so, he hoped communications sent to the department would be attended to more expeditiously than in the past. To-day he received from a constituent a letter written last Monday, which bore on some remarks previously made by him with regard to the Lands Department. He would quote one small passage: "I will be extremely obliged if you will ask the Minister for Lands why replies have not been sent to my letters of August 19th and August 26th, 1901, and also the reminder sent to him on 15th October, 1901." Throughout the whole of this State complaints were rife as to the correspondence branch of this department. These complaints had been brought to the knowledge of the department time after time, and no improvement had taken place. He trusted the fact of the matter having been ventilated, as it had been during the discussion on the Estimates, would cause some reform.

THE PREMIER: If the hon. member would give him the letter he would inquire into the matter.

Vote put and passed.

This completed the Lands Department.

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

ADJOURNMENT.

The House adjourned at 16 minutes to 12 o'clock, until the next day.

Legislative Council,

Thursday, 30th January, 1902.

Papers presented—Petition: Early Closing Bill—Question: Solicitors' Fees, particulars—Question: Coolgardie Water Scheme, Pipe Caulking—Return ordered: Rails and Fastenings, particulars—Return: Coolgardie Water Scheme, Pipe Caulking—Return ordered: Public Works Employees, particulars—Return ordered: Public Works Contracts, as to adjudication—Leave of Absence—Motion: Criminal Code Bill, select committee discharged—Pawnbrokers Bill, third reading—Criminal Code Bill, in Committee, Recommittal: progress—Early Closing Bill, in Committee to Clause 8; progress—Industrial Conciliation and Arbitration Bill, second reading moved—Workers' Compensation Bill, second reading (resumed) adjourned—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: By-laws of Municipalities of Guildford and Paddington.

Order: To lie on the table.

PETITION—EARLY CLOSING BILL.

HON. G. RANDELL (Metropolitan) presented a petition signed by 71 shopkeepers carrying on business in Perth and suburbs, praying that shops may be open till 9 o'clock p.m.

Petition received and read.

QUESTION—SOLICITORS' FEES, PARTICULARS.

HON. F. T. CROWDER asked the Minister for Lands: What fees are owing to solicitors outside the Crown Law Offices for services rendered during the past 12 months, as from 1st January, 1901.

THE MINISTER FOR LANDS (Hon. A. Jameson) replied: All accounts rendered have been paid. There are one or two accounts outstanding, particulars of which have not yet come in.

HON. F. T. CROWDER: Will you supply particulars of those fees?

THE MINISTER FOR LANDS: Yes; when the information has been received.

QUESTION—COOLGARDIE WATER SCHEME, PIPE CAULKING.

HON. J. T. GLOWREY asked the Minister for Lands: 1, If the Government is aware that the system of caulking the pipes of water mains by hand labour

has, prior to the advent of Messrs. Couston & Co.'s patent machine, proved, as a general rule, satisfactory. 2, Has the Government considered the expediency of calling for tenders for caulking the joints of a section of the Coolgardie Water Scheme rising main under the usual system of hand labour in order to ascertain the price per joint at which contractors would be prepared to carry out the work, and also serve as a check upon the cost of performing this work as estimated by the officers of the Works Department? 3, If not, will the Government do so?

THE MINISTER FOR LANDS replied:—1, Yes; as a general rule hand-caulking is satisfactory, but the conditions obtaining with regard to the Coolgardie main and joints are such that hand-caulking would probably be unsatisfactory, and would not result in such efficient work as is obtained by the machine-caulking. As a general rule, pipe-joint caulkers are accustomed to the caulking of the joints of cast-iron mains, which are rigid and do not spring under the blows of the hammer; whereas the Coolgardie main has considerable elasticity, and requires to be very carefully caulked, otherwise the pipes would "spring" under the operation, and leaky joints would result, although the joint at the same time might appear to be thoroughly well caulked. Joints of steel mains have, of course, been caulked by hand, but such mains are not generally subjected to the very heavy pressures which will obtain in some parts of the Coolgardie main. Caulking which might be quite efficient for low pressure would probably be altogether useless for heavy pressures. Tests have been made on the Coolgardie main of joints caulked by hand in the ordinary way, with a view to determining the efficiency of same under pressures which will be met with on the Coolgardie main, and although thoroughly experienced caulkers were put on the work, it was found that in nearly every instance the joints leaked when the heavy pressures were approached. 2, The tests carried out to determine the suitability, efficiency, and economy of the patent caulking machine for jointing gave results so satisfactory, and so much superior to the results from hand-caulking, that it was considered inadvisable to resort to hand-caulking. Departmental experience of practical work done on the pipe main has confirmed the opinion arrived at from results of experimental tests. 3, For the reasons given in replies to Questions 1 and 2, it is not considered either necessary or desirable to call for tenders for hand-caulking.

RETURN—RAILS AND FASTENINGS, PARTICULARS.

On motion by Hon. F. T. CROWDER (for Hon. G. Bellingham), ordered: That a return be laid on the table, showing the cost per ton in London for rails, freight, and charges to Fremantle, and other charges, the weight per yard, and the quantities used: also the separate cost of fastenings, per ton, on the following railway lines:—Southern Cross-Kalgoorlie railway line, Coolgardie-Kalgoorlie duplication, Kalgoorlie-Menzies, Menzies-Leonora, Cue-Nannine, Donnybrook line. Items enumerated above to be separate.

RETURN — COOLGARDIE WATER SCHEME, PIPE CAULKING.

HON. J. T. GLOWREY (South) moved:

That a return be laid on the table of the House, showing:—1, The estimated cost of the whole of the plant already purchased and that still required to complete the caulking of the Coolgardie pipe main under Messrs. Couston & Co.'s patent system, including all patent royalties paid and to be paid. 2, The estimated cost of a plant to caulk the whole of the Coolgardie pipe main under the usual system of hand labour. 3, The estimated cost per joint of performing the work of caulking only after the lead is in position (*a*) by hand labour in the usual way, including local supervision; (*b*) by Messrs. Couston & Co.'s machine, including all stores and other expenses and local supervision. Assuming that the cost of excavating and refilling the pipe trench, handling the pipes, valves, and other similar appliances, and also running the lead into the joints would be common to both systems.

The question of caulking the pipes by hand or by machine was engaging the minds of various persons, and many opinions had been expressed. It would be well to have the information laid on the table.

HON. G. RANDELL (Metropolitan): What the hon. member evidently required was the actual cost of the plant already purchased, and the estimated cost of that to be obtained. If the motion were

allowed to pass as proposed, the hon. member might not get the information he required.

HON. J. M. SPEED (Metropolitan-Suburban): If information were given as to the estimated cost, members could find out what was the difference between the estimated and the actual cost.

Question put and passed.

RETURN—PUBLIC WORKS EMPLOYEES, PARTICULARS.

HON. J. T. GLOWREY (South) moved:

That a return be laid upon the table of this House, showing the names, designations, and daily remuneration, including allowances, of all assistants engaged in the Public Works Department at the present time in connection with each departmental work now in progress; such assistants not being labourers, artizans actually working at their respective trades, or assistants provided for in either the Loan or Revenue Estimates.

There were a number of officers in the Works Department for whom apparently no provision was made: he would like to know if they were paid as day labourers or not?

Question put and passed.

RETURN—PUBLIC WORKS CONTRACTS, AS TO ADJUDICATION.

HON. J. T. GLOWREY (South) moved:

That a return be laid upon the table of this House, showing all contracts let during the past 10 years under the Public Works Department, in connection with which the Engineer-in-Chief has adjudicated as arbitrator. The return to show in columnar form: 1, The description of contract. 2, The name of the contractor. 3, The original contract price. 4, The amount certified to be due to the contractor by the supervising officer prior to arbitration. 5, The amount claimed by contractor over and above the amount in Column No. 4. 6, The amount awarded by the Engineer-in-Chief in respect of the amount claimed by the contractor. 7, The total amount paid on all accounts to the contractor in final settlement, including the original contract price. 8, Such remarks as may be necessary to explain any information contained in the return.

Attention was now being drawn to departmental day-work, and he had given some attention to the contract system. A few years ago the Niagara Dam was constructed, and whereas the contract price was £20,000, the country eventually had to pay £60,000. This was only one instance; and he desired to have information supplied so that members would be in a position to express opinions, and to know exactly how the contract system had been carried out during the past few years.

Question put and passed.

LEAVE OF ABSENCE.

On motions by the HON. G. RANDELL, leave of absence for 14 days was granted to the Hon. S. J. Haynes, on the ground of illness, and to the Hon. H. J. Saunders, on account of urgent private business.

MOTION—CRIMINAL CODE BILL, DISCHARGE OF COMMITTEE.

HON. R. S. HAYNES (Central) moved:

That the Order of the Day for bringing up the report of the select committee on the Criminal Code Bill be discharged, and that the Bill be considered in a committee of the whole House, after Order of the Day No. 1.

The members of the select committee were of opinion that if they undertook the task of reporting to the House on this Bill, they would naturally hereafter be held responsible if there were any defects in the law; and it would be impossible for any committee to give a guarantee to the House, when such a short time was at the disposal of the committee. It was thought desirable that the Bill should be threshed out in Committee.

Question put and passed, and the select committee discharged.

PAWNBROKERS BILL.

Read a third time, on motion by the MINISTER FOR LANDS, and transmitted to the Legislative Assembly.

CRIMINAL CODE BILL. IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Establishment of Code:

THE MINISTER FOR LANDS moved that in line 1 the word "March" be struck out, and "May" inserted in lieu.

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

Clauses 3 to 9, inclusive—agreed to.

Clause 10—General rules:

THE MINISTER FOR LANDS moved that in line 2, after "Court," the words "or a majority of them" be inserted.

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

Schedule I.—The Criminal Code of Western Australia:

Chapters I. to VII., inclusive—agreed to.

Chapter VIII.—Offences against the executive and legislative power:

Clause 58—Threatening witness before Parliament:

THE MINISTER FOR LANDS moved that, in the last line, the words "with hard labour" be inserted between "imprisonment" and "for."

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

Chapters IX. to XII., inclusive—agreed to.

Chapter XIII.—Corruption and abuse of office:

Clause 90—Administering extra-judicial oaths:

THE MINISTER FOR LANDS moved that, in line 10, the words "or a joint committee of both Houses" be inserted between "House" and "nor."

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

Chapters XIV. to XXXI., inclusive—agreed to.

Chapter XXXII.—Assaults on females; Abduction:

Clause 324—Punishment for rape:

HON. A. G. JENKINS: This clause altered the punishment for rape from death to imprisonment for life, with or without whipping. The House had at an earlier stage of the session adopted a resolution affirming that the death penalty should not be abolished in the case of rape. He concurred in that resolution, and therefore moved that all the words after "imprisonment," in line 2, be struck out, and "punishment of death" inserted in lieu. If there was one crime that should be visited with the death penalty, it was that of rape, more especially in a widely scattered community such as this. Women and young females on the outskirts of settlement should be given every possible protection.

THE MINISTER FOR LANDS: If the punishment for rape were death, a conviction would never be obtained.

HON. A. B. KIDSON: No; never.

HON. F. T. CROWDER: The amendment should not be adopted, because if it were, juries would never convict. If the alternative of imprisonment for life could be retained in the clause, he might vote for the amendment; but in the circumstances he felt bound to oppose it.

HON. G. RANDELL: The words proposed to be inserted might well be embodied in the clause, together with the words proposed to be struck out.

HON. A. B. KIDSON: There could be no alternative to punishment of death.

HON. G. RANDELL: Mr. Jenkins's contention that in certain cases of this description the death penalty should be inflicted was quite sound. Certainly, death should be the punishment where death resulted to the person injured.

HON. A. B. KIDSON: Such a case would be one of murder.

HON. G. RANDELL: That was doubtful, he thought. The sense of the House appeared to be against the amendment; but his opinion certainly was that death should be the penalty for outrageous cases of rape. The death penalty had in the past exercised a wholesome restraining influence on men of a certain class. The tendency of modern legislation was, no doubt, to lighten sentences; but to follow that tendency at all times would not conduce to the welfare of society at large. Certain excessively lenient sentences passed in the State lately had been most injurious to the wellbeing of the community. Society had rights and claims as well as the hardened criminal. A sentence of two years' imprisonment recently imposed on a scoundrel who had all but murdered a policeman, was scarcely adequate. Of course the Judge who passed the sentence could only be guided by the evidence put before him; and it appeared that the whole facts of the case were not brought to the Judge's knowledge.

HON. A. B. KIDSON: Agreeing with Mr. Crowder that with death the penalty for rape it would be practically impossible to obtain convictions, he opposed the amendment. The crime was most difficult of proof; and it would be extremely hard to induce a jury to return a verdict of guilty if the punishment were death. His experience was that charges of rape were, in nine cases out of ten, the merest trumped-up charges. In the old country the penalty had been for many years that proposed by this Bill.

Surely imprisonment for life with whipping was a sufficient deterrent.

HON. A. G. JENKINS: It was worse than death.

HON. A. B. KIDSON: Exactly. Whipping would perhaps act as a stronger deterrent than even the death penalty.

HON. G. RANDELL: What did "imprisonment for life" mean?

HON. A. B. KIDSON: About 20 years' imprisonment.

HON. G. RANDELL: Was it not seven years?

HON. A. B. KIDSON: Oh, no!

THE MINISTER FOR LANDS: The adoption of the amendment would result in very serious danger to the community. He entirely supported Mr. Kidson in everything stated. The offence was a very uncertain one, depending as it did largely on medical evidence, which was sometimes of a very doubtful character. It was most difficult for a medical man to assure himself that a rape had been committed. An eminent medical jurist had expressed the opinion that it was very doubtful whether such a crime could be committed—whether a woman in the full possession of her strength could be outraged without the use of an anæsthetic. The real ground of objection to the death penalty was that death was so grave a thing that we feared to use it as a punishment. He hoped that the amendment would not be carried, as he feared it would rather increase the crime than decrease it. The penalty of death had been removed for this offence because it was hard to obtain a conviction. We were a more enlightened people, and it appeared that in former convict colonies this penalty still existed—in New South Wales and this State. Why should people always be reminded that this was formerly a convict colony?

HON. A. G. JENKINS: The death penalty had been abolished in settled communities because the population were brought in closer touch with one another. But in sparsely populated places, where women and children were away from centres of population, more protection should be given. The punishment of death would only take place in aggravated cases. The Executive had the power to commute the penalty, and would do so, unless the case was a very bad one.

HON. J. T. GLOWREY moved that the clause be postponed.

Motion put and negatived.

Amendment put and negatived.

Clause passed, and the chapter agreed to.

Chapters 33 to 67, inclusive—agreed to.

Chapter 68:

Clause 667—Reservation of points of law:

THE MINISTER FOR LANDS moved that in line 16, after "Judge" the words "or chairman of the court" be inserted.

HON. A. B. KIDSON: Was the amendment necessary in view of the fact that a Fourth Judge Bill had been passed, which enabled a Judge to be appointed to go on circuit to try cases? The idea of having a fourth Judge was to do away with the chairman of Courts of Quarter Sessions.

THE MINISTER FOR LANDS: The amendment should be made to meet any contingency in the event of there not being a fourth Judge at any particular time.

HON. A. B. KIDSON: That contingency would hardly arise until the Fourth Judge Bill had been repealed.

THE MINISTER FOR LANDS: The amendment would prevent any difficulty arising. Distances in this country were so great that it might be impossible for the fourth Judge to go to Derby or Wyndham.

HON. A. B. KIDSON: Prisoners from distant places were sent down for trial in many instances.

HON. E. McLARTY: Prisoners were not sent down for trial in all cases. A charge of murder had been tried by a magistrate who was appointed a commissioner.

HON. A. B. KIDSON: In a case where a commissioner was not appointed, prisoners were sent down for trial.

HON. G. RANDELL: This amendment seemed to be useful to meet circumstances that might arise. A fourth Judge could not be at Coolgardie and Wyndham at the same time.

HON. F. T. CROWDER: The object Mr. Kidson had was to make it certain that cases should be tried by a Judge, and not a chairman of Quarter Sessions. Still he would support the amendment, as there were places to which a Judge could not go. This amendment would enable more than one case to be tried at the same time.

HON. W. MALEY: Four Judges should be sufficient to try all the cases in this State. But if any difficulty arose it would be an easy matter to bring in legislation to meet special cases. In South Australia, Mr. Justice Dashwood was appointed a Judge to deal with cases in the Northern Territory, and special legislation had to be enacted to enable this to be done. If in the future Wyndham became entitled to a Judge, then legislation could be passed, so that one could be appointed. The clause should be passed as printed. In view of the extreme probability that the Fourth Judge Bill would pass into law, there was no inducement to support the amendment. Criminal trials should be presided over by a Supreme Court Judge.

HON. R. G. BURGES: Until we got a cast-iron Judge we would be unable, in this enormous country, to have every criminal case tried by a Supreme Court Judge. If the clause were passed as it stood, a special Act would be needed every time a commissioner was to be appointed. The law advisers of the Crown were the best judges as to the necessity of the amendment, which he would support.

HON. J. D. CONNOLLY: The clause should be passed as it stood. Now that it was fairly certain we were to have four Judges, there was no necessity to have a layman presiding at quarter sessions. Moreover, the adoption of the clause in its present form would cause a Judge to be sent on circuit immediately: otherwise some considerable time might elapse before circuit courts were established.

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

Ayes	...	...	9
Noes	...	...	6
Majority for	...	...	3

AYES.	NOES.
Hon. R. G. Burges	Hon. H. Briggs
Hon. E. M. Clarke	Hon. J. D. Connolly
Hon. F. T. Crowder	Hon. A. B. Kidson
Hon. A. Jameson	Hon. W. Maley
Hon. R. Laurie	Hon. B. C. O'Brien
Hon. G. Randell	Hon. J. T. Glowrey (*Teller*).
Hon. J. E. Richardson	
Hon. J. M. Speed	
Hon. E. McLarty (*Teller*).	

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

Clauses 668 to 671, inclusive—agreed to.

Clause 672—Appeal from summary conviction:

THE MINISTER FOR LANDS moved, as amendments, that the words "to a court of general or quarter sessions," in lines 2 and 3, be struck out, and that "All cases stated by a court of summary jurisdiction upon questions of law must be heard and determined by the Full Court" be added to the clause.

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

Clauses 673 to 675, inclusive—agreed to.

Chapter as amended put and passed.

Chapters LXIX. to LXXII., inclusive—agreed to.

Chapter LXXIII.—Miscellaneous provisions:

Clause 713—Forms of criminal proceedings:

THE MINISTER FOR LANDS moved that, in line 1, the words "or a majority of them" be inserted between "Court" and "may."

HON. A. B. KIDSON: What was the reason for this amendment? It was highly desirable that the Judges should be unanimously agreed on matters of procedure, since the rules would come before them in the courts for construction.

MEMBER: Suppose one of the Judges refused to assist in framing the rules?

HON. A. B. KIDSON: Such a contingency as that could hardly be imagined. It was part of a Judge's duty to make these rules, and the Judges would assuredly do their duty. It seemed to him that the amendment was not required.

THE MINISTER FOR LANDS: The rules could not be made if the Judges did not agree on them.

HON. A. B. KIDSON: If the rules were made by only a majority of the Judges, it did not follow that the whole Bench would be agreed on them.

HON. J. M. SPEED: The Judges could not make rules in less than two or three months; and what was to be done in the meantime?

THE MINISTER FOR LANDS: The Bill, if passed, would not come into force until May; and the rules would be ready then. Indeed, they were being prepared now.

HON. A. B. KIDSON: In that case, was there any reason at all for making the proposed amendment?

THE MINISTER FOR LANDS: There might be a question as to the rules; and it was therefore considered advisable to make the amendment proposed.

Amendment put and passed.

HON. G. RANDELL suggested that "may," in line 9, be struck out, and "shall" inserted in lieu, so that Judges would be specifically directed to make rules.

THE MINISTER FOR LANDS: The suggestion merely raised the question whether the clause should be permissive or compulsory.

HON. A. B. KIDSON: The word "may" implied that the Judges were bound to make rules.

THE CHAIRMAN: As a consequential amendment, the words "or a majority of them" would be inserted between "Judges" and "may," in line 9.

Clause as amended put and passed.

Second and Third Schedules—agreed to.

Fourth Schedule—Statutes of Western Australia:

HON. J. D. CONNOLLY: The amendments of which he had given notice were suggested to him by the Kalgoorlie Municipal Council, which had experienced considerable trouble in dealing with women of ill-fame. The amendments had been drafted by the solicitors to the Kalgoorlie Council and had then been referred to Mr. W. F. Sayer, the draftsman of this Bill. On that gentleman's advice the amendments were being moved as additions to the Fourth Schedule.

HON. A. B. KIDSON: The amendments could not be moved now. The Bill would have to be recommitted to allow of their being moved.

HON. J. D. CONNOLLY: They could be moved, according to the advice he had received.

HON. A. B. KIDSON: The hon. member wished to insert the amendment in the wrong place; it would look rediculous in the Fourth Schedule. The amendment should appear as portion of the code.

HON. J. M. SPEED: How could the amendment become part of the Fourth Schedule? The repeal of any portion of the Police Act could come in the schedule.

Amendment put and negatived, and the schedule agreed to.

Preamble and title—agreed to.

RECOMMITTAL.

Bill recommitted for amendment of Clause 1, and to consider suggested new clauses.

Clause 1—Short Title:

On motion by the MINISTER FOR LANDS, the figures "1901" struck out and "1902" inserted in lieu.

Clause as amended agreed to.

New Clauses:

HON. J. D. CONNOLLY moved the adoption of three new clauses relating to common prostitutes.

On motion by Hon. G. RANDELL, progress reported and leave given to sit again.

EARLY CLOSING BILL.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Interpretation:

HON. G. RANDELL moved that the word "close" in line 2, be struck out, and "closed" inserted in lieu. This would make the clause plain to the general reader.

Put and passed.

HON. G. RANDELL moved farther that all the words in line 4, "'employ' means employ in any way or any kind of work," be struck out.

Put and passed.

HON. A. B. KIDSON: The amendment he would propose in the definition of "district" contained in this clause, was really an amendment consequential on one which he intended to move later. The amendment he now desired to move was that, in line 5, the words "by this Act or" be inserted between "declared" and "by." The clause as it stood necessitated a proclamation in order to bring the measure into force anywhere at all; whereas the old Act applied practically throughout the State. In the first instance, it applied to the populous centres only; but its operation could be extended by proclamation to places other than those specified in the Act. The reason why he would move at this stage the insertion of those words, was that he intended to move later that this Bill should apply to all places to which the old Act had applied.

THE MINISTER FOR LANDS: Then there was no necessity for the present amendment.

HON. R. S. HAYNES: The suggested amendment was altogether out of order. We could not consider an amendment consequential on one so far not even proposed. In accepting this amendment hon. members would be committing themselves.

THE MINISTER FOR LANDS: Mr. Kidson was perfectly right in stating that this measure was to be brought into operation only by proclamation. The intention of the Ministry was to issue, immediately on the Bill being assented to, a proclamation applying the measure to all places which had been subject to the old Act.

HON. A. B. KIDSON: Why not name those places?

THE MINISTER FOR LANDS: It was really unnecessary, and might only lead to objections being raised.

HON. R. S. HAYNES: The suggested amendment was not a businesslike proceeding at all. The Committee could not be expected to bind themselves beforehand to agree to an amendment of which not yet one word had been heard. The proper course was to postpone the consideration of Clause 2; and he moved accordingly that the consideration of Clause 2 be postponed.

HON. A. B. KIDSON: The amendment suggested by him was perfectly in order. Hon. members thoroughly understood what the issue was — namely, whether the present measure should be on the lines of the old Act, or whether it should be something new. The question might just as well be tested now, as later.

HON. R. S. HAYNES: To ask members of a Parliamentary Committee to commit themselves to an amendment of which not even the nature was known, was something unheard of. The Committee were practically asked to take a leap in the dark. He could not understand why Mr. Kidson would not agree to the postponement of the clause.

SIR GEORGE SHENTON: In view of Mr. Randell's amendments in this clause, which amendments had been adopted, consideration of the whole of the clause could not be postponed.

HON. R. S. HAYNES: No. Having overlooked that circumstance, he asked leave to withdraw his amendment.

Question (that leave be given to withdraw amendment) put, and a division taken with the following result:—

Ayes	...	...	11
Noes	...	...	6
Majority for	...	...	5

AYES.	NOES.
Hon. R. G. Burges	Hon. J. D. Connolly
Hon. E. M. Clarke	Hon. A. B. Kidson
Hon. F. T. Crowder	Hon. R. Laurie
Hon. R. S. Haynes	Hon. J. M. Speed
Hon. A. Jameson	Hon. F. M. Stone
Hon. A. G. Jenkins	Hon. E. C. O'Brien (*Teller*).
Hon. W. Maley	
Hon. E. McLarty	
Hon. G. Randell	
Hon. J. E. Richardson	
Hon. T. F. O. Brimage (*Teller*).	

Motion thus passed, and the proposed amendment withdrawn.

HON. R. S. HAYNES moved that the interpretation of "district" be postponed. Members should keep their minds open, and not commit themselves to any amendment until they knew what it was. It would be desirable in all cases to postpone the interpretation clause of a Bill until after the other clauses had been considered in Committee.

HON. A. B. KIDSON: It would save time and trouble if the Committee tested the question at once, whether the Bill was to go on the lines of the old Act or not.

HON. W. MALEY: This question should be decided on its merits, and the discussion not burked. He would support Mr. Haynes's motion.

HON. J. M. SPEED: The whole of the interpretation clause should be postponed until the end of the Bill.

Motion put and passed and the interpretation of "district" postponed.

HON. J. M. SPEED moved that the remaining portion of the interpretation clause be postponed.

Put and passed, and the clause postponed.

Clauses 3 to 5, inclusive—agreed to.

Clause 6—Closing time for hairdressers' shops:

HON. R. S. HAYNES: This interpretation seemed to clash with the interpretation of "shop."

Clause put and passed.

Clause 7—agreed to.

Clause 8—Shopkeeper may sell after closing time:

HON. A. B. KIDSON moved that the clause be struck out. This was the main bone of contention in the measure, and it

would be well for members to take a division on the clause, to test whether the original Act or this Bill should become law. The clause was most objectionable, and the passing of it might wreck the measure. The shopkeepers and employees, by a very large majority, were against this clause. The Government had given members to understand that it was intended to re-enact the old law.

THE MINISTER FOR LANDS: No.

HON. A. B. KIDSON: As a matter of fact, the Government brought in a Bill early in the session to re-enact the old law. People were quite satisfied with the working of the old Act.

HON. R. S. HAYNES: No.

HON. A. B. KIDSON: No objection was taken to it.

HON. F. T. CROWDER: A petition had been presented.

HON A. B. KIDSON: The old law was acceptable to a great majority of the people, and should be re-enacted. No Act of Parliament had ever been passed that was not objected to by some people. A majority of those interested in this measure had, since the old Act had lapsed, adhered to the hours of closing named in the law, which proved that the original law was acceptable to the people.

HON. F. T. CROWDER: What about the petition signed by 78 people?

At 6·30, the CHAIRMAN left the Chair.

At 7·35, Chair resumed.

HON. A. B. KIDSON (continuing): In support of the retention of Clause 8, the Minister would no doubt urge that it was in force in South Australia. That argument had been fully dealt with on the second reading. Though not acquainted with the provisions of the South Australian Act or with its working, he did know the Western Australian Act, knew it worked well, and that for some considerable time past no objection had been expressed to it by those concerned.

HON. F. T. CROWDER: The old Act had killed all the small shopkeepers.

HON. A. B. KIDSON: Nothing of the kind. He joined issue on that statement with the hon. member. Being the proprietor of several small shops, he was in a position to state that the circumstances of the small shopkeepers had improved under the Early Closing Act, and that he, as a proprietor of small shops, had also benefited by the Act.

HON. R. S. HAYNES: In that case, the hon. member was speaking from interested motives.

HON. A. B. KIDSON: Not at all. These were merely facts advanced in refutation of Mr. Crowder's statement. The circumstance that South Australia had seen fit to alter its Early Closing Act afforded no reason for our departing from the lapsed Act, particularly in view of the salient fact that the Act in question had worked well. Since the operation of the Act had proved successful, it would be almost madness to adopt this controversial clause, and he trusted the Committee would strike it out.

HON. J. M. SPEED: The Minister was hardly to be congratulated on the introduction of Clause 8 into the Bill. If ever a clause said one thing and meant another, it was this clause. Whilst the Act was designed to encourage, or rather to enforce, early closing, the adoption of Clause 8 would produce an absolutely contrary effect. If passed as it stood, the measure would resemble the misnamed Act for the Abolition of Imprisonment for Debt, which, beginning by stating imprisonment for debt should be abolished, immediately went on to provide that imprisonment for debt should be permitted in certain circumstances. The measure was called an Early Closing Bill, and under Clause 8 it said there was to be no early closing, but practically every shop could remain open until 9 o'clock at night. Small shopkeepers could enter into competition amongst themselves. If a shopkeeper kept three or four assistants he had to close at 6 o'clock: another shopkeeper, who kept no assistants, could come into competition with him and remain open until 9 o'clock at night. If the operation of the law had been to ruin shopkeepers they were ruined already. The real reason that people had to close down their shops was owing to the centralisation caused by the trams and the facilities of going into the city. The larger the capital a man had, the smaller the profit he required on his goods. The measure was a step in the right direction of having business conducted by the State. He was not opposed to small

shopkeepers, but the Bill would safeguard this class by giving them local option under Clause 3, if Mr. Kidson's amendment were carried on the recommittal of the Bill. It was absurd to think that under Clause 8 the hours were going to be restricted, for if some shopkeepers were allowed to open until 9 o'clock, and others had to close at 6, it would render the measure practically useless. The original Act had worked well in the past, and there was no reason why it should be altered now.

HON. W. MALEY supported the clause. Although he did not wish to give a monopoly of trade to the big man, it was not always good policy to buy in the cheapest market. We wished to foster industries and spread the trade amongst the white people. We should distribute the trade and the profits as much as we could amongst the people of the State, if we desired to see a thrifty, happy, and contented people. An attempt was being made to inflict capitalistic legislation against the masses of the people. It might be wise to limit the hours of employment, but no great deeds had been done by men who were not content to give the whole of their time and energies to that which they took in hand. Therefore we should not deny a man of energy the right to continue to work. If we restricted a man's opportunities an injustice was done to him. The assistants in the large shops had his heartiest sympathy. He believed in the eight-hours system in every department of trade, and in large stores assistants ought only to be compelled to work eight hours. But what were they to do during the other 16 hours of the day? It was not possible to restrict a man's labour to eight hours. If a man worked in a store, after his employment he could keep books for another eight hours, and be as good a man the next day. He believed in variety of employment, as it gave rest. If the Committee insisted on everybody closing early, where was the poor man to get his necessaries? The Bill would not give satisfaction to the general public. The avenues of employment were not so great that everyone of them could be filled. In the small stores it was not constant and persistent application—the calls were few and far between. If members wished to play into the hands of capitalists, well and good, but the capitalist had sufficient advantage already: he had the best positions in the city, he employed a large staff of assistants, and he bought in the cheapest market. And if the capitalist killed the small man, he controlled the whole of the trade he was engaged in. The poor man was restricted to one line of business, and in that line he had to stand or fall. It was a question of capital against labour; but capital could take care of itself. Both capital and labour had their rights. A bogey had been raised in this debate—that of the alien. He was a poor white man who could not compete with the alien in any department of life. We should not restrict a white man's earning power because one or two aliens stepped in. How many aliens were there in the city of Perth? The overwhelming majority of shopkeepers were our own people, and we wished to encourage our people, and give them every opportunity to increase their business. The European shopkeeper did not fear the competition of the coloured men. Why bring in drastic legislation which would affect the the bone and sinew of the country? When the original law lapsed there was no great uproar: there were no mass meetings, and there was no discussion until the Minister introduced this new Bill. The people were indifferent to the position. As far as the earning power of the shops were concerned to-day, it was as great as ever it was, and if there was any "slump," he put it down to the times. He did not know who was the father of the Bill, or who had begotten the amendment; but he could only hope the hon. member had other progeny, because this child was doomed.

HON. F. T. CROWDER: But for Clause 8, he would on the second reading have repeated the action he took on a previous occasion, and moved "that the Bill be read this day six months." As for Mr. Kidson's remark that people generally were in favour of the old Act, it was not correct. Mr. Kidson spoke merely for interested parties who had taken the trouble to send a deputation to the Minister to protest against Clause 8. The answer to that deputation was the petition presented to-day by Mr. Randell, bearing the signatures of 71 small storekeepers. In the face of that petition,

what was the value of Mr. Kidson's assertion? The deputation which waited on the Minister consisted of large storekeepers with a following of their assistants. An assistant knew that if he did not accede to the wishes of his employer in such a matter as this, he would receive dismissal; and this consideration largely invalidated the opposition to the Bill. It was surprising to find a Fremantle representative like Mr. Kidson opposing Clause 8. Even in New Zealand, the home of socialistic legislation, ports were exempt from the early closing law. Mr. Kidson, however, on behalf of a few fat storekeepers in Fremantle, cried out for the excision of this clause. The desire of the Fremantle people who opposed the clause was, apparently, to confine the trade of the port to High-street. Only yesterday hundreds of people landing from three mail steamers in port had found all the shops closed, with the exception, as one person remarked, of public-houses and bad houses. It had been satirically asked whether Fremantle was a religious settlement. Without Clause 8, the Bill would constitute the grossest possible interference with the liberty of the subject. The effect of the old Act, which had passed this House by a very narrow majority, had been to close dozens of shops in the outskirts of the city and to drive hundreds of people out of the country. Many of the employees who had petitioned in favour of the law had received their discharge as soon as it was enacted, their services being no longer required by reason of its operation. If it was necessary to limit the hours of labour, let a straightforward Bill for the limitation of working hours be introduced. This was not a piece of "white man's legislation." However, he would vote for the Bill, with Clause 8, as a half-way measure. If that clause were excised, then the Bill ought to be thrown out altogether. As for Mr. Kidson's remark that it was easy to get up a petition—which remark had reference to the petition presented by Mr. Randell—a petition signed by small storekeepers should carry more weight than a deputation consisting of large storekeepers and their coerced assistants. The effect of the old Act had been to give the large storekeeper a monopoly. Children were put by their parents into large stores in order that they might learn the trade and eventually, with the aid of their savings, start in business for themselves. On that ground alone we ought to support Clause 8, without which the Bill was utterly bad.

HON. R. S. HAYNES: The excision of this clause would work serious harm. Although not wedded to the provision as it stood, he recognised that it leaned in the right direction, and that with proper safeguards it would work to great advantage. He did not wish to accuse hon. hon. members who were desirous of striking out the clause, of popularity-hunting: he gave them credit for sincerity. He did object, however, to members coming into the House with their minds fully made up to a certain course, and only casting around for arguments in support of their preconceived views. What was the use of discussion in such circumstances? Hon. members should be prepared to listen to arguments on both sides. Let them ask themselves the question, what was the object sought to be attained by this Bill? The object was, to prevent the over-working of shop employees. Mr. Kidson had said so in introducing his measure some three years ago. A deputation from Fremantle which waited on him (Mr. Haynes) had stated that the large storekeepers, who employed many hands and who closed at 6 o'clock, had threatened that unless the small shopkeepers were bound to close at the same time, they themselves would in self-defence be compelled to keep their shops open until 9 o'clock, the hour at which the small stores closed. It was the assistants who had agitated for the introduction of early closing legislation. Of course, a simpler safeguard than this Bill would be legislation reducing the hour of labour in shops.

HON. A. B. KIDSON: Why, then, did not the Government introduce such legislation?

HON. R. S. HAYNES: Why did not the hon. member introduce it in the first instance? It had become a very bad law, and bubbled out. The object sought for was a limitation of the hours of labour. That could be done by introducing a Bill limiting the hours of labour in shops. That, to some extent, but not to a considerable extent, would be a hardship on the large storekeeper, because

the small shopkeeper, who had no assistants, was not bound to close at 6 o'clock, and we should have the anomaly of the small shopkeeper, who was not bound to close at 6 o'clock, trading by the side of the large shopkeeper who was bound to close at that hour. The argument had been advanced that if every shop was not bound to close at 6 o'clock, the large storekeeper threatened to overwork his employees and keep his business open until 9 o'clock. In effect the large storekeeper said, "I will become a sweater unless you punish somebody else, and make all shops close at the time that I choose to close." Those mostly interested in this measure were the general public. True, the public did not come forward with a petition, or hold mass meetings: the public did not cry out until their pockets were touched. But the public would complain when the Bill was passed, as they did complain when the original Act became law. When the people wished to move in this matter they were told that it was no use making the attempt, because the Act would expire in three years, when it would have to be re-introduced, and then they could come forward with amendments. He wished to support the contention of the general public, and he said that for the convenience of the public some stores in the suburbs should be allowed to remain open at night. Mr. Kidson was not correct in saying that the Government were pledged to re-enact the old Act. When the re-enacting measure was introduced, the Minister adjourned the consideration of it to enable him (Mr. R. S. Haynes) to draw up certain amendments, but the vote of censure coming on, the original Act lapsed. If all stores had to close at 6 o'clock the small storekeeper would be crushed out of existence, which was not attempted to be denied. Shops in the outskirts of Perth had been closed up, and the business found its way into the central part of Perth. In that way the value of the property in the suburbs decreased, whereas the value of property in the city increased. That spelt centralisation. All this was in favour of the large storekeeper. Were the Committee going to legislate for the purposes of inducing people to become mere human machines, working from morning to night, year in and year out, for a mere daily wage, and with their time so occupied that they had no chance of attempting to earn money outside their ordinary occupation. The wage earners had no chance of laying by some few pounds with the hope of becoming shopkeepers. The effect of having large businesses would be to deprive men of any desire to better themselves; to rob them of any ambition to rise above the common drudge. Employees were kept at work so long, that they were no good for any other business than that in which they served. They could never hope to start a large business, and they were prevented from opening a small shop. We had federation and intercolonial free trade. The larger the business the smaller the cost of management, and consequently the larger the profits. We should have the whole of the business of this State being conducted by establishments in other States. The object of the Bill was to induce very large emporiums. One by one every business in Perth would have to close up, and the profits would all go away from this State.

HON. J. M. SPEED: Have the businesses run by the State.

HON. R. S. HAYNES: We should do nothing that would have the effect of creating a monopoly or a ring. He knew there were certain foreign firms—foreign because they were not located in this country—who were buying up all the businesses in Perth. Hon. members could go down Hay-street and see various names over shop doors, but these shops belonged to one firm. He could name five shops, all of which seemed to be doing a thriving business, but they all belonged to one firm. Many businesses in Hay-street had been closed from that one cause. Was it for the advantage of the State that a large business should be carried on by mere human machines, the enormous profits from which business were being expended outside the State? Would a statesman encourage businesses employing, say, a thousand hands at wages of 10s. to £2 per week? These employees, by reason of physical disabilities, were not the kind of persons to build up a nation. Legislation tending to foster establishments of this nature was bad. In adopting Clause 8 we should be open-

ing up channels for assistants to start in business for themselves, in however humble a way. The fostering of suburban shops tended, moreover, to the desirable end of decentralisation. Why should people in outlying districts be prevented from purchasing what they required after 6 o'clock?

HON. A. B. KIDSON: Why should not the people of the inside districts enjoy the same privilege?

HON. R. S. HAYNES: Because very few people lived in those portions of large cities which were devoted to business. London City and the central portions of Sydney, for example, were deserted at night. Certainly he would not be disposed to support the Bill minus Clause 8; since, if passed without the clause, it would give rise to much bickering and to a feeling of unrest. Hon. members, whether in favour of the Bill or averse to it, could accept this clause as a sort of compromise. Our efforts should be to settle the matter now and for ever. Hon. members knew what could be effected by such well-regulated and well-timed deputations as the Fremantle people were noted for, combined with well-judged letters to the Press. According to Edmund Burke, "Life is made up of compromises;" and hon. members should compromise in this instance. He himself had discussed the matter with a Perth business man, who was one of the strongest opponents of Clause 8. As a result of the discussion, an agreement had been arrived at between himself and that gentleman. It was arranged that he (Mr. Haynes) should vote for Clause 8 generally, but that he should move an amendment making the closing hour 8 o'clock instead of 9 o'clock; and, farther, that he should move the insertion of a new clause giving the Governor power by proclamation to define within any municipality an area to which Clause 8 should not apply. He was not in a position to say whether this suggested compromise would meet with the general approval of opponents of Clause 8. In the case of Perth the area from the railway line to the river, and from Melbourne road to Lord street, might be exempted by proclamation from the operation of the clause. This area was suggested merely by way of illustration. The business man with whom he had discussed the clause had pointed out that it was obnoxious because various shopkeepers in Hay street and Barrack street would be bound to close at 6 o'clock, whilst others would adopt the subterfuge of opening a small shop and keeping it open under the husband-and-wife arrangement to the disadvantage of their competitors. To meet that difficulty, areas of exemption should be defined.

HON. R. G. BURGES: It would be impossible to define them fairly.

HON. R. S. HAYNES: That was the hon. member's opinion; but after considerable discussion, the business man in question and himself had arrived at the conclusion that the scheme was practicable. On behalf of both the shopkeepers and assistants, hon. members should compromise. If it were found that the suggested new clause was abused in practice, it could be amended in the course of next session, which would be held during this year. He merely mentioned now that he desired to move these amendments, and would suggest that the farther discussion of the clause be postponed.

HON. R. LAURIE: Mr. Kidson's amendment would have his support. The gentlemen who opposed it were certainly very inconsistent. They would have acted more fairly and openly if on the second reading they had moved "that the Bill be read this day six months." Certainly they could not be in favour of the measure in any way whatever. This was an Early Closing Bill, and the supporters of Clause 8 evidently did not like early closing. In introducing the Bill the Minister for Lands had stated that it was based on the South Australian Act, and that South Australia, having adopted our original Act, had found it necessary to amend the measure so as to allow of suburban shops remaining open until 9 o'clock at night. The hon. gentleman, however, had failed to state that the original South Australian Act, which was by no means a close copy of our lapsed Act, provided for the closing of shops at 2 o'clock on Saturday, and that this provision had caused such an outcry as to necessitate the extension of the hours to 9 o'clock. Possibly South Australia might find it advisable within a short time to strike out farther provisions of its original Act.

If the clause was allowed to remain in the Bill it would mean that Chinese, Japanese, and other aliens in the big towns would open stores, and keep their businesses going till nine o'clock. If there was reason for some shops to remain open until nine o'clock, why restrict the hours at all? It had been said that when the mail steamers arrived at Fremantle, persons who came ashore wanted the necessaries of life and would not be able to get them if the stores were closed. Did anyone arriving at Fremantle by a mail steamer want to go to a grocer's shop? He (Mr. Laurie) was satisfied this clause would create a number of small alien shopkeepers, although Mr. R. S. Haynes had suggested that we could create areas where these shopkeepers could live. The hon. member farther said that this clause would give a young man an opportunity of starting in life for himself. If a young man had to start in the suburbs he had a very small chance indeed. Why should he not start in the city? One hoped to see the clause struck out. It had been said that the Government did not promise to re-enact the old law. But the Premier did make that promise, and he farther stated that it was simply a mistake on the part of the Minister in the Legislative Council that the measure was allowed to lapse. If the clause were struck out we should not hear any outcry.

HON. T. F. O. BRIMAGE: The old law was a great deal better than the present Bill. We should strike out Clause 8. Six o'clock was late enough to ask anybody to serve in a shop. On the goldfields it was found that there was one time for the shops in town to close and another for the shops in the districts. That did not concentrate business at all. People could not congregate for pleasure and recreation; there was no uniform method of life for the inhabitants of the country. The hour of 6 o'clock for closing had been well tried, and it was late enough for anybody to work. Speaking of the country, it was generally admitted that people knocked off work at about 5 o'clock, and there was plenty of time until 6 to make necessary purchases. He was pleased that the Bill would have to go before another place, because the members of the Assembly were more recently elected from the country, therefore they understood the feeling of the people in the towns and the suburbs. No member representing a suburban electorate would move that the shops should remain open until 9 o'clock.

HON. R. S. HAYNES: This clause was admitted to contain the crucial point of the Bill, and it would be preferable to postpone this important discussion. Time should be given to reflect. He moved that the farther consideration of the clause be postponed. The Committee could proceed with the remaining clauses of the Bill.

HON. A. B. KIDSON hoped the Committee would not agree to the postponement of the clause. Members knew that the Bill would come on for consideration to-night, and it seemed as if there was a desire to merely play with the measure. On the second reading, there was a full house, and every member had an opportunity of speaking. What could be gained by postponing the consideration of the clause? The question was whether or no the measure was to be based on the lines of the old Act or not.

HON. F. T. CROWDER: Hon. members should agree to the postponement, for such an important Bill should be considered when there was a full attendance of members, and time should be given to try to arrive at some compromise. Out of 30 members only 15 were present, and it was not right that such a few should take upon themselves to pass the measure. Perhaps, as Mr. Kidson was so anxious to go on, he was certain of a majority.

HON. J. D. CONNOLLY opposed the postponement of the clause, as it would be well for members to come to a decision when the arguments were fresh in their minds. If the clause were passed it would encourage Asiatic storekeepers.

HON. W. MALEY, in supporting the postponement of the clause, said that previously in the evening an attempt had been made to burk discussion, and now, in a thin House, an attempt was made to force the clause to a division. The attention of members in another place should be drawn to the tactics adopted.

HON. T. F. O. BRIMAGE: Mr. Haynes's motion, that the clause be postponed, was a reasonable one, and it would have his support.

THE MINISTER FOR LANDS: It was to be hoped that hon. members would support the motion for the postponement of the clause. The present Bill dealt with one of the most important questions likely to come before the House during this session. The measure affected the interests of a large number of people, and therefore the questions raised should be decided in a full Committee. It was unusual and indeed improper, if not unconstitutional, to refuse time for farther consideration when important amendments had been suggested. Moreover he, as leader of the House, would like to see on the Notice Paper the amendments which Mr. Kidson had expressed himself as desirous of moving. It was unfair to ask that important amendments should be dealt with at a moment's notice.

HON. A. B. KIDSON: After the remarks of the Minister for Lands, it would perhaps be more courteous if he fell in with the hon. gentleman's views; and he did so gladly.

Motion (Mr. Haynes's) put and passed, and the clause postponed.

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

INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

SECOND READING (MOVED).

THE MINISTER FOR LANDS, in moving the second reading, said: I shall not need to detain hon. members long in moving the second reading of this Bill, the principle of which has, after very full discussion, been generally admitted, inasmuch as we already have on our statute book an Act on much the same lines. The present Bill may be considered as an amending Bill to the Act passed last year. At this stage I desire merely to refresh the memories of hon. members as to the general objects of the Bill. Its primary object, as we all know, is to prevent strikes, if possible, by means of arbitration and conciliation. With that end in view, we provided in the existing Act for the recognition of industrial unions of employees and of employers, so that in case of disputes or disagreements arising between the two parties there might be what are termed collective bargains. That is to say, instead of one individual workman bargaining with one individual employer, there would be on the one side a group of workmen, and on the other a group of employers, bargaining group with group; and thus we impart to each side a degree of strength not possessed by its members as individuals. Agreements could be drawn up between the two parties then. In order that differences might be considered, agreements drawn up, and matters generally facilitated, boards of conciliation were constituted. The policy of appointing these boards has formed the subject of much discussion; but in the end it was decided here, as in New Zealand and in the sister States, that they should be brought into existence. Even New South Wales, which by its latest Arbitration Act does away with conciliation boards, retains them under another law. One clause of the Bill before hon. members makes it possible to pass over the board of conciliation and go direct to the court of arbitration: that is, if so decided by a majority of one side. There is also provision for the appointment of special boards, consisting of experts, to deal with cases involving expert questions.

HON. G. RANDELL: A very good provision.

THE MINISTER FOR LANDS: Yes. I desire to draw the particular attention of hon. members to the definition of "worker." I dare say it will be within the recollection of most members that when discussing the present Act we as a body—and I think we have sometimes been hauled over the coals for it—rather limited the interpretation of "worker." At the time we did so, we were not, perhaps, as familiar with this class of legislation as we are to-day; and we therefore thought it better to proceed cautiously. However, we limited the definition of "worker" to certain classes of labour, of which clerical labour was not one. Rightly or wrongly, that was done. Though perhaps it might have been wiser not to impose the limitation, we undoubtedly thought at the time that in imposing it we were acting for the best. The Government hope that now, this legislation having been tried throughout Australia and being well recognised as a valuable piece of legislation, the House will consider it reasonable to extend somewhat the definition of "worker."

The interpretation given by this Bill is as follows:—

"Worker" means any person of any age or either sex employed or usually employed by any employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry.

Hon. members will note the words extending the definition of work, "any skilled or unskilled manual or clerical work." The definition seems a very reasonable one; for, after all, if the measure be a good one we may as well allow it to be exercised as broadly as possible. I do not think we shall now experience the same desire as in the past to limit the classes of labour, or even to limit the age of the workers, the measure shall apply to. The present Bill contains no limitation as to age. Next, I have to call attention to Clause 3, which provides that in the case of employers any two or more persons employing no less than 50 persons may form an industrial union of employers, whilst in the case of an industrial union of workers the number of members must not be less than 15.

HON. A. R. RICHARDSON: Of any age?

THE MINISTER FOR LANDS: We have not limited the age at all. The question of age has been left open.

HON. A. R. RICHARDSON: And there is no limitation as to sex?

THE MINISTER FOR LANDS: No. The definition is left entirely unlimited in those two respects. Of course, the matter is one for hon. members to consider. It appears to me the absence of those limitations is reasonable. Turning to Clause 34, hon. members will see that boards of conciliation are to consist of three, five, or seven persons; so here we have another slight variation from the existing Act. The board is to consist of three, five, or seven members as the Governor may determine. The provision will, I think, tend to convenience in a State like ours. In sparsely populated districts it may be thought desirable to appoint small boards of three members, whilst in populous centres it will, of course, be easy to constitute boards of five or seven members. I think hon. members will agree with me that the alteration is a reasonable one. Clause 49 deals with special boards:

In any part of the State, whether included in an industrial district or not, a special Board of Conciliators may be constituted and the members thereof, together with all necessary officers, appointed by the Governor, by notice in the *Gazette*, to meet any case of emergency or any special case of industrial dispute.

This clause again tends to make the measure more complete, inasmuch as it provides that cases of extraordinary difficulty, or cases involving special circumstances, may be dealt with by a board consisting purely of experts. The provision will, I believe, be found a valuable one in practice.

HON. G. RANDELL: You forgot to say that a board of experts is dissolved so soon as it has tried the special case for which it was appointed.

THE MINISTER FOR LANDS: At present, I am only calling attention to the broad features of the Bill, and the points of difference between it and the existing Act. The matter Mr. Randell refers to will come up in Committee.

HON. G. RANDELL: The point is an important one.

THE MINISTER FOR LANDS: If the hon. member considers it important, I am sorry I neglected to mention it. It is certainly one that will have to be considered when the Bill is taken into Committee. I do not wish to weary hon. members by entering into details of the measure, with which, generally speaking, they are already familiar. I desire merely to draw attention to actual points of difference between this Bill and the existing Act. Clause 59, Paragraph 1, provides for the constitution of the arbitration court:—

The Court shall consist of three members appointed by the Governor. One member shall be appointed on the recommendation of the industrial unions of employers, and one on the recommendation of the industrial unions of workers, as provided by the next following section, and the third member shall be a Judge of the Supreme Court, nominated as hereinafter provided by the Governor to act in that behalf. Such Judge shall be President of the Court.

Hon. members will see that the Bill retains the court as originally intended by the previous Act. There has been a great deal of discussion on this clause; but I think matters will be very much simplified now that we have, or very soon shall have, four Judges. With the additional Judge, the Government will be able to call on a member of the Supreme Court Bench to travel even to distant

parts of the State for the purpose of trying cases under this measure. Clause 69, which has been very fully discussed, is of importance. It reads:—

(1.) Before a dispute is referred to a Board, the parties to the dispute, or a majority of the parties whose interests are with the employers, or a majority of the parties whose interests are with the workers, may, in the prescribed manner, refer the dispute to the Court direct.

(2.) Should any question arise as to whether all, or a majority of such parties on one side or the other have agreed to such reference, the question shall be settled by the President upon summons under section one hundred.

It is self-evident that in cases where the parties are not able to conciliate, they should be at liberty to go at once before the court of arbitration, thus saving much expense and a good deal of time. I consider the provision a very valuable one indeed. Clause 107, dealing with Government employees, is a somewhat controversial one, and has been much discussed in another place. Hon. members will no doubt give it close attention during the Committee stage. It reads:

If any person employed by the Government on daily wages, payable weekly or fortnightly, is a member of any industrial union composed of workers of the same trade as such person, or of any association or society of Government servants, the Minister of the department in which such person is employed shall, in relation to all such persons who are for the time being members of such union, association, or society and for the purposes of this division of this Act, be deemed an employer, and such persons shall be deemed workers.

A new principle is involved here. It may be advisable to pass the clause exactly as it stands; but I wish hon. members clearly to understand that in the past it has always been held that Ministers are responsible to Parliament and to the country, and that even Parliament is itself not subject to the Supreme Court. By this clause the Parliament of the country will be subject to an agency outside; a board formed of employers and workers. That is a direct departure from what has, in the past, been the constitutional procedure.

HON. J. D. CONNOLLY drew attention to the state of the House.

[Bells rung and quorum formed.]

THE MINISTER FOR LANDS: I wish merely to direct attention to Clause 107, so that before it comes on for discussion in Committee, members can consider it carefully. It is an important clause, I admit, and the principle has not been before the Parliament previously. I do not say it is wrong: it may be right, and if members support it, it will become the law of the country. But at the same time I would like to draw attention to the fact that the Ministry, as the representative of the Parliament and the people, will have to come under the jurisdiction of a board of this kind. That really comes to this: that the Parliament of the country is subject to the board. Principally questions of wages will arise, which means that the estimates will be interfered with. It is a new departure—the appointment of a board above the Parliament of the country for settling these disputes. Therefore I should like the clause to be carefully considered. This is a very important matter, and I do not say which side I shall support. I am merely putting the point forward for careful consideration.

HON. R. G. BURGES: Has it been adopted in any other State?

THE MINISTER FOR LANDS: Not in any other State. In New Zealand, where we might have thought it would have been adopted, they have commissioners. But commissioners do not hold the same relations to Parliament as Ministers do, and at the present time we have no commissioners. All are Ministers, who hold entirely different positions to what commissioners do. Commissioners are not elected, nor are they responsible to the Parliament and to the people of the State. That is a very important point. I hope the clause will be very carefully considered by every member of the House before it becomes law. It may be right, and it has been carried in another place; at the same time the onus and responsibility will rest on this House as to whether the provision becomes law or not. It is an entirely new departure, and nowhere is it the law of the country. The principle ought to be carefully considered by every member of the House, on whose responsibility the passing of the measure rests. I shall not detain the House farther on the second reading of the Bill, because members already know the principle which has been discussed; and we all admit that the principle is sound. It is a new departure in legislation, which has only occurred within the last few years. It has been truly tested, and is looked upon as a

sound departure in legislation at this time of day.

On motion by Hon. G. Randell, debate adjourned.

WORKERS' COMPENSATION BILL.

SECOND READING.

Debate resumed from the previous sitting, on the motion for second reading.

Hon. R. S. HAYNES (Central): I am glad this Bill has been introduced. I have carefully compared it with the Act in force in England—it has been in force in England since 1897, four or five years—and although the Bill at a first glance seems somewhat different from the English Act, yet the principle is the same, although the mode of treating the subject matter is somewhat different. I do not know if the Bill is not an improvement, in the manner of drafting, on the Act in force in England. The English Act is somewhat obscure to a person reading it casually, as I did, for the purpose of contrasting it with this Bill. The clauses in the English Act are very long, and somewhat involved. In this Bill they are somewhat shorter, and the measure seems very much better. The principle is the same, with the exception of what the Minister for Lands stated, that compensation is allowed in England to the amount of £300, while here it is to be £400. That is a somewhat larger sum, but the condition of the country here is such that increased compensation should be allowed on account of the cost of living being higher. It would appear at first sight that it is a measure that would work rather harshly on contractors, but I do not think that is so; because after all the contractors in their contracts will make provision for the amount they will have to pay for insuring their workmen. I regret to say that a proposal is on foot in this State to raise the price of insurance from 5s. per cent., which was the previously existing rate, up to the enormous rate of £1 10s. per cent.

Hon. T. F. O. Brimage: It was never as low as 5s.

Hon. R. S. HAYNES: Five shillings was the previous rate: now it is up to 30s., so I am informed. Take the mines in Kalgoorlie; they pay at the rate of £3,000 a year to the insurance funds, but under the increased rate they will have to pay something like £18,000. These figures were given to me to-day. That is due to the grossly excessive damages which Perth juries have been in the habit of returning in cases of accidents in mines. I know of one case in which an accident occurred; I remember the case particularly, for very heavy damages were awarded to a man who was suffering from some injury received in an accident, and whether it was the effect of the verdict on him, or what it was, I do not know, but he became well immediately after he got the damages, and walked as straight as a rush, while the way in which he dragged himself to the witness-box was deplorable. That is only by the way.

Hon. G. Randell: Was there medical evidence?

Hon. R. S. HAYNES: There was the usual cross-swearing amongst the doctors. The contractor in the end does not pay at all, but the proprietor. It is a tax not on the contractor, but on the public. And after all when you come to look at it it is proper. If a workman is a married man with a wife and three or four children, and he earns a daily wage only sufficient to supply their daily wants, and that man breaks his leg and is for six months away from work, somebody keeps him. He has to live, and it is very much better that the money should come to him without his going praying or begging for it. And after all it would come out of the general fund. At present he would go to the hospital, and it would come out of the general fund. He may contract bad debts, which would come out of the small storekeeper, who would make them come out of his superior creditor. It is much better, after all, where we find persons working for a daily wage which does not enable them to put by a fund for a rainy day, and when we know they may meet with accidents during which time they must be supported, that we should make some provision for their support. The principle of the Bill is good. There are some amendments I would like to move in Committee, but they are somewhat small. Clause 5 of the Bill says:—

> The employer shall not be liable in respect of any injury which—(a.) Does not disable the worker for a period of at least two weeks from earning full wages at the work at which he

was employed; or (b.) Is directly attributable to the gross neglect or wilful misconduct of the worker.

I do not know what "gross neglect or wilful misconduct" means. It is a very broad term. Supposing certain orders are given that a workman is not allowed to walk across a certain place, or that he is not allowed to use a certain tamping rod for pressing home a charge; supposing he is not allowed to use a steel tamping rod, and instructions are given that he must not, but he uses it in direct violation of the rules, which have been approved by the Minister in the usual way; if a man does a thing like that and is injured in consequence, he should not be entitled to compensation. I suggest, for the consideration of members, that if an accident is caused by the wilful unobservance of rules approved by the Minister for Mines, and prominently displayed in the immediate vicinity of the employment, then the employer should not be liable. I think in a case like that a man ought to get compensation.

HON. R. G. BURGES: Has he to prove the accident?

HON. R. S. HAYNES: The accident itself is sufficient, without negligence being proved at all. Say an accident happens on the Midland: the proof of the accident is sufficient. The accident has happened, and that is all that has to be shown. I desire to put my view before the House, for acceptance or rejection by hon. members. I have no personal interest whatever in the Bill. To my mind, it is absolutely necessary that we should insert in it a clause providing that the compensation awarded to any person injured shall be payable directly to that person and shall not be payable to or divisible amongst, either wholly or as to any portion of it, the members of any society. Such a provision is absolutely necessary, because societies have been formed for the express purpose of bringing these actions. These societies are making splendid profits, and are a downright curse to the country. Clause 140, I believe, is not to be found in the English Act. I have been requested to submit to the consideration of the House an amendment to this effect—that the employee of a sub-contractor may be empowered, if he choose to do so, to contract himself out of the Act to this extent, that he will not look to the original proprietor for damages but will be satisfied with his remedy against the sub-contractor. It has been pointed out to me that on the goldfields all the work of sinking and driving is done by contract. Such work is let to a party of sub-contractors, possibly five or six miners clubbing together. These five or six men then employ three or four other miners. It is advisable to let sinking and driving to such sub-contractors as these, because no overseer is required: the sub-contractors are working to their own advantage, and, of course, they put in as much work as they possibly can. The original mine owner, or the original employer, has no power whatever over the men employed by the sub-contractors; these employees look to the immediate sub-contractors. In case of accident a sub-contractor's employee may have no claim against the sub-contractor but can sue the original contractor, the mine owner, who is then called on to pay damages which the sub-contractor has not to pay. It is stated that this law inflicts hardship on the mine owner, and is likely to put an end to sub-contracting altogether. The person injured has his rights under the Mines Regulation Act. That Act throws a farther liability on the mine owner; and it has been suggested to me that in view of the already existing multiplicity of provisions in favour of the worker it is unfair to saddle the mine owner with farther liabilities. It is maintained that workmen should be able to enter into contracts under which they would in case of accident hold the mine owner harmless, and would look to their immediate employer, the sub-contractor, for compensation. A man cannot, of course, contract himself outside the Mines Regulation Act. The matter deserves the serious consideration of the House, because there is reason to believe that unless some relief of the nature indicated be granted, sub-contracting on the fields will practically be stopped, and the development of the mines in consequence retarded. I shall ask goldfields members to explain the matter more fully to the House. Hon. members must understand that I put the position to them fairly, as requested, having no personal interest whatever in the subject. At the time

the suggestion was made to me, I thought it a very reasonable one; but, nevertheless, I wish to hear the views of goldfields members on it.

MEMBER: Do you mean that the sub-contractor should be liable?

HON. R. S. HAYNES: Yes; the sub-contractor, but not the mine owner, in the case of a sub-contract. The working miner might be empowered to agree, when taking work under a sub-contractor, that he will look for compensation to that sub-contractor, and will not claim it from the mine owner. I repeat, my reason for considering the suggestion a fair one is that the Mines Regulation Act already throws a heavy liability on the mine owner. Of course, I do not for a moment suggest that any person should contract himself outside that Act; because its principles are sound. Except in the points I have indicated, the present Bill is a good one; and, moreover, one that is sorely needed. It has always been a matter of surprise to me that such a Bill as this has not been introduced before. The measure has been in force in England for the last four or five years, and no endeavours have been made to secure its repeal; neither has there been any outcry against it. Certainly the House of Commons is in the van with respect to this piece of legislation. I welcome the introduction of the measure; and I trust that when I bring my amendments before the House they will be accepted as just and reasonable.

On motion by HON. F. T. CROWDER, debate adjourned.

ADJOURNMENT.

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

Legislative Assembly,

Thursday, 30th January, 1902.

Question: Land Settlement, Dundas—Question: Moojebing Township, Survey—Question: Rabbits, Fencing Line—Question: Coolgardie Water Scheme, Scour Rings—Question: Railway Spark Arresters—Question: Supreme Court Buildings, Stone or Stucco—Question: Military Contingent, Uniforms—Question: Agricultural Bank, Branch Office—Question: Kalgoorlie Electric Power, Extension—Kalgoorlie Tramway Bill, first reading—Bush Fires Bill, Recommittal, reported—Brands Bill, in Committee, reported—Annual Estimates (resumed), Railways to end, reported—Pawnbrokers Bill, first reading—Dividend Duty Amendment Bill, second reading—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: By-laws of Guildford and Paddington municipalities.

Ordered to lie on the table.

QUESTION—LAND SETTLEMENT, DUNDAS.

MR. A. E. THOMAS asked the Premier:—1, Whether it is a fact that several and repeated applications have been made under the conditional purchase clause for land in the salmon gum and grass patch districts, situated between Norseman and Esperance. 2, Whether it is true that these applications have been refused. 3, If so, for what reason? 4, If the reason be that the land is situated within the Dundas Goldfield, whether the Southern boundary can be amended so as to include all auriferous country, and make available the pastoral and agricultural country for settlement. 5, Whether the Government, recognising the importance of land settlement in proximity to a goldfield, will cause inquiries to be made as to the suitability of this land for settlement, the demand existing for it, and its freedom from minerals, with a view of making it available for settlement, at the earliest possible date, on the same terms and conditions existing in the South-West Division. 6, Whether, if immediate selection be made under the Goldfields Act (Miners' Homestead Leases), land so selected may afterwards be brought under the Lands Act in the event of the Government