I hope my Bill will not be altered in the slightest, because without that complete local option we are hypocritical, we are distrustful of the people, we are failing in our obligation to them, and we are illogical in the extreme.

Question put and passed.

Bill read a second time.

House adjourned at 6.43 a.m. (Thursday).

Legislative Council,

Thursday, 27th November, 1913.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Wagin Local Board, Amended By-law No. 12; 2, Bunbury Harbour Board Annual Report for year ended 30th June, 1913.

BILL—PEARLING ACT AMENDMENT.

Introduced by the Colonial Secretary, and read a first time.

BILL—LAND VALUATION.

Second Reading.

Debate resumed from the 25th November.

Hon. C. A. PIESSE (South-East): In speaking as one who never fails to urge every man and woman in this State to accept the responsibility of land ownership, and I say also the dignity of land ownership, it is my duty to carefully watch all legislation which may tend to make that ownership irksome or unprofitable. The Bill before us seeks to fill a very necessary want, but there are some provisions contained in it which I have no hesitation in saying will create objectionable conditions which will not fill that want. The State and the local governing bodies would gladly hail a basis of valuation in order to get standard unimproved values established, but I fear that this Bill will fail to accomplish that. It must not be forgotten that so far as we are concerned, even if this Bill is passed, and standard values are established, there will be no guarantee that the Federal valuers, who are now pinching us somewhat in connection with their land valuations, will accept the valuations of our State officers; therefore we will still have a continuation of the present varying values which this Bill seeks to remedy, and thus the trouble will still be with us. If this Bill becomes the law, which I trust it will not, while I admit that it might do away with a lot of the confusion which exists, still it will not do away with the whole of the confusion, and the Federal people will ignore, as they have ignored in the past, the valuations fixed by the State Taxation Department and the local bodies. I had some papers showing beyond doubt the difference in their figures, but unfortunately I have left them at home. If the Bill reaches the Committee stage, however, I will quote them to the House, to illustrate exactly what has taken place in regard to valuations made by the State Taxation Department, the local governing bodies, and the Federal Land Taxation Department. I can safely say from memory, however, that the Federal people have in many instances brought in an unimproved value three times as great as that of the State valuation, and this has happened again and again. As the Bill contains nothing that can compel the Federal officers to recognise the valuations made, it will not overcome the trouble which exists. The

Federal authorities represent a different Government altogether, standing over the heads of the State Government, and they fix their values to please themselves. I desire to say at the outset, in order to save time, that I endorse every expression of opinion that has fallen from the hons. Mr. Moss and Mr. Cullen, in regard to this Bill. This State cannot afford to establish a new department with the small army of civil servants who would be required to successfully carry out a measure of this kind. It is idle talk for the Government to say that they can run a big department like this with some of the spare officers already in the department. If they have too many officers in the civil service, officers who would be able to do this work, they should retrench them, for they have no right, in view of the present state of the finances, to retain the services of such officers if they have not profitable work for them to do. If the Bill survives the second reading stage, there is much in it that will need to be amended, and many new clauses will be required. Above all, there must be provision for a circuit court, the same as obtains in New Zealand in order to hear all appeals on the spot irrespective of the value of £1,000 stipulated in the Bill. Such a court would have to hear all the objections in the particular district being dealt with. I would suggest, in connection with this matter, that the court should consist of a judge of the Supreme Court, an officer to represent the department, and a local resident of each district. It is very necessary to have a judge of the Supreme Court, a man who would be outside all political influence.

The Colonial Secretary: You mean in all cases.

Hon. C. A. PIESSE: Yes, to hear all appeals. A local resident would be able to bring to bear the local knowledge requisite in such a court. This is the only way in which it would be possible to do justice to these districts. The districts should be of a fair size, and it would not be any tax on the court to visit each district in its turn. I certainly will not agree to these appeals being placed in the hands of resident magistrates; they have more work now than they are able to do. I consider the resident magistrates are more sweated than anyone else in this State, and were it not for the work which the honorary justices perform they would never get through their duties. In New Zealand some of these appeal cases occupy several days, and I ask hon. members to fancy a local magistrate being called upon to do this work under such circumstances. To my mind Clause 43 is one of the most objectionable features of the Bill. I will not dwell upon it further; hon. members can read it for themselves. I wish to refer to the simile instanced by the hon. Mr. Cullen in regard to this question. That simile went to show that the values of land continue to grow, grow, grow. I question whether the time is ripe for the introduction of such a measure, containing such conditions? I have an instance in mind in connection with the remarks I made regarding the Federal land tax officers. I offered to take a certain price for a piece of land which had been in the market for two years at that figure. Then there was a jump in the price of land. They come along in the third year and valued this land and made the value go back so that the land was worth £200 more than I was prepared to take for it at that time. It goes to show how values change in a country like this. We are getting along fairly well under the present arrangements that are made for valuations. If values are fixed by this Bill we have no assurance that the Agricultural Bank, the Savings Bank, or the Workers' Homes Board will use the values. If they are no good to these institutions they are no good to us as a community. In this way a very important principle of the Bill would be nullified. The Minister could give us no assurance that these institutions would accept the valuations. He said they might. I say if this Bill is going to establish values they should be recognised values for all commercial institutions, and the institutions which are attached to the State, such as the

Agricultural Bank, Savings Bank and Workers' Homes Board. Without going fully into the clauses I object to most, I wish to say that the Bill should be shelved this session, so as to allow the people and the local governing bodies to be consulted. This Bill affects every piece of land in the State, even if it is only a little piece of a quarter of an acre.

The Colonial Secretary: It does not apply to the whole of the State straight away.

Hon. C. A. PIESSE: That is a bad feature, too. It should apply, if at all, to the whole of the State straight away.

The Colonial Secretary: You would have a very big department to establish.

Hon. C. A. PIESSE: By the time a certain portion of the State is adjusted and they would go on to another, it would be found that portions already dealt with would be like a child which has grown right out of its clothes. There is nothing in the Bill to prevent the Government from introducing and establishing high unimproved values for taxation purposes. On the other hand, it can be made to prove a means of doing this, and I am not prepared to trust the Government with a Bill of this kind. On these grounds, and on the grounds that the State cannot afford to establish another costly new department, together with the prospect of costly litigation from all appeals of over £1,000 unimproved value passing through the Supreme Court and the failure to provide circuit courts to deal with all appeals in each district irrespective of value of land, I have no choice but to move an amendment to the motion—

That the word "now" be struck out and "this day six months" added to the motion.

Hon. H. P. COLEBATCH (East): I have much pleasure in seconding the amendment. I do not know that there are many new points which I can bring forward against this Bill, but one or two that have been mentioned I would like to emphasise. I always take up the attitude that when a Bill is presented to us which we will have to drastically amend in regard to its more essential provisions, the better course for us to pursue is to throw it out and intimate to the Government that they should introduce something more in keeping with our desires, rather than that we should, as has been done in other cases, spend days in amending Bills which are subsequently dropped. During the recess I hope the Government will cause some inquiry to be made, perhaps in the nature of a Royal Commission, as to the working of the present system of land valuation for taxation purposes. I admit there is a good deal to be said in favour of uniform valuation for local and State purposes, and doubtless if enquiry of that kind is made the Government might be enabled to introduce next session a measure that will meet all requirements. In my opinion, the powers given in this Bill to the valuers are in excess of what they ought to be. They are given power to demand the production of and to examine any books or documents relating to or containing any entry relating to such land. In my opinion, the powers that are necessary for valuers to have might be fairly expressed for all purposes without giving them such extensive powers as are given under this Bill. It is so provided that the owner of land might be required by a valuer to produce every book he has got, and I do not think it is necessary that the valuers should be allowed to pry into the business of people to that extent. I agree nevertheless that the valuer should have sufficient power to enable him to arrive at a correct valuation. Some of the powers given are probably very necessary, but, in my opinion, some are very far-reaching, and are likely to be abused if the clause was passed in its present form. Under this Bill, members of the farming community, for instance, would be practically prohibited from appealing. We might take it for granted that every farmer who has a chance of succeeding has an unimproved value on his land of £1,000, roughly speaking, and under this Bill his only appeal would be to go to the Supreme Court, and in 99 cases out of 100 the cost of appeal to the Supreme

Court would be absolutely prohibitive, because even if the person wins, it would cost him five or six times more probably than he could save in his taxation. Therefore, the provision contained in the Bill is likely to prohibit any farmer from appealing. To suggest that any man, in order to save himself one or two pounds per annum in taxation, should be compelled to go to the Supreme Court, is undoubtedly unfair, and against the interests of the people in this country. I understand that in New Zealand they have a permanent board to act as a court of appeal, and that it is cheap and easily approached. At any rate the provision in this Bill for appeal is entirely inadequate. We have to consider also the question of what would have to be the cost of this department. Possibly we may find in this measure some explanation for the action of the Government in introducing their Land and Income Tax Bill. The Colonial Secretary said this Bill is not to be applied to the State as a whole, but to some portion of it.

The Colonial Secretary: Gradually.

Hon. H. P. COLEBATCH: Whatever portion of it these particular provisions are applied to, the cost of valuation will eat up the whole of the revenue derived from the tax under the present scale, and therefore to my mind it is obvious that if we pass this Bill we must pass the increased land tax, otherwise if this Bill is put into operation and the existing land tax remains, practically the whole of the tax will be swallowed up in the cost of making these valuations. I believe in the principle of uniform values, and I hope that during the recess the Government will, perhaps by means of a Royal Commission, or some other means, have the present system of land valuation thoroughly inquired into, so that next session they may be able to submit a Bill which will meet with the approval of this Chamber.

Hon. W. KINGSMILL (Metropolitan): I find myself compelled to support the amendment. The Bill we are now considering seems to be so intensely technical that I think there is nobody in the House who is justified at this juncture in laying down a hard and fast opinion on its principles. Even if it survives its second reading, I maintain it is essentially a Bill which should be referred to a Select Committee of this House for full inquiry, and for the calling of evidence from those expert persons whom we have in our midst who would be able to shed some light on the technicalities contained in such a measure. Moreover I think no Government in the condition of financial stress which the present Government are in are justified in bringing forward a measure of this sort, which must result in great expense indeed without any additional revenue coming from it, unless additional taxation is imposed. As the hon. Mr. Colebatch has said, this Bill has an ominous appearance and it would seem that if the land tax is left as it is at present, all the revenue derived from it must be eaten up with the expenses of valuation. That being so, it looks as if this Bill were but a prelude to further taxation, which the State cannot stand. For these reasons I shall support the amendment moved by Mr. Piesse.

On motion by the Colonial Secretary debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

Read a third time and returned to the Legislative Assembly with amendments.

BILL—MINES REGULATION.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clause 68—Compensation on injury to or death of worker:

Hon. D. G. GAWLER: The clause really meant that if negligence was proved it remained then only a question of damages. Had the previous clause remained that would have made the operation

of Clause 68 all the more harsh. The operation of the Employers' Liability Act would be wiped away under the clause in question. Under that Act there were always certain defences open to an employer. If Clause 68 was passed everyone of those defences would be swept away. A case was quoted by Mr. Clarke on the previous evening, which went to show that employees in certain cases had been deliberately negligent, and under the law as it now stood it would be open for the employer to plead that, but if this clause was passed the employer would not be able to say that the servant had contributed to the negligence, that he had done a certain thing with a full knowledge of the danger associated with it, or that the injury was unavoidable. We were now going to make a drastic change in the law. If a man could not get compensation under the Workers' Compensation Act then he would proceed in a civil court and this clause would operate, and the employer would not be able to turn round and make any defence. Under the Act of 1895 there was a somewhat similar clause, but there was a proviso which declared that in estimating damages and deciding the question of costs, due regard would be had to the extent the person injured or killed had contributed by negligence to that injury or death. That proviso, however, was not included in this Bill.

Hon. J. E. DODD: It was pointed out by Mr. Gawler that an employer would not be able to make any of the defences to which he had referred under this clause. The clause provided that a person might sue.

Hon. D. G. Gawler: Might recover, and that means that it is only then a question of damages.

Hon. J. E. DODD: Did the hon. member mean to say that a jury would give damages if a man had been proved to be guilty of negligence in connection with an accident that had happened? We set out regulations and provided that they should be obeyed and if an employer broke those rules, and the death of some person was caused thereby, or some person was incapacitated, why should not the employers be compelled to pay compensation?

Hon. A. SANDERSON: When accidents happened someone had to bear the burden. Under the old system it was the man himself, but under the present system, as he understood it, it was the public to a large extent, if the insurance did not cover him in the accident. The whole question of workers' compensation was a very vexed one, and the interpretations were difficult to follow. If the common law provided the remedy, what was the explanation of the different Workers' Compensation Acts in all parts of the British Empire.

Hon. D. G. Gawler: They have not brought in legislation like this.

Hon. A. SANDERSON: He would be a bold man who would say off-hand what the effect of this clause would be.

Hon. J. E. Dodd: We have had several years' operation of the provision, so we know the effect.

Hon. A. SANDERSON: It had been said that the effect was *nil*, and even if the clause passed he doubted that the Minister would find himself in a very much stronger position. The view he wished to place before members was that each industry should provide for the accidents that occurred in that industry. Whether a man was guilty of negligence or not, within reasonable limits of course, the burden of that man's injury or loss of life should fall on the industry concerned rather than on the general public. Were employers prepared to concede that?

Hon. D. G. Gawler: There is no logic in it.

Hon. A. SANDERSON: Then the result was that the burden of this loss of life or injury fell on the general public. Was that reasonable? The principle that would guide him in dealing with this industrial insurance was that the industry in which an accident occurred should be responsible for the compensation.

The CHAIRMAN: A discussion could not be permitted on insurance under this clause.

Hon. C. A. PIESSE: This was special legislation for the miner, who was to be treated on a different basis from the farm labourer. If a farm labourer met with an accident he had to be content with what he could get under the Workers' Compensation Act; but if a miner met with an accident, special provision was made for him. The life of the man employed on the land was equally as valuable as the life of the miner, and either the clause should be struck out or the same principle should be applied to all workers.

Hon. J. E. DODD: The difference between the man on the land and the worker in a mine was found in the fact that usually the employer of the man on the land was a worker.

Hon. D. G. Gawler: What about the timber industry, which is said to be more dangerous than mining?

Hon. J. E. DODD: The position was much the same in the timber industry as it was in the mining industry. In both those industries the superintendence was relegated to a manager who was said to be in common employment with the worker, and the consequence was that the worker was deprived of his Common Law rights.

Clause put and a division taken with the following result:—

Ayes	.. .. ..	9
Noes	.. .. ..	12
Majority against	..	3

AYES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. F. Connor	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. J. Cornell
Hon. Sir J. W. Hackett	(*Teller*).

NOES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. D. G. Gawler	Hon. R. D. McKenzie
Hon. V. Hamersley	(*Teller*)
Hon. A. G. Jenkins	

Clause thus negatived.

Clause 69—Application of penalties:

Hon. D. G. GAWLER moved an amendment—

That the following new subclause be added:—Nothing in this Act contained shall confer on any person a right of action which would not have accrued to him if this Act had not been passed.

The amendment was merely for the purpose of making sure that no action would accrue to a person under this Clause which would not have done so if this Bill had not passed; and therefore he should not be in a different position by reason of the clause being inserted than he would have been in had this measure not passed.

Hon. J. E. DODD: The amendment represented about the dead finish in legislative tactics. The Bill passed its second reading and was taken into Committee in order to see what could be done to make its provisions palatable to the Legislature; and now amendments were being moved to make the Bill the same as the Act. Except in cases where the alterations proposed by the Bill were more favourable to the employer, every amendment moved was in the direction of making the Bill exactly the same as the Act. What was the use of passing the second reading of a measure if members had that intention? Would it not have been far more honest to have voted against the second reading, than to carry the second reading, and then, by every amendment moved, seek to restore the Bill upon the lines of the present Act? He said again that this particular amendment represented the very last word in political methods. Consider for a moment what was the purport of it. It meant that, despite the regulations made to control mines, despite all safeguards that we made under this Bill, there should be no right of action whatever conferred on any person by reason of the passage of this Bill. The effect of it would be that the mine manager could only be fined, and in most cases a very small amount indeed, for breach of regulations. No other action could possibly lie except the ordinary course of action by different

methods we had before us to-day. No matter how careless the breach might be, or what might be the result of that breach, by this amendment no action could lie against the mine owner.

Hon. M. L. MOSS: What the Honorary Minister said was quite correct. If Mr. Gawler's proposal was agreed to, the only thing that could be done to any person breaking any of the rules would be to get a summary penalty against him. He would vote with the Government on this question, because he could plainly see that to re-enact what was in the present Act, the result would be that all the work that had been done under this Bill would be simply to give penalties, and not give the working man the right to bring an action for damages.

Hon. D. G. GAWLER: The reason he had moved this amendment was largely because the same provision existed in the present Act. The Honorary Minister said it was about the dead finish, and if so, it must have been the dead finish in 1906, when a provision like this was allowed to remain in the existing Act. He recognised that there was good deal in what the Honorary Minister said, and he was prepared to withdraw his amendment. We had to have discussions sometimes to convince us whether our views were right or wrong, and he admitted that the Honorary Minister's view appealed to him in this instance.

Amendment by leave withdrawn.

Clause 70—Power to make regulations:

Hon. J. D. CONNOLLY moved an amendment—

That Subclause 9 be struck out.

This Subclause provided for regulations for the granting of certificates of competency to mine managers, mine foremen, mine surveyors, and others. The Bill appeared to be framed for one part of the State, the Golden Mile. This particular regulation would not affect the Golden Mile mines in the least. They all had competent managers, who would have no trouble in passing any examination. The subclause would operate against the prospector and the small mine owner. It was altogether an unreasonable proposition. Up to date we had got on very well without it, and if carried it would certainly hamper the small mines to an extent which would make them non-existent.

Hon. J. E. DODD: It had been argued in regard to workmen's inspectors that they should have sufficient qualifications, and we had also been told that the district inspectors should be highly qualified men. Now we were told that the mine manager should not have any qualifications whatever, or at least that the department or the Government should have no right to say whether the mine manager should have a certificate of competency or not. It did not follow that the prospector would have to get a certificate, for, as he had previously pointed out, any part of this Act could be suspended. Moreover, there could be different certificates to deal with different requirements. The granting of these certificates was the law in every other State of the Commonwealth, in New Zealand, and in England. He thought Western Australia was the only State which had not this provision, and where it was not provided that mine managers must secure a certificate of competency. It might be argued that a man might secure a certificate of competency, and yet not be competent from a practical standpoint. There might be something in that argument. The fact remained that some provision should be made whereby a guarantee of some technical knowledge could be obtained.

Hon. J. D. CONNOLLY: The Honorary Minister had produced no argument from past experience in mining as to why managers should have these certificates, and had not shown where any fault had been found with the present system. Past experience constituted a very good argument that this provision was not wanted. Large companies were not likely to put incompetent men to manage the mines. If the manager of any concern needed to be a practical man, this applied in regard to mining, rather than that the manager should work according to book. A lot of leases would be flourishing to-day if they had had practical men as managers,

instead of School of Mines men from London. The latter might be able to produce certificates of competency, but if practical men had done the managing, these leases would not have closed down. The mine managers of the big Companies on the Golden Mile would no doubt be able to pass any examination in connection with these certificates of competency, but, on the other hand, in the ordinary small mine the manager, in nine cases out of ten, had been a working miner, but had the requisite practical knowledge. If mine managers were not working in the right way, inspectors could soon bring them to a standstill.

Hon. J. CORNELL: The hon. Mr. Connolly had only made out a case for the striking out of paragraph 1 of the subclause. All his argument had been in the interest of the mine managers.

Hon. J. D. Connolly: Of the mine foremen just as much.

Hon. J. CORNELL: Mr. Connolly had said he would like to see the state of affairs continue which had obtained in the past. The argument would apply equally to the locomotive engine-driver or the winding engine driver. Both these men had to be of a certain standard of efficiency; yet the fact of their passing an examination did not prevent accidents. By the same token, the fact of mine managers holding certificates would not prevent accidents. Still it was a step in the direction of preventing accidents. He hoped the Committee would not strike out the subclause. Probably the mine managers referred to by Mr. Connolly as being safe were not as safe as they should be. Managers of the big mines on the Golden Mile would not require to hold certificates, because they were there purely in an administrative capacity, with underground managers and foremen under them. It would be no hardship to ask an underground manager or foreman or shift boss to pass an examination, and provision should be made for this.

Hon. J. E. DODD: On the question of having certificates for mine managers, the State Mining Engineer had furnished the following opinion:—

> The question of having certificates for mine managers and other mine officials has frequently been discussed, and in most of the States of Australasia it is now compulsory for managers to be certificated. So also in South Africa. The Bill proposes to follow the South African lead in leaving all details of the examinations, etc., to regulations which would enable a tentative scheme to be tried and amended more readily than if they were prescribed by the Act. There can be little objection to the issue of certificates to qualified persons so long as it is optional whether they apply for them or not, but there is a good deal to be said both for and against it being made compulsory that certificates should be held by occupants of the various positions. I should recommend optional certificates for a time at least to be granted to such persons as cared to obtain this guarantee of their qualifications, and later on that the holding of a certificate should be compulsory on the occupants of certain offices. The Mines Regulation Board could usefully advise from time to time on this question.

Probably it was not necessary to say anything further on the point.

Hon. J. D. CONNOLLY: The Honorary Minister was prepared to quote the State Mining Engineer when it suited him, even in a way that was not altogether fair. The State Mining Engineer's report for 1912, tabled only a few weeks previously, contained not a word suggesting that the subclause was required. It was not known in what way that officer had been asked this particular question, and therefore the opinion quoted by the Minister should not carry very much weight with the Committee. One thing which Mr. Montgomery had made clear was that it should not be hard and fast. Undoubtedly the provision in the subclause was hard and fast.

Hon. J. E. DODD: The provision did not make it compulsory that certificates should be granted, but merely prescribed that regulations might be

made to provide for the granting of special certificates.

Hon. J. F. Cullen: Of course it means "shall be made."

Hon. J. E. DODD: That did not follow. A similar provision was to be found in practically every Act of Parliament, notwithstanding which it was not always put into operation.

Hon. J. F. CULLEN: Mr. Connolly had voiced a very natural apprehension of hon. members that a board might enact regulations of a technical character, and technical examinations might admit the wrong man while shutting out the right one. If the Minister was sincere, and would word his clause in such a way that provision would be made for optional certificates it would be a horse of quite another colour.

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

Ayes	.. .. ..	15
Noes	.. .. ..	7
Majority for	.. ..	8

AYES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. F. Connor	Hon. A. Sanderson
Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. D. G. Gawler
Hon. C. McKenzie	(*Teller*).

NOES.

Hon. J. Cornell	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. R. G. Ardagh
Hon. Sir J. W. Hackett	(*Teller*)

Amendment thus passed.

Clause as amended agreed to.

Clause 71—agreed to.

Postponed Clause 34—Engine drivers to be certificated:

Hon. Sir E. H. WITTENOOM moved an amendment—

That after the word "shafts" in line 3 of Subclause 3 the words "or winzes" be inserted.

A number of winzes were not connected with the main shaft, and Holman hoists were used. The clause excluded the workers of Holman hoists that might be used in shafts, and some of the winzes were not connected with the shaft. The object he had was that where the Holman hoist was used in winzes the drivers should have the same exemption as was extended to the drivers of engines on shafts.

Hon. J. E. DODD: For some time he had been trying to convince the hon. member that the words were unnecessary, as we were not dealing with winzes. The whole sentence would be destroyed if the words were inserted. The clause dealt with the question of engine drivers' certificates when driving machines on shafts, and to insert the amendment in the subclause was to put in words that were unnecessary, and destroyed the meaning of the clause. There was no provision made in the Bill for engine drivers on winzes, except the Holman hoist, and the drivers of these were exempted.

Hon. Sir E. H. WITTENOOM: As far as he understood, Holman hoists were used in the sinking of winzes, and he desired that the drivers of these Holman hoists should be excluded from having a certificate.

Hon. R. G. ARDAGH: Some winzes had been sunk to a good depth, over one hundred and even to two hundred feet, and on some of these winzes there were winding plants. If an amendment was inserted it would allow the driver of steam plants being uncertificated.

Hon. J. D. CONNOLLY: The subclause provided that on a shaft an uncertificated engine driver could be employed so long as the load carried did not exceed 500lbs. The amendment was a reasonable one, for a great number of Holman hoists were used in winzes.

Hon. J. E. DODD: Winzes were not dealt with in this clause, only shafts. The amendment would not affect the policy of the Bill, but it was ridiculous to insert the words in the clause.

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

The CHAIRMAN: Notice had been given of two new clauses, one by Mr. Connolly and the other by the Honorary Minister. Both dealt with the same matter, but Mr. Connolly having placed

his notice on the paper first had priority ; but in considering the new clause proposed by Mr. Connolly, members should keep in mind the new clause to be proposed by the Honorary Minister.

Hon. J. E. DODD : As the Bill had to be re-committed on Tuesday next, this matter could be dealt with then.

Hon. J. D. CONNOLLY : If that was done, the Committee would have to deal with the new clause on re-committal. It was better to insert the new clause now, and if necessary, deal with it again on re-committal. If the clause was passed to-day, the Minister could move an amendment to bring it into conformity with his own proposal.

The CHAIRMAN : There was nothing to prevent the clause from being dealt with at present so long as hon. members made up their minds which clause they wanted.

New Clause—Periodical inspection on behalf of workmen :

Hon. J. D. CONNOLLY moved—

That the following be added to stand as Clause 19 :—"The majority of persons employed in any mine may, at any time, at their own cost, appoint two of their number or any two practical working miners, not being mining engineers, to inspect the mine, and the persons so appointed shall be allowed, accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officers of the mine, to go to every part of the mine and to inspect the shafts, levels, planes, working places, return airways, ventilating apparatus, old workings, and machinery. Every facility shall be afforded by the owner, agent, or manager, and all persons in the mine for the purpose of inspection, and the persons appointed shall forthwith make a true report of the result of the inspection, and that report shall be recorded in the 'Record Book, and shall be signed by the persons who make the inspection, and if the report states the existence or apprehended existence of any danger they shall forthwith cause a true copy of the report to be sent to the district inspector. Mode of appointment—The persons to inspect shall be appointed by ballot by the majority of the persons employed in the mine present at a meeting convened for the purpose by notice signed by not less than five of such persons so employed. Such notice shall be posted in some conspicuous place at the mine for not less than twenty-four hours prior to the time of the meeting. The persons present shall elect a chairman, who shall notify the manager of the mine of the result of the ballot."

New Clause passed.

The CHAIRMAN : Would the Honorary Minister proceed with his clause now ?

Hon. J. E. DODD : No, but on recommittal he would.

New Clause :

Hon. J. F. CULLEN moved—

That the following be added to stand as Clause 72 :—"(1.) Any regulations or by-laws made or purporting to be made under or by virtue of this Act shall—(a) be published in the Gazette ; (b) take effect from the date of publication or from a later date to be specified therein ; and (c) be judicially noticed, and unless and until they are disallowed as hereinafter provided, or except in so far as they are in conflict with any express provision of this or any other Act, be conclusively deemed to be valid. (2.) Such regulations and by-laws shall be laid before both Houses of Parliament within thirty days after publication if Parliament is in session, and if not, then within thirty days after the commencement of the next session. (3.) If either House of Parliament passes a resolution at any time within one month after any such regulation or by-law has been laid before it disallowing such regulation or by-law, then the same shall thereupon cease to have effect, subject, however, to such and the like savings as apply in the case of the repeal of a statute."

This provision had been placed in quite a number of Bills and it had been accepted by another place. The object was that as either House could refuse a Bill, so either House might disallow a regulation framed under an Act. This was fair,

reasonable and necessary. Although the Government were not supposed to go beyond an Act in framing a regulation, they often did so. There was a temptation to amend a law under the form of a regulation.

New Clause passed.

Bill reported with amendments.

BILLS (2)—FIRST READING.

1, Esperance-Northwards Railway.

2, Land and Income Tax.

Received from the Legislative Assembly.

BILL—TRAFFIC.

Message received from the Legislative Assembly notifying that it had made amendments Nos. 4, 9, 10, 14, 16, 17, 19, and 22, requested by the Council, and had declined to make amendments 1, 2, 3, 5, 6, 7, 8, 11, 12, 13, 15, 18, 20, and 21.

House adjourned at 4·55 p.m.

Legislative Assembly,

Thursday, 27th November, 1913.

The SPEAKER took the Chair at 3.30 p.m., and read prayers.

QUESTION—RAILWAY EXPRESS, KALGOORLIE, ACCOMMODATION.

Mr. UNDERWOOD (for Mr. Green) asked the Minister for Railways: 1, Is he aware that on the express leaving Kalgorlie for Perth on 24th November, the second-class carriage was inconveniently crowded? 2, Is he also aware that only six second-class sleeping berths were booked for the second-class sleeping carriage by the same train? 3, Is he aware that this is frequently the position of affairs? 4, In view of the fact that second-class sleeper accommodation by the express is not advertised by the department, will he cause printed notices of this convenience to be posted in close proximity to all the booking offices on the Goldfields line, and also at Perth?

The PREMIER (for the Minister for Railways) replied: 1, No. The seating accommodation of the second-class sleeping carriage is 48; on this date there were 34 passengers *ex* Kalgoorlie. 2, Yes. 3, No. 4, This accommodation, which was inaugurated in 1911, and which is provided daily each way, must be so well known to second-class passengers that the notices suggested are not considered necessary.

QUESTION—RAILWAY ACCIDENT, DWELLINGUP, INQUIRY.

Mr. O'LOGHLEN asked the Minister for Railways: 1, Will he make public the result of the inquiry now being held into the Dwellingup railway accident?

The PREMIER (for the Minister for Railways) replied: No, as these inquiries are purely departmental, and it has not been customary in the past to make the results public.

QUESTION—HOSPITAL ACCOMMODATION, DWELLINGUP.

Mr. O'LOGHLEN asked the Premier: 1, Is he aware that several people were injured at Dwellingup on Monday last? 2, Is he also aware that no hospital accommodation was available? 3, Seeing that he promised the erection of a cottage hospital, can he state when this work will be put in hand?

The PREMIER replied: 1, Yes; but no official report has yet been received