back on the weighbridge and re-weighed. When a person had several trucks of chaff on the road for six days, these trucks might have been out in the wet and absorbed moisture; and in those cases the tare could not be correct. If the system were adopted of weighing the truck at the siding, the correct weight could be obtained. There should be some new system in reference to forwarding produce. At the present time a consignment note stated that a truck contained, say 4 tons 3 cwt. of chaff. If the truck were re-weighed the person who had the goods on the truck had to push the truck to the weighbridge and off again, and then argue for a refund if the weight were incorrect.

THE COMMISSIONER OF RAILWAYS: By paying an extra fee the correct weight could be obtained.

MR. WALLACE: By paying 4d. we were supposed to get the correct weight, but he did not accept it as correct. He wanted to ascertain the weight of the truck when it arrived at Yalgoo or Mullewa, or wherever the goods were to be delivered.

MR. CONNOR: In the case of coal carried by rail, it would be an injustice to the department if it was to be held accountable for all the coal that might be scattered off a truck in transit some hundreds of miles. Under the present system, the Railway Department were working at an absolute loss, because when the trucks were new and the tare was painted on, the trucks were clean, whereas in course of time they gathered some additional weight by accumulation of matter, and that weight had to be carried. To weigh twice a year, as suggested in the motion, should be sufficient.

THE COMMISSIONER OF RAILWAYS: Each consignor was supposed to state the weight of his produce on the waybill. The produce was weighed in the trucks in the presence of the owner or consignor, and was checked by the department, and that was particularly the case with coal.

MR. CONNOR: If there was as much as 400lbs. short in a truck, as compared with the amount of tare painted on it, who was responsible for that weight at the delivery end? The motion was a reasonable request, and there was evidently some injustice in the present system.

MR. RASON supported the motion as being in the interests of producers, and if adopted it would be to the interest also of the Railway Department. The prac-

tice on railways-up-to-date in England was that the tare of a truck was painted on it as a guide, and by the side of that record a loophole was provided for holding a ticket; and every time the truck reached an issuing station, which was an important station, the truck was weighed, and the correct tare was inserted in the receptacle, with the date on it. It would be simple for that process to be adopted here, and the advantage would be more to the Railway Department than to the producers or consignors. He believed that plan would remove all disputes about the tare.

THE COMMISSIONER of RAILWAYS: Would the consignors be sure about the tare then being correct?

MR. RASON: They would be sure for a month, at any rate, and the trucks would be weighed at intervals. For the benefit of trade it was important that there should be no dispute between buyer and seller. The sender relied to a great extent on the tare painted on the truck as a guide, and it was an advantage to all concerned that the correct tare should be arrived at. Every time a truck reached Perth it might be re-weighed, and the correct tare marked on a ticket with the date of the re-weighing, as was done in England.

THE PREMIER (Right Hon. Sir John Forrest): No doubt this was an important matter to producers, though he was glad to find from the remarks of the hon. member (Mr. Rason) that the grievance should rather be the other way. The second part of the motion, requiring all trucks to be weighed in June and December, would not be workable, because it would be inconvenient and unnecessary to require all trucks to be returned at a certain time in those two months. It should be sufficient to have the trucks weighed twice a year without specifying the exact time of weighing. If there were any likelihood of the motion being carried, he would move that all the words after "annually" be struck out. Twice annually would suit pretty well.

MR. ILLINGWORTH agreed with the remarks of the member for South Murchison (Mr. Rason), and said the same system prevailed on railways in Victoria. He agreed with the Commissioner of Railways that it would be unworkable to require all trucks to be re-weighed in June and December. To test the question be moved that all words after "tested" be struck out of the third line, for the purpose of inserting "whenever they return to the home station."

MR. HARPER (in reply as mover): The only object of the motion was to facilitate the use of Government weighbridges, which were at present of no value, but rather a detriment to the public and the Government. The suggestion of the Commissioner that a truck should be weighed every time it was loaded would be even more troublesome than that in the motion.

THE COMMISSIONER OF RAILWAYS: Let it be weighed, if the consignor so desired.

MR. HARPER: That would be a great hindrance to trade; for, when agricultural produce came in, there was a great rush of work. The suggestion of the member for South Murchison (Mr. Rason) would meet all that could be expected, and would give the public some confidence in the weights. He would withdraw the motion, as the Commissioner thoroughly understood what was required.

Motion, by leave, withdrawn.

MOTION—SCHOOLS FOR THE GOLDFIELDS.

MR. GREGORY (North Coolgardie) moved—

That, in the opinion of this House, it is advisable to institute a more progressive educational policy within the goldfields districts.

His own district had an area of 57,000 square miles, and contained several large and growing townships having a settled population. There was no better way of promoting permanent settlement than by inducing people to bring their wives and families to the colony, thus stopping the steady drain of money sent daily to "the other side." In one of those townships, Goongarrie, there had been 26 children. The Miners' Institute hall could be used by the Government free of cost for a school, if the department would provide accessories, furniture, and a teacher. He had failed, however, to induce the department to send a teacher there, and many of those children had since left. The department now had an application for a State school

at Niagara, where there was a population of some 450 adults, and where, if a school were established, there would soon be some 50 or 60 children. Many people living about five miles from Niagara would move to that township for the sake of a school. The only cost would be the expense of a teacher. The township of Mt. Malcolm had sent in a largely signed petition, and a half-time school should be established there, the teacher spending three days in that place and three days at Leonora. The colony was not expending as much as it ought to spend on public education. In the year 1896 New South Wales spent 10s. per head of the population for educational purposes, Victoria 9s. 6d., and this colony less than 7s.

THE PREMIER: But our expenditure would be larger this year.

MR. GREGORY: Last year he had received the same reply to a request for school accommodation. Besides, he had not seen the Estimates. In 1896 the revenue per head was, in New South Wales £7 4s. 10d., in Victoria £5 9s. 4d., and in Western Australia £14 4s. 3d.; and our revenue was probably higher now, so that this colony, in view of those figures, could well afford to expend larger amounts in settled districts for educational purposes. Where there were more than 12 or less than 15 children there should be a half-time school; where there were more than 20 children, the teacher should reside there permanently, more especially in townships having Miners' Institutes, such as Goongarrie and Niagara. The department should insist that the use of those buildings should be granted free for school purposes, seeing that they had been built with Government money.

MR. ROBSON (Geraldton) seconded the motion. The Ministry had spent much in beautifying Perth and making the city more habitable, but they should carry out this policy in the distant goldfields of the colony, to induce permanent settlement. Only by establishing schools on the goldfields could people be induced to keep their money in the colony.

MR. HASSELL (Plantagenet) supported the motion. A letter he had recently received instanced a school near Denmark, in his electorate, where the people were ready to provide a room free of expense to the department. Nevertheless, the request for a teacher had been refused, though there were 30 or 40 children in the neighbourhood.

THE PREMIER said there had been a school when he had visited Denmark a few years ago.

MR. HASSELL: The place to which he referred was the township adjoining a different mill from that which the Premier had visited. Unless people were afforded educational advantages for their children, they could not be expected to stay in the colony.

THE MINISTER OF MINES (Hon. H. B. Lefroy): Having made inquiries from the Education Department, as he thought it might be necessary for him to reply to the remarks of the hon. member in moving this motion, he would say the hon. member must be aware there was a great difficulty in establishing schools, on the goldfields more especially. The population was very uncertain in many cases. There might be 20 or 30 children on a spot to-day, and in a month's time they would be gone to some other locality. Consequently the department had to be very careful in the establishment of schools on the goldfields more than in any other part of the colony. The motion said that it was advisable to institute a more progressive educational policy within the goldfields districts. He believed the policy of the department was as progressive as it could be made. It was as progressive a policy as there was in the whole of Australia; in fact, he thought it was more progressive than in any other colony of Australia, except New South Wales, and he meant in regard to the establishment of schools. In this colony the regulation provided that where the Minister could be satisfied of the permanency of 10 children gathered together in one locality, the Minister could establish a school there. New South Wales was the only colony besides this one where the department provided for the establishment of schools in districts were there were only ten children collected together. As to the districts of Leonora and Mt. Malcolm, there were not many children there, and some difficulty had arisen as to the establishment of a school. The matter had been considered for some time, and on inquiry it was found that at Leonora there were only eight children,

and at Sons of Gwalia mine there were 16 children; but the establishment of a school at this place would have given rise to some jealousy. The people of Leonora said that if a school were established at the Sons of Gwalia, which was only three miles away, they would not send their children, and the people at the Sons of Gwalia said that if a school were established at Leonora they would not send their children to that school. However, the department had come to the conclusion to establish a half-time school in the neighbourhood, to try and suit the Leonora, Mt. Malcolm, and Gwalia people. It had also been decided to erect a school at Niagara as soon as possible. The hon. member had referred to Goongarrie, but he did not think the department could establish a school there at the present time. The policy of the Education Department was certainly a progressive one, because the Minister, upon being satisfied of the permanency of ten children, could establish a school. Now he came to the question of teachers. The Government could not always establish a school when they wished to, on account of the difficulty in getting teachers to go to the goldfields. The salary provided for a teacher for a small school, such as those he had been speaking about, was only £100 a year, and it was very difficult to get teachers to go out to these districts and teach 10 children for £100 a year. That was the greatest difficulty the department had. They could not provide teachers, and if there were only 10 children in the school, the Government had to pay a man £100 a year, which the department was prepared to do. Each child would cost the Government £10 a year for the teacher's salary, while the Act only allowed £4 10s. He could assure hon. members the department was making every effort to establish schools in these out-of-the-way places. The hon. member had said he could not blame people for not coming to the colony if they could not get education for their children. He agreed with the hon. member, and he thought the Government ought to give every encouragement to people to bring their families here, and in these days people would not bring their families to the colony unless they could get education for their children. He did not think the House would ask the Education Department to establish a school in any locality unless there were a sufficient number of children grouped together. If the department had to establish a school, and pay a teacher £100 a year to teach 10 children, the cost was great.

THE PREMIER: What would the cost be?

THE MINISTER OF MINES: About £20 a head, if we took into account the cost of the building, and the furniture, and the books, and everything else, because the regulations also said that the necessary school buildings and furniture for provisional schools, as well as the requisite books and apparatus, would be provided at the cost of the department. He did not think members could ask for anything more liberal on the part of the department than that, and the department was prepared to do this if they could get the teachers. As to Denmark, he did not know anything about that place. He had made inquiries as to the goldfields, and more particularly to the hon. member's (Mr. Gregory's) district, as he had thought the hon. member would not go outside his district in debating the motion. If hon. members only left the matter to the department, he was sure the department would make every effort to comply with the desire expressed by the hon. member in the motion; therefore, he hoped the hon. member would not press the motion. The department was endeavouring to give every facility it possibly could, and he was sure hon. members would be satisfied with what the department was doing. With this expression of opinion the hon. member might withdraw the motion.

MR. EWING (Swan): The member for North Coolgardie had not said that the regulations under which the department was carried on in this colony were not liberal, but as far as he (Mr. Ewing) could gather, the hon. member had found fault with the policy adopted by the administrators of the department. He only hoped the hon. member could see his way clear to make his motion general, and strike out any reference to the goldfields, because the goldfields were not the only places which had cause for complaint. He agreed that the regulations of the department were ample, if complied with and carried into effect. He would mention one case in which the Minister could not

charge the people with being a drifting population, likely to be here to-day and gone to-morrow. He referred to a place on the Upper Swan. Some time ago he met a number of people on the Upper Swan, who had gathered together for the purpose of impressing on him (Mr. Ewing) the advisability of the establishment of a school in that district. There were a number of children there who could not get education. He (Mr. Ewing) had a petition signed by the parents, and it contained the names of persons who were willing to send in all 32 children to school if the department would establish one. Certainly there was one man in the district who said that if the department established a school he would leave the district.

THE PREMIER: Why was that?

MR. EWING: This one individual had never been to school, and he said that his children were not going to school either. But independent of this one man, there were 32 children there who were being brought up in comparative ignorance. The Government could not see their way to grant the request, because there was no building there; but he thought the difficulty should have been got over. There was another case at Parkerville, where there were 40 children, whose parents were permanently established in the place, and the department refused, unless the people erected a building and paid for it, to establish a school. It was not part of the people's duty in any locality to build a school, and if there were 40 children in any locality, it was the duty of the Government to put up a building, and send a teacher there for the purpose of teaching the children.

THE PREMIER: Had they got a school there yet?

MR. EWING: Yes. The people put up the building themselves. They subscribed £40, and the department gave £20, and then the bulding was erected, and a teacher sent out. But until the people found the £40 the department would not establish a school. To this day the people on the Upper Swan had not got a school. It could not be said in the cases he had instanced that the population was a drifting one, because the people were absolutely permanent settlers, who had been there almost since the origin of the colony.

THE MINISTER OF MINES: What part of the Upper Swan was it?

MR. EWING: It was known as Bull's Brook, on the Midland Railway, about 13 or 14 miles from the Upper Swan. It had been urged that the department were not able to get teachers, but when we heard that teachers on the fields only received £80 and £100 a year, hon. members could not but wonder that the department were not able to get persons competent to teach.

THE PREMIER: Did the hon. member state there were 40 children at Bull's Brook?

MR. EWING: Forty at Parkerville, and 30 at the Upper Swan.

THE PREMIER: Were the people farmers at Bull's Brook?

MR. EWING: Yes; and they lived within a radius of three miles.

THE PREMIER said he did not know the place at all.

MR. EWING: It was on the road to Gingin. The Education Department gave no permanent employment to the teachers, with few exceptions, so he was informed, and it was not to be expected that good teachers would take employment at a low salary unless that employment was permanent. This fact indicated a want, not of progressive and comprehensive regulations, but of proper administration in the carrying out of those regulations. He hoped the motion would have the effect of urging on the department the necessity of educating the children of the colony so far as they reasonably could.

THE PREMIER (Right Hon. Sir John Forrest): Not being closely in touch with this department, he was hardly more competent than other members to speak on the subject; but the motion was rather too sweeping. Last year the department did not want to spend more than was absolutely necessary, because money was not then too plentiful; and although, as far as the Treasury was concerned, he never refused any recommendation made for schools at that time, yet he did impress on that department and on others the necessity of economy. While he admitted there were cases where facilities for education were not as good as the people might desire, yet in localities where the settlement was small and the children were few, the effect of pro-

viding education in all such cases would be to greatly increase the expense per head for education in this colony, that expense being already very heavy. The system was based on a capitation estimate of £4 10s. per scholar for every one educated in the Government schools; but to send a teacher to all the localities where a small number of children might be found, such as 10 or 15, and to maintain a teacher there and provide accommodation for giving instruction, would increase the cost to £20 per head or more. Were hon. members going to advocate that this colony should pay £20 per head annually for educating the children of the State? If that were so, he could see a greater burden would be created than the people would be able to bear. It never was intended that this education should be given in every place where a few children could be mustered.

MR. EWING: Why were the regulations framed so?

THE PREMIER: They were framed so that the department might give effect to them wherever it was practicable to do so. As to the speech of the member for North Coolgardie (Mr. Gregory), a complaint had been made that children at Goongarrie were not provided with a school and a teacher; but where were those children now? Whatever it was that sent those children away from that place, it was not the want of a school, but the real explanation was that there was no work for the people there. He believed that Goongarrie would yet be a good place, and become flourishing; but the people there had not been settled long when the hon. member made his claim for a school, and there were probably not more than 15 or 20 children there at any time, and they did not stay long; therefore, to have spent money in providing a school and a teacher would have been a serious outlay for no practical good. In regard to the case of Niagara, that was a nice place, and a school was about to be built and maintained there. He believed there would be enough children now, or at any rate there would be by taking children from places adjoining. As to Mt. Leonora, it was known that the Mt. Leonora and Sons of Gwalia people were quarrelling about the site for a school, because one set of people wanted it in the town and the other set wanted it at the mine, where most of the people were located. He would advise the department in that case to build a school where it was most wanted, though it was generally preferable to have a school in a township. Then at Mt. Malcolm, there must be nearly enough people there now to require a school for the children, and, indeed, every mine in the district wanted a school. If one went to the Mt. Malcolm Proprietary, there were enough children to have a school; going to the Mt. Malcolm mine, Black Flag, and the Diorite King, and so on, each one of those mining communities might muster enough children to require a school; but the department could not provide schools at all those places at once, and the department was certainly pushing out and trying to do what was practicable, though it was no use to go upon hearsay as to the number of people settled in this place or in that. Ocular demonstration was the best guide. Schools were to be seen all over the place, and that was a pleasant evidence of progress by the department. The member for Esperance would be able to tell the House that a capital school had been provided there. When he (the Premier) was at Norseman, in the same electorate, the school building was very poor, and another was being put up now. Wherever the department could do it, there was evidence of activity in trying to provide for the education of children, even in small localities. He did not mind this House rubbing up the department a bit, but rather liked it, though he did not like the department to be treated too severely, at first anyway. This motion would practically censure the department too strongly, and he hoped the mover would not press it, or would put it into a shape more acceptable to the House. The hon. member might affirm, for example, that it was desirable that facilities should be given, as far as possible, to all new schools on the goldfields, and he (the Premier) would be glad to support such a proposal. As far as the Treasury was concerned, it would not refuse any reasonable request from the Educational Department for extending schools and providing teachers; it would rather be ready to give every help which it could. Of course this must mean a great deal of cost and an immense amount of money, and it should be remembered

that we wished to encourage private education as far as practicable, as a means of lessening the burden on the State. There was a great educationalist at the head of the department, Mr. Cyril Jackson.

MR. JAMES: The best man in Australia.

THE PREMIER asked the House not to give a knock-down to Mr. Cyril Jackson, but give him some encouragement in his difficult position, and if there was anything to find fault with in his administration, let it not be put as a censure on the policy of the country. He hoped the motion would not be pressed in its present form.

MR. GREGORY (in reply): In regard to what he had said about the educational wants of Goongarrie, at the time that he made the application, some 10 months ago, there were 12 children of school age, and he had suggested that the school should be on the half-time system, being held in Goongarrie on one day and in an adjoining place on another day. What he did object to was that not sufficient money was placed on the Estimates for educational purposes in this colony, and especially on the goldfields. The Minister in charge of education had told him he had no money to provide for the education of more children, and the Secretary to the department had informed him to the same effect. The Premier now talked about the great expense; but at Goongarrie no expense was required, because the building was there, and all that was wanted was a teacher and the appliances for a school. In reference to Niagara, it was proposed by people in the district to hold the school one day in Niagara and the next day at an adjoining place, and the Miners' Institute was offered at Niagara free of charge for school purposes.

THE PREMIER: That being so, the offer would be accepted.

MR. GREGORY: There were 35 or 36 children there now, according to a letter he had received. At Mt. Malcolm ——

THE MINISTER OF MINES: The department was going to place a school there.

MR. GREGORY: The committee of the institute had agreed to give the building free if the Government would undertake to do some necessary cleaning. At present there were over 30 children of school age in the town, and a number of permanent residents refrained from bringing their children there because of the lack of a school. He would alter the motion to suit the view of the Premier.

THE SPEAKER: The hon. member could not amend his own motion.

MR. ILLINGWORTH moved that the words "more progressive" be struck out and "vigorous" inserted, and that the words "goldfields districts" be struck out, and "colony" be inserted in lieu thereof.

THE PREMIER: That proposal would be accepted by the Government.

Amendments put and passed, and motion as amended agreed to.

PAPERS PRESENTED.

By the PREMIER: 1, Return showing casualties amongst railway servants, working hours of signalmen, and salaries paid to telegraph and telephone operators on goldfields; 2, Return as ordered, showing Particulars of Water Supply, Perth and district.

Ordered to lie on the table.

ELECTORAL BILL.

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

MUNICIPAL INSTITUTIONS BILL.

IN COMMITTEE.

Without discussion, progress reported, and leave given to sit again.

POLICE ACT AMENDMENT BILL (BETTING).

SECOND READING.

Debate resumed on motion for second reading, moved 22nd August.

MR. LOCKE (Sussex): I move that the debate be further adjourned.

MR. GEORGE: Why should the debate be adjourned?

THE PREMIER: Who is in charge of the Bill?

MR. ILLINGWORTH (in charge of the Bill): All I desire is that the question should be put. There is no debate on the question.

THE SPEAKER: The question has been put for the second reading, at the previous sitting, and the debate was

adjourned by the member for Albany (Mr. Leake), who, however, having spoken already, cannot speak now.

MR. RASON (South Murchison): I fail to understand the logic of hon. members on the other (Opposition) side of the House. If I remember rightly, the second reading was adjourned expressly on a motion from the other side, because of the absence of the member for East Perth (Mr. James), who, the House understood, had some amendments to move, which amendments have since appeared on the Notice Paper. No hon. member on the Government side of the House had an opportunity of speaking on the second reading, because a member on the other side moved the adjournment of the debate. Now we are assured that hon. members opposite simply want the question to be put. Why should we further adjourn the discussion? It seems to me that would be stifling the second reading debate. A good many members on the Government side would like an opportunity of speaking on this subject, and I shall take the opportunity now. I trust this Bill will be altered in Committee on such lines as were suggested by the Premier, which suggestion has to a certain extent been incorporated in the amendments notified by the member for East Perth. I cannot altogether agree with those amendments. I think no great moral or pecuniary benefit will accrue to the people at large by the total prohibition of public betting. Probably that evil may be limited or confined, and a great many evils that now exist may be done away with. In fact, I think it is the duty of the Legislature to remedy most of the evils now in existence in connection with betting. For instance, we know that a majority of the tobacconists' and hairdressers' shops in Perth, at all events, are simply gambling saloons of the very worst possible class—places where servant girls, children, anyone in fact who has 6d. to invest, may speculate on a horse race. It is the duty of the Legislature to prevent anything of that sort; but, while there is very little to be gained by altogether prohibiting public betting, such betting might well be confined to horse-racing. We are told that horse-racing is the sport of kings. That may or may not be so; but so long as horse-racing continues, so long will betting continue, betting being its necessary adjunct; and so long as betting is confined within proper limits, so long as there is some responsible authority to see that betting transactions are conducted with a certain amount of respectability and honesty on both sides, then the case will be dealt with on its merits. There is another phase of this betting question. I refer to the so-called "consultations" and "sweeps." While there can be no excuse for every little "consultation" so-called, which is really a totalisator or some kind of gambling machine in a tobacconist or hairdresser's shop, still we know that the public, the world over, will invest in some speculation of this sort. This form of lottery is to be found everywhere, and the public will persist in investing; and if one avenue of investment be closed, the effect will simply be to open another. If the Police Act be rigidly enforced, and all sweepstakes in the colony prohibited, the only result will be, not that the public will cease to invest money in sweepstakes, but the money they cannot invest in this colony they will invest elsewhere. That is the only difference. I submit it is a fair Bill, and one on which the House can face the difficulty and realise the position. You cannot make people moral by act of Parliament. The people will invest money in these ways, and why should not the colony in which the people invest derive some benefit from the transaction. As I understand the position, there are sweepstakes in this colony by which a revenue is derived by the State of something like £4,000 a year.

THE PREMIER: What is that?

MR. RASON: Charles's consultations.

THE PREMIER: How do you get at that?

MR. RASON: In postages, money orders, and other ways. There is one other colony which derives certain advantages from this class of investment, and if this colony prohibits these sweeps being carried on here, that other colony will derive the advantage, as money will leave this colony, and be sent to the other colony to be invested. I may say I have the greatest respect for every member of the House, but I do believe there is a certain amount of false morality amongst members. We must, as sensible men, face the position, and the position is this

—the public will invest their money in this species of gambling.

MR. JAMES: And you do not stop them.

MR. RASON: You cannot stop them. No Act of Parliament can stop them. An Act of Parliament can only render gambling illegal; the people will invest money just the same as ever, but in some other colony where it is legal.

MR. JAMES: Then why not abolish all legislation?

MR. RASON: The result will be that the public will still continue to invest their money, and this colony will lose the benefit it derives at the present time from the investment. That being the position, the best thing we can do is to legalise the practice, and bring it, as far as possible, under proper and efficient control. There is another feature of betting, the totalisator. We know the totalisator is legalised on racecourses. We also know that the totalisator brings in a great deal of revenue to the various turf clubs under which the totalisator is worked. I do not think it would be unfair or unreasonable to ask that these clubs should contribute towards the public hospitals. They might contribute all undivided fractions of dividends, from which the public derive no benefit, but which would amount to a considerable sum of money. I believe if there are fractions which cannot be worked out into sixpences or shillings, the amount goes to the club; unclaimed dividends might go to the hospitals; and, further, two and a half per cent. of the amount invested might also go to the hospitals. I think the various turf clubs might well afford that small deduction from their earnings from the public. I am sure the public would recognise the position, and more cheerfully invest on the totalisator if they knew that a certain percentage of their investment was going to well-deserved institutions, the public hospitals. I hope, in Committee, that although we legalise public betting in regard to horse-racing, we shall exclude it from other sports. I do not think any legislation will effectually prohibit betting on racecourses, but I think we might exclude the influence, if it be a pernicious influence, from other sports. Let us keep cycling and other sports free from betting. Let us face the position as far as we possibly can, and bring betting in connection with horse-racing under some proper authority and control. If we can prohibit consultations —I am not quite sure what they are called, whether they are termed consultations, sweepstakes, or by what name— but if we prohibit them in this colony, the money which is now expended in this colony will be expended elsewhere. We shall not prevent the expenditure of one sixpence by this legislation. The money will be expended all the same.

MR. JAMES: I doubt it.

MR. RASON: The hon. member doubts many things.

MR. JAMES: Betting is prohibited all over Australia, except in Tasmania.

MR. RASON: Can the hon. member show me that legislation in any part of the world has prevented the expenditure of money in the way I have indicated.

MR. ILLINGWORTH: The Victorian Streets Betting Act does it.

MR. RASON: I shall persist in saying, until I am shown that I am wrong, that the public will invest their money in this species of gambling; therefore it is just as well to recognise it and bring this species of gambling under control, and let the colony participate, in some way, in the benefit to be derived from it.

MR. WOOD (West Perth): It seems to me this Bill has been brought in again to deal with the bookmakers. When I first saw the measure I thought it was an insult to a man's common sense. First a Bill is brought in to abolish bookmakers; then we have a Bill to reinstate them, and then again a Bill to abolish them. I thought it was trifling with legislation altogether. Besides that, the objection I had to legalising bookmakers was that we placed the administration of the statute in the hands of irresponsible bodies, the turf clubs, who have been very harsh indeed in their treatment of the bookmakers. The bookmakers are allowed to bet: we give them permission with the one hand and take it away from them with the other. I believe the Turf Club is reasonable in its treatment of bookmakers, but there are other proprietary clubs which are not. When betting was abolished, the administration of the Act was scandalous. It simply meant that a member of Parliament went to a bookmaker on a racecourse, and bet; the

bookmaker was brought up and fined, but the member of Parliament was allowed to go scot-free. I do not say member of Parliament, practically speaking, but I mean a man of social standing. The administration of the Act has been most scandalous, and was not fair at all. I never bet: I am totally opposed to betting. I think that this Bill, with the suggestion thrown out that betting be confined entirely to horse-racing, will do good.

MR. GEORGE: What about gambling in shares?

MR. WOOD: That is all nonsense. There is no more gambling in shares than there is in your business, or mine. I think if we allow betting at all we should give fair play to both sides. I approve almost entirely of the amendments, notice of which have been given by the member for East Perth (Mr. James). From what I hear, "tote-shops" exist in Perth and do a great deal of harm. There is another thing which I consider is a disgrace on the racecourse; I refer to the ladies' totalisator. It is a disgraceful thing to see the ladies rushing about, excited, which is caused by the totalisator. I hope the Bill when it leaves the Committee will be a fair one, and will give accommodation to the public, and will not be a hardship to that one class of people who make a living out of horse-racing and other sports.

At 6·30 the SPEAKER left the Chair.

At 7·30, Chair resumed.

On motion by MR. HIGHAM, debate further adjourned.

WINES, BEER, AND SPIRIT SALE AMENDMENT BILL.

IN COMMITTEE.

Without discussion, progress reported and leave given to sit again.

MOTION ON PETITION—RAILWAY ENGINE DRIVERS, ETC.

Order of the Day read, to resume debate on motion for granting the prayer of petition.

MR. HIGHAM moved that the order be discharged. He said the hon. member (Mr. Holmes) who had brought the matter forward was perfectly satisfied that the Commission which had been appointed to inquire into this and other grievances connected with the Railway Department would carry out the object the hon. member had in view.

Question put and passed, and the order discharged.

LAND ACT AMENDMENT BILL.

DISCHARGE OF ORDER.

Order of the Day read, for second reading of the Bill.

MR. JAMES (in charge of the Bill) moved that the order be discharged.

Question put and passed, and the order discharged.

CONSTITUTION ACTS AMENDMENT BILL.

IN COMMITTEE.

Consideration resumed from the previous day.

Clause 18—Qualification for members of the Legislative Assembly:

THE PREMIER moved that in the first line, before the word "any" there be inserted "subject as hereinafter provided."

Amendment put and passed.

THE PREMIER further moved that in line 2 the words "capable of being" be struck out, and "qualified" be inserted in lieu thereof.

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

Clauses 19 to 22 inclusive—agreed to.

Clause 23—Qualification of electors:

MR. ILLINGWORTH: Having on the previous evening tried to impress on the Committee the desirability of applying the principle of "one man one vote" to elections for the Legislative Council, and although unsuccessful in that attempt, he now asked the Committee to accept the principle and apply it to elections for the Legislative Assembly. He hoped hon. members would certainly see the necessity of adopting the principle in regard to this House; and the same arguments which he had used on the previous occasion would apply in this case. He therefore moved that the words "within an electoral district" be struck out of lines 1 and 2 of paragraph 2 of the proviso, and he would make a further amendment later.

Amendment put, and a division being called for by Mr. Illingworth, it was taken with the following result :—

Ayes	...	...	10
Noes	...	...	17
Majority against	...		7

Ayes.	Noes.
Mr. Ewing	Mr. Connor
Mr. George	Sir John Forrest
Mr. Gregory	Mr. Hassell
Mr. Holmes	Mr. Higham
Mr. Illingworth	Mr. Hooley
Mr. James	Mr. Hubble
Mr. Kingsmill	Mr. Lefroy
Mr. Wallace	Mr. Locke
Mr. Wilson	Mr. Pennefather
Mr. Doherty (*Teller*).	Mr. Phillips
	Mr. Piesse
	Mr. Robson
	Mr. Sholl
	Sir J. G. Lee Steere
	Mr. Throssell
	Hon. H. W. Venn
	Mr. A. Forrest (*Teller*).

Amendment thus negatived, and the clause passed.

Clause 24—When joint owners and occupiers shall be entitled to be registered :

THE PREMIER moved that after the word "licensees," in line 4, "not exceeding four" be inserted.

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

Clause 25—Disqualifications :

THE PREMIER moved that the word "have," in Sub-clause 2, line 4, be struck out, and "has not" inserted in lieu thereof; also that all words after "offences," in line 4, be struck out.

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

Clauses 26 to 28, inclusive—agreed to.

Clause 29—Persons holding contracts for the public service shall be incapable of being elected or sitting :

MR. ILLINGWORTH moved that after the word "agreement," in line 4, "honorarium" be inserted.

THE PREMIER : Without further information, he would not accept the amendment. To prevent the Government employing counsel who were also members of Parliament would be highly undesirable. While not speaking disparagingly, he must say there were not many eminent members of the bar in the colony, and the State should have the best legal assistance obtainable. Many members of the legal profession were in Parliament, and if the Government were debarred from employing those gentlemen, the selection would be seriously limited. There was not enough Government law business to induce a Ministry to give cases to barristers for the sake of securing their political support. Besides, the amendment if carried would fail in its effect, because a counsel's fee would hardly be an honorarium. The clause was copied from the existing Constitution Act, and further limitation was unnecessary. In fact, the clause did not do much good. This question had been discussed at the Federal Convention, a similar clause finding a place in the Commonwealth Bill; and eminent barristers had then said that such an enactment was of little value, for if a person did not choose to do such work personally, he could easily find some one else to do it for him. It would be impossible, for instance, to trace the contractor in question, or trace the interests members of the Government might have in a particular contract.

MR. JAMES : The object of the amendment evidently was to strike at such a payment as had recently been made in New South Wales.

THE PREMIER : By whom ?

A MEMBER : By Mr. Reid.

THE PREMIER : That was a payment made for writing a book ? Well, the experience of the Premier of New South Wales would probably act as a warning to any future Minister not to do a similar thing. He would not support the amendment.

MR. ILLINGWORTH : The contractor, instead of giving the member of Parliament, a commission, might make him a present.

THE PREMIER : The two actions would be practically identical.

MR. ILLINGWORTH : If an hon. member received £500 from a contractor for obtaining a railway contract, surely that member should be disqualified ; for that amount, if not a commission, was at least a valuable consideration.

THE PREMIER : The object of the clause was diametrically opposite ; namely, to prevent a member of the Government from giving such a present. The hon. member was reversing operations.

MR. ILLINGWORTH : The case he had mentioned would constitute a bribe.

THE PREMIER : But the object was to prevent the Government from giving a bribe.

MR. EWING: If it was intended to prevent lawyers taking a brief from the Crown, the clause would have that effect; but seeing that a good many of the lawyers of any importance managed to get into one of the two Houses of Parliament, the Government might find themselves with an inferior counsel. It had been suggested that presents might be made by a Government; but any Government would find it a serious matter to make presents out of public funds. Such a Government might find itself in the same position as the Government of New South Wales was in recently.

MR. LEAKE: The object of the clause was to prevent anybody having direct or indirect pecuniary relations with the Government, if a member of one of the Houses of Parliament. He did not think we could carry the clause too far. He was speaking as a lawyer, and if he were in receipt of fees to the amount of £500 or £600 a year as counsel in the courts of the colony for the Government, he thought he would be more disposed to support the Government than vote against them; but he had not yet been subject to that temptation. There was more in the amendment than members seemed to think. It ought not to be the practice to retain on behalf of the Government counsel who were members of Parliament when the outside bar was open to the Government. He felt disposed to support the amendment. He was not quite sure that lawyers who were members of Parliament could now accept fees from the Government.

THE ATTORNEY GENERAL: We should look for a precedent for such an amendment as this, and he did not think one could be found in the legislature of any of the colonies. In the two Houses of Parliament there was a large proportion of gentlemen belonging to the legal profession, and very distinguished members of the legal profession; therefore the Government would be deprived of the services of these counsel, while a person attacking the Government in the Courts would have such sources open to him.

Amendment put and negatived.

THE PREMIER moved that in line 17 the words "incapable of" be struck out, and "disqualified from" inserted in lieu thereof.

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

Clauses 30 to 33, inclusive—agreed to.

Clause 34—Seats in Parliament vacated in certain cases:

THE PREMIER moved that in line 2, "nominations or" be struck out.

Amendment put and passed.

MR. LEAKE: The phraseology of the first sub-clause seemed awkward. Would it not be sufficient to say, "if not qualified as aforesaid"? Had the words in Clause 28, "by the sheriff of Western Australia," been struck out? These words had been put in by the drafting officer, because the sheriff in England was not a public servant. It was no good putting the words in here, because the sheriff of this colony was bound to be a civil servant.

Clause as amended put and passed.

Clause 35—Election of disqualified persons void:

THE PREMIER moved that the introductory words up to "and," in line 7, be struck out.

Amendment put and passed.

MR. LEAKE: What did the words "whilst so disqualified" mean? The words should be struck out.

THE ATTORNEY GENERAL moved that the words "whilst so disqualified" be struck out.

Further amendment put and passed, and the clause as amended agreed to.

Clauses 36 to 42, inclusive—agreed to.

Clause 43—Members' seats to be unaffected by new division:

THE PREMIER moved that the words in lines 6, 7, and 8, "or by the Act by which the new province or district is created, or the name or boundaries of the province or district are altered," be struck out.

Amendment put and passed.

MR. ILLINGWORTH: This Bill under Schedule 1 repealed 60 Vict., No. 18. Under Clause 48 this Bill was to be proclaimed by the Governor as soon as he should have received notification of the royal assent being given thereto.

THE PREMIER said he had given notice of an amendment.

MR. ILLINGWORTH suggested the insertion of the words, "until the issue of the writs for the election of the new Parliament under this Act." Provision was to be made for the continuance of

the Legislative Assembly, but not for the continuance of the Legislative Council.

THE PREMIER said he would take a note of the point, and see whether it was sufficiently guarded in the Bill.

Clause, as previously amended, agreed to.

Clause 44—Electoral Registrars to amend electoral rolls in accordance with new division of provinces and districts:

THE PREMIER moved that the words "given in the forty-fourth section of the Electoral Act, 1895, or any other enactment substituted therefor," in lines 8 and 9 of Sub-clause (2), be struck out, and the words "prescribed by the Electoral Act, 1899," inserted in lieu thereof.

Amendment put and passed.

THE PREMIER further moved that the words "and every elector whose name appears thereon, pursuant to this section, shall be entitled to vote for a member or members for such newly formed province or district," be added to Sub-clause (2). The object of the amendment was to make it quite clear that the names of persons transferred from the old roll to the roll of a new district shall be entitled to vote at once. For example, the present Claremont district was part of North Perth, and as Claremont was to be divided between North Perth and a Fremantle constituency, it would be necessary to transfer from the North Perth roll all the persons who were living in Claremont, and form a new roll; and it was desired, further, to make it clear that the persons so transferred and being already electors for North Perth would be electors at once for Claremont, and be qualified to vote under the new roll to be formed for Claremont.

MR. ILLINGWORTH: That was in the event of an election taking place within three months of the transfer.

THE PREMIER: No. If the election were to take place next day they would be eligible as voters for the new electorate.

Amendment put and passed.

THE PREMIER further moved that Sub-section 3 be struck out, as no longer necessary.

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

Clauses 45 to 47, inclusive—agreed to.

Clause 48—Proclamation of royal assent and commencement of Act:

THE PREMIER moved that the following words be added to the clause: "But the constitution of the existing Legislative Assembly shall remain unaffected by this Act until the said Assembly is dissolved by effluxion of time or otherwise."

MR. ILLINGWORTH: Why not the Council also?

THE PREMIER: The same words would not suit the case of the Council, because that body was not to be dissolved by effluxion of time.

MR. ILLINGWORTH: But by repealing the Act under which the Council existed, the Council would be destroyed, unless some provision were made for continuing its existence.

THE PREMIER said he would take care that the point was carefully considered.

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

New Clause—Election void if member not qualified:

THE PREMIER moved that the following be added to stand as Clause 30:

> If any person not qualified to be a member of the Legislative Council or Legislative Assembly shall nevertheless be elected and returned as a member to serve in the said Council or Assembly, such election and return shall be void.

MR. LEAKE: One clause of the Bill said the House must resolve that a vacancy existed, when such vacancy had occurred. Would the new clause still leave it open to the Assembly to pass such a resolution? And how was the House to acquaint itself with the fact of the vacancy having occurred?

MR. ILLINGWORTH: Where else did that practice prevail, that the House must declare a seat vacant when a vacancy had actually occurred?

MR. LEAKE: Another point was that, after a vacancy had been declared, an election held to fill the vacancy might be found to be void; and would it be necessary to begin again by declaring the seat vacant?

THE ATTORNEY GENERAL: Yes; begin over again.

Question put and passed, and the clause added to the Bill.

Schedule 1—agreed to.

Schedule 2—Definition of boundaries of the several Electoral Districts:

THE PREMIER said he desired to move that this schedule be referred to a

select committee. He now formally moved that the schedule be postponed, with a view to a further motion at another stage.

Motion put and passed, and the schedule postponed.

Schedules 3 and 4--agreed to.

Progress reported, and leave given to sit again.

SCHEDULE 2—TO REFER TO SELECT COMMITTEE.

THE PREMIER moved that Schedule 2 of the Bill be referred to a select committee.

Motion put and passed.

A ballot having been taken, the following members were elected in addition to the mover (Sir John Forrest):—Mr. Higham, Mr. Illingworth, Mr. Moran, and Mr. Wood.

PATENTS, DESIGNS, AND TRADE MARKS BILL.

SECOND READING.

Debate resumed on motion for the second reading, moved 7th September.

MR. GEORGE (Murray): I think we are all fairly well agreed as to the necessity for consolidating the laws relating to the registration of patents, designs, and trade marks; and we are also agreed that, in dealing with so important a matter, it is desirable that the Act should contain within its four corners the best means this House can possibly devise, not only for protecting people who have an inventive genius, but for making that protection cheap and easy to obtain. I am well aware that in all countries where this question has been dealt with, and more particularly in the old country, with which I have been most closely identified, considerable skill and thought have been exercised to so shape legislation that, however poor a man's station may be, he shall not be robbed of—or perhaps "debarred from" is the better phrase—the benefits of an invention, simply because he is not well provided with this world's goods; and one of the best arguments and best examples that can be produced in respect to this question is that of the United States of America, which is, perhaps, of all countries in the world, the most prolific in the production of industrial inventions; for in that country, I believe, the fees are so small and the routine so easy that it is possible for almost any person to obtain sufficient protection at a very low price, until the merits of his invention can be thoroughly investigated; and then the intending patentee may go further if he can induce others to join with and to help him. While on this subject I may say that until the Patents Act was passed in Great Britain some 15 years ago, the ratio of patented inventions to population was very small indeed, almost ludicrously small as compared with the United States; not because the people in the old country were less inventive and less ingenious in mechanics, but simply because of the greater poverty of the people and the greater difficulty they had in obtaining the assistance of capitalists to find the necessary funds for the protection of new inventions in their initiatory stages. The Act which then became law in Great Britain reduced the fees considerably; so much that, instead of some £25, the fee was made about £1; and within a very few months after that measure became law, its beneficial results were speedily observable in the number of applications for provisional protection made to the Patent Courts of Great Britain. In rising to speak on this Bill, I am desirous that the House and the Government should perceive that it is far better that the inventive genius of the people of a country should be stimulated by the fact that protection can be obtained at little cost, than it is for the Government to obtain revenue from these fees. I can quite understand how easy it is to argue that we have to maintain officers in the Patents Office, and that those officers must be paid. It is said: is it not right that those who use the Patents Office and benefit by it should contribute to the revenue? Yes; I say it is right they should contribute; but I think we might extend the principle of State aid in this case to an almost unlimited degree in respect of inventions; because if an invention be a good one, it confers benefits, not merely on the inventor who produces it and who may reap some reward, but upon the general community. I maintain that the funds of the community could not be better employed than in aiding poor inventors; and when we come to discuss the schedule dealing with fees, I intend to ask the House to

agree to those fees being further reduced. I am not speaking without some personal experience in this matter. I was foolish or vain enough, some years ago, to bring out some patents in the old country, from which, after considerable trouble, I obtained some pecuniary advantage; but I well remember that the initial fees I had to pay were a considerable item to me, and cost me a great amount of self-denial; for, as any one who knows the old country is aware, it is natural that a young man starting in his career, unless he has financial aid at his back, must have great difficulty in securing the protection of the patent laws; and, speaking plainly of the matter, I may say also that if the fees had been lower some years prior to that period, I could have obtained those funds, and one or two patents which were taken out by those who were then my employers would have been obtained by myself, and the reward would have come to me instead of to men who, by their wealth, were enabled to patent my ideas and to bring them before the public. On these matters I feel a very keen sympathy with those who are debarred through poverty from obtaining the full benefits of what their brains, or their skill, or their quickness, has brought forth. I think I have said as much as is necessary upon that point. In going through the Bill, I find that in Clause 12 some alteration is required. The second portion of the clause reads:

> A complete specification may be left within such extended time, not exceeding three months after the said nine months, as the Registrar may, on payment of the prescribed fee, allow.

In Great Britain, this extended time, instead of being three months, is one month; and I should like to point out to hon. members that this is where the provision will prove somewhat harsh. Take the case of a poor inventor with very little funds at his command, and unable to pay the prescribed fee when leaving his complete specification. Another man with plenty of cash may be on the track of the inventor: all that he has to do is to enter a nominal kind of specification with his application, and then pay this prescribed fee. He is not compelled to lodge a complete specification for three months, during which interval the specification put in by the real inventor can be examined, and the entire gist of the design picked out and used by the man with the money-bags, to the disadvantage of the poor patentee. Therefore, I think, when we go into Committee, the Attorney General will agree with me that we should not allow the absence of money to admit of any injustice being perpetrated on a needy inventor.

THE ATTORNEY GENERAL: He has the protection of a provisional application.

MR. GEORGE: My point is that a man, not having any money to pay the prescribed fee, must put in a complete application within nine months, and the man who may have put in a provisional application gets sufficient time in which he can digest the complete specification of the other inventor. In regard to Clause 13, Sub-clause 5, which deals with the disclosure of the report of the examiners, I may say this is a copy of the English law. With regard to the United States law the object is to stop patenting anything but new inventions. In the United States the authorities permit the examination and inspection of any returns before they bring this clause into operation. Again with regard to Sub-clause C, where it says that the invention has been described in a book or other printed publication, published in Western Australia before the date of the application, or is otherwise in the possession of the public, this is a matter on which a considerable amount of light might be thrown. The clause may mean that there should be a search of all complete known records in any part of the world, which is beyond the means and opportunities granted to the bulk of the men from whom inventions generally come, because the bulk of inventions generally come from workmen, and not from capitalists, unless the capitalist has been a working man, and has worked himself up to his present position. It is natural this must be so for the reason that working men have to carry out the work, and their brain is endeavouring to discover some better means of attaining the desired result. Clause 14, so far as I understand it, seems to me to provide that the law officer shall practically give the final decision. Does this clause agree with what we found in Clause 51 dealing with the registration of designs, in which it states the registrar may refuse to

register a design, but any person aggrieved can appeal to the law officer. When we come to the registration of trade marks we find that not only may the appeal be to the law officer, but Subclause 5 of Clause 65 says the appeal can not only be to the law officer, but the law officer may refer the appeal to the Court. Naturally he would do that in the case of a person considering he had not been fairly dealt with. It is hardly likely the law officer would say his decision was final, but he would say "If you wish to carry the case further you can do so." There is another point in Clause 19 I would like to refer the Attorney General to. Subclause C says that where an extension of time has been allowed by the registrar for leaving or accepting a complete specification, a further extension of six months after the said 18 months shall be allowed for the sealing of the patent. This is how it will work out. There is time to file a complete specification; then there is an extension of time of three months, and a further extension of three months. Under the English law the time is reduced to six months, and we should fall in with the English practice on this point if we can, because it is a terrible thing to have to fight a patent for 16 months if a man is not backed up by a large amount of money. We should, in a Bill of this sort, make the time as short and as sweet as possible, and protect the man who has not much money. I also ask the Attorney General to look at the point in Clause 17, where it is stated the person may give notice of opposition to a patent. It is stated in Sub-clause *f* that a man can give notice of opposition to a patent on the ground that the invention has been described in a book or other printed publication issued in Western Australia before the date of the application, or is otherwise in the possession of the public. It seems to me if we are to carry out the principle that there shall be no patent of already patented inventions, a prior foreign patent will be sufficient ground for refusing the patent here. If that is so, it will be necessary to alter that sub-clause. I have already pointed out about the appeal, and I would wish to refer to Clause 58, which says if a registered design is used in manufacture in any foreign country, and is not used in this colony within six months of its registration in this colony, the copyright in the design shall cease. What I would like to see in regard to that is that no copyright or registered design should be permitted to be patented in a country except by the original inventor, or his agent. I do not know whether the Attorney General will go so far as that with me. I do not think it right, because a person happens to come to Western Australia and finds that something which is patented in another country is not patented here, he not being the inventor, that he should be able to patent the thing and retain the sole right of the patent in this country. There are very few people who bring out new patents who have the funds to patent their inventions throughout the whole world at once. A person generally patents his invention in the country in which he lives, in England and in America, and then in other countries, as he obtains the means to do so. It should not be within the power of another person to come to a country where a patent is not patented and patent it here. Many a man has patented an invention in the old country, and taken out a provisional application for the invention; then all a man with money would have to do would be to take a fast steamer to another country and patent the invention in the new country, whereas the man would not have the brains to invent anything himself. I hope the Attorney General will give a little protection in such a case as that. I should also like to say that this is about the only matter on which I shall be agreeable to vote for federation. If there could be a federation of the patent laws of the whole of the English-speaking world, then I think it would be a good thing. In my own way I have endeavoured to place my views before the House, and I hope in Committee I shall have the assistance of the Attorney General in helping me to alter the Bill as I desire. I feel strongly on this matter. I have not only suffered myself in regard to the want of protection, but I have known people who have laboured for years and given years of thought to patents in order to bring out an invention, only to be done out of that invention by the want of the money. In this country, as in every other country, we should stimulate the inventive faculties

of the people. I could mention a dozen inventions in England, patents for which have been obtained by people who did not know how to use a tool in the making of those patents. The man who had brought the whole thing out had gone down to his grave in poverty, while those who had taken advantage of the invention were rolling in wealth. I am sorry my feelings on this matter will not allow me to speak as I otherwise would like to do, on the subject.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): The criticism that this Bill was subjected to, when the motion for the second reading was moved, was mainly on the line that this Bill did not sufficiently follow the English legislation on the subject. I can assure the House that, with the exception of Clause 14, to which I shall refer presently, this Bill is a consolidation of all the patent laws up to date of the English legislation on the subject; so that that argument, addressed to the House with a view of discrediting the Bill, will not be permitted, I hope. The next argument used was that this was a subject that would be taken into the special cognisance of the Federal Government, and, therefore, we should refrain in the meantime from taking any cognisance of the subject. If that be an argument, then I reply that nearly every one of the Bills, at any rate three Bills out of every four, submitted to the Legislature this session would come under that heading. If legislation bears on any question that in the future will be dealt with by the federation, and this House should not touch it, then there is very little which we can touch. If federation does come about, there is no doubt there will be a uniform law on this important subject, and there is not the slightest doubt that it will be of great public advantage to have a law uniform throughout Australia. Clause 14, mentioned by one member (Mr. George), is a clause that aims at trying to protect in a reasonable way, as far as the Patent Office can do so, the brain that originated and invented the thing that has been patented. It imposes the duty on the examiner to make a special report on each patent as to whether it is novel. It is pointed out that that provision is utterly impracticable if it is carried out to its logical conclusion; that there will have to be an army of examiners to examine into every subject, and that will entail the employment of such a large number of experts that they would eat up half the revenue of the country. Every argument can be carried to an absurdity. This clause has been taken from the Queensland Patent Act, which was passed in 1886, and there the law has worked most admirably. Whilst imposing this duty on the examiners of examining each patent, the examiner has at his elbow the whole of the patent literature of the world, and he can detect whether or not a matter is, or is not, the subject of a patent in some other part of the world. There is, therefore, some protection to the man who originally owned the invention and patented it in another part of the world. The law is in force in Queensland and the United States, which is the country which pays great attention to this class of legislation. It is in force in Germany, but in England it is not, and what is the result? Any gentleman who is acquainted with the law courts of England will know that about three decisions out of every six are upon questions contesting the validity of patents, or as to whether patents are novel or not. This duty by the Bill is cast on the examiner to prevent litigation. The man who has lodged a patent knows that after it has passed the examiner, that is a guarantee to him and to the public—having gone through the ordeal of the Patent Office—that it is an original invention.

MR. ILLINGWORTH: What is to prevent a man taking a Western Australian patent to Victoria and patenting it there?

THE ATTORNEY GENERAL: He has to make a declaration that he is the original inventor. If he lodges it in Victoria he has to do it here also, and is bound to do that in a certain time. If he allows that time to lapse he cannot register it here, because he is debarred by the statute. I do wish to impress on the House that this Clause 14 is really the best clause in the Bill, because it can be carried out, so far as I know, with comparatively trivial expense to the Patent Office, and will work very satisfactorily both for the man who obtains the patent and for the public who may benefit by it. Of course, I would like to point out that while that duty of examination

is imposed on the Patent Office, the mere fact of a patent being registered under the Bill, if it becomes law, does not necessarily mean that the mere registration prevents any person from attacking it, but it is some guarantee that a proper examination of the patent has been made, that the claim has gone through the ordeal of the Patent Office, and that it has not been found by the Patent Office that the particular invention has been in the hands of the public before. If it can be shown that a patent is not novel, and if any person can prove it is not, he can resist the patent in the Courts of law by infringing it, and thereby practically compelling the person who obtained the patent to assert his right to it by proving that it was not in use before he attempted to get it registered. If he fails to prove that, therefore the patent goes by the board. I will illustrate it by a circumstance that occurred within the last two or three years. Hon. members will be aware that there has been much litigation over what is termed the cyanide invention, a method of extracting gold by means of cyanide. At first that invention was registered in general terms; that is to say, that gold can be extracted in a general way by means of cyanide, without specifying the relative proportions of the dilution. After many years it was discovered that this invention was not accurately described in the Patent Office, and therefore that the patent had been given on a wrong description, or on a description that did not cover the exact discovery it was intended to cover. In other words, the patent was intended to cover the dilute solution of cyanide, and an application was made to get the description amended accordingly. The Patent Office in various countries, except Queensland, were in the habit of registering everything that came before them, and they registered the original specification; so that, the patent having been registered in that form, it had to remain. As hon. members know, nine out of every ten persons have come to the conclusion that the amended specification was practically an original invention, discovered only after the other had been long in practical use. The object of this clause is to except those amendments which are practically new patents, so as to put the applicant for a patent on strict proof under inquiry by the Patent Office, and show that the original application has merits to support it. I trust the House will agree that this is a measure that will assist the original inventors, and will also relieve the irksomeness that surrounds the subject, because the whole of the legislation that surrounds it will be collected in one statute when the Bill is passed.

Question put and passed.

Bill read a second time.

MINES REGULATION ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER OF MINES (Hon. H. B. Lefroy), in moving the second reading, said: This Bill has been on the Notice Paper for some time, and I am pleased that we have now reached it. Nothing is more important in mining than efficient and rigid regulations in regard to the manner in which mines should be conducted. It has been found everywhere that, after the production of regulations dealing with mining, the actions brought in regard to mining have been increased materially in every country. My object in preparing this Bill was to make the law more efficient, and to widen the scope of the present Act. The Mines Regulation Act has been in operation for some years, but it deals only with mines in which more than five men are employed underground. It is the desire of the mining community, in the interests of those employed on mines, that all mines should come under the operation of the Mines Regulation Act. There are very few mines really working on the goldfields that employ more than five men continually below ground, and hon. members will be surprised at the number of mines working all over the goldfields that do not employ more than five men below ground. It is intended, therefore, to bring the principal Act, with this amendment, to apply to all places where mining of any kind is carried on, or to apply to any place where any operation in connection with mining is carried on. Therefore, the existing Act will apply to machinery areas, where batteries crush for the public, just the same as it applies to ordinary mines, and the safety of those persons who are employed in connection

with a battery is just as important as is the safety of those employed underground in a mine. That is the chief way in which this Bill widens the scope of the principal Act, and therefore it will be seen that Clause 2 of the principal Act is repealed. Another important feature in the Bill is that it provides for first and second-class certificates. The present Act provides for only one class of certificate, and it is recognised everywhere that there should be two classes of certificates; a first-class certificate to be held by an engine-driver working machinery, such as winding gear, which is used for the raising of men or materials in mines, and the second-class certificate to be held by engine-drivers who work machinery in any other way about a mine. I think this will be acceptable not only to those who work the mines, but also to the engine-drivers themselves. This matter has been frequently brought before me by the Amalgamated Engine-drivers' Association, and I think it is a reasonable request that the Act should provide for two classes of certificates. This Bill will do that, and at the same time I propose to provide by regulation how those certificates are to be obtained. I have the regulations already framed, with a view to this Bill, which provides for the framing of regulations. It is a strange thing that the principal Act, dealing with the regulation of mines, does not provide for making regulations at all. There is no power under the principal Act to make regulations, but this Bill will provide for such, and I will be able to frame regulations to deal with the examination of engine-drivers. There is one matter I propose to provide for in the regulations, and, in fact, I have already provided for it in the regulations drawn up; that on each board of examiners there shall be a certificated engine-driver, who holds a first-class certificate for engine-driving, and I think that will be acceptable to engine-drivers as a proper provision, and it is only right that it should be made, so that not only will there be on each board an inspector of mines and a practical mining manager, but also a practical engine-driver, who has worked an engine and understands the business. Many men who go up for examination possibly cannot fully understand the examination they may be put through by a mine manager or an inspector of mines, whereas if one member of the board is a practical engine-driver, and can speak to the candidate in a manner which he can readily understand, the candidate will be better able to explain himself than he might be if replying to questions from an inspector or mine manager. Of one thing we may be sure, that a man representing the Amalgamated Engine-drivers' Association will jealously guard how these certificates are to be issued; and consequently the regulations will provide for that, and I believe they will be acceptable throughout the goldfields. Many amendments have been made here, more especially in Clause 23, which deals with the regulations and general rules for mines. These alterations have been suggested to me chiefly by the inspectors of mines, who are men having practical knowledge of the matter, and I believe that when in Committee, if I am asked to do so, I shall be able to explain the reason for introducing these amendments, and that the explanation will be highly satisfactory to hon. members. I think the examiners, without taking a candidate to an engine, ought to be able to decide whether he is a practical man or not, and that will be dealt with by regulation. There are provisions here which brings the Mines Regulation Act more into line with the Steam Boilers Act, because, when the Mines Regulation Act was passed, there was no Act dealing with the examination of steam boilers in this colony, and consequently there are one or two provisions in the present Act which rather clash with provisions in the Steam Boilers Act, and these are put right in this Bill. Section 17 of the principal Act is one dealing with notices of accidents to be given to inspectors of mines, and it provides that notice of an accident must be given, but does not provide what shall be done after that notice is given. I widen that by providing in the Bill that, after notice has been given to an inspector, or in his absence to the warden or, registrar, then on the receipt of that notice the inspector shall proceed to the scene of the accident and shall examine the place, examine witnesses, and after this he shall make a careful inquiry and forward a report to the Minister. That really is necessary, for there is no good making a report by the

inspector unless he is required, under a regulation, to go and make an inspection of the accident and its surrounding circumstances. Another clause in the principal Act deals with the handling of explosives, and provides that no boy under the age of 16 years shall be allowed to handle explosives. This Bill provides that no youth under the age of 18 years shall be allowed to handle explosives, and I think hon. members will admit that it is an important matter; and there is nothing more important than strict regulations with regard to mining and seeing that they are enforced, because the safety of the men below ground is at the mercy of those who are working above ground, and unless we see that those above are always on the watch to give assistance to those below in case of accident, we must expect to have terrible and disastrous accidents in our mines. So, too, as I have said, the age of 18 is quite young enough to allow anyone to handle explosives in a mine. It is also provided that persons in charge not only of steam-engines, but of machinery worked by steam, air, or electricity, shall not be employed more than a certain number of hours per week, and that they shall not leave their posts: they must remain there continuously during working hours. They must not leave the helm of the ship. There is no doubt that it is most important—more important, even, than it is on board ship—that the man who drives the machinery in connection with a mine should always remain at his post, and should never move from it; for there are always, so to speak, breakers around him. A mine is not like a ship, which sometimes may be sailing in clear water: in a mine, there are always dangers which require to be guarded against with the utmost care. There are several other slight alterations. Clause 23 is really intended to make the law more clear. We want to make these rules so that there can be no doubt about them; so that there may be no necessity to come into Court to settle disputes regarding these questions. The present Act provides for the fencing in of abandoned shafts; in this Bill we go further, and we say that dams and costeans must also be fenced. These costeans are quite as dangerous as shafts; these open cuts are six, eight, and sometimes nine feet deep; and a man can kill himself just as readily by tumbling into a costean as by falling down a shaft. Such places are to be fenced in, when abandoned, just as carefully as shafts, or else, as the Bill provides, they must be filled up with earth or rock. It is also provided that every excavation of any kind, whether above or below ground, shall be securely protected and made safe for persons employed therein. The present Act provides only that every drive and every excavation of any kind in connection with the working of a mine shall be securely protected. By that provision people might be led to think that "drive" and "excavation" meant only underground workings. It is considered, however, that the upper workings should be as well protected and secured as those down below. The existing Act provides that signals need only be provided for a cage in a mine where that cage is lowered to a depth of over 50 yards; that is 150ft. But there is just as much danger for a cage working in a shaft 100ft. deep as there is in one of 150ft.; and I consider that we should have the same signals attached to cages used in 100ft. or even 50ft. shafts, as in shafts 150ft. in depth; in fact, as soon as a cage is used in a mine at all, this Bill will require proper and efficient signals to be supplied, and to be at all times available for those below. I do not think it necessary to dwell on these amendments of Clause 23. As I said before, I shall be able to explain in Committee anything which hon. members may question. Section 26 of the principal Act provides that every miner shall ascertain and see that the appliances he uses are not unsafe. In the Bill we go further, and say that the miner shall satisfy himself that the places in which he works are safe; that the onus shall be on the miner. It shall be the duty of every miner to examine the place in which he works; and if unsafe, he is not to work there, but to report the circumstance to the manager. A miner should satisfy himself just as much with regard to the place he is working in as to the appliances he is about to use.

MR. GEORGE: That responsibility should rest upon the mine manager.

MR. MORGANS: It should rest both upon miner and manager.

THE MINISTER OF MINES: I think it necessary and right that the miner should be obliged to satisfy himself on this point: he should not be reckless.

MR. GREGORY: He has only to use ordinary precautions, according to the clause.

THE MINISTER OF MINES: He has only to use ordinary precautions; and it is the duty of the miner to take his share of the responsibilities as well as the mine-owner. That is a duty devolving upon the miner; to ascertain when he goes to work that the place in which he is working is safe. Section 27 of the principal Act provides that, if I go to a mine as a visitor, and choose to explore it and meet with an accident, the owner is responsible for that accident. I do not think the mine-owner should be made responsible. I think that if people choose to visit mines, and there meet with accidents, they should bear all the responsibility. I fail to perceive why they should be able to come down on the mine-owner for compensation.

MR. GREGORY: The Act states that if an accident occur it is *prima facie* evidence against the mine-owner.

THE MINISTER OF MINES: We provide in the Bill that no one but a person employed about the mine shall be able to obtain damages from the mine-owner, and I think it quite right that we should do so. If I choose to risk my life in visiting a mine, I should not expect the owner to compensate me for any damage I may sustain. Mine-owners are not public carriers, or anything of that sort. However, we can discuss that point in Committee. We also provide for the better protection of abandoned shafts. I do not know whether this clause will meet with the approval of hon. members generally, but I hope it will. It enacts that every one about to abandon or forfeit a lease shall be obliged to fill up all shafts, excavations, and costeans, and shall securely cover over all shafts.

MR. ILLINGWORTH: How do you propose to enforce that?

THE MINISTER OF MINES: Exactly; how are we to enforce it? However, it is just as well to have the provision there, and we shall enforce it if possible.

MR. MORGANS: Will that also apply to the alluvial miner?

THE MINISTER OF MINES: It will apply to everybody. I believe every miner desires that he shall come under this Bill. I think the alluvial miner should come under the mines regulations just as much as anyone else.

MR. GEORGE: That would be a big contract.

THE MINISTER OF MINES: "The alluvial miner" is not always the working miner himself. It is not always the man who works who gets the profits arising from the alluvial mines: it is people who live in towns, and never use picks and shovels at all, who get the dividends; and I think that such people who have men employed should be obliged, when they use the ordinary windlass or rope in their mines, to see that the rope is strong and secure, just as the big mine-owner should see that his cage is safe.

MR. GEORGE: That is all right; but how are you going to enforce it?

THE MINISTER OF MINES: There are many things, unfortunately, which we cannot enforce.

MR. GEORGE: That is as big a contract as this Government has ever undertaken.

THE MINISTER OF MINES: I should like to point out to hon. members that this Bill has been presented to the House before it has been thoroughly revised; and there is one very important amendment required in a clause which I should like to point out to hon. members, who might otherwise think it a great error. Clause 20, as printed in the Bill, reads: "If a person, without holding a first-class certificate of competency, or a certificate by this Act made equivalent thereto." That phrase means a certificate granted under the present Act without any conditions attached to it. The clause goes on, "takes or has charge of any winding machinery by which men or materials are raised or lowered in any shaft, shall be liable to a penalty." Under the Act, "machinery" means all sorts of things; and it was never intended in the Bill that a man must have a first-class certificate in order that he may turn the handle of a windlass, as this clause as it stands would really provide; because, as the Bill stands, the windlass would be "machinery used for raising or lowering

materials or men in the shaft." Therefore, I propose to add after "machinery," "in which steam, water, air, or electricity, or any two or more of them, are used as motive power." That will put it right.

MR. ILLINGWORTH: What about a whim or a whip?

THE MINISTER OF MINES: They are dealt with further on in the Bill. Men seldom go up or down by whips: whips are generally used for raising material. In the next paragraph, also, I intend to add some words limiting the definition of the word "machinery." The present Act only provides that a man must have a first-class certificate for driving steam engines; consequently, it would not be necessary under the present Act for a man to have a first-class certificate in order to drive machinery in which the motive power was electricity or air; and I propose to introduce that proviso in the Bill, because I think we shall, in a short time, find that electricity will be largely used in working mining machinery. Further, in the case of a coroner's inquest, no person employed in or managing a mine, when an accident takes place, shall be qualified to serve on the jury; and it is also provided that, as far as possible, the majority of the jurors shall be working miners. We have not that provision now, and I think it is a very good alteration. We want the jury to consist of practical miners; men who thoroughly understand the working of mines. The Bill also provides for the alteration of the words "mineral district," which occur in the principal Act, to "mining district." This is a very important alteration, more important than hon. members might think. Under the Mineral Lands Act there is no such thing as a mineral district, the districts which correspond to our goldfields districts being called "mining districts;" and if we use the phrase "mineral districts" in our Mines Regulations Act, difficulties may arise; so it will be found that there will be no risk of any such difficulties if we alter the words as I have proposed. I have now explained the principal provisions of this Bill, and I place it before hon. members with every confidence that it will be acceptable to them and to the mining community, and I hope that it will add to the safeguards we have already adopted for the protection of the lives of miners. I beg to move that the Bill be read a second time.

MR. MORGANS (Coolgardie): I should like to ask the Minister if it is his intention to give the miners, as well as the mine-owners and managers of this colony, an opportunity of studying this Bill and its proposed amendments before it passes through this House.

MR. ILLINGWORTH: Adjourn the debate for a fortnight.

THE MINISTER OF MINES: I have already forwarded a copy of the Bill to the President of the Workers' Association in Kalgoorlie, and to both the Chambers of Mines. I am quite prepared to adjourn the debate.

MR. MORGANS: No doubt the Minister will agree that amendments of the Mining Act are matters of vital importance to the mining industry of the colony. There are various points in this Bill which must undergo some discussion in Committee, and I understand that the member for North Coolgardie (Mr. Gregory) has already given notice of certain amendments. I now beg to move that the debate be adjourned till this day fortnight.

THE MINISTER OF MINES: Before the debate is adjourned, if it be desired that the people of the goldfields should have an opportunity of studying the Bill, I should like the Bill to be presented with the amendments I propose to place in it.

MR. GREGORY: Could not the Bill be re-printed with the proposed amendments?

THE MINISTER OF MINES: I will let hon. members into a secret. I took considerable care in going through this Bill, but the last draft which had been prepared was kept back, and the Bill was printed ready for the House before I had a chance of finally revising it; and I did not like to put the Government Printer to the expense of printing another 100 copies; so I thought it better to place the measure before hon. members with these one or two imperfections. Clause 18 reads that every certificate of competency or of service issued before the first day of January, 1900, without restriction, shall be equivalent to a first-class certificate.

MR. ILLINGWORTH: There is a motion for adjournment now before the House.

THE MINISTER OF MINES: I thought that on a second reading I had a right to explain these matters. I intend to provide for the striking out of the words in the beginning of that clause up to "1900," and to insert in lieu thereof "coming into operation of this Act," so that the clause shall read, "after the coming into operation of this Act without restriction shall be equivalent to a first-class certificate," and shall provide that this Act shall come into force as soon as approved by the Governor. I hope the amendments can be printed in the Bill before going into Committee.

THE SPEAKER: There is no means of getting the Bill printed with the amendments in it, unless it is taken into Committee. The Bill can be committed *pro formâ*, and the amendments inserted in it.

MR. MORGANS: In that case I ask leave to withdraw my motion for adjournment.

Motion, by leave, withdrawn.

MR. GREGORY (North Coolgardie): I desire to congratulate the Minister of Mines in having brought forward the Bill, because no Bill was more needed on the gold-mines than this one, as it will protect the workmen who are employed there. The old Act had anomalies, more especially Clause 2, which provides that where five men are working underground the mine is controlled by the Act. It is a question whether that does not mean 12 or 15 men being employed around a mine, if five men have to be employed at any moment underground. I am very pleased indeed to see that the Bill is to apply to all mines, and I am glad to see that some new regulations are to be brought in in regard to engine-drivers. The old Act is very vague, and does not provide satisfactorily for the maintenance of proper administration. I would like to draw the Minister's attention to the interpretation clause. In the definition of mine it says "any earth." The word "earth" is not defined. I shall put a notice on the Paper to move that men shall not be employed in any mine more than forty-eight hours a week. I think we should limit the number of hours which men may work in a mine. I also intend to try to prohibit working on Sunday in mines, unless it is absolutely necessary. I do not wish to see the Sunday Observance Bill brought in to prevent sport on the goldfields on Sunday, but I wish to try and prevent sinking or driving or stoping and the crushing of ore being carried on on Sunday. The people who wish to crush ore on a Sunday are those who wish to exploit the country as quickly as possible and then leave. If a man wishes to work seven days a week we should not allow him to do so. Persons do not want to work for seven days. One cannot sympathise with the man who wishes to make a big cheque as quickly as possible and then leave. If a man works seven days a week he will make a little extra, and then he will be able to get out of the country sooner. The men who work seven days a week are depriving certain other people of employment. Most men are satisfied to work six days a week, and if they work seven days they keep someone out of work. I intend to press an amendment on this point, because seven days work is not necessary. I provide in my exemptions pumping, timbering, and also any case of emergency. I am sorry the Minister has not seen fit to bring in a clause for a uniform code of signals in mines.

THE MINISTER OF MINES: We can do that by regulation.

MR. GREGORY: I would like to see it in the Bill, and I hope the Minister will move a clause to that effect. Men working in one mine get used to a certain code of signals, and if they leave and go to another mine where there is a different code of signals, that may lead to accidents. Then there are not sufficient regulations as to ventilation. I think 500 cubic feet per man should be provided. Now that we are getting to deep levels it is absolutely necessary that we should make some provision of this sort. As to safety cages, the Bill should be made more stringent. Then in regard to mining inspectors on the fields, we want more. At Menzies we have an inspector who controls two large districts, and he is inspector of boilers as well. That officer cannot attend to the whole of his duties satisfactorily. A few weeks ago an accident occurred in a mine, and the inspector wired to the mine manager that he (the inspector) could not get back for six weeks,

and part of the mine in which the accident occurred had to be closed up until the inspector could get there. That prevented development work being carried on in that mine. As to inquests on mining fatalities, I think special instructions should be issued that the inspector of mines should be present at such inquests and have the power to call witnesses and examine them, also that the representatives of the workers should be permitted to attend inquests.

MR. MORGANS: They are now.

MR. GREGORY: Under what provision?

MR. MORGANS: There is no objection to the representative of the workers attending the inquest.

MR. GREGORY: They have not the right to attend, and I shall give notice that we give that permission to attend such inquests. I again congratulate the Minister in bringing forward the Bill so quickly, and I hope when we are in Committee we shall be able to deal satisfactorily with the various amendments. There are 60 or 70 amendments of which notice has been given, and it makes it quite difficult to understand the amendments when considering them with the original measure.

Question put and passed.

Bill read a second time.

IN COMMITTEE *pro formâ*.

Amendments proposed and adopted *pro formâ*, for the purpose of being printed in the Bill before discussion.

Bill reported with amendments.

Ordered, that the Bill be re-printed with the amendments.

ADJOURNMENT.

The House adjourned at 10·12 p.m., until the next day.

Legislative Council,

Thursday, 14th September, 1899.

Motion: Reports on Properties by Imperial or Colonial Officials; Ruling on point of order—Rural Lands Improvement Bill, second reading (motion withdrawn)—Permanent Reserves Bill, in Committee, Clauses 2 to end, reported—Adjournment.

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

PRAYERS.

MOTION—REPORTS ON PROPERTIES BY IMPERIAL OR COLONIAL OFFICIALS.

HON. F. M. STONE moved:

1. That, in the opinion of this House, it is undesirable that officials of the Imperial Government stationed in Western Australia, or of the Colonial Government, should be permitted to report on mining or other properties for the benefit of public companies or private persons. 2. That the Government be requested to transmit the foregoing resolution to the Right Honourable the Secretary of State for the Colonies.

He said: I may say I move this resolution with extreme regret, because I shall have to refer to a gentleman holding the highest position in this colony, and perhaps I shall have to make some remarks on what he has put his name to, which possibly may be somewhat strong. What has induced me to bring forward this motion is that Sir Gerard Smith has reported on a mining property in this colony belonging to the Peak Hill Goldfields Company, Limited. That report has been published in the newspapers of this colony, and that report has been read at a meeting of shareholders. It appears to my mind—and I think hon. gentlemen will agree with me when they have heard me read that report—that the gentleman to whom it was addressed obtained it for the purpose of influencing the share market in London with reference to shares held in that company. I need not detain the House further, but will put members in possession of the report to which I refer. It is addressed "Government House, Perth, June 30, 1899," and is as follows:—

Dear Mr. Darlington Simpson,—I understand that you are shortly leaving for England, and on your arrival will doubtless meet your colleagues on the directorate of the Peak Hill Goldfields Company, Limited. It may interest them, and possibly some of your larger shareholders, to hear my opinion on the posi-