

House, and understood from him that it was the rule. He (Mr. George) would like to know if he was correct in thinking the vote was wrong.

THE CHAIRMAN: A seconder was never required in Committee.

MR. MORAN: Not under Rule 160?

THE CHAIRMAN: That was his ruling: he might be wrong.

MR. GEORGE asked for the ruling of the Speaker.

SPEAKER'S RULING.

THE SPEAKER (having resumed the Chair, and the point of order being stated) said:—There is no necessity, when the House is in Committee, for any question to be seconded.

IN COMMITTEE.

MR. GEORGE (referring to the item): What was the meaning of "development generally"? Did it mean development of common sense and courtesy in Government supporters?

MR. WOOD moved that progress be reported.

Put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 11:45 o'clock until the next day.

Legislative Council,

Tuesday, 5th December, 1899.

Papers presented—Question: Supreme Court, New Building—Registration of Firms Act Amendment Bill, third reading—Mines Regulation Amendment Bill, second reading—Fisheries Bill, in Committee (resumed), recommittal, reported—Federation and the Commonwealth Draft Bill, order postponed—Companies Act Amendment Bill, first reading—Seats for Shop Assistants Bill, first reading—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Annual Report of Public Library; 2, Plans (building) of proposed Supreme Court-house.

Ordered to lie on the table.

QUESTION—SUPREME COURT, NEW BUILDING.

HON. A. P. MATHESON asked the Colonial Secretary: 1, Whether he had any objection to laying on the table of the House, for the information of members, the plans of the proposed new Supreme Court. 2, Whether any decision had been come to as to the site of the new Supreme Court; and, if so, what site had been selected.

THE COLONIAL SECRETARY replied:—1, There is no objection. The plans are now on the table. 2, A motion was to be tabled in the Legislative Assembly, that a committee of both Houses be appointed to assist the Government in deciding upon the most suitable site. That proposal will come down to us in due course.

REGISTRATION OF FIRMS ACT AMENDMENT BILL.

Read a third time, on motion by the COLONIAL SECRETARY, and *passed*.

MINES REGULATION AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell): In moving the second reading of this Bill, I am placed at some disadvantage, as I have had the

misfortune to mislay my copy of the measure and my notes. However, the intention is that the Bill shall be incorporated with the Mines Regulation Act of 1895, and that the operation of the Act shall be extended to other mines. It is also intended to apply the principles of the Steam Boilers Inspection Act, passed in 1897, so that they may come into operation in those mines. The measure provides for the repeal of Section 2 of the principal Act; also Section 9 of the principal Act has been amended, by adding certain words whereby the Governor may from time to time appoint or reappoint or remove a board of examiners. The Bill provides also for the ventilation of mines, an important subject which is dealt with effectively in Clause 10. The measure enlarges the scope of the original Act by adding to "steam" the words "air or electricity." The clause also provides that, save in the case of breakage or other emergency, a driver of an engine shall not be employed in other kind of labour after a period of eight hours. It is highly desirable that persons who have charge of machinery and engines, especially engines used in hauling and lowering cages, men's lives being at stake, should hold a first-class certificate of competency granted by a board of examiners, and the Governor should, as far as possible, see that only certified men are employed in this work. Provision is also made for second-class certificates for men who have sufficient knowledge of steam engines and boilers to take positions, though of less responsibility than those which necessitate first-class certificates. The Bill provides for the disqualification, after an inquiry, of holders of certificates for misconduct, or for committing offences, and also saves certificates issued before the Bill comes into operation. Clause 22 provides for a penalty on engine-drivers for working or being employed to work, without proper certificates; and the penalty is necessary to make effectual the provision for securing the services of competent men. Clause 23 is an important one dealing with the hours of employment; but, personally, I am not able to speak as to the desirableness, or necessity, of such a provision in regard to mines, of which I have no experience. But the principle prevailing now-a-days is that

the men shall be limited to 48 hours' work per week. Of course, we know that cannot be carried out in every case, but Clause 2 provides:

No person shall be employed for hire, except in cases of emergency, below ground in any mine for more than forty-eight hours in any week, nor more than eight hours in any day, and a person shall be deemed to be employed below ground from the time that he commences to descend a mine until he is relieved of his work and commences to return to the surface.

That seems to me a very humane regulation; and, if the mines are kept continually going night and day, three shifts will, of course, be necessary in the 24 hours; and it is to be hoped that the mines of this country are able to stand this strain, as I dare say most of them are. At any rate the health of the miners must be taken into consideration, and eight hours work below ground seem ample for any man, while a longer time would probably result in some injury to health or bodily vigour.

HON. J. W. HACKETT: Does the Bill provide for six days work per week?

THE COLONIAL SECRETARY: There is another Bill before Parliament, providing for the cessation of work on the Sabbath.

HON. J. W. HACKETT: Will that Bill come here?

THE COLONIAL SECRETARY: I cannot tell the hon. member that.

HON. J. W. HACKETT: Because that Bill is more important than the eight-hours provision.

THE COLONIAL SECRETARY: That other Bill provides for a cessation of all work on the Sabbath, except such as must be undertaken in places where an immense amount of machinery is in operation; but that measure has nothing to do with the Bill before us. Clause 24 of this Bill provides for a code of signals, and this I regard as most important, because the want of a code of signals must of necessity cause trouble in such places as mines, and lead to misunderstandings and difficulties in many directions. Clause 26 deals with the way in which coroner's inquests must be managed, but I need not trouble the Committee by referring further to that provision. Clause 27, which is important, reads:

Wherever in the principal Act the words "mineral district" occur, they shall be read "mining district."

Clause 28 is the usual clause which gives the Governor power to make, repeal and alter regulations for carrying the Bill and the principal Act into effect. With these few remarks I move the second reading of the Bill.

HON. A. P. MATHESON (North-East): This Bill has received a great deal of attention in another place, and very little fault is to be found with the measure as it stands. There are one or two alterations, however, which I propose to suggest, and I at this stage would ask the Colonial Secretary whether he intends to take the Bill into Committee to-day.

THE COLONIAL SECRETARY: Unfortunately, I have mislaid my notes and amendments, and I shall have to postpone the Committee stage until the next sitting. The definition of "mine" in the Bill will have to be altered, inasmuch as it conflicts with the definition in the principal Act; and an amendment is required in Clause 1, from which some words have been omitted.

HON. A. P. MATHESON: One of the chief points in the Bill is the inclusion of machinery worked by gas and oil. At present the only machinery for which an engine-driver requires a certificate is that worked by steam, water, air, or electricity, and the Engine Drivers' Association desire gas and oil machinery to be included in the Bill. I should like to call attention to Clause 16, which endeavours to a certain extent to introduce a law to which the representatives of the goldfields have always been strenuously opposed, and to which they objected when Mr. Wittenoom was Minister of Mines. This clause throws the onus on mine owners of furnishing the inspector with copies and tracings of plans of mines, whenever these are asked for; but the present Act gives the inspector quite enough power. To trace plans frequently is expensive, and takes up a great deal of time, and it is only fair that, if the Government officials require tracings, they should furnish them for themselves. For reference, the plans of a mine can be seen at any time, as provided in the Act, and the clause throwing the onus on the mine owners is quite unnecessary, and would result in great hardship. With these exceptions, I do not think there is any fault to be found with the Bill.

THE PRESIDENT: May I suggest that the hon. member adopt the same course as has the Colonial Secretary, and place his proposed amendments on the Notice Paper for the next sitting?

Question put and passed.

Bill read a second time.

FISHERIES BILL.

IN COMMITTEE.

Consideration resumed from 28th November, further discussion on Clause 6.

Clause 6: Offences:

THE COLONIAL SECRETARY moved that in Sub-clause c, line 3, the words "three inches from knot to knot" be struck out, and "prescribed" inserted in lieu thereof; further, that in line 6, all words from "or" inclusive to end of clause be struck out, and "shall be guilty of an offence against this Act" inserted in lieu thereof.

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

Clause 7—Order of casting nets on arriving at fishing ground:

HON. F. M. STONE moved that the clause be struck out. Since the Bill was before the Committee, he had seen some fishermen who had had long experience of seine netting and prawn netting, and although they agreed with the principle, there was a difficulty under this clause of determining what was a "fishing ground." They were of the same opinion as himself, that a fishing ground would be perhaps some considerable area; and when a boat got on to that, perhaps no other boat would be allowed to come within 400 yards. His own opinion was that a fishing ground was where the fish generally fed. The Canning Rocks were a particular fishing ground where the fish fed. With reference to prawning, fishermen used to prawn by dragging from the deep water into the shallow water, but now they prawned right along the bank, so they might go a distance of 400 or 500 yards. A person to whom he spoke on the subject said a bank was a particular fishing ground, and that under the Bill a person hauling along this distance of 400 or 500 yards would prevent another boat from hauling over it, and that it was necessary to provide that no other boat should fish within a certain distance. As

to the distance of the net, this person was uncertain about it. A different distance was required for prawning as distinguished from fishing. This fisherman said what was wanted was that a person should not be able to cast his net within 25 yards of that of another who was hauling prawns. It would be better to drop the clause now, as it would only be for this session, because we should amalgamate both measures next session.

THE COLONIAL SECRETARY : There was no objection on his part to the course proposed. He believed the intention of the framers of the measure was to prevent quarrelling among the fishermen; but as the fishermen were not quite able to agree on the question, we might leave the clause out for this session; and if it were afterwards found desirable to give the subject further consideration, the clause might be introduced into a measure another year. This measure would be an amending Bill, allowing the old Act to stand.

Motion put and passed, and the clause struck out.

Clauses 8 to 12, inclusive :

THE COLONIAL SECRETARY moved that these clauses be struck out.

Put and passed, and the clauses struck out.

Clause 13—Minister or J.P. may authorise persons to search for nets; Inspector appointed under this Act may search for nets :

THE COLONIAL SECRETARY moved that the first paragraph be struck out, and that after the word "Act," in line 1, paragraph 2, the words "or any police officer or constable" be inserted.

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

Clause 14—Governor may make proclamation :

THE COLONIAL SECRETARY moved that the following be inserted as the first paragraph :

Exempt any portion of the colony specified in such proclamation from the operation of this Act, and may in like manner revoke such proclamation.

HON. J. W. HACKETT : Were the other powers of proclamation to stand ?

THE COLONIAL SECRETARY : Yes. Amendment put and passed.

THE COLONIAL SECRETARY further moved that after the word "nets,"

in line 2, paragraph 3, there be inserted "whether generally or for certain places or times, for the carrying of lights by licensed boats engaged in fishing."

Put and passed, and the clause as amended agreed to.

Clauses 15 to 17, inclusive—agreed to.

Clause 18—Act not to apply to aborigines :

THE COLONIAL SECRETARY moved that the words "otherwise than by means of any weir or hedge" be added to the clause.

Put and passed, and the clause as amended agreed to.

Clauses 19 and 20—agreed to.

Schedules :

THE COLONIAL SECRETARY moved that the schedules be struck out.

Put and passed, and the schedules struck out.

Preamble—agreed to.

Title :

THE COLONIAL SECRETARY moved that the words "regulate fishing" be struck out, and "amend the Fishery Act 1889" be inserted in lieu thereof.

Put and passed, and the title as amended agreed to.

Bill reported with amendments.

RECOMMITTAL.

On motion by the **COLONIAL SECRETARY**, Bill recommitted for amendments in Clauses 1, 2, 3, and 5.

Clause 1—Short title and commencement :

THE COLONIAL SECRETARY moved that all words after "the," in line 1, be struck out, and the following inserted in lieu thereof: "Fishery Act Amendment Act, 1899, and shall be read as part of the Fishery Act, 1889, hereinafter referred to as the principal Act, and shall come into operation on the day of _____, 1900." He had purposely left the date blank in order to consult the Committee. The 1st of January next seemed to be rather early, but if Mr. Stone thought it would do, that date could be inserted.

HON. F. M. STONE : The 1st of March.

THE COLONIAL SECRETARY filled in the blanks as suggested.

Amendment (with date inserted) put and passed.

Clause 2—Repeal:

THE COLONIAL SECRETARY moved that the clause be struck out.

Motion put and passed, and the clause struck out.

Clause 3—Interpretation:

THE COLONIAL SECRETARY moved that the definition of "fish" be struck out, and the words "'fish' includes crustacea" inserted in lieu thereof; also that in the definition of "fisherman's license" the words "to catch fish for sale" be struck out; also that the definition of "inspector" be struck out, and the words "'inspector' means an inspector or sub-inspector of fisheries appointed under the principal Act" inserted in lieu thereof; also that between the definition of "Minister" and the definition of "proclamation" the following definition be inserted: "'Prescribed' means prescribed by this Act or the principal Act and the regulations thereunder, or under the principal Act"; also that in the definition of "Western Australian waters," the words "not exempted by proclamation from the operation of this Act" and be inserted after "waters."

Amendments put and passed.

Clause 5—Fishermen fishing for sale to be licensed:

THE COLONIAL SECRETARY moved that in line 1, after "sale" the words "with a seine net" be inserted.

Amendment put and passed.

THE COLONIAL SECRETARY further moved that in line 3, after "purpose" the following words be inserted: "and no person shall fish with a seine net, except for shell fish, unless he is the holder of a fisherman's license."

HON. F. M. STONE moved as an amendment on the amendment, that the words "except for shell fish" be struck out.

Amendment on the amendment put and passed, and the amendment agreed to.

THE COLONIAL SECRETARY further moved that in line 10 the words "and" and "such" be struck out; also that in line 16, the words "with a seine net, except as aforesaid," be inserted between "sale," and "without."

Amendments put and passed.

Bill reported with further amendments, and the report adopted.

FEDERATION AND THE COMMON-WEALTH DRAFT BILL.

Order of the Day, for consideration of the Legislative Assembly's resolution as to a referendum on the Commonwealth Draft Bill:

THE COLONIAL SECRETARY: In view of the vote taken the other evening, I do not propose to go on with this Order of the Day.

HON. J. W. HACKETT: Should not a reply to the message be sent?

THE COLONIAL SECRETARY: The matter has been dealt with in another way. This question is now in the position of a Bill which has been dropped.

HON. J. W. HACKETT: It is desirable that a reply should be sent.

THE COLONIAL SECRETARY: I move that the Order be postponed until to-morrow.

Motion put and passed.

COMPANIES ACT AMENDMENT BILL.

Received from the Legislative Assembly and, on motion by the COLONIAL SECRETARY, read a first time.

SEATS FOR SHOP ASSISTANTS' BILL.

Received from the Legislative Assembly, and, on motion by HON. F. M. STONE, read a first time.

ADJOURNMENT.

The House adjourned at 33 minutes past 5 o'clock until the next day.