an amendment that the following words be added;—

And inserting the following words in lieu thereof, "provided, however, that such reserved space shall not be required to exceed 400 cubic feet for each person working therein, and provided the Minister may, on cause shown, exempt any factory or workroom from the operation of this section."

HON. G. RANDELL: If the Government would accept this amendment, so would he. The amendment practically fixed a minimum and a maximum.

HON. W. PATRICK: To fix a maximum would be a mistake. The English Act fixed a minimum only, and unlike our Act, distinctly prescribed 600 feet of fresh air per hour per worker, whereas our Act provided only for "suitable ventilation." It had been proved by experiments of scientific men in Europe that artificial ventilation was infinitely superior to natural ventilation in supplying pure air to a building. If the mover would say "not less than" 400 feet he could agree to that.

HON. T. F. O. BRIMAGE: It was better to start from a maximum than a minimum in erecting a factory and providing for ventilation. Mr. Randell's suggestion was preferable to the amendment.

HON. J. A. THOMSON: If he as an employer was so liberal as to provide 1,000 feet or 2,000 feet for each person employed in his factory, surely he should be allowed to do so, and not be bound to a maximum.

Amendment passed, and the clause as amended agreed to.

Clause 3—agreed to.

Preamble, Title—agreed to.

Bill reported with amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at five minutes past 9 o'clock, until the next day.

Legislative Assembly,

Wednesday, 14th December, 1904.

THE SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Annual Report of Caves Board for 1903.

By the MINISTER FOR WORKS: Plan of Jandakot Railway Route.

QUESTION—LANDS INSPECTOR, MURRAY DISTRICT.

MR. NEEDHAM asked the Premier: 1, Does the Government consider it proper to appoint a landholder to the position of inspector of conditional purchases in the district in which he holds leases of land? 2, What is the name of the inspector of conditional purchases in the Murray district? 3, What is the number of blocks held by that inspector in the Murray district? 4, Has he fulfilled the necessary conditions under which he took up the land? 5, Under what conditions and when were these blocks taken up? 6, What is the name of the present holder of Block $\frac{1098}{256}$ and for what purpose was this block used previous to being granted to the present holder? 7, What amount of money has been expended on surveying roads to the property at present held by the inspector of conditional purchases in the Murray district? 8, What are the qualifications of this inspector of lands and valuator to the Agricultural Bank?

THE PREMIER replied: 1, Yes. There is not necessarily any objection. 2, S. H. Whittaker. 3, One held by Mr. Whittaker;

two conjointly with his wife. 4, Yes; he is fulfilling them. 5, The one in Mr. Whittaker's name is held under homestead farm conditions, and others under the conditions of Section 55 of the Land Act. 6, S. H. Whittaker. The block was set apart as a reserve in 1898 for "public utility." Not being required at the time, it was thrown open for selection for grazing purposes on an annual tenancy. 7, About £23 has been expended in survey of roads providing access to Mr. Whittaker's and other blocks in the locality. 8, A thorough knowledge, practical and theoretical, of the value of land and improvements.

BILLS, FIRST READING.

TRAMWAYS ACT AMENDMENT, introduced by the Minister for Works.

NORTH PERTH TRAMWAYS, introduced by the Minister for Works.

VICTORIA PARK TRAMWAYS, introduced by the Minister for Works.

DEFAMATION ACT AMENDMENT, introduced by Mr. Nelson.

MINING ACT AMENDMENT, introduced by Mr. Troy.

LEAVE OF ABSENCE.

On motion by Mr. RASON leave of absence for one fortnight granted to the member for Boulder (Mr. Hopkins), on the ground of urgent private business.

EARLY CLOSING AMENDMENT BILL.

IN COMMITTEE.

Resumed from the previous day; Mr. BATH in the Chair, the Minister for Railways and Labour in charge of the Bill.

Clause 4—agreed to.

New Clause — Hairdressers' shops, closing time:

MR. FOULKES moved that the following be added as Clause 3:—

> Section eleven of the principal Act is hereby amended by striking out the words "half-past six," in lines three and fourteen, and inserting the word "nine" in place thereof.

The object of the amendment was to amend Section 11 of the Act of 1902. Under the provisions of the existing Act hairdressers' employees could only be employed for a certain number of hours. The effect of this amendment would simply be that the proprietor of a shop could keep it open, but not have his employees engaged for more than the number of hours already provided for. Under these circumstances there would be no hardship inflicted on the employees. In the suburbs of Perth and Fremantle nearly all the work at a hairdresser's shop was done in the evening. Men did not arrive home from their work, with few exceptions, till about a quarter to six, and after they had had a meal they could not reach the hairdresser's shop until about a quarter to seven. Therefore if hairdressers were allowed to keep open their shops till nine o'clock, that would not be an undue length of time.

MR. RASON pointed out that the Act of 1902 was not the principal Act but the amending Act, and therefore an amendment of the new clause was necessary.

MR. FOULKES suggested that the hon. member himself might move an amendment of the new clause.

MR. RASON moved that the word "principal" be struck out, and "amending" inserted in lieu.

Amendment (Mr. Rason's) agreed to.

THE MINISTER FOR WORKS: Consideration of the Bill was postponed yesterday in order to allow the hon. member an opportunity of introducing an amendment to extend the hours of hairdressers' shops. It was realised that the amendment would meet with approval; but on that occasion the amendment suggested was to extend the hours to half-past seven, and he (the Minister) was surprised on reading the amendment on the Notice Paper to find it was to extend the time to nine o'clock.

MR. H. BROWN: We should allow the owners or proprietors to close at what time they liked, but we did not want assistants kept later than half-past six.

MR. NELSON moved:

> That the amendment be amended by striking out the word "nine," and inserting "half-past seven" in lieu.

Nine o'clock would be unduly late.

THE MINISTER FOR LABOUR was willing to accept the amendment. The adoption of that hour had worked well for years on the Eastern Goldfields, and would work well in Perth. It would be a hardship to compel hairdressers to close at half-past six, but if we extended the time to half-past seven, that would be

quite late enough. All the work in a hairdresser's saloon could be done by half-past seven. If the amendment by the member for Hannans were adopted, it would be necessary to amend the Act of 1902 so as to include assistants, a provision being made that hairdressers' assistants should be allowed an hour for tea, in which case the alteration would not make the number of hours any greater than at present.

MR. KEYSER was in favour of allowing hairdressers' shops to remain open till eleven o'clock, and indeed he would go so far as to allow them to be open all night, provided trade was done and we restricted the number of hours to be worked by employees. What did we find? Steamers arrived at Fremantle or Albany at seven or eight o'clock, and perhaps there were 500 or 600 passengers on board who desired to be shaved or to purchase tobacco, etc., and they found the shops closed. He protested against such restrictive legislation, which was making Western Australia the laughing-stock of the Commonwealth.

MR. FOULKES: The Minister for Labour looked at the question from the employee's point of view. The amendment was moved by request of some of his (Mr. Foulkes's) constituents in the Claremont and Cottesloe districts, where, as in several other suburbs, there were no large barbers' shops, but small shops in which the proprietors did not employ assistants. By the principal Act, no hairdresser's assistant could work more than a certain number of hours per week; therefore the assistant was protected, and it was not too much to ask that the employer be allowed to keep open till 9 o'clock. Suburban barbers' customers did not reach home till 6 p.m., and naturally wanted a meal before visiting the barber. Why penalise such people? Visitors to Perth and Fremantle were daily becoming more numerous. A new line of steamers would call at Fremantle next month; our coastal trade was rapidly increasing; yet here we were passing legislation which was idiotic compared with that passed in the sister States.

THE CHAIRMAN: The hon. member must withdraw the word "idiotic."

MR. FOULKES was not referring to legislation actually passed, but to that proposed. The Minister for Works seemed to be under the impression that he (Mr. Foulkes) had suggested 7·30. That suggestion was made by another member. As a compromise, he would agree to 8·30, but would not go farther.

MR. NELSON: The last speaker was unfortunate in using the word "idiotic," for he himself moved an amendment to limit the hours to 9 o'clock, whereas the other proposal was to close at 7·30, and between the two there was only a difference of 1½ hours: so there was only that time between the hon. member and idiocy. The member for Albany (Mr. Keyser) was apt to regard political questions from a local point of view; and that was dangerous. If we permitted shops to be open with only the proprietor in attendance, sooner or later assistants would be introduced. Even the member for Claremont recognised that some restriction was necessary. The almost unanimous opinion of people concerned was that closing at 7·30 would be better for everybody. The man who had not the decency to get shaved by 7·30 ought to be willing to wait till next morning.

MR. NEEDHAM: The member for Claremont complained of our regarding this question from an employee's point of view. Look at it from an employer's point of view. The hon. member said there was no desire to lengthen the hours of employees, but merely to allow employers to work till 9 o'clock. That sounded well; but there were proprietors of barbers' shops who, not being themselves barbers, employed assistants. How could they compete with working employers who kept open till 9·30? Was it right that the former should be deprived of legitimate custom? Though the amendment did not extend the actual hours of employment, it necessitated the employee working an hour later, and prolonged the working day though an hour was given for tea. Yesterday he made alternative suggestions—to open an hour later in the morning and close an hour later at night, or to have, especially in large centres, two shifts of eight hours each, worked by different men. The amendment said nothing about the hour of opening; and he was inclined to oppose the amendment.

MR. BOLTON supported the 7·30 closing hour. Certain of his constituents who were interested held that 7·30 would

suit them better. It was not obvious how one proposal could be "idiotic" and the other sensible. If the shop remained open till 7·30, it did not follow that the employee must work till that hour. Though some hairdressers employed assistants, others did not. As to the member for Albany's heroics against restrictive legislation, the hon. member forgot that the parent Act fixed the closing hour at 6·30, and that the Committee were endeavouring to lessen the restriction by fixing it at 7·30 or 9·0.

MR. RASON: The action of Labour members was incomprehensible. No matter what the hour of closing, the hours of employment could not be increased by five minutes. The law was that no hairdressers' assistants must be worked more than 56 hours per week; so if the shop were open till 10 o'clock, the assistants would not be allowed to work an extra half-hour per week. Then why the opposition to the amendment? Among the unemployed, of whom we heard so much, there might be hairdressers who might find work if the shops were allowed to remain open longer. There was nothing to compel the employer to keep open until 9 o'clock; and, depend upon it, he would not keep open unless it paid him to do so. If there was trade to be done, why not permit him to do that trade? Having regard to the fact that it would make no possible difference to the employee, the employer should be allowed to remain open until 9 o'clock at night.

MR. A. J. WILSON: There was the possibility of considerable difference being made to the working time of the employees, for under an agreement an employer could engage a hairdresser to go off duty during a certain portion of the day when work was slack, and make up the balance of the time after half-past 6 o'clock, which was the hour of closing at present. It was intended to deal with this matter by adopting a clause which appeared in the measure when it came down from the Legislative Council on the last occasion, and which was to the effect that nothing in the clause should prevent the *bona fide* owner of a hairdressing shop from himself carrying on the business of hairdressing until the hour of 10 o'clock p.m. If the member for Claremont was prepared to accept an amendment on those lines, he (Mr. Wilson) would move it. Members knew how inconvenient it was for employees to go back to work at night, although they might have one hour off in the daytime. It was inconvenient to go back after tea and put in one hour's work. If employees desired to attend places of amusement or entertainment, they could not do so if they had to work after half-past 6 o'clock. The necessity for having an employee back after half-past six o'clock was not apparent, and the safest way was to insist on an employee not being compelled to work after half-past six p.m. He (Mr. Wilson) would go farther and say that employees should not work beyond six o'clock.

MR. RASON: Say not at all.

MR. A. J. WILSON: It might suit the leader of the Opposition if workmen did not work at all.

MR. RASON: It would not suit the hon. member.

MR. A. J. WILSON: It was to be hoped the amendment indicated would be accepted.

THE MINISTER FOR WORKS: The leader of the Opposition had stated that he could not understand the opposition to the amendment; but he (the Minister) could not understand the leader of the Opposition supporting the new clause, for the member for Guildford, in the last Parliament, when an endeavour was made to insert a similar clause in the Early Closing Bill which the leader of the Opposition was interested in getting through Parliament, opposed the extension of time to half-past seven o'clock. To-day the hon. member would go farther and allow hairdressing shops to remain open until nine o'clock at night. When the James Government introduced an Early Closing Bill, a request was made by the employees and employers that the hours of hairdressers should be restricted to half-past six, p.m. There was a majority of employers and employees in favour of half-past six, and the James Government decided that shops should close at that hour. He (the Minister) on that occasion endeavoured to get half-past seven inserted as the closing time for hairdressing shops. It had been pointed out, particularly by the member for Albany, that we should allow shops to remain open provided the hours of

the employees were limited. He (the Minister) believed in that, but he defied anyone to show a means of limiting the hours of employees without closing the shops.

MR. RASON: Did that hold good in every case?

THE MINISTER FOR WORKS: In the majority of cases. An argument had been advanced by the member for Forrest, which was exactly the same as that advanced in regard to a previous clause, that it did not matter, so long as the employer was the only person kept in the shop after hours, how long the shop remained open. The hon. member knew full well that tobacconists' shops were attached to hairdressers' shops, and it would be found that the employer would cause his wife or other members of his family to work until nine o'clock, if he could not keep an assistant at work. An employer would be able to work his family until nine o'clock, and the law would not protect the family.

MR. RASON: What about tobacconist' shops now?

THE MINISTER FOR WORKS: An attempt was made to limit the hours of tobacconists' shops for the same reason. If the shops were allowed to remain open until nine o'clock, assistants would be kept working. In the majority of big hairdessing saloons, the employer was not a hairdresser, but he employed men to do the work. The employer who was not a hairdresser would be penalised if the hours were not limited, for unless the proprietor of a shop who was not a hairdresser took a partner in, it would be no good for him to keep open. We would be passing a law in the interests of one class of hairdressers if we did this. By extending the hour until half-past seven o'clock, we were doing what had been asked for by the employers and employees, a majority of whom were in favour of the time being extended until half-past seven, and no farther. It was proposed by the member for Hannans to make it compulsory for an employer to allow an employee off between half-past five and half-past six every day for tea. If the hour of closing was extended after half-past six, the employer would attempt to work his employee right on. To get over that difficulty, the James Government inserted a provision making it compulsory for employers to give employees one hour off. There were numbers of employees as well as employers who desired to get away to theatres and places of amusement, and if the shops were closed at half-past seven, there would be an opportunity of doing this. By adopting the amendment of the member for Hannans, we should protect the employees against unscrupulous employers, who would not give any time to the employees for tea.

MR. FOULKES: No one desired to cause inconvenience to the employees. We did not want to keep them in the shops for undue hours without having their tea, and he would be glad to agree to any amendment compelling employers to give permission to employees to go home to tea. He hoped the member for Hannans would withdraw his amendment, and let the employer keep open till nine o'clock. He was quite agreeable to support the hon. member's proposal that the employer should be obliged to allow his employees an hour for tea.

MR. NELSON: It was impossible for him to comply with the hon. member's request. He had already made considerable concession. Once we extended the hour to which shops could be open, it would be impossible to prevent employment of some kind. How easy it would be, as had been pointed out, for the wife and daughters to assist. That, however, would not be the great objection. The great objection would be that a man who was really an employee might ostensibly be a friend, and he might come along and do a little work. Moreover, what was proposed would be unfair to some hairdressers. A man who was himself a hairdresser carrying on business could work until nine o'clock, and a man who only employed hairdressers would be handicapped. Inasmuch as he (Mr. Nelson) intended to move a subsequent amendment which would make it clear that the employee would have a full hour for his meals, he thought the member for Claremont ought to give up his fatuous opposition and accept his (Mr. Nelson's) amendment.

THE CHAIRMAN: The member for Hannans must withdraw that expression.

MR. NELSON withdrew it with pleasure.

MR. GORDON deemed it his duty to support the amendment of the member for Hannans, seeing it was upheld by the Government, and he (Mr. Gordon) was partly responsible for this contentious Bill being reopened. We should be doing an injustice to an employer if we compelled him to keep open longer than was fairly necessary, because it would mean extra light and other expenses which he need not otherwise incur. If a man could not get his hair cut one night, he would go the next day; so the limitation of the hours could not affect the profits of the employer, neither could it affect the labour of the employees. As to the convenience of the public, if a man wanted to get his hair cut he would get it cut before half-past seven. The suggestion that the closing time should be fixed at 7·30 was reasonable and just to all concerned.

HON. W. C. ANGWIN: The member for Claremont should be complimented for bringing the amendment forward, but the hon. member had overstepped the mark in stipulating nine o'clock. In residential areas where there were no factories or anything of the kind providing employment, the extension of time to hairdressers would be a great boon to the public. Almost every member had heard complaints about hairdressing establishments in the suburban areas being closed so early as at present. He was not surprised to hear members who represented large towns oppose the extension of hours, because it was found necessary, where workers were employed, to go to hairdressing establishments before tea, for it would be an impossibility to get attended to afterwards. Fixing the closing time at half-past seven would meet the difficulty.

MR. F. F. WILSON supported the amendment by the member for Hannans. Apparently the hairdressers had asked an inch, and many members were prepared to give them a yard. He had made inquiries, and found that the suburban hairdressers and some of the city hairdressers suggested that fixing the closing time at eight o'clock would meet the difficulty. The Government proposed to fix it at 7·30, and he thought hairdressers would be quite satisfied with the extension of an hour. Many of the hairdressers would not like the time extended to ten o'clock, because they would be debarred from going anywhere themselves. These gentlemen were mostly of a sporting nature; they liked to go to theatres and other places, and he (Mr. Wilson) saw no necessity to tie them to their shops. It had been contended that if the hours were extended to ten o'clock that would not affect employees, but he was not prepared to accept that statement. If the owner of a hairdressing shop could keep open till ten o'clock, there was no reason why a grocer, draper, or any other business man should not do the same providing he did not employ any labour. In the interests of the hairdressers themselves, the amendment of the member for Hannans should be adopted. If we adopted nine or ten o'clock, would that operate unfairly to the hairdresser who had a number of assistants?

Amendment (that "nine" be struck out) put, and a division taken with the following result:—

Ayes	...	...	21
Noes	...	...	19
Majority for	...	...	2

AYES	NOES.
Mr. Angwin	Mr. Brown
Mr. Bolton	Mr. Burges
Mr. Butcher	Mr. Carson
Mr. Daglish	Mr. Connor
Mr. Ellis	Mr. Cowcher
Mr. Gordon	Mr. Foulkes
Mr. Hastie	Mr. Gregory
Mr. Heitmann	Mr. Hardwick
Mr. Henshaw	Mr. Hayward
Mr. Holman	Mr. Hicks
Mr. Horan	Mr. Isdell
Mr. Johnson	Mr. Keyser
Mr. Lynch	Mr. McLarty
Mr. Needham	Mr. N. J. Moore
Mr. Nelson	Mr. S. F. Moore
Mr. Scaddan	Mr. Rason
Mr. Taylor	Mr. A. J. Wilson
Mr. Troy	Mr. Frank Wilson
Mr. Watts	Mr. Diamond (*Teller*).
Mr. F. F. Wilson	
Mr. Gill (*Teller*).	

Question thus passed, and "nine" struck out.

MR. GREGORY: Surely the majority of members desired that the shops should be kept open longer, provided the hours of employees were restricted. He moved an amendment:

That the word "eight" be inserted in lieu.

MR. H. BROWN: If the amendment passed, would assistants have to work till eight o'clock?

MR. GREGORY: No.

THE MINISTER FOR WORKS: The Government could not accept the amend-

ment, having agreed to closing at 7·30 on the understanding that employees should have an hour for tea.

MR. RASON: Some members of the Committee had evidently been misled. Clause 2, already passed, would amend the principal Act by providing that no assistants should work longer than 56 hours in one week, excluding meal hours. If that proviso were not clear enough, make it clearer. Whatever closing hour we fixed would make no difference to the employee; but when members were crossing the floor during the last division they were implored to vote for an eight-hours day. That question did not arise.

THE MINISTER FOR WORKS: The hon. member wished to increase the hours by one per day.

MR. RASON: No; to give employers an opportunity of keeping their shops open longer if they so desired, and to let them employ additional hands.

MR. SCADDAN: Clause 2 of the Bill did not apply to this case. He strongly objected to employers having their employees coming to work at all hours of the day. In the hairdressing business there were slack hours; and employees would have to work while business was brisk and knock off when it was dull. Keeping open till 9 would give an undue preference to the employer who was a hairdresser by trade. He could dismiss his assistants and continue to work in the evening. The member for Claremont said he need not continue, but he would lose his trade if he did not, when opposition shops were open for business. Half-past seven was a fair compromise, and should be accepted.

MR. HEITMANN: In his experience of the hairdressing business he had never heard one complaint in the city that 6·30 was not a late enough closing hour for employers and employees alike. It was contended that late closing was beneficial to the public; but he had found that if the shops remained open till 9, men would come straggling in for a shave at 10; and if the closing hour were midnight they would come after that. If as proposed the assistants were allowed a tea hour from 5 to 6, customers would get into the habit of shaving after tea. The proposal for late closing had evidently emanated from someone who had been sitting in a barber's chair listening to the barber's chatter. Politics were getting pretty low when we took notice of a barber. Seriously, he would vote against any extension of hours.

MR. GORDON opposed closing at 8 o'clock. Representing a suburban constituency, he was satisfied that the longer city barbers' shops were allowed to remain open, the more trade would the suburban barbers lose; for a man coming into town from a suburb would shave in town if town shops were open till eight. This was the old and bad policy of centralisation.

MR. H. BROWN would oppose any amendment which would entail employees working after 6·30.

Amendment (to insert the word "eight") put, and a division taken with the following result:—

Ayes	...	...	20
Noes	...	...	22
Majority against	...		2

AYES.	NOES.
Mr. Brown	Mr. Augwin
Mr. Burges	Mr. Bolton
Mr. Carson	Mr. Butcher
Mr. Connor	Mr. Daglish
Mr. Cowcher	Mr. Ellis
Mr. Foulkes	Mr. Gill
Mr. Gregory	Mr. Hastie
Mr. Hardwick	Mr. Heitmann
Mr. Harper	Mr. Henshaw
Mr. Hayward	Mr. Holman
Mr. Hicks	Mr. Horan
Mr. Keyser	Mr. Isdell
Mr. Layman	Mr. Johnson
Mr. McLarty	Mr. Lynch
Mr. N. J. Moore	Mr. Needham
Mr. S. F. Moore	Mr. Nelson
Mr. Rason	Mr. Scaddan
Mr. A. J. Wilson	Mr. Taylor
Mr. Frank Wilson	Mr. Troy
Mr. Diamond (*Teller*).	Mr. Watts
	Mr. F. F. Wilson
	Mr. Gordon (*Teller*).

Amendment thus negatived.

MR. NELSON moved an amendment:

That the words "half-past seven" be inserted.

Amendment put, and a division called for.

MR. H. BROWN: Several members were not sure whether it was the intention of the Government to keep assistants working until half-past seven.

THE MINISTER FOR WORKS: It was intended to give the employees one hour for tea.

THE CHAIRMAN: Members could not discuss the provision, but could only speak on a point of order.

THE MINISTER FOR WORKS: There was no intention to increase the hours of labour.

Division resulted as follows:—

Ayes	...	...	33
Noes	...	...	7
Majority for		...	26

AYES.	NOES.
Mr. Angwin	Mr. Brown
Mr. Bolton	Mr. Heitmann
Mr. Burges	Mr. N. J. Moore
Mr. Butcher	Mr. Needham
Mr. Carson	Mr. Watts
Mr. Connor	Mr. Frank Wilson
Mr. Cowcher	Mr. Troy *(Teller)*
Mr. Daglish	
Mr. Diamond	
Mr. Ellis	
Mr. Foulkes	
Mr. Gordon	
Mr. Gregory	
Mr. Hardwick	
Mr. Hastie	
Mr. Hayward	
Mr. Henshaw	
Mr. Holman	
Mr. Horan	
Mr. Isdell	
Mr. Johnson	
Mr. Keyser	
Mr. Layman	
Mr. Lynch	
Mr. McLarty	
Mr. S. F. Moore	
Mr. Nelson	
Mr. Rason	
Mr. Scaddan	
Mr. Taylor	
Mr. A. J. Wilson	
Mr. F. F. Wilson	
Mr. Gill *(Teller)*.	

Amendment thus passed.

MR. A. J. WILSON moved an amendment:

That the following words be added to the clause: "and by adding the following words, 'provided that no assistance is employed later than half-past six p.m.'"

A large number of assistants who were engaged in the hairdressing trade were married men with families, and owing to the high rent charged in the city they were forced to take up their residence in such suburbs as Subiaco, Balkatta, and Leederville. If these men were allowed only one hour for their midday meal, they could not return to their homes; and the same thing applied in regard to the tea hour. That would be a hardship to these men, as they would not be able to have their evening meal with their families. Already the time at which the employees had to cease work was too late. He thought that six o'clock was late enough.

THE MINISTER FOR RAILWAYS AND LABOUR: If the amendment were carried it defeated the object in view. He thought the Committee were desirous that the convenience of the public should be studied. Ninety per cent. of the proprietors of hairdressing shops were not hairdressers, and almost every hairdressing shop in Perth would have to close at half-past six. If that was the desire of the Committee, of course the amendment would be carried; but he thought the desire was to give the public an opportunity which they had not now of being able to go to a hairdresser's shop until half-past seven. So long as the hours of the employees were studied, the public convenience should be met.

MR. KEYSER had always thought that the member for Forrest was against monopolists and monopolies, but the member now appeared as the apostle of monopolies. There were only two or three hairdressing shops, the proprietors of which were tradesmen, and these shops would do all the work, excluding every other shop, save where the proprietor was a tradesman. He would vote against the amendment.

MR. NEEDHAM: There was no intention to extend the hours of the employees. He would oppose the amendment, as it would make the state of things worse than at present.

MR. RASON: Whatever was the wish of the member for Forrest, the amendment moved would go farther than was desired. On Saturday nights, Christmas eve, New Year's eve, and Good Friday eve, hairdressers' shops were allowed to keep open till ten o'clock at night, and assistants could work in these shops; but no matter whether on Saturday evening or any other evening provided in the Act, if the amendment were carried no hairdresser would be able to keep an assistant at work after half-past six. If the member for Forrest desired that the honest working man should not get a shave on a Saturday night, the member was moving in the right direction.

MR. FRANK WILSON intended to support the amendment, as he did not believe that hairdressers' assistants should work later than half-past six o'clock. If hairdressers started to work at eight o'clock in the morning and worked until half past seven in the evening, they did a pretty good day's work. It should be applied to Saturday as well —why not? If an owner was allowed to keep open later, then practically that owner's assistant would be worked later. The present Act had been working well

in regard to hairdressers' shops, and it need not be altered. The owner should be allowed to work himself at any hour that suited him.

MR. A. J. WILSON asked leave to withdraw his amendment and substitute an altered form.

Amendment by leave withdrawn.

MR. A. J. WILSON moved an amendment in altered form as follows:—

Provided that on all days when hairdressers' shops close at 7:30 p.m., no assistant shall be allowed to work after the hour of 6:30 p.m.

MR. HEITMANN: If this amendment was intended to protect the worker the mover was undoubtedly creating a monopoly, for it would give an advantage to the owner of the hairdresser business who chose to keep open his shop till 7:30 by working himself, and yet the mover professed to be against monopolies.

MR. H. BROWN: The hour now fixed in the Act was late enough for assistants to work. As to those who carried on hairdressing shops he did not believe in interfering too much with the liberty of the subject. Members on the Government side would be the first to object if a law were brought in to prevent them from working after they had knocked off from their ordinary occupation.

THE MINISTER FOR WORKS: Taking the position at Kalgoorlie, this amendment would compel all the hairdressers in Hannans-street to close at 6:30, because practically all those shops employed a number of assistants, while the shops in the suburbs of Kalgoorlie could keep open till 7:30, each proprietor carrying on his own business. It would be better to keep the closing time as in the present Act.

MR. NELSON: This House had deliberately declared a certain time for the closing of hairdressers' shops: to carry this amendment would practically stultify what the House had previously done by declaring its previous decision to have been wrong. He intended later to move an amendment providing that hairdressers' assistants should have an hour for meals between noon and the time for knocking off, and he would make it clear that this extension of hours should not involve an extension of labour on the part of the assistants. It would mean that they should only be employed at such time as the public most required their services. This would be a public convenience and would not interfere with the employers of labour.

MR. DIAMOND in supporting the amendment was maintaining the rights of the workers as he had done hitherto. Why should Parliament try to prevent the proprietor of a shop from keeping open as long as he chose, provided he did not employ assistants. But in giving that right we should not use that as a lever to increase the hours of workers. If an employer tried in this way to get an advantage by working his assistants beyond the ordinary hour for closing that would not be fair.

MR. SCADDAN opposed the amendment, and was also opposed to the clause. The present closing time in the Act met the case very well. If one shop were allowed to keep open longer than others the effect would be that customers would go to that shop which kept open the longest.

MR. NEEDHAM: If this amendment were carried, legitimate trade would be diverted towards a large section of those who owned and worked in hairdressing' shops, and would eventually cause a reduction of hands employed in these shops by reducing the volume of business.

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

Ayes	...	...	12
Noes	...	...	25
Majority against	...		13

AYES.	NOES.
Mr. Brown	Mr. Angwin
Mr. Connor	Mr. Bolton
Mr. Cowcher	Mr. Carson
Mr. Gregory	Mr. Ellis
Mr. Hardwick	Mr. Gordon
Mr. Hayward	Mr. Hastie
Mr. Hicks	Mr. Heitmann
Mr. S. F. Moore	Mr. Henshaw
Mr. Rason	Mr. Holman
Mr. A. J. Wilson	Mr. Horan
Mr. Frank Wilson	Mr. Isdell
Mr. Diamond (*Teller*).	Mr. Johnson
	Mr. Keyser
	Mr. Layman
	Mr. Lynch
	Mr. McLarty
	Mr. Moran
	Mr. Needham
	Mr. Nelson
	Mr. Quinlan
	Mr. Scaddan
	Mr. Taylor
	Mr. Watts
	Mr. F. F. Wilson
	Mr. Gill (*Teller*).

Amendment thus negatived.

MR. KEYSER moved an amendment—

That the proposed new clause be farther amended by adding the following words:—"Provided that hairdressers' shops in seaports may remain open until eleven o'clock p.m."

When this matter was mentioned by him before, the member for Hannans insinuated that he was moved by Albany's interest alone. The hairdressers in Albany could remain open till 12 o'clock on Saturday, the Early Closing Act not applying to that particular port. He was told that when the German, French, and other boats arrived on Saturday nights the passengers were unable to get shaved or have their hair cut. [MEMBER: There were barbers on board.] He was not moved by the interest of the employer or employees, but looked at the matter from a general point of view, and he protested against restrictive legislation such as was now proposed. The Minister for Works stated we could not regulate the hours persons were employed as long as shops were not closed; that we could not enforce such provision. Did the Minister mean to insinuate there was no manliness on the part of the employees, that employees were simply bondsmen and slaves, and were afraid to protest even when the law was with them? He was surprised that a Minister of the Crown should give utterance to such sentiments and insinuate that all the workers were slaves and bondsmen.

THE MINISTER FOR WORKS: Why did men buy their stores from employers?

MR. KEYSER: Some bought their stores from the employers, but, even supposing all did so, was that a reason why we should not allow liberty of trade? He agreed with the member for South Fremantle that the time was comiug quickly when we should have shifts in all workshops and stores throughout the Commonwealth. If people were willing to patronise hairdressers, he hoped they would be allowed to do so and to circulate money which otherwise would be taken to the Eastern States, where they had every liberty [MEMBER: Oh!] that ought to be given to every citizen in the British empire.

MR. DIAMOND supported the amendment. Many members seemed to forget there were such places as seaports in Western Australia. The metropolitan and suburban members seemed to think the whole world was contained within the limits of their little backyard fence, and many goldfields members apparently thought the whole wisdom of the world and the whole interest of the State of Western Australia were wrapped up in their particular interests on the goldfields. Members should remember there was a large population floating through our seaports. These people were frequently in our seaports at night time and in the early hours of the morning. They carried with them large sums of money and were prepared to spend large sums. Were members prepared to say that just for the sake of carrying out some little fad, those people—men, women, and children—should be prevented from spending their money? We wanted money to circulate in this State. Every week a large amount of money was lost to Fremantle and to a less extent to Albany through those restrictions which did no good to the worker, and indeed damaged him.

MR. CARSON desired to support the amendment. It was a bad advertisement for this State for people when coming to our ports in the evening to find that, owing to the provisions of the law, they could not get attended to at a hairdresser's shop. The Minister for Works had urged that we could not regulate the hours during which shops could be kept open without the hours of the employees being affected. As he understood, men signed on and signed off, and there were inspectors in different centres where the Early Closing Act was in force, who went round and saw that its provisions were carried out. He did not think the amendment would be likely to affect the employees at all, and it would be a benefit to the State as a whole.

MR. NEEDHAM: As representative of "the" port of the State he opposed the amendment. This amendment simply brought us back to the thing we had been arguing about for the last two hours—creating a monopoly and giving a right to a section of the people to trade whilst another section had to close up.

MR. BOLTON also opposed the amendment, and he could hardly understand

why the member for South Fremantle supported it. First of all the hon. member expressed kindly feelings with regard to the workers, and only the workers. The hon. member knew that the suggested amendment restricting the hour to which workers could be employed to 6·30 was defeated, yet he supported this amendment which would allow shops to be kept open till 11 p.m. The hon. member thus displayed his usual feeling towards the workers.

MR. DIAMOND: It was the hon. member (Mr. Bolton) who defeated that proposal.

MR. LAYMAN moved:

That the Chairman do leave the Chair.

It seemed that some members were wasting time.

THE CHAIRMAN: That motion could not be debated.

Motion put and negatived.

MR. HEITMANN: The member for South Fremantle (Mr. Diamond), to be consistent, should allow barbers' shops to be open all night, as many boats came in after 10 o'clock. Moreover, if the convenience of passengers was to be studied, the hotels should keep open for their refreshment.

MR. DIAMOND: Unfortunately, many members who took part in such discussions had no practical knowledge of the subject. He had been brought up to the shipping business. The last speaker's remarks about ships arriving very late in the evening were absurd; for the passengers did not go ashore during hours of darkness. If the hon. member had ever lived anywhere save among salt-bush and sand-hills, he would know that. The member for Fremantle (Mr. Needham) showed a tendency to become even smaller than usual. He was member for the town of Fremantle, but not necessarily for the port. He (Mr. Diamond) had never claimed to represent the whole of Fremantle.

MR. LAYMAN moved:

That the question be now put.

Motion put and negatived.

MR. HEITMANN had understood that the member for South Fremantle (Mr. Diamond) appealed to him in the interests of the port. If there were passengers to be shaved at 8, there were others at 10. Why not keep the saloons open all night?

Amendment put, and a division taken with the following result:-

Ayes	...	...	11
Noes	...	...	26
Majority against		...	15

AYES.	NOES.
Mr. Burges	Mr. Angwin
Mr. Carson	Mr. Bolton
Mr. Connor	Mr. Brown
Mr. Cowcher	Mr. Butcher
Mr. Hardwick	Mr. Ellis
Mr. Hayward	Mr. Gregory
Mr. Keyser	Mr. Hastie
Mr. Layman	Mr. Heitmann
Mr. McLarty	Mr. Henshaw
Mr. S. F. Moore	Mr. Hicks
Mr. Diamond (*Teller*).	Mr. Holman
	Mr. Horan
	Mr. Jacoby
	Mr. Johnson
	Mr. Lynch
	Mr. Moran
	Mr. Needham
	Mr. Nelson
	Mr. Quinlan
	Mr. Rason
	Mr. Scaddan
	Mr. Taylor
	Mr. Watts
	Mr. F. F. Wilson
	Mr. Frank Wilson
	Mr. Gill (*Teller*).

Amendment thus negatived.

MR. CARSON would move a new clause which would permit an employer to work on Wednesday afternoons. It was absurd that a man could buy tobacco in a barber's shop, but could not get shaved or his hair cut.

MR. WATTS: Most places of business closed at 6; assistants got away about 6·30; and between that hour and 7·30 most people were at dinner. Few were available as barbers' customers. If it were desired to extend the hours for barbers, let them keep open till 10, but to keep open all barbers' shops for the sake of the few odd persons who would be in the streets between 6·30 and 7·30 was absurd. He appealed to country members to oppose the provision.

New clause as amended put, and a division taken with the following result:—

Ayes	...	...	27
Noes	...	...	11
Majority for		...	16

AYES.	NOES.
Mr. Angwin	Mr. Cowcher
Mr. Bolton	Mr. Hicks
Mr. Burges	Mr. Isdell
Mr. Butcher	Mr. Moran
Mr. Carson	Mr. Needham
Mr. Connor	Mr. Scaddan
Mr. Daglish	Mr. Troy
Mr. Diamond	Mr. Watts
Mr. Ellis	Mr. A. J. Wilson
Mr. Gordon	Mr. Frank Wilson
Mr. Gregory	Mr. Heitmann *(Teller)*.
Mr. Hardwick	
Mr. Hastie	
Mr. Hayward	
Mr. Henshaw	
Mr. Holman	
Mr. Horan	
Mr. Johnson	
Mr. Keyser	
Mr. Layman	
Mr. McLarty	
Mr. Nelson	
Mr. Quinlan	
Mr. Rason	
Mr. Taylor	
Mr. F. F. Wilson	
Mr. Gill *(Teller)*.	

Question thus passed, and the new clause (Mr. Foulkes's) added to the Bill.

New Clause—Hairdressers' half holiday:

MR. CARSON moved that the following be added as a new clause:—

Section 11 of the amending Act is hereby amended by striking out Subsection 3 and substituting a new clause as follows: "Every person employed in a hairdressing saloon shall be entitled to a half holiday from one o'clock in the afternoon of every Wednesday, except in any week in which there is a public or bank holiday falling on a day other than Wednesday, and allowed to the assistants as a holiday or half holiday."

It was unnecessary to discuss this farther. Let it go to a division.

THE PREMIER: This amendment could not be accepted. The Bill was introduced for a specific purpose, at the request of a member of this House. Afterwards, another member obtained permission to bring in a particular aspect of the question; but this extension could not go on, as otherwise the only alternative would be to ask the House to report progress, and proceed with other business.

[MR. QUINLAN took the Chair.]

MR. MORAN: If the Premier moved to report progress, and asked leave to sit again this day 12 months, he would be doing a great kindness to the hairdressers.

New clause put and negatived.

MR. A. J. WILSON: Members were led to believe that a farther provision would be made, making it absolutely certain that assistants should not be compelled to work after the closing hour for hairdressers' shops.

THE MINISTER FOR LABOUR: It was unnecessary to move an amendment for this purpose, as the provision already made in the Act required certain intervals for meals, and covered the ground sufficiently by protecting assistants from being required to work after 6·30 o'clock p.m.

MR. MORAN: This explanation, which he was glad to hear, removed nine-tenths of the objections to the amendment which had been passed.

MR. NELSON: During the discussion, it was distinctly understood that he would move an amendment in the direction indicated; but on consulting the Minister he was assured that the amendment was not necessary, as the Act made sufficient provision.

Title—agreed to.

Bill reported with amendment.

BRANDS BILL.

RECOMMITTAL.

On motion by the COLONIAL SECRETARY (Hon. G. Taylor), Bill recommitted for farther consideration of Clauses 4, 5, 15, 20, 37, and Third Schedule.

[MR. QUINLAN took the Chair.]

Clause 4—Interpretation:

THE MINISTER moved:

That in line 10 the words "or any earmark on cattle" be struck out.

The effect would be that an earmark on cattle would be a brand, and the amendment made this intention clear.

Amendment passed, and the clause as amended agreed to.

Clause 5—Saving of existing brands:

THE MINISTER moved:

That in line 4, after "Act," there be inserted the words "and shall be deemed to have been registered under this Act."

This amendment would make the intention clearer.

MR. RASON: Would it maintain all the rights in regard to existing brands; and would it enable the owner of an existing brand to sell it, as some of the existing brands would have a distinct market value in the selling of a station?

THE MINISTER: There was a difference of opinion in regard to the position of existing brands under the Bill when this point was previously considered, and

as the language was somewhat ambiguous, the intention now was to make it clear that the clause would allow the owner of an existing brand to use that brand as long as he chose to do so, but the brand would not be transferable.

MR. BURGES: This amendment had not been mentioned previously. A man would be able to sell his station, but the brand could not be transferred.

MR. FOULKES: Could a brand be transferred to executors of a deceased station-holder and subsequently transferred to the heir at law? Families might wish to retain the use of a brand with a commercial value.

THE COLONIAL SECRETARY: The Bill made no provision for transferring any brand now in existence. Only brands registered under the Bill, consisting of two letters and a numeral, could be transferred. At present there was a go-as-you-please system of branding in force. When the holders of present brands expired, the brands would expire with them.

MR. RASON: There was nothing to be gained by the insertion of the words if they were to convey no more meaning than was given to them by the Minister. It appeared that any registered brand could be transferred.

THE COLONIAL SECRETARY: By the amendment it was clearly defined that existing brands were deemed to be registered, but that only brands consisting of two letters and a numeral could be transferred. The Parliamentary Draftsman considered that the amendment would make the clause clearer.

MR. FOULKES: It was necessary to legalise the continuance of present brands. Strictly speaking, under the provisions of the Bill brands at present in use would not be legal; and the amendment sought to conserve vested interests by allowing these brands to be registered. It was necessary to have some fixed plan in regard to brands in use, and to have some finality. In some Acts a date was fixed; but in this case the brands expired with the death of the present holders.

MR. BUTCHER: When the Brands Bill was before the last Parliament it was lost in another place because it took away from old settlers the privilege of continuing to use their old brands. That was the only objection members of another place then had to the Bill. This clause now sought to legalise the use of the old brands. It was clear executors could not transfer brands. If they wished to carry on for the benefit of the heirs, a new brand would have to be registered under the provisions of the Bill. Another clause provided that all stock branded at present should be considered branded under the Act.

MR. CONNOR: There would be difficulty in the case of a limited liability company, which never died.

MR. HARPER: Companies wound up.

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

Clause 15—Mode of obtaining brands:

On motion by the COLONIAL SECRETARY, the words "ten shillings" were struck out and "seven shillings and sixpence" inserted in lieu.

Clause as amended agreed to.

Clause 20—Registered brands to be gazetted quarterly:

On motion by the COLONIAL SECRETARY. all the words after "the registrar shall at the end of every," in the first line were struck out, and the following inserted in lieu: "months, publish in the *Government Gazette* a statement in the prescribed form of every brand registered, and of every brand the registration of which has been cancelled during such period of three months."

Clause as amended agreed to.

Clause 37—Property protected if proof of proprietorship given:

THE COLONIAL SECRETARY moved an amendment:

That in line 3 the words "one pound per head and of" be struck out.

Amendment passed.

THE COLONIAL SECRETARY moved a farther amendment:

That in line 10 the words "the sum of one pound per head shall be paid into and form part of the Consolidated Revenue" be struck out.

MR. BURGES: There ought to be some penalty.

THE COLONIAL SECRETARY: The Poundage Act was sufficiently severe on owners of strayed stock.

MR. BURGES: This provision was passed in a previous Bill.

THE COLONIAL SECRETARY: Two sessions ago a Bill was passed containing

this provision. On inquiry into the matter he had found the words were inserted in the draft in the handwriting of the late Premier. The stock-owners and those representing pastoral districts objected to this penalty of £1, and to meet the wishes of those members he had moved that the words be struck out.

MR. RASON: When these words were pointed out to the Colonial Secretary, although he thought it an outrageous charge, at the same time he was anxious to retain some penalty.

Amendment passed, and the clause as amended agreed to.

[MR. BATH took the Chair.]

Third Schedule:

THE COLONIAL SECRETARY moved an amendment:

That the words "ten shillings" be struck out and "seven shillings and sixpence" inserted in lieu.

Amendment passed, and the schedule as amended agreed to.

Bill reported with farther amendments.

ROADS ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the previous day; MR. BATH in the Chair, MR. FOULKES in charge of the Bill.

[New Clause had been moved by Mr. Gordon—Governor may appoint board a drainage board:]

THE MINISTER FOR WORKS: The Canning Roads Board had made several representations to the Lands Department to secure an amendment of the Drainage Act, to attain the same object which the member for Canning desired to attain by introducing the new clause. The Lands Department were convinced that it would be advantageous to the Canning district to give the roads board the right to supersede the drainage board. At Jandakot, where there was a drainage board, the members also were desirous of being superseded by the roads board; consequently it was found that it would be advantageous to have the drainage matters administered by the roads board. The Crown Solicitor was of opinion that an amendment of the Roads Act would be in order; therefore he (the Minister) had no desire to oppose the new Clause.

Clause passed and added to the Bill.

New clause:

MR. H. BROWN moved that the following be added as a clause:

Section 15 of the Roads Act Amendment Act 1904 is hereby repealed.

The Act was almost prohibitive of the cutting up of land, and everyone would recognise that the greater the facilities we gave for cutting up land the better it would be for the people at large. At present an owner might be possessed of possibly 500 acres at about £4 an acre. His rates at 1d. in the pound would come to about £8 6s. 8d.; but immediately he started to give the public the benefit of this land for selection and cut it up into quarter-acre blocks, the rates would go up to £250. That practically led to the locking up of large blocks of land which otherwise would be thrown open. The Act contained the permissive word "may," but in nearly every case roads boards interpreted it as "shall." He did not know that he was guilty of a breach of etiquette in saying we had the promise of the Minister for Works to bring in a Bill next session.

MR. BURGES: The provision was inserted in another place, as it was considered it was not worth while to collect an amount under 2s. 6d.

MR. H. BROWN: That was the minimum rate for land in a district.

MR. BURGES: It was difficult to meet all these cases. He hoped the matter would not be hurried through.

MR. H. BROWN: The minimum rate which any person had to pay under the Act was 2s. 6d., but it was never intended that the 2s. 6d. should be multiplied say 2,000 times. This section stated that it should be 2s. 6d. on every individual block.

THE MINISTER FOR WORKS: This was a very debatable question, and, as the member for York pointed out, the provision was inserted for a purpose, and that purpose was worthy of consideration. It was inserted with the object of making a rate which would be worth collecting. If we made the amount less that the amount specified, it would not be worth collecting. The section said a minimum rate of 2s. 6d. might be levied on any ratable land, or, if the board thought fit, it could do other things. It was absolutely left to the board to decide what the rate should be. The member

for Perth had no confidence in the board. We must remember the property owners in the district elected those representatives, and those representatives went there to voice the opinion of the property owners. The board said a rate of 2s. 6d. should be imposed. The member for Perth turned round and said, "Yes; but although they are representative of the people who own the property, and the people who own the property say they concur in the rate, I, as secretary of the board, do not believe they are right, and I desire Parliament to remove from them the right to impose this rate." That was hardly a fair position to take up. The boards were representative of the property owners, and they knew quite as well as the member for Perth what was best in the interest of their districts. If the word in the Act were "shall," there might be some force in the argument; but as the power was left in the hands of the board who represented property owners, he did not see the necessity of repealing the section; consequently he must oppose the amendment.

MR. H. BROWN was not speaking on behalf of his board at all. His own board did not take the arbitrary step referred to.

THE MINISTER: The hon. member's board had been advocating it for some time.

MR. H. BROWN: The Perth Roads Board did not rate on a per block system, but on the unimproved capital value. The system of rating at per block was adopted only by little roads boards outside the city in whose districts the large owners of land did not reside and had no vote, and where the voting power was held by the small owners.

THE MINISTER FOR WORKS: Surely these small owners desired to see the country developed.

MR. H. BROWN: Yes; but the operation of the section referred to had the very opposite result. If one had 200 or 300 acres of land, the mere fact of putting in 200 or 300 pegs would not improve that land to such an extent that the rate should be 20 times more than would otherwise be the case.

MR. LAYMAN opposed the amendment. He would like to see it made compulsory that the minimum rate should be 2s. 6d. Supposing a man bought a small allotment which had formed part of a big block, he would have to pay a rate of 2s. 6d., which in many instances would be four times the amount paid by the previous owner in respect of that particular piece of land.

Clause put and negatived.

Preamble, Title—agreed to.

Bill reported with amendments.

ANNUAL ESTIMATES, 1904-5.

IN COMMITTEE OF SUPPLY.

Resumed from the previous day; MR. BATH in the Chair.

DEPARTMENT OF JUSTICE (HON. R. Hastie, Minister).

Crown Law Offices, £6,355:

THE MINISTER FOR JUSTICE: It was not necessary to dwell on this vote. Members, especially those who had been in the House previously, were aware that many changes had been made, not so much in administration but in regard to the department, and during recent years those changes had met with the approval of this House. He pointed out to members that, taken as a whole, the vote showed a very considerable decrease as compared with last year. Salaries exceeding £200 a year had not been increased. He would be glad to answer members' questions.

MR. GREGORY: In the Crown Law Department, retrospective increases were made to some officers; yet in the Mines Department such increases had not been given. Last year the cost of the Crown Law Department was £5,894, and this year it was estimated at £6,355.

THE MINISTER: The first increase was one of £140 for clerical assistance. The method was to employ temporary rather than permanent clerical assistants. The next increase was for an assistant parliamentary draftsman, and the next for messengers.

Item—Parliamentary drafting, extra assistance, £200:

MR. CONNOR: The present drafting staff appeared insufficient. Apparently the work was done by a highly qualified gentleman not on the permanent staff. Mr. Sayer, the Parliamentary Draftsman, was thoroughly capable, but had not time to do this work. In the circumstances it was foolish to

employ a temporary assistant, and the amount provided for the assistant was insufficient. If Mr. Sayer had time to do the work, it could not be in better hands. If not, a permanent draftsman should be appointed.

THE MINISTER sympathised with the hon. member's remarks; but the Government were not in a position to appoint another draftsman. Arrangements had been made which he believed would be adequate after the rush of parliamentary work had ceased. If not, the Government would ask the House to authorise an appointment.

MR. GREGORY would regret to see any alteration in our Parliamentary Draftsman. Mr. Sayer was a highly efficient officer, and one of the hardest-worked men in the service. If he had not time for drafting, the wiser course would be to appoint another assistant Crown Solicitor to help Mr. Sayer in that department, giving him more time as draftsman.

MR. FOULKES: The present system seemed to work well. Mr. Sayer had a capable assistant for drafting Bills, and therefore had sufficient time for his work as Crown Solicitor. The assistant Crown Salicitor was a first-class man, quite capable of carrying on his work without any real supervision by Mr. Sayer. The Crown Law Department was splendidly managed. It contained two of the best lawyers in the State. They were satisfied with the present system, and as the Parliamentary Draftsman's work was satisfactory to members, there was no need to alter existing arrangements.

THE MINISTER: The Government would be glad to appoint an assistant if necessary.

MR. CONNOR: Notwithstanding what the member for Claremont said, the presence of this item on the Estimates proved the need for discussion.

MR. GORDON: Parliamentary drafting needed special training. We had had long experience of Mr. Sayer; and it would be a great pity if we were deprived of his service as a draftsman.

Item—Law books, £200:

MR. TROY: The Crown Law Department could use the Barristers' Board's library. This sum should be used to provide a library for the Arbitration Court. With a view to this he moved an amendment:

That the item be struck out.

THE MINISTER: For many reasons the Crown Law library was needed. The item was for special books, and would not affect the provision of a library for the Arbitration Court. Alterations were now being made in the court buildings, and a number of books would be provided.

Amendment put and negatived.

Other items agreed to, and the vote passed.

Land Titles, £10,340:

MR. FOULKES: The clerks of this department worked practically in a cellar, and complaints were frequent. This had continued for many years. Better accommodation should at once be provided.

MR. HARDWICK supported the previous remarks. The underground rooms were small, ill-ventilated, and the light was artificial. Not one but half-a-dozen medical men had condemned these rooms as unsuitable for health, and the officers should be removed to better quarter. Illness among them was frequent, and these facts should receive the attention of the Minister, who should not expect men to go on working in a cellar. The workers there seemed to him to wear a very sallow look, and the place was evidently unhealthy.

THE MINISTER agreed with what had been said as to the unsuitableness of the basement rooms. The accommodation was very inconvenient, and if there were a suitable building obtainable a change would be made. Now that the public works officers were removed from the large building, a fresh arrangement was made in regard to the Land Titles Department; but this could not be carried out immediately.

MR. N. J. MOORE hoped the Minister would see that an increase in salaries was made in one or two deserving cases. An inspecting surveyor had been doing the work for years at a salary of £350, which was not sufficient for that responsible work. Also the draftsmen and computers did a difficult kind of work which deserved better pay.

MR. A. J. WILSON was struck by the fact that there appeared on these

estimates "honorarium to inspecting surveyor, £50," paid already apparently. This appeared to be an indirect way of compensating a surveyor who might be insufficiently paid; but a more direct method was desirable in estimates.

MR. N. J. MOORE happened to know the circumstances of this case. One of the officers being absent from the State, another officer who was doing his work received an honorarium of £50; but the whole sum of £400 voted for the salary of the officer then absent was not really paid in the year.

THE MINISTER: As the hon. member had stated, while one officer was absent from the State another officer who was doing his work received an addition of £50, the salary of the absent officer being at a higher rate than that of the officer then doing his work.

DR. ELLIS: By what authority was this money paid, and how was it paid without coming before this House for the requisite authorisation? There was a provision in the Audit Act which distinctly prohibited any increase of a salary without the same being voted by Parliament; and he wanted to know under what authority this money was paid, as it was practically an increase to the salary.

THE MINISTER: There were numerous votes dealt with in the annual Estimates that had to be increased under circumstances which could not be foreseen when the Estimates were brought forward; and when such a case happened, the additional amount was paid under Form J.

DR. ELLIS: That was directly contrary to the Audit Act, because it was an augmentation of salary or wages which that Act specially prohibited without the sanction of Parliament. The Minister in charge of the department should be able to tell the House why any extra money had been paid, under what authority it had been paid, and how it was paid.

MR. N. J. MOORE: Parliament had authorised an expenditure of £400 for the particular work in the year. Out of that sum £50 was paid as an honorarium to another officer, and the amount actually paid to the first officer, who was absent during a portion of the year, was considerably less than the total amount of the vote.

DR. ELLIS could not accept the statement of the hon. member as a sufficient explanation.

MR. TROY: On one occasion in New South Wales money was paid away in this manner to the extent of £1,000, and serious trouble was caused in Parliament. Objection should also be taken here to any payments made in such an irregular manner.

THE MINISTER: This was not an increase over the amount which Parliament voted for the particular work to be done by one officer. £400 was the amount voted, and only £116 was spent. Under the circumstances the payment of £50 as an honorarium to one officer who was doing the work of an absent officer was well justified.

MR. MORAN: That was the lamest explanation he had ever heard. Why should there be the introduction of this new title "honorarium"? Parliament had a right to demand a full explanation of any money expended unlawfully. Here under the head of "honorarium" was £50 paid as a sum distinct from the salary allotted to the particular officer who received the £50. Therefore this introduced a new item, and whether the amount was £50 or £50,000, the principle was the same. The money was paid without the authority of Parliament. These Estimates were full of cases of unauthorised expenditure. It was never contemplated that any Minister or any Government should expend money without the authority of Parliament, and without making an explanation of what had been done. He did not question that the officer who received the £50 had done good work for the money.

At 6.30, the CHAIRMAN left the Chair.
At 7.30, Chair resumed.

DR. ELLIS: In regard to the payment of an honorarium to the inspecting surveyor, the money, so far as one could ascertain, had been incorrectly paid. The Audit Act provided that no money should be drawn from the public accounts except under an appropriation made by Parliament or under the authority of the Governor. This payment was not made by law, and there were rules to be observed if it was made under the authority of the Governor. It was provided that

nothing should authorise the Governor to pay any sum in addition to wages. Consequently the money was illegally paid. Had the money been legally paid, a statement would have been laid on the table of the House within seven days of the meeting of Parliament. There was consequently only one course open, and that was to strike out the item when we came to it. When money was paid away illegally there must be some procedure to adopt. Could Governments spend money in any way they pleased? This appeared a most extraordinary procedure.

THE PREMIER did not realise precisely what object the member for Coolgardie would gain by striking out the item, seeing that the money had been expended.

DR. ELLIS: But illegally.

THE PREMIER: If the hon. member had the item struck out, there would be a misleading total in regard to the expenditure during the last financial year. When any Government spent money without obtaining the sanction of Parliament, the House had power to deal with the Government when sanction for the expenditure was asked. If an honorarium of £50 had been wrongly paid to a civil servant, the hon. member would be warranted in bringing forward a motion of want of confidence in the Government making the payment.

DR. ELLIS: That was done.

MR. RASON: Hardly on these grounds.

THE PREMIER: There must be elasticity in regard to expenditure in departmental administration, or the affairs of departments could not be carried on. In a State like this, if we laid down a hard-and-fast rule that on no occasion was a Government justified in spending money not voted by Parliament, we would require two or three sets of Estimates during the year and two or three extra sessions of Parliament to deal with them.

MR. GREGORY: What did some of the old Excess Bills amount to?

THE PREMIER: It was necessary that this formal expenditure should be kept to a minimum, and members were justified in asking that no unnecessary expenditure should be incurred without the sanction of Parliament.

MR. WATTS: Were the present Government going to act likewise?

MR. GREGORY: Of course they were doing it every day.

THE PREMIER: Any Government must necessarily incur expenditure without parliamentary sanction. The difficulty in regard to this item might have been got over in one or two ways. The amount might have been charged against the item "Surveyor £400," and added to the salary of £116 shown as expended as a charge for work that really was intended to be paid for out of that item. Another and less proper way would have been to charge it to incidental expenditure, and pay it out of contingencies. In neither case would Parliament have known of the expenditure. However, the Government should afford the fullest information to Parliament in regard to expenditure of every description, and the preferable way of showing this item was as it was shown on the Estimates. There would be no advantage in a continued discussion on this question. While members were justified in discussing to the fullest extent items of proposed expenditure which could be altered, and while the rules of Committee allowed such a matter as this to be drawn attention to, yet there was a disadvantage in unduly delaying the Estimates on an item that could not be altered.

MR. GREGORY was pleased the Premier had castigated certain members for wasting the time of the House on matters of this kind.

The CHAIRMAN: The hon. member was not in order in accusing members of wasting the time of the House.

MR. GREGORY: That was the conclusion to be drawn from the Premier's remarks. He would withdraw the expression. It was rather a pity these items should be questioned; but it was done as a sort of reflection on the late Government. The late Government had not spent the sum of £400 provided on the last Estimates for a surveyor. They only spent £116; and another man did the work during the absence of the person for whom the £400 was voted, and was granted an honorarium of £50. Surely no one could object to payment being made if the officer did the work. The arguments raised were absurd to anybody knowing how Governments carried on.

The necessity to provide money occurred long before the Estimates were brought down. The present Government took advantage of this system.

MR. SCADDAN: Where?

MR. GREGORY: In connection with the Members' Cottage; and the Minister for Mines had already spent £10,000 to £15,000 in purchasing new batteries, believing that Parliament would pass the vote. It was argued the other night that another inspector of mines should be appointed for the northern districts. Would members say the Ministry would do wrong in appointing such an inspector, and by Form J obtain the money to pay the officer? Some years ago he (Mr. Gregory) appointed an inspector of boilers, and had to use Form J to pay the officer. Take the education vote: a certain amount of money was provided for the payment of teachers. Were the Government to stop the work of the department because the vote became exhausted? Surely we should have sufficient confidence in the Government to allow them to use Form J in proper circumstances. He believed the discussion on the item had been brought forward as a reflection against the late Government.

DR. ELLIS: The discussion was not brought forward against the late Government; for when he spoke, he did not know the late Government were to blame, although he knew it now. Form J should be used as little as possible, and when used, should be discussed in the House as fully as necessary. As to contingencies, possibly the Audit Act would enlighten members as to what was the procedure in such cases. He would like to know why the Auditor General had not questioned this item.

MR. GREGORY: The Act was not in force then.

DR. ELLIS: It was passed by the late Government; when did it come into force? In future it was to be hoped the course of procedure so usefully adopted by the late Government would not be carried on. The member for Menzies told the Committee that Government could not be carried on without making advances without authority. Here was an advance made without authority, and the Government had broken the Audit Act. These things should not be allowed to go on in future. The money no doubt had been properly earned, but he (Dr. Ellis) objected to sums of money being improperly and illegally paid away. The matter should be well discussed, so that the trouble would not occur again.

MR. MORAN: It was impossible, in a young country like this, to abolish Form J; but the member for Menzies would remember what a tremendous noise he and his colleagues made against the Forrest Government about the use of Form J. When the great reform movement arose in Western Australia and the great reform party of which the member for Menzies was such a distinguished member was formed, one of the leading headings in the policy speech was the abolition of Form J. The late Government wished to show how the Forrest Government had been riding roughshod over Parliament. This went to show that experience taught in these matters, and with the acquired wisdom and experience which members of the late Government since gained, they must recognise that in a country like this we could not abolish Form J. He questioned the desirability of not allowing discussion on these items in order that we might review the moneys of the country spent by Parliament. It might be safely said that the late Government made a fairly liberal use of Form J, and every Government must do the same, and no objection could be taken so long as the money was well and wisely spent.

MR. GREGORY: Members, on looking through the Estimates, would find that Form J was very rarely used indeed. There had not been Excess Bills brought down for half-a-million of money, like we had in the past. As far as possible, the Government should keep within the confines of the Estimates and spend only the money provided. We were all agreed that in a young country there must be necessity for spending money without parliamentary authority, and the present Government would find they would have to do the same. The member for Ivanhoe said that Form J was used at the election time. Surely the member did not mean that the late Government made a scandalous use of the public funds to do something improper at the election time. He thought the statement should be withdrawn.

Vote put and passed.

Stipendiary Magistracy, £28,480:

MR. F. CONNOR: The information given on the Estimates was not sufficient. More details should be supplied to members. All the salaries of the different magistrates were lumped together, and one could not tell what magistrates were referred to. There were four magistrates at £700; there was nothing definite about that item. In future it would be much better if more details in connection with these matters were placed before members. It was a notorious fact that the public were complaining justly about the jury system in civil cases in this country; and he had no hesitation in saying it was time the system was abolished or altered. At present, in civil cases it was usual for a panel of 18 jurors to be summoned, and the defendant and plaintiff had the right of taking from this panel the names of six jurors and sending them to the sheriff, leaving six jurors to try the case. It was within his (Mr. Connor's) knowledge that unfair means had been taken in connection with the system by gentlemen connected with the law interviewing jurors. Under the present system law was not dispensed justly in this country. If the Minister would take the trouble of consulting with the better class of solicitors in the country, people high up in the law and respected here, he would find what had been stated was correct. It was a serious state of affairs to exist, and some steps should be taken to get rid of the system. A lot of civil cases were brought before the Supreme Court which never should come before that court; but there was a certain class of unprincipled persons connected with the law, he was sorry to say, who took up speculative cases purely on the off-chance of being able to get a jury to agree to nominal damages, so that the verdict would carry costs and put money into their pockets. He would remedy that by doing away with the jury system for civil cases and by having all such cases tried by a Judge, with a right of appeal to three Judges. Another thing was the manner in which these cases were decided. We must have an absolute vote of the jury. Members would be satisfied it would not be very hard for a lawyer so inclined to interview a juror, and then justice would be gone. He knew that had been done, and it was time steps were taken.

THE MINISTER: The position of affairs was, he believed, unsatisfactory, and he promised the hon. member the matter would be looked into, to see if some improvement could be made, especially as to the manner in which juries were selected. As to cases being tried by a Judge instead of a jury, that was a matter he would not like to express an opinion upon at the moment.

MR. GREGORY did not know whether the Minister was prepared to give us any announcement in connection with the various magistrates, as to what it was proposed to do in the future. Many changes had taken place lately, and a great many reductions in the staff. He had no desire to press for information, but he would only be too pleased to receive it. The member for Kimberley made an attack upon certain lawyers here, believing that some of those lawyers interviewed jurymen. [MR. CONNOR said he had seen them.] That was such a serious thing that he was sure the Minister would at the earliest opportunity make some inquiry, so that if anything of that sort existed and by any possibility evidence could be gained to bring those people before the Barristers' Board, action should be taken as speedily as possible. He himself had no knowledge on the subject. He knew rumours had been rife for a long time in regard to speculative actions by various lawyers in this State, but whether the statements were true or not he had not the slightest knowledge. If anything of the sort referred to was found going on in Western Australia, drastic efforts would, he hoped, be made to prevent a repetition. He believed that in many cases, especially in connection with accidents in mines, persons would have been very willing to accept damages from the company had they not been induced by lawyers to bring actions, usually resulting in their receiving a great deal less money, but in every instance benefiting the lawyer. If these things were carried on in the State, the sooner we could stop them the better.

MR. CONNOR: Any persons whose business took them to the Supreme Court would notice that in all those cases such as he had referred to there were nearly always one or two of the same men on

the jury. The same people were sitting over and over again on these juries, and it was possible that men who had not much to do would be liable to be influenced, if it were put to them in a very nice way. He believed that in many cases they were influenced in that way. We wanted to do away with the system of what might be called the professional jurymen, and in his opinion the way to do it was to adopt the system he had suggested. One would, he repeated, see the same men pretty well on all these cases, and he might say, without any disrespect to them, that they were about as shoddy a looking lot of men as one would see anywhere.

Item—Magistrates, 4 at £700, 2 at £600, 1 at £600 for 1 month 22 days, 1 at £550 for 6 months, 3 at £500, 4 at £450, 1 at £400, 1 at £350, 1 at £300 for 3 months—£9,460:

MR. LYNCH: One would like to have the opinion of the Minister as to the practice of some of our magistrates having relations acting as clerks of petty sessions and also in higher positions, appearing before Judges. In some of the Eastern States there were men of such keen sensibility that very often they refused to allow their sons practising at the bar to appear before them. As far as the magistracy of this State was concerned, at least one example had come under his notice. It was a matter which should engage the serious attention of the Minister, whether a magistrate's son should be allowed to practise as clerk of petty sessions.

MR. LAYMAN: The amount of this item appeared totally insufficient. It seemed ridiculous to suppose that the magisterial work of this State should be carried out for not more than £9,460.

MR. GREGORY: There was a provision in the Medical Department.

MR. LAYMAN did not wish to say these magistrates were underpaid or overworked, but there was too much magisterial work left to honorary justices. A great deal of expense was incurred after making laws, and unfortunately those laws were not always administered well. He did not wish to be unduly harsh on honorary men or others who had been unwise enough to be on the commission of the peace, because he felt sure the very best men available had been selected. Still, those gentlemen had not had legal training. To say the most of it they could only administer justice; they could not administer the law. This item should be increased. In the country districts in many places there were periodical visits from magistrates, sometimes once a month or once in two months, and all the work in the meantime had to be done by the honorary justices of the peace. That was expecting far too much from the honorary justices, as well as from the people who appeared before the court.

MR. A. J. WILSON supported the contention of the member for Nelson. Only the other day in looking through some papers of the Crown Law Department he came across a case of what he might almost describe as a gross miscarriage of justice on the part of a gentleman who was an honorary justice of the peace. It seemed from the notes of the evidence taken in the case and the papers he had the opportunity of perusing, that this gentleman was very largely influenced in his decision and in dealing with the whole case by the local police constable, who in this instance happened to be proceeding against a man. Cases of this kind pointed to the necessity of an extension of the paid magistracy of this State. We wanted to have people who by their position and practice were qualified to adjudicate with some reasonable degree of fairness and justice. The man to whom he referred was sentenced to four months' imprisonment. This man brought his case before the authorities in Perth, and so satisfied were the Crown Law authorities that they had no hesitation in immediately ordering his discharge as soon as they had an opportunity of going into the matter, after the man had served only a very brief portion of his sentence. These gentlemen in country districts were presumably largely influenced on the question of law by the local constable. He hoped the Government would see their way to deal with the matter.

THE MINISTER: The hon. member for Forrest had brought forward the vexed question as to how far the jurisdiction of justices of the peace should extend. He (the Minister) was not sure how far it ought to extend. If a man was capable of being a justice of the

peace at all, he ought to be capable of dealing with such a case as that referred to. An exceedingly severe sentence was given, but he believed that this was an exception. The hon. member said there were too few resident magistrates; but he did not agree with him. He (the Minister) believed that in this sparsely-populated country we could do with comparatively few resident magistrates. The district the hon. member came from was pretty well attended to by resident magistrates. Although there had been a considerable decrease in the number of magistrates, he had not heard of any complaints. Members would recollect that two years ago it was said by the late Premier that we had too many resident magistrates. With that the House unanimously agreed. Since then 10 resident magistrates had either resigned or been retrenched. Moreover, arrangements had been made by which several medical officers acted as resident magistrates also, and several resident magistrates acted as clerks of court. These alterations, with the abolition of the position of coroner, would effect a saving of about £5,000; and other retirements would be arranged if possible. The resignation of the resident magistrate at Bunbury (Mr. Timperley) had been accepted, and another change was shortly anticipated. The member for Leonora mentioned a case where a father was magistrate and his son clerk of court. This matter had been considered by preceding Governments. A more satisfactory arrangement would be made if possible. One could not speak so definitely as to forbidding a lawyer to plead in a court while the father sat on the bench. That was a vexed question; and in a State of so small a population, a prohibition of the practice might not work well, for it would deprive suitors of some good legal talent now at their disposal. Probably the practice did little harm on the whole. The question could be discussed on a future occasion.

Item—Clerks of court, £9,370:

MR. NEEDHAM: Here we had examples of glaring anomalies. One clerk of court was recommended by the Royal Commission for an increase of £40. He was then receiving £180, and for some considerable time he had been performing the duties for which other clerks received £300. He had since received the munificent increase of £20, and at times relieved much higher-paid officers, his duties being then made more arduous by the fact that the juniors brought in to assist him were inexperienced. Such glaring injustices should be rectified on the Supplementary Estimates.

MR. A. J. WILSON: Anomalies were apparent in the grades of these officers. The clerk to the magistrate and the Local Court at Albany received £300 a year. The clerk at Boulder, where the volume of business was much greater, should surely be in a higher grade. Yet even the clerks in Fremantle and Perth received only £300 each. The clerk at Albany had evidently a soft sinecure. Last year, too, he received an increase of £75.

THE MINISTER: No; he had previously received £75 from another department.

MR. A. J. WILSON: Possibly the member for Albany (Mr. Keyser) could prove that the volume of this clerk's work had increased since 1903, so as to justify the salary. It should be reduced by £25.

THE MINISTER: This case was receiving his attention. It was that of the father and son acting as magistrate and clerk of court respectively. Too much was paid for the resident magistrate and the clerk of court at Albany as compared with salaries paid elsewhere for more arduous services. A considerable alteration would be made as soon as possible. As to the member for Fremantle's recommendation, many officers were insufficiently remunerated; but the Government had determined not to increase salaries exceeding £200; so if the officer received more, it was to be feared that even on the Supplementary Estimates an increase could not be provided.

MR. A. J. WILSON: If the clerk of court at Albany were transferred to some place where there was more work and more responsibility, would advantage be taken of the transfer to effect economy by filling his place with a clerk at a lower salary?

THE MINISTER: Certainly.

MR. KEYSER: If the hon. member (Mr. Wilson) wanted a reduction in the salary of the clerk at Albany, let him move it. Why did this officer receive such a salary?

MR. TROY: Some clerks were quite competent to act as magistrates; but almost every vacancy on the bench was filled from without the service. A recent vacancy at Geraldton was temporarily filled by Mr. DuBoulay and subsequently by Mr. Kidd, though many officers in the service would have been suitable. This was scant encouragement to clerks of court to take an interest in their work.

THE MINISTER was not acquainted with the particulars of the appointment of Mr. DuBoulay, but it was expected that he would occupy the position only a short time. Through the unfortunate illness of a Judge, Mr. DuBoulay had continued to act for over 12 months. The appointment was considered to be the best that could be made at the time, without disorganising that office. Possibly there was a clerk of court at Geraldton who could have filled that position, but it would have been necessary to appoint another clerk of court. About a dozen clerks of court had been appointed in recent years, on the understanding that they should be available in future for the position of resident magistrate when a vacancy occurred.

Item — Caretakers of courthouses, £1,000:

MR. KEYSER called the Minister's attention to one case in which a caretaker was receiving only £85 a year. Surely this was a ridiculously small payment for working nine hours a day.

THE MINISTER: In addition to the £85, the particular caretaker, whether at Albany or elsewhere, would be getting a house rent-free, with light and various conveniences; so that a caretaker was not badly paid under these conditions.

Item—Inquests, £2,800:

MR. SCADDAN inquired whether it would not be an advantage by saving time and expense, if a shorthand-writer were employed in inquests that extended over a considerable time. In the case of the Great Boulder inquiry, the remark was made by many persons that much time was consumed unnecessarily and the expenses of witness increased by not having the evidence taken down in shorthand.

Other items agreed to, and the vote passed.

Supreme Court (division 26, salaries), £16,253.

Item—Commissioner of Supreme Court, £400:

MR. KEYSER asked for explanation.

THE MINISTER: Mr. Roe had been acting as a Commissioner of the Supreme Court for some time; he was paid a salary of £700 a year, and in addition he received certain fees for each day he sat as Commissioner. This sum was provided on these estimates for the fees, and it was thought he would probably continue to act as Commissioner until the end of the calendar year.

MR. A. J. WILSON: This was a temporary appointment, the Supreme Court judicial bench having been worked at high pressure for some time, one or other of the Judges invariably being absent from the State. As a good deal of work would have to be done in the Arbitration Court, requiring the presence of a member of the Supreme Court bench, and if it were not practicable to secure a Judge separately for the Arbitration Court, the time had arrived when the judicial bench should be increased.

THE MINISTER: It was expected that practically the *nisi prius* cases (which could be taken before a single Judge) would be finished before the vacation commenced; also that all the appeals from justices would be finished before the vacation. There would be several cases held over that required three Judges to hear them. Under this arrangement the work of the Supreme Court bench would be in a better position than it had been for years past, and better than the position at present in any other State of Australia. The Chief Justice, who had been away a considerable time, would be back here next week. While not able to say what might be arranged at the end of the coming vacation, or whether the question would be decided or not, it should be understood that before an additional Judge could be appointed, Parliament must vote the necessary salary. The present Government did not

see that this course was necessary at the present time; still the matter would be kept in mind, and such measures would be taken as would prevent the work from getting behind again.

Item—Librarian, £170:

MR. TROY asked whether respectable persons other than lawyers would be allowed to have access to the law library, which he understood was under the control of the Barristers' Board. Lately members of Parliament were allowed to have access to it; but other members of the public, if respectable, should also have a right to make use of this library, seeing that it was maintained with public funds and was essentially a public library.

THE MINISTER: This was the first time he had heard that any respectable person was refused admission to this library. On the contrary, the librarian assured him that not only members of Parliament, but any other persons desiring to use the library would have every facility for doing so. If the hon. member knew of any respectable person who could not obtain access to the library, let him forward information to him (the Minister), and an endeavour would be made to overcome any difficulty.

MR. TROY read portion of the rules of the Barristers' Board library, which showed that no person other than legal practitioners could be a member of the library, also that a practitioner, on the payment of one guinea, might become a member. The sooner this business was rectified the better.

MR. A. J. WILSON: Why was there a distinction between the salaries of the ushers of the court?

THE MINISTER: These salaries had been fixed for some time. There was no increase.

Item—Official Receiver in Bankruptcy, £450:

MR. F. CONNOR: The Official Receiver's department should be reorganised. The machinery for carrying out the bankruptcy laws was bad. Sometimes 70 per cent of the value of small estates was swallowed up in costs. With less red-tape, many estates could be wound up in as many days as the months now required. All the time there was enormous expense going on. The office of the Curator of Intestate Estates also should be looked into. When people died in the far North, the heirs found that nearly the whole value of an estate was swallowed up in needless expense. The reorganisation of the Official Receiver's office was especially needed in the interests of small business people in the country. The Government would do something for which they would be remembered, if they would take in hand the reorganisation of these two departments.

MR. N. J. MOORE: The Ministry should reduce the excessive charges in connection with the winding up of an estate. He (Mr. Moore) attended a meeting of creditors the other day, and the cost of winding up the estate was £25, while the value of the estate was £55. The charges in the office of the Curator were also excessive.

MR. WATTS supported the remarks of the previous speakers. The main object in dealing with small bankrupt estates was seemingly to get rid of the estates as soon as possible into the pockets of the lawyers.

THE MINISTER: These departments had not yet been inquired into, but in many respects the administration could be cheapened to the convenience of the public. He would see if it were possible to reduce costs.

Item—Extra clerical assistance, £160:

MR. F. F. WILSON: What was the nature of this extra clerical assistance?

THE MINISTER: The exact particulars could not be given at the moment, but it was considered better to appoint a clerk temporarily rather than permanently, because the work had increased of late.

MR. F. F. WILSON had called attention to the item because he was informed the extra clerical assistance was provided by a married woman who was a typewriter and whose husband was earning a salary outside the service. While not objecting to the salary, he did not think it fair that a married woman with a husband earning a salary outside the service should monopolise such a salary. Shorthand-writers and typists in the Crown Law Department only received £120 a year, and it was somewhat unfair that this woman should receive £160.

THE MINISTER did not think the hon. member's information was correct.

Item—Curator of Intestate Estates, £275:

MR. GREGORY: Were the new regulations in connection with the administration of this department framed and gazetted? There should be some proper system between the Curator and his agents on the goldfields; and there should not only be greater publicity in regard to the particulars of the estates in the Curator's hands, but also regular reports to show exactly what was going on in the office.

THE MINISTER: The new regulations would be printed next week; and the Government would prevent, as far as possible, any of the unsatisfactory financial transactions that had been going on. Every clerk of court would be *ex officio* an agent of the Curator, and moneys in estates must be paid in at once to the Curator, the agent not being allowed to pay anything except funeral expenses. The agent would also make returns, and reports would be issued showing the estates in the hands of the Curator.

Item—Payment of witnesses and jurors, £5,000:

MR. KEYSER: Was there any fixed scale of fees, or was the payment of fees at the discretion of magistrates? Municipal officers were invariably refused fees for attendance.

THE MINISTER: There was a scale of fees, but magistrates had power to vary it, and say whether a person should get fees or not. Government officers giving evidence in towns where they resided did not receive fees; and probably the magistrates regarded municipal officers in the same light. Magistrates could allow what they considered fair fees.

Item—Circuit Courts; prosecutions, travelling expenses etc., £600.

MR. TROY: There was necessity for extending the system. How long were the people on the Murchison to continue without these courts? Many promises had been made. It was absolutely impossible under the present system for a poor man on the Murchison to obtain justice. Every person could not bring his case to Perth. It was a pity the member for Kimberley was not present, because that hon. member often spoke of the necessity for extending the system of Circuit Courts.

THE MINISTER hoped to be able to extend the system of Circuit Courts to the Murchison before the end of the financial year.

Other items agreed to, and the vote passed.

Trade Marks, £800—agreed to.

On motion by the MINISTER, progress reported and leave given to sit again.

This completed the votes of the Justice Department.

NAVIGATION BILL.

IN COMMITTEE.

MR. BATH in the Chair; the COLONIAL SECRETARY in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

MR. N. J. MOORE: Could the Minister say when the Commonwealth Navigation Bill would be introduced? A Commission had been appointed and would visit Western Australia in connection with the Commonwealth Navigation Bill.

THE COLONIAL SECRETARY had obtained legal opinion, and was informed that the Bill before the Committee was in perfect order. He was aware that a Royal Commission had been appointed by the Federal Government to take evidence in all the States in regard to a Commonwealth Navigation law. This Bill was only a temporary measure, pending the passage of a Navigation Bill through the Federal Parliament. There was no intention on the part of the Federal Parliament to deal with the subject this session.

MR. KEYSER: Was any injury likely to be done in this State if the Bill was not passed now?

THE COLONIAL SECRETARY: One could not anticipate what might happen in the harbours and rivers of the State between now and the passage of the Federal Navigation Bill. On Sunday last there was an accident on the Swan River, and if the Bill had been law an investigation into the cause of the accident would be well in hand now. In the absence of

such legislation, accidents could not be expeditiously dealt with.

MR. A. J. DIAMOND: A Bill of this description was a crying necessity in Western Australia, for the protection of life as well as property. There was no machinery for the inspection of passenger ships at Fremantle or other ports in the State at the present time.

MR. NEEDHAM moved an amendment:

That in the definition of coast-trade ships the words "as the Chief Harbour Master may deem fit" be struck out.

In discussing the Bill on the second reading he had pointed out that too much power was given to the harbour master. According to the definition of "coast-trade ship" the harbour master had power to say whether a vessel was a coast trade ship or not.

THE COLONIAL SECRETARY: Suppose a coast-trade ship desired to go on a trip to Albany, the Chief Harbour Master might not consider the boat seaworthy to take such a trip; but the vessel might be sufficiently seaworthy to go to Bunbury or some nearer port. A vessel could not go on a trip along the coast without the permission of the Chief Harbour Master.

MR. N. J. MOORE: The power was given in the definition so that the Chief Harbour Master could say what was a coast-trade ship and what was a foreign-going vessel.

Amendment negatived, and the clause passed.

Clauses, 3, 4—agreed to.

Clause 5—What matters within the direction of the Chief Harbour Master:

MR. N. J. MOORE: Under Subclause 1, had the Chief Harbour Master power to cancel a certificate?

THE COLONIAL SECRETARY: Certificates would be granted by a board. After an applicant had passed through the ordinary test the board would recommend a certificate to be granted, and the harbour master would act on the recommendation.

Clause put and passed.

Clauses 6 to 9—agreed to.

Clause 10—Powers of Chief Harbour Master:

MR. NEEDHAM moved that the following be added as a subclause:—

The Chief Harbour Master or Deputy Chief Harbour Master must possess a Board of Trade certificate.

In looking through the measure he could see no mention of the qualifications which this gentleman must possess.

MR. FRANK WILSON: What sort of certificate was meant?

MR. NEEDHAM: The highest that could be obtained from the Board of Trade. He might have omitted a word in this amendment, and he would welcome any suggestion to make the amendment more effective. A heavy responsibility rested on the Chief Harbour Master, who would be called upon to adopt or suggest certain things in connection with administration. We saw that the duties could be handed over to a deputy. There might be some persons who were able men but did not possess all the knowledge necessary for the administration of this Bill.

THE COLONIAL SECRETARY recognised that the hon. member was trying to safeguard the Bill; but he (the Minister) did not think there was any necessity for the subclause, because no Government would care to appoint a Chief Harbour Master unless he had the qualification which the hon. member desired him to have. The amendment would not affect the present position in this State so far as the Chief Harbour Master was concerned. This Bill was following out the system which New South Wales, that had a very much larger maritime trade than we had, was working under. The Bill was intended to tide over a very short period until other legislation was passed, and then the present measure would be no longer of value. He hoped the hon. member would not press the amendment. He did not think there was any necessity for it. This was the only State in the Commonwealth which did not issue certificates, and those certificates issued by the navigation departments in the Eastern States were as valuable as those issued by the Board of Trade in England. A certificate issued by the navigation department in the Eastern States would permit of a man taking charge of a ship from any port we knew of.

MR. N. J. MOORE agreed with the Minister. He did not think a harbour master at one of the smallest ports would be appointed without having at least a master's certificate; and doubtless the Chief Harbour Master would hold an

extra master's certificate. We need not have any fear that anyone holding such certificate would be an unqualified person.

MR. RASON appreciated the motive of the member for Fremantle, but hoped the hon. member would not press the amendment. The effect of passing the amendment would only be to limit the choice. We desired as harbour master the very best person procurable with the necessary qualifications. There were men well qualified to act as harbour masters or for a matter of that as Chief Harbour Master, who did not possess a Board of Trade certificate, but qualifications equally high. For instance, we had had chief harbour masters in Western Australia who had passed the Royal Navy examinations and were captains in the Royal Navy. The amendment would prevent the appointment of such gentlemen. It would be necessary, moreover, to determine what class of certificate should be held if the amendment were passed. Even, however, if the amendment were perfect, the effect would be to unduly limit the choice.

MR. HARPER: The amendment would need some alteration, because as it was framed it would be only necessary for those two officers to hold a certificate between them, and he did not think the hon. member meant that.

MR. NEEDHAM recognised there was a slight omission as to the nature of the certificate, but even if the words "master's certificate" were inserted, evidently the Committee would not accept the amendment. As to the assertion that no Government would appoint a man to this position who had not the highest qualifications, that was all very well. Some Governments were actuated by the very best intentions, but in passing legislation we ought not to trust to the intentions of any gentlemen who might for the moment occupy the Government benches. That had been the big mistake in past legislation. However, there was no chance of carrying the subclause, so by leave of the Committee he would withdraw it.

Amendment by leave withdrawn, and the clause passed.

Clauses 11, 12—agreed to.

Clause 13—Inspectors:

MR. DIAMOND: At first sight this was where the member for Fremantle could come in with a qualification clause. If the hon. member would move an amendment providing that inspectors should possess a master mariner's certificate or something of that sort, that would be a safeguard. But as to the previous question debated, the hon. member was a little bit mistaken, because the Chief Harbour Master must be a qualified man. If we thought we could not trust the Government or other constituted authority to appoint thoroughly qualified persons as inspectors, the words "master mariner" might be inserted.

MR. NEEDHAM suggested that this clause might be recommitted and another chance given of expressing an opinion on the amendment he had moved.

THE COLONIAL SECRETARY did not think it necessary to recommit this clause. Probably the duties of inspectors would be to inspect ships and see that they carried the necessary life-saving appliances and equipments.

MR. FRANK WILSON moved an amendment:

> That after "any" in line 1 of the clause, the words "duly qualified" be inserted.

It was natural to suppose the Governor-in-Council would not appoint a person who was not qualified, but we might insert these words "duly qualified." There might be cases of accident where, for instance, a ship-builder would be a fit and proper person to report to the Chief Harbour Master, whereas possibly a ship-builder would not be a fit and proper person to report on a question of navigation. In such case as that it should be a master mariner. In case of damage to machinery the person should be a qualified engineer.

MR. RASON: Who was to be judge?

MR. KEYSER: Would the mover explain "duly qualified"? A trivial accident in a remote place could be investigated by someone on the spot. The amendment would entail the needless expense of sending an expert from Fremantle.

MR. FRANK WILSON: The meaning was obvious. For an accident such as recently occurred on the Swan River, a navigator would be needed; for a boiler accident, an engineer; for damage to a ship in harbour, a shipwright or the harbour master.

THE COLONIAL SECRETARY: The amendment sought to make the Bill more workable; but in case of an accident the Chief Harbour Master could surely be trusted, if he did not go himself, to send a competent inspector. The amendment might hamper the department in cases of trivial accidents at distant places.

MR. NEEDHAM: The amendment should be pressed. It was said the harbour master would not appoint unqualified inspectors; but a recent accident showed that uncertificated officers were sometimes put in charge of vessels. The words "duly qualified" could be easily defined in a schedule.

MR. N. J. MOORE supported the amendment, which could not possibly do harm.

MR. KEYSER: The amendment might do considerable harm. To compel the Chief Harbour Master to send a duly qualified inspector to report on every trivial accident was going too far.

MR. N. J. MOORE: "Duly qualified" did not necessarily mean "certificated." A layman could investigate a trivial accident.

MR. CONNOR: Then there was no need for the words.

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

Clauses 14 to 18—agreed to.

Clause 19—Provision as to appointment:

MR. N. J. MOORE: As this measure would be repealed on the commencement of the Federal Act, was it worth while to make officers appointed under it civil servants?

THE COLONIAL SECRETARY: No new officers would be appointed. The Bill would be administered by officers now in the department.

MR. KEYSER: By the clause, officers were to be appointed under the Public Service Act 1904. There was no such Act; and the Bill now in another place might not pass.

THE CHAIRMAN: True. The clause must be altered to make the appointments in accordance with the provisions of any Act regulating the public service for the time being.

THE COLONIAL SECRETARY moved an amendment:

That the words "the Public Service Act 1904," in lines 2 and 3, be struck out, and "any Act regulating the public service in force for the time being" be inserted in lieu.

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

Clause 20—Courts of marine inquiry:

MR. KEYSER: The clause referred to "the Local Courts Act 1904," which Act did not exist.

THE CHAIRMAN: It was contrary to the Standing Orders to refer in a Bill to a nonexistent Act of Parliament.

THE COLONIAL SECRETARY moved an amendment:

That the words "the Local Courts Act 1904," in lines 4 and 5, be struck out, and "any Act regulating Local Courts in force for the time being" be inserted in lieu.

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

THE CHAIRMAN: Any similar amendments made subsequently would be consequential.

Clause 21—Local Court Magistrate to preside; Inquiry involving cancellation of certificate:

MR. FRANK WILSON: In inquiries involving the cancellation of an engineer's certificate the assessors should not be master mariners; and in inquiries involving the cancellation of a mariner's certificate engineers should not sit as assessors.

THE COLONIAL SECRETARY: This was the law in the other States.

MR. F. WILSON: Yes; but it worked very badly. A master mariner had no practical knowledge of the marine engineer's calling.

THE COLONIAL SECRETARY: Probably the object of having two assessors was that both branches of the marine service should be represented.

[MR. QUINLAN took the Chair.]

MR. F. WILSON moved an amendment:

That at the end of Subclause (2), the following words be added: "One of whom at least shall have had experience in the calling of the person before the court."

Amendment passed, and the clause as amended agreed to.

Clauses 22, 23—agreed to.

Clause 24—Matters in respect of which the Court may hold inquiry:

MR. N. J. MOORE: No provision was made for holding inquiries in the case of foreign vessels. In several instances

foreign vessels had been grounded for the sake of the insurance.

THE COLONIAL SECRETARY: All vessels other than men-of-war came under the Bill.

MR. MOORE: There was no provision by which an inquiry might be held in the case of foreign vessels. Very often old British vessels condemned by Lloyd's had been purchased by foreigners; and in many instances these vessels foundered, not through carelessness, but because it paid the owners better to let them go down rather than carry the cargoes to port. There should be the same inquiry in such cases, as in the case of British vessels.

THE COLONIAL SECRETARY: We would not have any control of ships until they came within three miles of the coast.

MR. HAYWARD: At Bunbury, a foreign vessel was supposed to be lost by negligence, and it was with the greatest difficulty that an investigation could be held.

THE COLONIAL SECRETARY: This showed the necessity for the Bill.

MR. HAYWARD: Provision was needed under which foreign vessels would be subject to the regulations regarding inquiries. There had been grave suspicion of vessels being lost for the sake of the insurance.

THE COLONIAL SECRETARY: This point would be inquired into. There was power somewhere in the Bill to deal with any boat that came within our waters.

MR. N. J. MOORE: Provision was made for the inspection of all foreign vessels, and to see that the regulations of the port were carried out; but there was particular necessity for provision to hold an inquiry in the case of mishaps to foreign vessels.

MR. HAYWARD: When the inquiry was held at Bunbury, it was decided it could not be held without the consent of the consul for the particular country whose flag the vessel carried. To prevent fraud, power should be given to hold investigations on vessels under all flags.

MR. KEYSER: At Albany, it was contended that the local authorities had no power over foreign-owned vessels, and the fact that the word "British" was used in every case showed that the framers of the Bill were under the same impression. The Bill provided that there should be control over a Western Australian registered vessel no matter where it was. We could infer therefore that the foreign country had control over foreign-owned vessels in our waters.

MR. DIAMOND: The Minister would do well to look into this matter. For many years past there was a tendency to sell old British vessels to Norway, Sweden, and other countries in Europe; and these ships were allowed, after registration in that country, to leave port and undertake voyages under a classification which would not be allowed in Britain. Foreign countries were not so careful in this respect as were British countries, and it was our duty to keep foreign nations up to the mark and not allow coffin traps to be licensed under the guise of sailing ships.

MR. HAYWARD: International law might prevent an action being brought such as had been mentioned.

THE COLONIAL SECRETARY: The matter would be looked into, and if there was no provision in the Bill to deal with foreign-going vessels he would see that a clause was inserted in the measure.

MR. FRANK WILSON: It was a universal custom, he believed, not to interfere with foreign-owned vessels unless the lives of British subjects were at stake. If a vessel owned in Western Australia had a foreign crew on board, the Government of the country to which the crew belonged would take the necessary steps to protect their subjects. An inquiry would be held at the instigation of the consul for the country It was a different case when a foreign vessel was engaged carrying British passengers. International law would permit these vessels to be examined at a British port. This was provided for in Part IV. of the Bill. That was about as far as we should care to go. An accident would be prevented by seeing that a vessel was seaworthy, but if a vessel was wrecked the inquiry rested with the country to which the vessel belonged.

MR. HAYWARD: Vessels might come here badly found and be wrecked at a local port. This would give the port a bad name and increase the insurance on vessels going to the port in future.

MR. N. J. MOORE: The provision of the Bill as to the detention of a vessel would apply to all ships as if they were British-owned.

THE COLONIAL SECRETARY: The matter would be gone into, and if necessary the clause would be recommitted.

Clause passed.

Clauses 25, 26—agreed to.

Clause 27—Presiding magistrate:

MR. NEEDHAM moved an amendment:

That in line 4 of Subclause 2 the words "as well as a deliberative" be struck out.

If an inquiry were held, the presiding magistrate should not have a casting vote as well as a deliberative vote.

MR. RASON: Much as he agreed with the principle of one man one vote, it was carrying that principle rather far when it referred to magistrates on a marine inquiry. The presiding magistrate at a marine inquiry would have no voice at all in the verdict unless the assessors failed to agree. If a court consisted of five persons, there might be two on the one side and two on the other; the resident magistrate was then called in and gave his casting vote. That would place the magistrate in an awkward position. If he could have given a deliberative vote there would have been no trouble.

MR. FRANK WILSON: Clause 21 provided that any one or more of the Local Court magistrates might sit on a court of marine inquiry. Two assessors had power to advise but not to adjudicate; therefore they had no voice in the decision. At Fremantle no doubt two local magistrates would sit in the court, and the senior magistrate would have a second vote. Why should there be a second magistrate at all in such circumstances? We would do well to take away this power, and the Government would then see that three magistrates or one should be appointed as a marine court. It was to be hoped the Colonial Secretary would agree to strike out the words suggested by the member for Fremantle.

MR. KEYSER: The chairman of the court only in special cases had two votes, that was when there was an equality of votes. In such a case the chairman should have a deliberative as well as a casting vote.

MR. N. J. MOORE: Local Court magistrates should be defined, for the clause provided that the senior Local Court magistrate should preside, which meant the senior justice in the absence of a Local Court magistrate. Did a Local Court magistrate mean a justice of the peace?

THE COLONIAL SECRETARY: The resident magistrate.

MR. J. N. MOORE: The clause should be amended so that the resident magistrate should preside, or in his absence the senior justice or a justice having special knowledge. It would be much better to really define what "local magistrates" would mean.

MR. NEEDHAM: In the event of say three magistrates being present in this court, the senior magistrate of the town must be the presiding officer. The other two might be much more experienced on the subject before the court, and the senior officer might know very little about the question, yet we gave him two votes against one vote of a more experienced man. [MEMBERS: No.]

MR. HAYWARD: Apparently the presiding magistrate would not exercise the power to give a second vote except in the case of a tie. It was absolutely necessary to have such provision, because ties would occur.

THE COLONIAL SECRETARY: The mover of the amendment was, he thought, moved with the democratic idea that no man should have more than one vote. He (the Minister) had been in the same position. The clause pointed out that in the event of an equality of votes the presiding magistrate should have a casting vote as well a deliberative vote. The provision had been working smoothly in Navigation Acts in other portions of the Commonwealth, and it would be unwise for the Committee to accept the amendment of the member for Fremantle. He hoped the hon. member would withdraw it.

MR. FRANK WILSON suggested that all the words after "court," in line 3 of Subclause 2, be struck out with a view of inserting "shall be the decision of the majority." He thought it objectionable for any magistrate to have two votes.

MR. KEYSER: Supposing four were sitting in court, including the chairman, and two were in favour of white and two in favour of black, there must be a casting vote.

THE PREMIER: Quite an unnecessary amount of attention had been given to this clause. The only object was to secure that in the event of an equality of votes there should be some means of settling the point in difference. Supposing three magistratey were hearing a case and one fell sick, it would be necessary either to begin again with some third magistrate or for the other two to concur, or in the event of their failing to concur, to have some way of settling the difficulty.

MR. FRANK WILSON: Was there not such difficulty in the Supreme Court or Arbitration Court?

THE PREMIER: Difficulty was liable to arise in the Arbitration Court. Considerable expense was involved for every additional day of delay in finally settling a case, and a vessel was kept in port in order that the case might be heard. For the first time, the Bill proposed to give to Western Australia some means of legally dealing with questions of this sort. We had every reason to hope that at a comparatively early date the Federal Parliament would legislate on this subject, and as soon as it did so this Bill would cease to operate. If we were to have this Bill passed, we must have it passed speedily. There could be no great harm in passing any provision which had worked satisfactorily in another place, as this had done in the mother State of New South Wales.

MR. FRANK WILSON: Did we understand that this was word for word a copy of the New South Wales Act?

THE COLONIAL SECRETARY: Word for word, except that "Western Australia" was substituted for New South Wales, and except also as regarded other matters dealing with the Fremantle Harbour Trust.

MR. GREGORY: There were simply consequential alterations.

THE COLONIAL SECRETARY: That was so. The object of copying the provisions in the New South Wales Act was to facilitate the passage of the measure through this House. The legislation of New South Wales had been in existence since 1901, and had worked satisfactorily. Clause 20 gave the Court of Marine Inquiry the same powers as were possessed by a Local Court. He hoped the Committee would not accept the amendment.

MR. FRANK WILSON: It was not always wise to adopt in its entirety legislation of other States. We were here to see we got the best legislation we could according to our judgment and experience. His object was to endeavour to make the measure more workable and equitable. The member for Albany thought that all local magistrates could rush away and form themselves into a court of marine inquiry. But that was a permissive clause, and the court had to be proclaimed by the Governor-in-Council. In the northern portion of this State we should not be able to get more than one magistrate, whereas down here three could be appointed, if thought necessary. He was willing to let the Bill go through *en bloc*, if the Government wished it passed that way, owing to the lateness of the session.

MR. N. J. MOORE suggested that the Colonial Secretary should accept an amendment to strike out the words "Local Court magistrate," in Subclause 1, and insert "magistrate of the court." A Local Court magistrate was known as a general magistrate, whereas an ordinary justice of the peace was not.

THE PREMIER: We wanted a resident magistrate and not a justice of the peace.

MR. N. J. MOORE: The clause specified the senior magistrate.

THE PREMIER: Seniority would be determined by length of service.

Amendment put and negatived, and the clause passed.

[MR. BATH took the Chair.]

Clauses 28 to 32—agreed to.

Clause 33—Chief Harbour Master to issue certificates:

Mr. GREGORY: Did the Bill provide for the proper inspection of all river steamers? Recently he travelled on a steamer which carried only one small boat for 50 or 60 passengers.

THE COLONIAL SECRETARY: The Bill provided for proper inspection in every particular, and for regulations.

MR. NEEDHAM moved an amendment:

That the word "may," in line 2 of Subclause 2, be struck out, and "shall" be inserted in lieu.

The certificate, for the posting up of

which a subsequent clause provided, should specify the maximum number of passengers to be carried. Why leave this optional with the harbour master?

THE COLONIAL SECRETARY: The amendment was unnecessary. The harbour master would attend to the matter.

MR. GREGORY: Why not make the subclause mandatory?

MR. KEYSER supported the amendment. The carrying capacity of any boat could be easily ascertained; and the certificate should specify the maximum number of passengers.

Amendment passed, and the clause as amended agreed to.

Clauses 34 to 46—agreed to.

Clause 47—Offences:

MR. GREGORY: In the subclauses penalising drunkenness and disorderly conduct, one of the marginal notes read, "Persons forcing their way on board ship when full."

THE COLONIAL SECRETARY: It meant, when the ship was full.

Clause put and passed.

Clauses 49 to 50—agreed to.

Clause 51—Examination of masters and mates:

MR. N. J. MOORE: Seeing that the Bill was only a temporary measure, these important clauses constituting a board to issue certificates for all vessels might be omitted. We would soon have a Federal certificate issued, and it would not be wise to have a State certificate issued at this stage.

THE COLONIAL SECRETARY: It was necessary to have a board to grant certificates to masters or mates. The hon. member need not fear the clause.

Clause put and passed.

Clauses 52 to 68—agreed to.

Clause 69—Penalty for uncertificated person practising as marine surveyor:

MR. GREGORY: Under Clause 42 there was a penalty of £100 should a wrong certificate be issued by a surveyor. Probably the surveyor might receive a large sum from the owner of a vessel to give an improper report, and there might be loss of life through the vessel going to sea. Instead of a fine there should be imprisonment.

THE COLONIAL SECRETARY: Inquiry would be made into the clause.

Clause put and passed.

Clauses 70 to 76—agreed to.

Clause 77—Application to foreign ships of provision as to detention:

MR. N. J. MOORE: This clause might also be recommitted, seeing that it dealt with foreign-going vessels.

THE COLONIAL SECRETARY: It would be recommitted if necessary.

Clause put and passed.

Clauses 78 to 81—agreed to.

Clause 82—Load-lines:

MR. N. J. MOORE: Would the Colonial Secretary recommit this clause if necessary, so that it could be made to apply to foreign vessels?

THE COLONIAL SECRETARY: If it were necessary, and we had power to amend in the direction suggested, he would recommit the clause.

Clause passed.

Clauses 83 to 99—agreed to.

Clause 100—Power to make regulations under 42 Vic., No. 84:

MR. GREGORY: If Clause 99 gave power to make regulations, why was special power given to make regulations under Clause 100?

THE COLONIAL SECRETARY: These regulations were under a separate Act.

Clause passed.

Clause 101—Rules and regulations to be published in the *Government Gazette*:

MR. KEYSER: The clause provided that all rules and regulations should take effect from the date of publication in the *Government Gazette*. That was rather stringent. Some notice should be given of the rules and regulations.

THE COLONIAL SECRETARY: It was the general rule that regulations came into force as soon as gazetted.

MR. GREGORY: There was something in the contention of the member for Albany, but when regulations were published in the *Government Gazette* a date was notified when they would come into force.

THE COLONIAL SECRETARY: Although the clause provided that the regulations should come into force as soon as gazetted, a notification accompanied the regulations setting forth the date when the regulations would come into force. There would be no undue hardship.

MR. KEYSER: The Chief Harbour Master had no discretion. The clause stated distinctly that immediately the

regulations appeared in the *Gazette* they would come into force.

THE MINISTER FOR WORKS: Notices were posted at the shipping office.

MR. KEYSER moved an amendment—

That in line 3 the word "shall" be struck out and "may" inserted in lieu.

MR. RASON objected to the amendment. The regulations might take effect from a certain date, but they might not. There should be some time when they would take effect. In the ordinary course the Chief Harbour Master fixed the date when certain regulations should come into operation; that was the procedure as to lights and beacons. No option was given to the Chief Harbour Master to advertise the dates on which the regulations should come into force; therefore an amendment might be moved to the effect that the regulations should take effect from a date to be advertised in the *Government Gazette*.

MR. KEYSER: Within 14 days.

MR. RASON: It was not well to lay down hard-and-fast rules, for it might be necessary to adopt some regulations to come into force at once. He could only suggest one way out of the difficulty. As the Minister in charge of the Bill had agreed to recommit on certain clauses, the hon. gentleman might agree to recommit on this clause also.

THE PREMIER: It was usual to make a regulation date from the day of publication. The publication in the *Government Gazette* was really the official notice to those concerned. It was just as fair for a proposal published in the *Government Gazette* to come into operation from the date of such publication as it was for an Act of Parliament to come into force from the date of the passing of the Act.

MR. GREGORY thought the wording was a little different from the ordinary thing.

THE PREMIER: The hon. member would find this wording in a number of other Acts.

MR. KEYSER: It was necessary that the Bill should be recommitted.

THE PREMIER: The hon. member had power to move that the clause be recommitted.

Amendment by leave withdrawn.

Clause put and passed.

Clause 102 — Misdemeanours, how punishable:

MR. GREGORY: Were not the words "Attorney General" a mistake? Should not "Minister for Justice" or "Colonial Secretary" be substituted?

THE COLONIAL SECRETARY: "Colonial Secretary" was the same in the eye of the law.

THE PREMIER: There still was an Attorney General, and the legal functions were carried out by the gentleman acting as Attorney General as well as Crown Solicitor.

MR. GREGORY believed that on several occasions we had had the advantage of advice in the House from civil servants.

THE PREMIER: This was a legal Act.

Clause passed.

Clauses 103 to 106—agreed to

Schedules (3)—agreed to,

Preamble, Title—agreed to.

Bill reported with amendments.

NOXIOUS WEEDS BILL.

IN COMMITTEE.

MR. BATH in the Chair; the MINISTER FOR WORKS (Hon. W. D. Johnson) in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

On motion by Mr. N. J. MOORE (for Mr. Harper), the following definition inserted: "Locality" means any area of country described as such by the Minister and published in the *Government Gazette*.

Clause as amended agreed to.

Clauses 4 to 10—agreed to.

Clause 11—Proportion of expense to be borne by owner or occupier:

THE MINISTER FOR WORKS moved amendments:

That the word "cost," in line 10 of Subclause 1, be struck out, and "expenses" be inserted in lieu; and that the word "interest" in line 1 of Subclause 3 be struck out, and "or a particular estate" be inserted in lieu.

Amendments passed, and the clause as amended agreed to.

Clause 12—Expenditure by mortgagee:

THE MINISTER FOR WORKS moved amendments:

That the words "in possession" be inserted after "mortgagee" in line 1; and that "shall be liable as owner, and" be inserted after "land" in the same line.

Amendments passed, and the clause as amended agreed to.

Clauses 13 to 20—agreed to.

Clause 21—Proof of ownership:

THE MINISTER moved an amendment:

That Subclause 1 be struck out.

The Registrar of Titles or of Deeds could not take the responsibility of certifying that a certain person was the owner or the lessee. Proper provision for proof was made in Subclause 2.

Amendment passed.

THE MINISTER moved amendments:

That the word "proprietor" be inserted after "the," in line 18; and that the word "owner," in the same line, be struck out, and inserted after "licensee," in line 19.

Amendments passed, and the clause as amended agreed to.

Clauses 22 to end—agreed to.

Bill reported with amendments.

ADJOURNMENT.

The House adjourned at eighteen minutes past 11 o'clock, until the next afternoon.

Legislative Council,

Thursday, 15th December, 1904:

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

PRAYERS.

FACTORIES ACT AMENDMENT BILL.

RECOMMITTAL.

On motion by the MINISTER FOR LANDS, Bill recommitted for amendment of Clause 2.

Clause 2—Amendment of S. 27, S.s. 6 (air space):

THE MINISTER moved an amendment:

That the words "not be required to exceed" be struck out, and "be not less than" inserted in lieu.

The Chief Inspector of Factories had grave objections to Mr. Kingsmill's amendment of yesterday, fixing the maximum air space at 400 cubic feet. No Factories Act or regulation, so far as could be ascertained, fixed a maximum. In Victoria, New South Wales, Queensland, and England a minimum of 400 feet was fixed; and if that was the minimum in England, then in this State, where the summer was oppressive, the maximum if any should be much greater. For common lodging-houses our minimum was 500 cubic feet for every sleeper; and in the opinion of the chief inspector 400 feet for such buildings as flock manufactories and flour mills would be totally inadequate. It was said that without a maximum, inspectors might make oppressive requisitions; but inspectors were under Ministerial control, and if the alterations demanded would cost more than £5, the owner could appeal to a magistrate. Unless his (the Minister's) amendment were passed, the inspector would by another clause have power to compel the owner to provide "suitable ventilation." This might entail great expense on the owner.

HON. W. KINGSMILL: The object of the amendment passed last evening was that persons erecting or reconstructing factories should have some definite plan to guide them. The Minister's amendment would defeat this object by providing a minimum but not a maximum, thus leaving builders in the dark as to what air space would be required. The Minister spoke of England; but ventilation here, with our clearer and livelier atmosphere, was much better than in the heavy, dull, and uncertain climate of England. Our factories were too few; it was necessary to encourage the building of new factories by clearly defining the provisions required; and if a maximum air space were not fixed, an important definition would be lost.

HON. G. RANDELL would accept the amendment if 400 feet were altered to