advised. I hope the business of this House will proceed a little more quickly this session than has been the case during the last two years. I should like to see a time limit imposed on some speakers, one of whom is the member for Mount Margaret (Mr. Taylor); for many members talk with a view to wasting time and not for the advancement of business.

On motion by MR. DAGLISH, debate adjourned until the next sitting.

ADJOURNMENT.

The House adjourned at 9·35 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 28th July, 1903.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Return showing Offices Rented in Perth by various Government departments, ordered on motion of Hon. A. G. Jenkins.

Ordered, to lie on the table.

ASSENT TO BILL.

Message from the Governor received and read, assenting to Supply Bill, £1,000,000.

FEDERAL SENATE VACANCY.

Message from the Governor received and read, approving of Joint Standing Rules and Orders relating to election of Senator in joint sittings.

THE ACTING PRESIDENT informed the House that, in conformity with the Joint Standing Rules and Orders, the President and the Speaker had fixed the next Wednesday, at a quarter to five o'clock, in the Government House Ballroom, for a joint sitting of the Council and the Assembly to choose a person to hold the office of a Senator whose place had become vacant in the Federal Parliament.

MOTION—RATING OF LAND, NEW SELECTORS.

HON. C. A. PIESSE (South-East) moved:

That in justice to new settlers, and in the interests of land settlement generally, all conditional purchase land selections should be free from local taxation for a period of two years from the date of approval of the application.

Serious consequences must follow the rejection or even the acceptance of this motion. Its adoption would to some extent limit the responsibilities of settlers on the soil; but after hearing reasons members would surely agree that new settlers or others who took up land with the object of improving it were entitled to relief. The Roads Act of last year provided three systems of rating: first, the annual rental value; second, the capital improved value; third, the capital and unimproved value. In practice these systems worked badly. Most of the roads boards had already rated their districts, and were obliged by circumstances to adopt a system of rating objectionable to the boards and unfair to the ratepayers. In other districts a system of rating more in keeping with the wish of the people had been adopted, and yet this was most unfair to the new settler. Members would agree that taxation on unimproved values was the fairest way out of the difficulty. In an old settled district the roads board found it necessary to shut its eyes to the very presence of a new settler, thus acting illegally, because they had not the heart to rate the man from the moment he took up the land. This should not be. Another board had

adopted the annual rental value system when every member favoured rating on the capital unimproved value; the reason for the anomaly being that they did not wish to be harsh on a new settler, in fairness to whom they could not adopt the latter system but had to tax on the former. Some provision should be made to obviate the necessity for such tactics, which were illegal, and neither conducive to settlement nor fair to the people. The boards were desirous of rating on the unimproved capital value, but in face of so much new settlement had to rate on the rental value and shut their eyes to the presence of new settlers. The mere fact of an application for land being approved by the Government did not make that land more productive or more valuable than it was six months previously; and even twelve months afterwards, in nine cases out of ten it was not more productive.

HON. J. W. HACKETT: To what extent was the new settler exempted by the board?

HON. C. A. PIESSE: Sometimes he was not rated at all. If one of the cut-up estates at York were rated according to the amount realised at auction, the annual rental would be very high.

HON. J. W. HACKETT: How much?

HON. C. A. PIESSE: According to the value of the property. Provision should be made by which these men would be free from taxation for two years. The Katanning board had adopted the rental value system because there were scores of new settlers in the district, and the rental value of a new selection was *nil*. It was not fair to those who had improved their properties that others should get off scot-free. The Wagin board had adopted the unimproved capital value system. Within five miles of the town the board had fixed the value of the land at 12s. 6d. per acre irrespective of first, second, or third-class land. Within 10 miles the value was 11s. 6d., and within 15 miles of the town, 10s. 6d. per acre. Persons were rated at one penny and one farthing in the pound, which worked out at something like three farthings an acre. This was irrespective of improvements and was bearing very harshly on the new men. In the Wagin district considerably over £800 a year revenue was received, while in the Katanning district the revenue was only £500, so that members could see the advantage of taxing on the unimproved value. It was harsh for a man who had selected and gone away pending the approval of his selection and who was not actually on the land, to have to pay these rates. We should provide that application for land should carry with it freedom from taxation for two years. That did not mean any loss to the State and it would be no loss to the roads board. He did not suppose he was telling any secret when he mentioned that in the York district the board shut their eyes to the fact that certain persons had bought portions of the subdivided estate, and those persons would not pay rates until they were sufficiently established to enable them to do so. The York board had adopted the annual rental value system because they recognised it was unfair to adopt any other system where new settlers were concerned. The annual rental value of a new block of land was *nil;* there was no getting away from that. The owner had not had time to spend money on it. That was the reason why boards were adopting the annual rental system; because it was unfair. The unimproved capital value system was the only fair system, as it touched every one alike. The fact remained that new settlers were taxed the moment their applications were approved of, and it was impossible within 12 months for any settler to make a return. A man would have to spend a large amount of capital on his land to make any return within 12 months. Provision should be made by which new settlers could be relieved from taxation during the first two years. By adopting the annual rental value system, the boards let the new settlers off; that was the reason why they adopted the system. It was the desire of all members to place as few restrictions as possible in the way of land settlement. During his trip through New Zealand he ascertained that although the people there were heavily taxed, some consideration was shown to the farmers in that country which was not given to the farmers here. There was no wheel tax in New Zealand, and the local taxation did not exceed three farthings. There was another tax that was paid to the Government, under some statute, which ran to about three farthings an

acre on the capital value, which was placed at £6 an acre in New Zealand. Something should be done in this matter, which would be a farther inducement to settlement. If members were not inclined to give two years' freedom from taxation, let one year be given.

HON. J. A. THOMSON: It would not be more than £2 at the outside, if a person had 400 acres, at one penny in the pound.

HON. C. A. PIESSE: The boards were adopting the annual rental value system, and were shutting their eyes to the new settlers.

HON. C. E. DEMPSTER: These men required roads.

HON. C. A. PIESSE: The annual rental value was unfair, because it taxed a man's energy, which was not right. The Katanning board, in their desire to relieve the newcomers, had let off settlers who had been in the district for 20 years, but who had never touched their land. There was a large estate adjoining the Wagin townsite which was not taxed at all because there was not even a fence around it. There would be some advantage if relief were given for even 12 months. Give the new settlers time to place the land in a position to return something. It was to be hoped members would give the matter fair consideration. There was a strong feeling abroad in respect to this matter. New people who came to this country were very cross at being taxed before they got their applications approved. The other day he saw seven new settlers come into the district, all strong, good, able-bodied fellows, and this class of men should be encouraged.

HON. C. E. DEMPSTER (East): There was a great deal in what the hon. member had said, and he was willing to support the proposal to the extent of granting exemption from taxation for 12 months. The taxing of new settlers as soon as they came here had a detrimental effect. It was hardly fair that those persons who came into the country with a view of purchasing land and settling should be taxed as soon as they arrived for the maintenance of the roads. Some proof had been given to the House of how unwise and unfair it was to tax any section of the community for the benefit of the country generally and for what was a public necessity. No sooner did a man come into the country and take up land than he was taxed to maintain roads. There were many men in the country who would have to contribute £30, £40, or £50 a year when they had not a single team working on the roads. This was a difficult matter to deal with. The roads of the country—the main roads at all events—should be maintained out of the general revenue.

HON. J. A. THOMSON: The streets of Perth also.

HON. C. E. DEMPSTER: Such streets were not constructed to take produce to market. The cheaper and the easier the transit was made, the better for those who consumed the produce, and it was better for the whole of the country. Those who had property in towns liked to see large sums of money spent in improving pavements and in planting trees for ornamental purposes; but that did not stand in the same position as roads, which were constructed to convey produce to market and for the benefit of the taxpayer generally. It was impossible not to sympathise with those who selected land and were immediately called on to pay rates; and such persons were numerous in Mr. Piesse's electorate, where settlement was perhaps progressing more rapidly than anywhere else. The motion was well worthy of acceptance.

SIR E. H. WITTENOOM (North): The House was indebted to Mr. Piesse for his speech; but it seemed dangerous to exempt any portion of the country from the taxation provided by law. If the hon. member sincerely desired to assist settlers, he should use his influence to get the Government to clear the land and prepare it for settlement by fencing, rather than reduce taxation by the small amount suggested. The Government had lost an excellent opportunity of doing this at the time of the recent goldfields unemployed agitation, when the services of many labourers could have been obtained at reasonable rates. The motion, though worthy of consideration, should not be pressed.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): Mr. Piesse was to be commended for his evident desire to help settlers during the first two years of their struggle with nature; but the form of the motion could hardly be approved. The principle might properly have found

acceptance in the Roads Bill of last session. However, the motion would do good by inviting discussion; and he took occasion to express the sympathy of the Government with new settlers. But there was provided in the Roads Act a sort of local option, or choice of the form which rating should take; and in view of that, and of the fact that the boards were the elect of the people in the districts, the remedy for the existing evil might safely be left to the people. If this course were ineffective, the hon. member should seek to give practical expression to his ideas, either in an amendment of the Roads Act or in the Consolidating and Amending Lands Bill which the Government hoped soon to lay before Parliament. As to Mr. Dempster's desire that everyone should have roads free from local taxation, could this be effected we should have a happy community, and the millennium would be at hand; but if the idea were followed to its logical conclusion, the people should be given free railways also. Only a modicum of taxation was locally raised for road board purposes, and the Government had year by year been increasing the grants from the general revenue; hence there was not much to grumble at in respect of local rating. If the thin edge of the wedge were once inserted, the Government would be asked to carry goods and perhaps passengers free on the railways; and from what source could revenue be then derived? The hon. member, perceiving that there was a method of giving his ideas practical effect by legislation, should withdraw his motion.

HON. J. W. HACKETT (South-West): The motion should be withdrawn, else the ruling of the Chair must be taken as to whether the House had a constitutional right to pass it, dealing as it did with a question of taxation.

HON. C. A. PIESSE, in withdrawing the motion, said he would endeavour to incorporate the principle in an amendment of the Lands Act. Regarding local option, the boards were forced to adopt a system of rating objectionable to the bulk of the people, in order to take advantage of the option. They were forced to rate on the annual rental value instead of the unimproved value, though the latter system was more popular and desirable. There was strong feeling in the country regarding this matter, and the motion would facilitate farther discussion later in the Session.

Motion by leave withdrawn.

DOG ACT AMENDMENT BILL.

Introduced by the COLONIAL SECRETARY, and read a first time.

PHARMACY AND POISONS ACT AMENDMENT BILL.

Introduced by the COLONIAL SECRETARY, and read a first time.

EARLY CLOSING ACT AMENDMENT BILL.

SECOND READING (MOVED).

THE COLONIAL SECRETARY (Hon. W. Kingsmill): In moving the second reading of this Bill, I do not (I hope rightly) anticipate much opposition to a measure which was practically passed last Session by both Houses of the Legislature. Unfortunately in this House it suffered from being found in what the House then, for some reason or other, considered bad company, the Bill being attached to the Factories Bill. To prevent any such disaster this Session, the Government resolved to place these Bills separately before Parliament; hence this Bill has been introduced alone. I do not suppose it will be necessary for me to enumerate the general principles of early closing, which have been sufficiently discussed, both here and in another Chamber, to make members familiar with and perhaps rather tired of them; but I would point out that the Bill forms an enlargement of and tends to liberalise the provisions of the present Act. I am of opinion that in many instances the Early Closing Act has proved a hardship instead of a blessing to the people who are trying to make a living in the State, and it is to liberalise the measure that we have the Bill now before us. The principal feature of this Bill is the enfranchisement of what is known as the "small shop." I think everyone will admit that to force people who do not employ any persons save members of their families, to close their shops at hours when they might be doing business, so as to cause inconvenience to customers living in the neighbourhood, is

to work an injustice, and is practically a tax on industry. We know that in many suburban and even metropolitan districts where working men are resident, men are employed perhaps from 8 o'clock in the morning and do not return to their homes until practically 6 o'clock at night. It often happens in small households that the occupants, who have not the facilities for dealing with the larger shops with which the wealthier classes deal, run out of supplies; therefore, they should have opportunity locally of replenishing their needs. Members will agree with me that this Bill gives to the consumer an opportunity of shopping before and after the hours of work, the hours of opening and closing having been extended. That has been rendered necessary because the Government, in an attempt to rectify the existing state of affairs, made regulations exempting certain shops from the operation of the Act, and giving them facilities which it is proposed to be conferred now on the small shopkeepers. Unfortunately, however, the Government did not act as wisely as they might have done, because in a case that came before the Supreme Court the regulations were held to be *ultra vires*, and the Act remains in an inoperative state as to the small shops. These are the reasons which actuated the Government in bringing in the Bill. In reviewing the more important clauses of the Bill, I wish to draw members' attention, in the first place, to what is more or less a new departure in Clause 1. This gives the present Bill a consolidating effect, inasmuch as it provides that the amendments and alterations effected hereby in the main Act shall be omitted and inserted, as the case may be, and reference made in the margin to the sections of the Act by which such repeals or amendments are made; so that will have the effect of making the Bill a consolidating measure.

HON. J. W. HACKETT: What is that clause taken from? Is there a precedent for it?

THE COLONIAL SECRETARY: I am not quite certain whether there is a precedent, but I think the provision is a step in the right direction.

HON. J. W. HACKETT: I mean the wording of it. It does not seem to carry out the intention.

THE COLONIAL SECRETARY: I did not notice that, but if the hon. member will draw attention to it in Committee, and see if some alteration can be made in that direction, I shall be pleased to accept it. The usual definition clause follows. Then in Clause 4 we come to the first important provision of the Bill dealing with the closing and opening time of small shops. The clause also gives a definition of the small shops thus:—"Those which are annually registered as such in accordance with the regulations, and wherein only one assistant (whether paid or unpaid) is engaged or employed, and the shopkeeper whereof and the assistant (if any) are registered." Passing to Clause 5, we find the registration of a shop as a small shop and of the shopkeeper, which shall be in the absolute discretion of the Minister. This gives a guarantee that the Minister while exercising his power has inspectors and advisers to rely upon, so as to prohibit improper registration of shops which should not be registered under the Bill, and so prevent anybody taking advantage of the provisions of the Bill in a wrong manner. It will be noticed, too, that this clause also provides that "No person shall be registered or employed as an assistant unless such person is the husband, wife, child, grandchild, sister, or parent of the shopkeeper."

HON. J. W. HACKETT: Why not the mother, or the grandmother or grandfather?

THE COLONIAL SECRETARY: We want to make the Bill apply to all members of the family with the exception of cousins, nieces, and nephews.

SIR E. H. WITTENOOM: Every legal relative?

THE COLONIAL SECRETARY: Excepting cousins and aunts and nieces. I think we should draw the line there because they are not easy to prove. The Clause also provides that "No person of Asiatic, African, or Polynesian race shall be registered as the keeper of or an assistant in a small shop. In relation to small shops, the term "shopkeeper" shall not include the manager of a shop."

SIR E. H. WITTENOOM: Subclause 4 of Clause 4 requires some explanation. Is the manager an additional proprietor?

THE COLONIAL SECRETARY: The term "shopkeeper" shall not include the

manager of the shop. It means the large shopkeeper shall not be able to start small shops with a manager and his wife in charge, the profits going into the large firm and thus evading the spirit of the Act, and taking advantage of the conditions attaching to small shops. This clause is inserted in the Bill to provide that wherever a small shop is registered, it shall be run for the benefit of the shopkeeper and no one else.

SIR E. H. WITTENOOM: It is very vague.

THE COLONIAL SECRETARY: Subclause 4 of Clause 4 provides that small shops are those which are annually registered as such in accordance with the regulations, and wherein only one assistant (whether paid or unpaid) is engaged or employed, and the shopkeeper whereof and the assistant (if any) are registered. The Minister is to be guided by the advice given him by his assistants, inspectors, and the police officers.

SIR E. H. WITTENOOM: It is the remainder of Subclause 4 and the first portion of Subclause 5 that I refer to.

THE COLONIAL SECRETARY: The first paragraph of Clause 5 is not intended to introduce a party, but to keep a party out. If it is not expressly stated that a manager cannot register a small shop there is nothing to prevent any large shop in the city splitting up its business and establishing a series of small shops under the management of married couples all over the city.

SIR E. H. WITTENOOM: It only requires that a person can employ two. The shopkeeper must not be the manager.

THE COLONIAL SECRETARY: It is not for anybody else.

SIR E. H. WITTENOOM: It is very vague.

THE COLONIAL SECRETARY: The clause can be amended if necessary in Committee. Clause 7 states:—

> The provisions of this Act relating to small shops shall apply within such districts only as may be declared from time to time by the Governor by notice in the *Government Gazette*.

That practically gives the Bill one of the principles of local option. Wherever a district feels there is a crying need for small shops, that district can appeal to the Government, and if a good case is stated, that district may be included within the provision under which small shops are established by proclamation. I do not think there is any farther difference between this Bill and the Bill which left the Council to go to the Legislative Assembly last session. It is almost identical with that Bill except in one or two places where the wording has been rendered more clear.

HON. G. RANDELL: Will the Minister explain Subclause 2 of Clause 9? Why should shops be open until 12 o'clock at night?

THE COLONIAL SECRETARY: This clause was passed in the Bill which left the Legislative Council last session, in that portion of the Shop and Factories Act which was sent to the Legislative Assembly. The reason I presume is, as members should know, that before Christmas day and the other holidays mentioned, there are large crowds of people in the streets, and it is almost impossible for everybody to have that attention in the shops which they may require. Then when they are going home through places where there are small shops, it may be somewhat late and people may require attention at these small shops. That I think is the reason.

HON. G. RANDELL: This applies to shops in Schedules 1 and 2.

THE COLONIAL SECRETARY: Yes. I think it is a very reasonable thing that butchers' shops and bakers' shops and news agents' shops and so forth should be kept open until 12 o'clock on Saturday night, to enable those people who take Saturday night as a night of pleasure to purchase goods on their way home. Farthermore, there is no absolute necessity for the shops to keep open; they do not lose any rights if they shut up before 12 o'clock. The Bill provides that they may keep open until 12 o'clock on those nights. The rest of the provisions of the Bill are exactly the same as those of the Bill which were sent to the Assembly by the Council for approval last session. I do not know that there is anything else that needs explanation. If there is, I hope members will not be backward in saying so in the Committee stage. I may remind hon. members, this Bill is a liberalisation of the present provisions of the Early Closing Act, which I am inclined to think members will agree with me press rather harshly on those people conducting small shops and earn-

ing what is, after all, a precarious livelihood. I beg to move the second reading of the Bill.

On motion by HON. J. W. HACKETT, debate adjourned until the next Tuesday.

PRISONS BILL.

SECOND READING (MOVED).

THE COLONIAL SECRETARY (Hon. W. Kingsmill): In moving the second reading of this Bill, I am inclined to regret the absence of my predecessor (Dr. Jameson), a gentleman who took the greatest possible interest in prisons, and who indeed may almost be classed as an expert in penology. I think hon. members who have considered the subject—and I hope several have considered it, as this Bill has been before the House for the last few days—will agree that there is great necessity for effecting improvements in the laws relating to our prisons. Moreover, there is not only necessity for improving the laws, but for putting them into such a form that any layman can find the legislation for which he is looking; and members will see by the schedules to this Bill that it repeals altogether no less than 16 of our existing Acts. From this we may gather that the Bill contains in itself all the useful portions of 16 Acts which at present only encumber our statute-book. Dealing first generally with the Bill, one feature must strike members, and I know it has struck me forcibly since I have had the honour of occupying the office of Colonial Secretary—the need for the classification of prisoners. This Bill in several of its provisions goes a great way to legalise and put into concrete shape provisions for meeting that want. It is unfortunately a fact, however, that in many prisons the structural defects are such that much money will have to be spent to secure this end. In some instances, notably in the main prison of the State, a large sum will be needed to render the establishment as up-to-date and as scientific in principle as I am sure the House desires; because we must conduct our prisons, not only with a view to punish criminals and to deter those who might become criminals, but also to exercise some sort of curative influence upon those—and I think there are many—who suffer from criminality as some unfortunate people suffer from diseases. I think much good can be done in this direction; but I am sorry to say our prison legislation makes little, if any, provision for doing it. Again, the management of the State prisons is very important from the point of view of economy; and it is only by passing legislation whereby the best facilities can be provided for utilising the work of the prisoners, of course without unduly interfering with the work of private persons, that we can attain the best result. With the idea of fulfilling both the objects mentioned—first of classifying the prisoners, and thereby improving their condition, and second of doing useful work for the State—one provision in the Bill is for the establishment of penal outstations, mentioned first in Clause 7 and in several other clauses. We have already in the State the embryo of a prison outstation in the settlement which exists at Hamel; but unfortunately, owing to the state of the existing law, the legal status of the gaol at Hamel is somewhat nebulous. The Bill proposes to cure that, and to make provision for additional outstations on a definite legal footing; and I am sure that in them much useful work can be done. The Bill provides that good-conduct, hard-working prisoners may be enabled by the work of their hands, while serving their sentences, to earn some little money, in order that when they meet the world again they may not meet it empty-handed, and so, as frequently occurs, be driven back again to gaol as to a sort of refuge. While on this subject I cannot but refer gratefully to the immense amount of good work being done in this State, and I believe all over the world, by the religious organisation which carries on the Prison Gate Brigade. But the Government feel that this matter should not be left to private enterprise; we feel that men who work hard in expiating their crimes should, if the State receives benefit from that work, themselves receive some benefit; and therefore clauses are placed in the Bill whereby prisoners are enabled to earn some little money, so that they may not face the world with empty pockets. Much in this Bill is undoubtedly left to regulation. Members will notice subclauses dealing with regulations, and

specifying what regulations may be made. This is necessary, because in legislating on so vast a subject as the prisons of the State, if we were to put in the Bill every conceivable difficulty and the remedy therefor, the Bill would be of such a formidable nature as to deter hon. members from considering it; hence the success of the measure when passed will largely depend on the wisdom of the regulations made and on their administration. The regulations, it will be noticed, as is generally the case with such Acts, are subject to the approval of Parliament. Those made during recess must be laid before Parliament within 14 days after it meets, and those made during the session within 14 days after they are gazetted. All regulations are subject to the criticism of members, to whom it is always open to move that any regulation be rescinded.

SIR E. H. WITTENOOM: But they are good law in the meantime.

HON. C. A. PIESSE: That is dangerous.

THE COLONIAL SECRETARY: Sometimes; but I do not see how it can be avoided. Before dealing with the most important clauses of the Bill, I wish to say that the Government intend that our prisons shall have some slight curative tendency, and also that the discipline shall be strict enough to act as a deterrent. We do not wish to make them like the prisons which I believe exist in some parts of the world—places of pleasant retreat from the rigours of winter or the heat of summer; but we wish to make the greatest possible use of those people who have unfortunately become our charges owing to their malfeasances. Dealing with the more salient clauses of the Bill, the first wherein any difference from existing legislation arises is Clause 7. I may mention, however, that Clause 6 provides that all persons who have been sentenced under the provisions of former Acts shall be deemed to be imprisoned under and shall become subject to the regulations of this Bill when it passes. The first mention of the penal outstation to which I have referred is in Clause 7, where the institution is referred to in the singular, and purposely so, because at present we have only one. Another clause dealing with penal outstations is No. 10, wherein it is laid down that the boundaries of every penal outstation shall be declared in the proclamation thereof, in order that the regulations and the provisions of the Bill, which aim at keeping away the public from those prisons, may be thoroughly known to that public. Again, in Clause 30 it is provided that any person in custody may be employed at hard labour beyond the precincts of the prison in which he is lodged, and every such person, notwithstanding such employment, shall, while so beyond the precincts of the prison, be deemed to be within the limits of the prison in which he is lodged. In Clause 32 power is given to the Comptroller General, to whom I shall presently refer, to direct any male prisoner to be taken to a penal outstation for the purpose of labour outside the walls of a prison. In Clause 8, the power of creating a gaol by proclamation, which is at present enjoyed by the Government, is perpetuated, and an additional power is given to proclaim a penal outstation as already stated. In paragraph 3 of Clause 9 is a provision that a person committed to a police gaol may at any time be removed to a gaol by order of the Comptroller General. If we had this clause now in operation, it would afford an easy remedy for such a situation as recently arose on the goldfields, when the Kalgoorlie police lock-up was alleged to be somewhat unduly overcrowded. Had the clause been law, instead of having to wait for a sitting of the Executive Council, with its usual formalities, the Comptroller General of Prisons could at once have ordered the removal of sufficient prisoners from the Kalgoorlie lockup to, say, the Coolgardie lockup, or to any other in the neighbourhood, thus relieving the congestion. Now we come to the Comptroller General of Prisons. At present most of the power conferred by our Acts dealing with prisons is vested in the person of the Sheriff, who also enjoys the additional title of Inspector of Prisons. It is thought that the greater part of the work which he undertakes in respect of prisons is absolutely foreign to his duties as Sheriff; consequently the Government have provided in the Bill for the appointment of an officer with statutory powers therein expressed, to be called the Comptroller General of Prisons, and practically to take over those parts of the Sheriff's

present duties which the Sheriff exercises in his capacity of Inspector of Prisons, but with much less statutory power than he is invested with here. It will also be noticed in Clause 14 the office of Comptroller General of Prisons and that of Sheriff may be held, for such time as the Governor may think fit, by the same person. Clause 15 provides for the control of prisoners and the custody of prisoners.

HON. G. RANDELL: Clause 14 is only temporary.

THE COLONIAL SECRETARY: I do not see why the two offices should not be combined, but to ask the Sheriff to carry out the duties of the Comptroller General of Prisons is somewhat anomalous, and for this reason: it is provided that the Sheriff shall also be called the Comptroller General of Prisons, and in that capacity has to carry out the duties provided by the Bill. It will be noticed that in Clause 13 it is provided that the care of persons who are imprisoned for debt and who are under remand or awaiting trial being naturally in the charge of the Sheriff, their care is vested in the Comptroller General and his officers. Clauses 15 and 16 provide for the appointment of necessary officers. In Part III. of the Bill there is an innovation which is taken from the Imperial Act of 1898. Hitherto in the State it has been the custom to appoint to the position of visitors to the gaol justices of the peace only. It has been found in England and in other countries in gaols where there are a certain number of female prisoners confined that it is desirable to have women visitors. We have not as yet any lady justices of the peace in this country, and the clause provides—

> The Governor may appoint for every prison visitors, of whom two at least shall be justices of the peace, with such powers and duties as may be prescribed.

We are following, in this instance, the lead of England, and I think it a reasonable and fair proposition to make. The duty of visitors is laid down in the Bill. It is provided that any justice of the peace, even though not a visitor, may visit prisoners at any time, with the exception of those under sentence of death.

HON. J. W. HACKETT: Does that mean justices outside the district?

THE COLONIAL SECRETARY: Any justice of the peace in the country.

HON. J. A. THOMSON: Any busybodies who are about.

THE COLONIAL SECRETARY: I do not think there are many persons about who are anxious to go visiting the prisons. I know it is with reluctance I visit the prisons.

HON. J. W. HACKETT: None of us like it.

SIR E. H. WITTENOOM: You propose to make the place more attractive?

THE COLONIAL SECRETARY: I think not. I do not think the prison will be rendered more attractive. If the hon. member will read through the Bill he will see that we do not want to make the gaols attractive but well regulated, and with that object the Bill is brought in. Part IV. deals with management and discipline, and first of all provides for making the regulations of which I have just spoken. For instance, in Subclause 3 it is provided that regulations may be made for the construction and description of cells for the confinement or punishment of persons confined in prisons and the certifying the same as fit for the purpose. Hitherto but little attention has been paid to the size or fitness of the cells in which persons were confined. I hope that will not be so in the future. In the next subclause is provides that the Government make regulations for the safe custody and classification of prisoners. This, again, is a step in the right direction, and one which, I am sure, will be taken advantage of.

HON. G. RANDELL: You have not the buildings.

THE COLONIAL SECRETARY: We have not the buildings, but we are doing the best with what we have. In Subclause 7 power is given to make regulations, as I have already stated, for the safe custody, classification, separation, diet, instruction, treatment, and correction of prisoners. In Clause 22 it is provided that regulations may be made for the treatment of prisoners unconvicted of crime during the period of their detention for safe custody only. This is taken from the Imperial Act which is still in force, and which was passed somewhere about 1880 by Lord

Shaftesbury. It provides for securing communication between prisoners their solicitors and friends, with necessary restrictions which it is desirable to make to secure safe custody and having due regard to good government. Clause 23 provides for the treatment of persons confined on civil process, and is one of the latest Imperial reforms in that direction. In Clause 25, Subclause 2, we find statutory provision for regulations which are to be provided, for the separate confinement of prisoners, and that the cells in which the separate confinement is to take place shall be of such a size and so well ventilated and lighted that prisoners may be confined therein without injury to health. Clause 26 provides that male and female prisoners shall be kept separate. Clause 27 provides for the detention of prisoners guilty of a misdemeanour and not sentenced to hard labour. They shall be divided into two divisions, of which one shall be called the first division, and a misdemeanant of the first division shall not be deemed to be a criminal prisoner within the meaning of the Bill. There are various misdemeanours in the Criminal Code. I have been furnished with a few, and members will see the applicability of this part of the Bill to them. A man may be sentenced for libel; that is a misdemeanour. He may be sentenced for disturbing Parliament; he may be sentenced for an electoral offence; for taking part in an unlawful assembly, or for challenging another man. All these imply the necessity for providing that the person guilty of the lighter form of misdemeanours shall be treated with more consideration than those who are guilty of what may be classed as vicious crime. Clause 29 is a most valuable one, because it provides that persons who are not sentenced to hard labour and who are sentenced sometimes under what is known as the Evil Fame Clause and not sentenced to hard labour, if they do not provide their own keep, shall do certain labour. If the keep and lodging are supplied, the rate for payment will be fixed by regulation. No such prisoner who can maintain himself is to be kept at the public expense. That is a valuable clause, and should be put into operation as often as possible. In Clause 30 we find the two terms of hard labour and penal servitude side by side and spoken of as different things. For some time past the difference has been abolished in this State, but it is mentioned in the clause because, although the distinction has been abolished, there are prisoners in some of the institutions who have been sentenced not to hard labour but to penal servitude, and the clause is made to cover these persons. Clause 32 is new, and I have already mentioned it. That is the clause giving power to the Comptroller General to take any male person to a penal station outside to labour. Clause 33 gives to visitors the power to hear complaints against prisoners by the prison authorities. The complaints against prisoners or the offences complained of are divided into two classes, minor and aggravated prison offences, and it is provided that a visitor who is a justice of the peace may hear and finally determine cases against prisoners in the first class, but he is debarred from doing so in the second class. He has to refer the matter to a magistrate or two justices of the peace for decision. This is done much in the same manner as prisoners are dealt with by the justices court and committed for trial before the Supreme Court. That procedure is laid down in Clause 35. In Clause 36 the punishment for aggravated prison offences is mentioned. Clause 37 defines minor prison offences, and Clause 38 the aggravated prison offences. Clauses 39, 40, and 41 provide for a better report, and the keeping in the journal of the offences and the punishment awarded. Clause 42 provides—

> All corporal punishments shall be attended by the gaoler. The medical officer shall give such orders for preventing injury to health in the inflictions of such punishment as he may deem necessary, and it shall be the duty of the gaoler to carry them into effect. The gaoler shall enter in the punishment-book the hour at which the punishment is inflicted, the particulars of the punishment, and any orders which the medical officer may have given on the occasion.

Part V. deals with what is known as the law of prisons and with the legal standing of those in custody and those who keep the prisoners in custody, also their legal relations one to the other. Clause 48 provides that when a term of imprisonment expires on a Sunday or on certain holidays, the prisoner may be

released a day earlier. Clause 49 gives to the Comptroller General a power which he does not enjoy now, that of giving a prisoner the chance, if he wishes, to go to a certain part of the State when there is a boat by which a prisoner wishes to travel leaving within a day or two of the prisoner's discharge, provided the period is not more than seven days from the end of his sentence. Clause 53 is more or less a reiteration of the clause vesting in the Comptroller General the power of removing from one prison to another those kept in custody. This hitherto had to be accomplished by the somewhat cumbrous method of getting an order from the Governor in Council for that purpose. Clause 55 provides for the temporary removal of prisoners in order to aid in the administration of justice, in cases, for instance, in which they are required as witnesses, or for any purpose which, in the opinion of the Minister, requires such temporary removal. Part VI. is, to a great extent, a reiteration of what already appears in the Criminal Code of our State; but it is thought well to place it here also, in order that we may have as much as possible, and in fact nearly all, of the legislation affecting prisons presented to those who wish to read it in one Act. The clauses in this part are principally declaratory, that is proclaiming certain acts to be crimes within the meaning of the Criminal Code. Clause 62 is new as regards our present legislation, and provides for the punishment of any person who introduces spirituous or fermented liquor, tobacco, opium, or other prohibited articles into prisons. Clause 63 too deals with any person who enters or attempts to enter any prison—it seems peculiar that the law has to provide against persons who wish to get into gaol—and penalises the man who communicates, or attempts to communicate, with any prisoner, or conveys to a prisoner any money, letter, or other document, article, or thing. In Part VII., we come to the general provisions of the Bill. In Clause 66, for instance, it is enacted that a lock-up which at present is used for the ordinary purposes of a lockup by the police, and which by proclamation of the Governor may be made a police gaol, shall and may continue to be used as a lockup, thus doing away with the necessity for elaborating buildings and going to considerable expense in separating the two institutions. This course will be both economical and convenient. Clause 67 provides that any dispute between the Comptroller General of Prisons and the Commissioner of Police in relation to police gaols or lockups shall be decided by the Minister. Clause 68 is a wise provision, which enacts that no prisoner who escapes from custody shall miss any of the time of his incarceration thereby, he having, at the expiry of his sentence, to make up the time which he has spent at large. Clause 69 provides that if the expiry of any prisoner's sentence occur while he is suffering confinement for breach of prison regulations, his sentence shall not expire until the time for which he has been sentenced for such breach of prison regulations has also expired. Clause 70 is most important, and deals with a principle on which I have already touched, enacting that the Comptroller General may provide a prisoner on his discharge with means of returning to his home or usual place of residence, by causing his fare to be paid by railway or in any other convenient manner. Clause 71 provides for commitments under the Debtors Act; and gives to Judges of the Supreme Court the power of making such rules and regulations for the custody of debtors as they may think fit. This is a provision which I think very proper; because a commitment under the Debtors Act is not for the crime of incurring debt, but for the crime of showing a contempt for the court by not paying the money when ordered to pay. [HON. J. A. THOMSON: For being unable to pay.] Theoretically, no; because, as a rule, a man is not committed to gaol for not paying money if he can prove satisfactorily he has not got it. It is only when there is a justifiable suspicion or a proof that he has the money and will not pay that he is committed for contempt; and it has been thought wise to vest in the Judges of the Supreme Court the power of making the regulations for the custody of such persons. Clause 74 it was found necessary to place in the Bill, and it provides for firing upon prisoners by any guard, gaolor, warder, police officer, constable, or other person lawfully charged with the custody of any prisoner under sentence of death or penal servitude, or imprisoned

for any term, while attempting to escape from any prison, or while attempting to assault any guard, etc.; provided that such firing shall appear to be necessary to prevent the escape, or that the assault committed or attempted is of a character apparently dangerous to life or likely to cause bodily harm to the person assaulted or threatened. Clause 77 enables Parliament to check the regulations I have already mentioned. They are to be laid before both Houses of Parliament within 14 days after publication in the *Government Gazette*, if Parliament is then in session, and if not, within 14 days after the commencement of the ensuing session. In Clause 78, which is entitled "Saving of regulations as to tickets-of-leave," we provide that the Bill shall not affect any regulation now in force relating to this matter, because it is thought that to take away certain rights under ticket-of-leave which have for a long time existed in the cases of some prisoners would really affect the validity of the reasons which influenced the Judges at the time of passing the sentences. Clause 79 provides for an annual report of the Comptroller General. The first schedule contains a formidable array of Acts, to which when in Committee will be added a Bill for the repeal of the Act creating Rottnest an aboriginal prison. This has been inadvertently left out, and I have pleasure in informing members that after the passage of this Bill in the form proposed, Rottnest will cease to be a prison for the aboriginal natives of the State. I do not think I need say much more to convince members that this Bill is eminently suited to the requirements of the State. It has been carefully prepared; both the legal and administrative points in it have been repeatedly before the Crown Solicitor and the Inspector of Prisons; and I have pleasure in commending the second reading to the House.

On motion by the Hon. Sir E. H. WITTENOOM, debate adjourned.

ADDRESS-IN-REPLY—PRESENTATION.

At 12 minutes past 6 o'clock the ACTING PRESIDENT, accompanied by honourable members, proceeded to Government House to present the Address in reply to the opening Speech of His Excellency.

At 7·30, Chair resumed.

BREAD BILL.

SECOND READING (MOVED).

THE COLONIAL SECRETARY (Hon. Walter Kingsmill), in moving the second reading, said: I wish to claim the attention of the House for the consideration of a measure which members will recognise as an old friend. This Bill was brought in last year and to a certain extent passed by both branches of the Legislature, but owing to a slight disagreement between the two Houses, it was found impossible to come to terms; so the Bill lapsed. In moving the second reading of the Bill, with which, after the debate which ensued in this House and another place, hon. members are fairly familiar, I do not think any lengthy explanation is needed. I venture to say the Bill as it stands causes no hardship to anybody who is carrying on the trade of baking bread in an upright and honest manner, and we hope it may have a deterrent effect on those persons who sell light-weight bread. That is what the measure is for. If it has not that deterrent effect, it provides machinery by which persons can be punished. I point out to members there are very few states or countries in the world—I doubt if there are any besides Western Australia—where a measure of this sort is not in existence. The oldest English legislation on the subject is dated 1836, and so far has been found to work admirably. The Bill laid before members has its provisions identical in sentiment, and in many cases identical in wording, with some of the provisions of the English legislation, and in cases where the wording is departed from, it is to follow the more modern wording, and to have the same effect as the legislation in the Eastern States. I do not know that I need go through the Bill clause by clause; but if members wish to have their memories refreshed about the provisions of the measure, I shall be glad to do so. If there is any explanation I can give at this stage, I shall be glad to give it to hon. members. [HON. C. A. PIESSE: Tell us all about it.] In the first place we have the defi-

nition of household wheaten bread. I may explain that in this Bill there are four qualities of bread recognised. In the first place there is standard wheaten bread made of pure and sound flour of wheat, and which flour, without any mixture or division, is the whole produce of the grain, the bran or husk thereof only excepted, and which weighs two-thirds part of the weight of the wheat whereof it is made. The next in order to that comes household wheaten bread, which consists of flour which weighs more than two-thirds of the weight of the wheat of which it is made, therefore having in it more of the mixture of the bran, which is practically altogether excluded in standard wheaten bread. Next we have standard brown bread, which is the same as is known as whole meal bread, containing all the product of the wheat; and in a class by itself we have fancy bread, which means twists, collars and scone, Coburg and pipe loaves under two pounds in weight. The Bill provides:—

All bread for sale, other than standard wheaten bread or standard brown bread, or rolls and fancy bread, shall be marked before it is baked, and so that the mark is plainly visible on the loaf when baked, as follows: All household wheaten bread shall be branded on each loaf with the large Roman "H." All mixed bread shall be branded on each loaf with the large Roman "M."

Members will see that by this provision any person could easily ascertain what class of bread he is buying. Standard wheaten bread is made up in certain classes or loaves, and therefore is easily distinguishable from fancy bread or rolls, and household and mixed bread bears the letters which the Bill provides should be imprinted on them. I also wish to point out that as about 90 per cent. of the bread other than fancy bread is standard bread, the provision that loaves should be marked does not inflict any hardship to speak of on the purveyors of bread in Western Australia. Clause 5 provides that bread shall be sold in loaves at fixed weight. This is theoretically the case already, but I may say that it is only theoretically the case. It is a peculiar state of affairs. If a man goes into a butcher's shop and wants 2lbs. of meat he gets 2lbs. of meat, but if a man goes into a baker's shop and asks for 2lbs. of bread, he does not get 2lbs., but what is known as a loaf of bread, which theoretically weighs 2lbs. It is that the consumer shall rest satisfied that the loaf indeed weighs 2lbs., and not less, that the Bill is introduced.

SIR E. H. WITTENOOM: Like the reputed ton of firewood.

THE COLONIAL SECRETARY: Yes; like the reputed ton of firewood or coal. Clause 6 provides that no bread shall be sold if made of impure flour, and the definition of impure flour is given. Clause 7 provides that avoirdupois weight shall be used. Clause 8 provides that scales shall be kept in the shop, and in Clause 9 we come to, if I may mention it in connection with bread, one of the bones of contention of last year, whether or not scales shall be carried on the carts purveying bread. It was asserted that this was not the case elsewhere, and I assured the master bakers that if it was found not to be the case elsewhere I would not insist on the provision being inserted, because being an innovation, it might prove somewhat irksome. On telegraphing to the Eastern States, and the replies are on the file, I found the information that was supplied as to the non-carriage of scales on the carts was somewhat inaccurate, and that these provisions of the Bread Acts of the other States instead of being a dead letter as represented, are rigidly enforced. That is the reason why the clause finds its place in the Bill at present. Clause 10 provides for the non-sale of unsound flour. Clause 11 provides that no impure bread shall be sold. Clause 12 provides: —

Any justice of the peace, or police constable authorised by him, and any inspector may, at any time, enter the premises of any person who sells, or offers or exposes for sale, or bakes bread, or grinds, dresses, bolts, or otherwise treats for sale any grain, meal, or flour, and—(*a.*) See that the provisions of this Act are observed; (*b.*) Test all weights and scales, and seize such as are not true and accurate; (*c*) Test and weigh any bread; (*d.*) Test and examine all meal, or flour, or dough; (*e.*) Seize and take any sample or samples of any dough, bread, meal, or flour; (*f.*) Seize and take any adulterated, impure, or unwholesome dough, meal, or flour, or any mixture or ingredient which appears to be intended to be used for the purpose of adulteration. Any Justice of the Peace, or police constable authorised by him, and any inspector may stop and search any person carrying bread for delivery, and any basket, cart, or other means used by such

person for the transit or delivery of bread, and, in connection therewith, do all or any of the matters aforesaid.

But I would point out the strongest point of the Bill is the fact that to a very great extent the general public themselves have an opportunity as long as scales are carried on vehicles for that protection which is needed. At all events the scales on the carts have a most deterrent effect, and if a deterrent influence is exercised, good will be done. People will be assured, when buying bread, that they are getting a loaf 2lb. in weight. It is not proposed to make a constable a justice of the peace because it is not compulsory on a justice of the peace to undertake this work. Any justice of the peace who does not take an interest in the well-being of his fellow subjects to see that a good and sufficient loaf is being provided, can avoid this duty and so to speak "pass by on the other side." If there are justices of the peace so public-spirited as to see that the provisions of the Bill are carried out, power is given to them to go to a shop or send a constable, to ascertain and carry out all the provisions of the Bill, which I think are reasonable. I do not think a justice of the peace would be actuated by such motives as might actuate an opposition baker. Clause 13 provides that the baker shall not suffer through the accident of having one or two loaves short in weight. It is often said, and has been said in opposition to this Bill, that it is difficult to be absolutely accurate as regards the weight of every loaf. That is not required of the baker by the Bill, which provides that the weight, not of one loaf but of not less than six, shall be taken; and thereby we maintain that a decent average can be struck. Clause 14 provides that no person shall hinder any search authorised by the Bill.

HON. G. RANDELL: You have left out the word "wilfully."

THE COLONIAL SECRETARY: I do not think there is any objection to putting it in if the hon. member wishes. Clause 15 provides for what I have just called the automatic protection of the public, or their protection by themselves. It enacts that the purchaser may require bread to be weighed. Clause 16 deals with baking on Sundays, and is the result of a long debate in another place. Clause 17 provides that the council of a municipality may appoint inspectors. Clause 18 details the various offences under the Bill.

SIR E. H. WITTENOOM: Will the Minister explain Clause 16? What is the meaning of the provision that a baker shall not bake anything before 7 p.m. for sale on Sunday? What would be the use of his baking anything after 7 p.m. on Sunday for sale on that day?

THE COLONIAL SECRETARY: Perhaps the hon. member's difficulty will be overcome by omitting the comma after the word "sale." The clause will then provide in effect that no person shall bake on Sunday, before the hour of 7 p.m., any article for sale, without the permission of the inspector, except so far as may be necessary to set and superintend the sponge. Clause 18 provides penalties to which offenders are liable, and Clause 19 provides that a servant doing prohibited acts is liable. Some members say that is not fair; but it adds a valuable deterrent influence against the wilful manufacture of short-weight bread. If a servant knows that he is liable, not only is he disposed to call the attention of his employer to a shortage, but the employer is prevented from sheltering himself behind the excuse that the servant is liable. I think that a reasonable provision. Clause 20 is a purely legal clause concerning the judicial notice of the appointment of inspectors. Clause 21 provides that bread on the premises of the baker shall be deemed intended for human consumption. That again robs the dishonest baker—of whom alone I am speaking—of another shelter under which he might screen himself from the operation of the Bill. Clause 22 provides for the seizing of bad flour or defective scales, either of which would be inimical to the spirit of the Bill. Clause 23 enacts that all offences shall be prosecuted within three months after commission. I forget for the moment the significance of the repeal Clause 24, but will look it up and explain it to members while in Committee. This appears to me a Bill to which little objection can be taken, and I trust it will meet with a better fate this time than it met last session. I move the second reading.

HON. G. RANDELL (Metropolitan): I have only one or two words to say. I believe a motion will be made for the adjournment of the debate, and I think quite rightly, so that members may have some farther time to consider this Bill and compare it with similar measures of other countries. I have not had an opportunity of comparing it with the English and the Victorian Acts, but there were in the Bill of last session one or two clauses which to my mind were not so plain and clear as the corresponding clauses in those statutes. These may have been amended in this draft, though I cannot ascertain that without reading it through. I think a construction could be placed on Clause 10 which certainly is not intended; that is, it may be made applicable to private houses: "No person shall, for the purpose of human consumption, sell or purchase, or have on his premises, any impure, unsound, or unwholesome flour."

THE COLONIAL SECRETARY: Insert the words "for sale" after "premises."

HON. G. RANDELL: I wish also to point out that some of the subclauses of Clause 12 apply not only to the baker, the confectioner, and the seller of bread, but to the miller also. Perhaps Mr. Piesse will take note of that. As to the carrying of scales, I voted for that last session, and think it right that the carter should carry scales to weigh the bread if the purchaser so desires. I do not feel strongly about the reinsertion of the word "wilfully" in Clause 14; but that was added by this House last session, after a long discussion and considerable argument. As to Sunday labour, I am quite in accord with Clause 16 as it stands. However, one hon. member moved last session that the hour mentioned should be five o'clock, and I think he gave some fairly good reasons for his action, which I believe was the result of a conference he had with some of the bakers of Perth. However, it is a small matter whether bakers must wait till 5 p.m. or till 7 p.m. before being allowed to bake bread on Sundays. I see they are permitted to prepare the bread by mixing the yeast, and so on, before 7 p.m. Perhaps the Bill is needed. I am not much in favour of this class of legislation; but seeing that it prevails all over the world, and that the customer has a right to be protected against bad food, and knowing as we do that in other countries bakers will give short weight and sell inferior bread, though this never happens in Western Australia, I presume we have a right as far as possible to protect the public. I think it our duty to protect them against dishonest tradesmen. Reserving to myself the right of considering and seeking to alter some of the clauses when passing through Committee, I agree with the principle of the Bill.

On motion by the HON. A. G. JENKINS, debate adjourned until the next sitting.

ADJOURNMENT.

The House adjourned at 7·56 o'clock, until the next day.

Legislative Assembly,

Tuesday, 28th July, 1903.

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

PRAYERS.

QUESTION—PREMIER'S STATEMENTS, UNEMPLOYED LABOUR.

MR. BATH (Hannans) gave notice that he would ask the Premier the following question:—

1. Did the Premier make the following remarks in his policy speech at the Town Hall on July 3rd:—"The State clamoured on every hand for men prepared to work, and the present difficulty was entirely temporary. He would be sorry to think that there was not