

THE HON. F. T. CROWDER: I move, as an amendment, that the House adjourn until Friday, at 7-30 p.m. Hon. members have invitations to witness the laying of the foundation-stone of the new Stock Exchange on Thursday morning, and in the afternoon they are asked to inspect the harbour works. In these circumstances I hardly think hon. members will be inclined to do much work in the evening.

THE PRESIDENT (Hon. Sir George Shenton): I think it will be necessary to meet on Thursday, so that we may receive messages from the other House.

Question, that the House at its rising do adjourn until Thursday, October 22, 1896, at 7-30 o'clock, p.m., put and passed.

The House, at 9-50 o'clock, p.m., adjourned accordingly.

Legislative Assembly,

Tuesday, 20th October, 1896.

Church of England School Lands (private) Bill: second reading; in committee; third reading—Goldfields Act Amendment Bill: second reading; in committee; third reading—Motion: Police duty on Sunday, and compulsory wearing of uniform—Adjournment.

THE SPEAKER took the chair at 7-30 o'clock, p.m.

PRAYERS.

CHURCH OF ENGLAND SCHOOL LANDS (PRIVATE) BILL.

The report of the select committee which had considered the Bill (the report having been brought up at the previous sitting), was now adopted.

SECOND READING.

On the motion of the **ATTORNEY GENERAL**, Standing Order No. 52, relating to private Bills, was suspended as regards the further stages of this Bill; and the Bill was read a second time, without debate.

IN COMMITTEE.

The House having resolved itself into committee to consider the Bill,

MR. RANDELL was elected Chairman of Committees, *pro tem.*, in the unavoidable absence of Mr. Traylen.

Bill passed through committee, without debate, and was reported without amendment.

Report adopted.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

GOLDFIELDS ACT AMENDMENT BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading, said: For some time past it has been apparent to the Government that there were some verbal amendments which it was necessary to make in the Goldfields Act which was passed last year, as soon as we could find time to do so, and without introducing any amendment that is likely to be in any way of a controversial nature. On perusing this Bill, it will be seen that there are only two points in it. One is to enable the Government to grant permission either for the construction of tramways or for the erection of poles and posts for carrying electric lines over any gold mining leasehold, claim, or authorised holding under the Goldfields Act; and the second is to make verbal amendments in certain sections of the Act, as set forth in the schedule of the Bill. These are very material points. With regard to the construction of tramways and the erection of poles for carrying electric lines, the only power which the Government now have for granting permission is contained in the form of lease which is granted for gold mining purposes, in which lease the Government may allow the construction of tramways upon leasehold properties, and that power has been exercised without any objection. But

there is no power for allowing anything like a pole to be put up on these properties. As the Government have exercised their power, under the leases granted, for permitting tramways to be constructed, and no objection having been made in any of these cases, therefore it is not likely there will be any objection to the Government exercising the same power with regard to the erection of poles for carrying electric lines; because it is far more detrimental to the working of a mining lease to have a tramway running over it and occupying a portion of the ground, than it would be to have poles placed here and there, many yards apart, for carrying overhead lines. As an instance of the use made of tramways on goldfields leases, I may mention that on the Dundas goldfield a tramway runs in the vicinity of Norseman from the lake through nearly all the leases on the field, with the concurrence of the leaseholders, for the purpose of taking stone to a battery which is situated at the edge of the lake. I think that, so long as the permission of the Government has to be obtained, they can always provide for any such case as an attempt to run a tramway in a portion of a leasehold where it would be objectionable, and can provide for running it in such a way as will not incommode the working of a property. In fact, no one desiring to run a tramway would be likely to ask for permission to place it in such a position as would be likely to inconvenience the leaseholders over whose ground it would pass, because the owners of the tramway would always be in trouble with the leaseholders. As I have stated, the power to construct tramways has been exercised, and we have never found any objection raised by any person; although the power can be granted under the form of existing leases, whether objection be made by leaseholders or not. That power, however, is not contained in the Act itself, and is only in the form of the lease; therefore it is thought advisable to insert the power in this Bill as an amendment of the principal Act. I think that, situated as our goldfields are, and in want of water for battery purposes, the necessity often arises for giving access to a public battery by means of a tramway for carrying the stone to it; and it becomes very necessary,

and is so considered by the people on the fields, for the Government to have the power to sanction the traversing of a portion of a lease by a tramway. Therefore we desire to put this power in the Bill, besides having a power in the form of lease granted. We take this opportunity also, while amending the Act, to put in the Bill a power by which the Government may grant permission for the erection of poles and posts to carry electric lines overhead. Besides these two matters of granting permission to construct tramways and permission to erect poles and posts, as in the first portion of the Bill, this power is hedged in by Clause 4, which provides that the permission is to be subject to such conditions and stipulations as the Minister may impose, and to such general regulations as the Governor may prescribe from time to time, to be published in the *Government Gazette*, for securing the safety of the public and authorising and regulating inspection and inquiry. Penalties are provided for any contravention or non-performance of these conditions or stipulations made by the Minister, or any regulations made by the Governor. In Clause 5 we provide, in the interest of the telegraph service, that no person shall place or erect any electric line or do any other work for the supply of electricity, whereby any public telegraph or telephone line is or may be injured or injuriously affected; and if any such interference be found to injuriously affect the service, the officers of the telegraph and telephone department are authorised to take such measures as may be necessary in order to restore communication on the public line. Therefore, the exercise of this power which we grant in the first portion of the Bill, for erecting poles for carrying electric lines, is a power hedged about with restrictions, to the effect that permission shall be subject, firstly, to such conditions as the Minister may impose; and, secondly, to such general regulations as the Governor may make in respect to the objects mentioned in Clause 4; and, thirdly, in the manner provided by Clause 5, in the interest of the telegraph and telephone service. The rest of the amendments are in the schedule, and we there also propose to amend the present Act in some small particulars. In the first place, when the

Act left this House, the sections were all numbered in consecutive order; but a new section was inserted in the Legislative Council, and that insertion threw out the numbering of the subsequent sections; consequently a very important section, No. 35, which was mentioned throughout the Act, and which allowed mining in an alluvial digging or lease, became Section 36, as re-numbered. Therefore, in the first paragraph of this schedule it is proposed that, in the definition of "claim" in respect to improvements, instead of the words "Section 35," the present number, the words "Section 36" shall be substituted; the effect being that "Section 35" will be read as "Section 36," in order to agree with the references made in the Bill. Also, as to the definition of that which is prescribed, matters are prescribed not only by the Act but by the regulations; and we propose to insert after the words "prescribed by this Act," the further words, "or by the regulations." Section 10 of the Act, dealing with the position of wardens and other officers on goldfields, is as follows:—"It shall be lawful for the Governor, from time to time, to appoint officers to be called wardens, who shall have and exercise jurisdiction hereinafter conferred upon them in Part IV. of this Act and the regulations." The amendment we propose to make is that after the words "hereinafter conferred upon them," in line three, the words "in Part IV. of this Act" shall be omitted, and that the words "under this Act," shall be inserted in lieu thereof. There is nothing material in that amendment. We propose to amend Section 14 of the Act by omitting the words at the beginning of the section, "It shall be lawful for the Governor to appoint such persons as he may think fit to," and by inserting instead thereof, "The Minister and every warden, and all persons appointed for such purpose by the Minister, whether individually or in virtue of their offices, may," that is, they may issue miners' rights. Unfortunately, when that Act was passed, no persons were appointed, as provided in Section 14, the necessity for such appointments being overlooked. It was an unfortunate wording of the section to make it incumbent on the Governor to appoint all these

persons to issue miners' rights; and the effect of overlooking the requirement to appoint persons for this purpose has been that nobody has really had the power to issue miners' rights. It may be contended that the issue of miners' rights has been illegal. All the conditions of the Act in respect thereof have been rendered ineffective for the reason that miners' rights were not issued by persons appointed by the Governor, as required by the Act. We propose, as I have said, to strike out the words at the beginning of the section, "It shall be lawful for the Governor to appoint such persons as he may think fit to," and insert instead thereof these words: "The Minister and every warden and all such persons appointed for such purpose by the Minister, whether individually or in virtue of their offices, may issue miners' rights." Therefore the Minister himself and the wardens, without further appointment for the purpose, will be able, under this Bill, to issue miners' rights, and so also can such other persons as they may appoint. For instance, the mining registrars may be appointed by virtue of their office to issue miners' rights. It is necessary to legalise those miners' rights which have been issued since the passing of the present Goldfields Act last year; and therefore we propose to add to the section these words: "This section shall be read and construed as if such last-mentioned words had been originally inserted therein." That addition to the Act will make it retrospective, and the only effect will be to make valid all the miners' rights now outstanding. They have all been paid for, and it would be most distressing if they had all been illegally issued and were of no avail. This is all that Section 14 aims at. In Section 38 we propose to strike out in the 13th and 14th lines the words "and the decision of the Court of Mining Appeal hereinafter mentioned on any question raised by way of appeal, if any." When the Bill was going through the House last year, it was suggested in committee that in cases of objections to applications, when the warden's report was sent down to the Governor for his confirmation, permission should be given to send down the decision of the Court of Mining Appeal. I inserted the words, I remember, without fully considering that on this point there

could be no appeal. The Supreme Court lately held that there is no appeal in these cases, and as we are making other amendments, the Government consider it would be as well to strike out these words, in order not to mislead the wardens who have not heard of the decision of the Court. I appeared in the case myself about three months ago in which this question was raised, and the decision was given about a fortnight ago. The contention I laid before the Court was that these words had no effect, and the Court upheld that contention. We therefore propose to strike out the words mentioned. We propose to strike out similar words in Section 45. It will be noticed that, five lines from the bottom of the section, these words appear, "or in case of an appeal within a like period after the receipt by the warden of the decision of the Court of Appeal." There can be no appeal in that case, because it has been decided that it is to be a recommendation from the warden to the Governor. The amendments, therefore, to Sections 38 and 45 are similar. The next Section, 39, has reference to mining leases in town sites. This amendment goes a little beyond the others, which are verbal amendments. It has some little substance in it, and is the only amendment containing any substance at all included in the schedule. The Minister himself is strongly of opinion that it is inadvisable to grant leases at the present time within townsites. The Act has made no provision for mining in townships, and I think it might be well to strike out these words.

MR. ILLINGWORTH: Why stop mining in townships?

THE ATTORNEY GENERAL: If the House thinks otherwise, and is prepared to allow mining in townships, we shall have to bring up clauses to make provision for the protection of townpeople and for the regulation of mining in townships. The Act makes a bare reference to the subject, and provides that mining cannot take place at less than 50 feet below any building. I do not know why it is considered safe to mine at that distance, or why, considering the quantity of gold outside the townships, it is necessary to mine within towns at all. I take it that if a mine is opened in the middle of Coolgardie, it will be objec-

tionable, especially if drives are made only 50 feet below the hotels or the town hall. However, that is a matter we can discuss. The next amendment, Section 42, is similar to the amendment in Section 4, Section 35 being struck out and 36 inserted instead. That is the only amendment in Section 45. The amendment in Section 62 also deals with the question of appeal. In that section the warden has to state a case on the application of either party for the opinion of the Court in all cases; but, according to other sections of the Act, there is no appeal in certain cases, and in regard to those instances the warden ought not to be asked to state a case. The instances in which he is not to state a case are disputed applications for a lease, applications for the forfeiture of a lease, and application for a lease. We have already dealt with the main cases of appeal, and in Clause 62 we are dealing with the subsidiary appeals, which is the same thing, but carried out in a different way. As in these instances the warden cannot be called upon to state a case, it is useless to ask him to do so, and we, therefore, ask for the inserting of these words at the beginning of the section, "except in disputed applications for a lease or applications for the forfeiture of a lease or application for a lease." These are the amendments, and I think they are not very serious. They are not of a controversial nature or likely to lead to debate. If they are carried, they will improve the Act for the next twelve months, and prevent the officers in the outlying districts being led into error, especially in regard to appeals, the power for which does not exist.

Question put and passed,

Bill read a second time.

THE ATTORNEY GENERAL moved that the House go into committee to consider the Bill.

MR. R. F. SHOLL: We have had little time to look into these amendments of the Goldfields Act, the Bill having only now been placed on the table. According to the explanation of the Attorney General, the amendments do not appear to be important; but, at the same time, we have had no opportunity of considering them. It has been stated in the Legislative Council that Bills come down from this House badly worded, and

on that account are thrown out. Important Bills have been put off this session because the Government and hon. members desire to bring the session to an end; and it appears to me to be ridiculous to bring in Bills now, and rush them through. This may or may not be an important Bill. We have only to take the word of the Attorney General for that. It is playing at legislation for us to deal with Bills as we have been doing lately.

MR. GEORGE: I do not think the House should go into committee this evening on the Bill, as Bills of this character should be circulated in good time, so that members may study them. I do not believe this infant of the Attorney General would ever have been born, if it had not been for the strong remarks from the chair, the other evening, with regard to the bringing in of private Bills without sufficient notice. We should be failing in our duty to the country if we allowed this Bill to pass as proposed, especially when only twelve members of the House are present. All the Bills brought in by the Government are not deserving of support, and we had to slaughter one of the innocents the other evening in the Bill dealing with forests. I should not be sorry if this Bill were killed, because I think there is more in it than the Attorney General, in his bland and innocent way, has told us.

MR. ILLINGWORTH: In the main, I concur with the expression of feeling of the members for the Gascoyne and the Murray. It is a bad and dangerous practice for Bills that are new in principle to be introduced at the close of the session, when members have not time to study them. If I understand this Bill aright, it deals with certain slight defects in the existing Act, and I am conscious that a good deal of confusion and difficulty have arisen in the operation of this Act. I would like to have seen the Act altered in many respects, especially in regard to Clause 11, about which the Government seem to feel so strongly. I have not pressed this matter upon the House, for the reason that I think that, when the mining legislation is dealt with, it will be well if the House contains more members representing mining districts. For that reason, any important

alterations in the Act had better wait until next session; but all that is involved in this Bill, with the exception of the amendment of Clause 39, which I most distinctly take exception to, might very well be approved of by the House. Clause 39 involves a great principle. For instance, a line of reef of great value might pass under the town of Coolgardie from Bayley's Reward, and might contain more gold than the whole town is worth. This thing has occurred elsewhere, and it is possible to occur here. The object of mining is to obtain gold out of the earth, and the presence of buildings over the main line of reef is no reason why we should not take the gold out of the ground. It is important it should be distinctly understood that mining will be allowed under towns, so that people may know what they are about when they are erecting buildings. Of course the rights of persons owning property that is undermined will be protected; and if a building subsides, and is damaged by reason of mining, the owner of the mine will have to compensate the owner of the property. Nothing can be fairer than that. If the gold is not worth the risk, the owner of the mine will not take the responsibility of driving under buildings. I hope the Attorney General will agree to the striking out of the amendment to Section 39. The other matters affect the details and not the principles of the Act, and the adoption of them will simplify the working of the Act during the present year. Although I agree to a large extent with the remarks of members who have spoken about the impropriety of introducing important Bills at the close of the session, I hope they will withdraw their objection and allow this Bill to go into committee.

Motion to go into committee put and passed.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—The power to construct tramways and erect electric lines:

MR. R. F. SHOLL said he observed that provision had been made to protect the interests of the Government in regard to the construction of tramways and the erection of electric poles, but he could see nothing in the Bill protecting private in-

terests in these matters. There were various ways in which the powers given by the Bill might interfere with private interests.

THE ATTORNEY GENERAL said it would be observed in Clause 4 that the exercise of the powers mentioned in Clause 3 was subject to the conditions and stipulations imposed by the Minister, and the whole of the work was liable to be removed, on notice being given to that effect. That would be provided for in the contract. If an electric line was doing injury to private property, an order could be made for it to be taken down at once. The Minister had power to say where an electric line should go, and it was not likely that any company erecting electric lines would place them where they would do damage. Clause 4 gave sufficient protection to private interests.

MR. GEORGE asked whether rent would not be charged for the privileges granted by the Bill.

THE ATTORNEY GENERAL said no monopoly would be granted to any company for the carrying of electric lines.

MR. GEORGE said that, under Clause 2, any person might make or construct a tramway, and under that clause someone might construct a tramway to Esperance Bay. The Broken Hill railway was called a tramway, but it was essentially a railway in every sense of the word, its business being carried on in just the same way as the business of an ordinary railway. Under what conditions would passengers and goods be carried on these tramways?

THE ATTORNEY GENERAL said Clause 4 covered all the objections of the member for the Murray.

MR. GEORGE said he had asked for information, and if he did not receive it, he was prepared to move for the striking out of the clause.

THE ATTORNEY GENERAL said he had told the member for the Murray that Clause 4 gave him all the information he required.

MR. GEORGE said there was nothing in Clause 4 dealing with the running of traffic on the tramways, and he wished to know what regulations would be issued with regard to the carrying of both goods and passengers on tramways constructed under the Bill.

MR. LOTON said it seemed to him that Clause 4 covered the question of the member for the Murray; for it showed that the tramways would be run under regulations prescribed by the Governor and published in the *Government Gazette*. As a matter of fact, the Bill gave the Governor and his Ministers power to make laws under which the Bill should be carried out.

MR. GEORGE said it was only a few sessions since that a certain syndicate wished to build a railway to Cue, and on that occasion the Ministers burst into a torrent of indignation against private enterprise proposing to undertake such a work. Though he did not believe in Government railways, but in private railways, yet he did not like to hear a Minister blowing hot and cold, and, after condemning private enterprise, doing his best to force a Bill through the House that had for its object the encouragement of private enterprise.

MR. SIMPSON said that in railway Bills the details of the management of the traffic were left to be provided for by regulation, so that it was too much for the member for the Murray to expect to find these details in the Bill before the House, which only contained general powers for the aid of those who were engaged in developing the mining resources of the colony.

MR. R. F. SHOLL said the Bill made no provision for the relief of persons whose property might be injured by the erection of poles and wires for the transmission of electricity.

MR. GEORGE said the tramways which the Bill contemplated ought to be under the purview of the Commissioner of Railways, instead of that of the Minister of Mines.

THE ATTORNEY GENERAL said the tramways would not be used for passenger traffic, but for the carriage of material, ore, and water. A number of such tramways already existed on the goldfields, and the object of the Bill was to legalise such lines. The owners of the tramways would be left to make their own charges; and, if they charged too much, the remedy could be found by those who objected to pay so much, by putting down another tramway alongside the original one. The Bill conferred no monopoly.

MR. ILLINGWORTH said tramways used for freight purposes were being found of great service in the working of the goldfields; and, under the Bill, tramway connections could be made between Government railways and the mines.

Clause put and passed.

Clauses 5 and 6—agreed to.

Clause 7—Goldfields Act, 1895, to be further amended as in schedule:

MR. SIMPSON asked whether the right of appeal from the Warden's Court to the Supreme Court was abrogated by the amendment of Section 62, by the insertion, at the beginning of the section, of the words "except in disputed applications for a lease, or applications for the forfeiture of a lease, or application for a lease." Those interested in mining were anxious to preserve their right of appeal, notwithstanding that on the whole the Wardens' Courts had very wisely administered the affairs of the goldfields.

THE ATTORNEY GENERAL said the right of appeal was given by Section 85 of the Goldfields Act, and did not apply to the matters which were referred to in the proposed amendment. Appeal was allowed only in respect of proceedings in a Warden's Court which were commenced by plaint or summons, which was not the case with disputed applications for a lease, or applications for the forfeiture of a lease. It had been held by the Privy Council, in deciding an appeal, that third parties had no *locus standi* as between the Crown and a leaseholder in regard to the forfeiture or non-forfeiture of a lease. The amendment was designed only to make it clear that there was no appeal in such cases.

Clause put and passed.

Schedule:

THE ATTORNEY GENERAL moved the proposed amendment of Section 39, namely, that the words "or of any lands in a townsite" be struck out.

Amendment put and passed, and the schedule agreed to.

Bill reported with amendments, and report adopted.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

MOTION—POLICE DUTY ON SUNDAY, AND COMPULSORY WEARING OF UNIFORM.

MR. ILLINGWORTH, in accordance with notice, moved "That, in the opinion of this House, arrangements should be made to give the police force alternate Sundays off duty and out of uniform." He said that each year for several years he had called the attention of the Premier to the hardship the police were under in having to work seven days a week. Some doubt had been thrown on his statement, but he was now in possession of definite information to prove the allegation. The Sunday shifts of duty were as follow:—First shift, 5 a.m. to 9 a.m., 2 p.m. to 5 p.m.; second shift, 9 p.m. to 2 p.m., 5 p.m. to 9 p.m.; third shift (night duty), 9 p.m. to 5 a.m. All the police were on duty on Sunday the same as any other day, notwithstanding that the hotels were closed, or were supposed to be closed, and the Houses of Parliament and places of amusement were shut, which should render it unnecessary to employ the full strength of the force for duty on Sunday.

THE PREMIER: Full information is given of the hours of duty in the return laid on the table of the House.

MR. ILLINGWORTH: That statement is not true.

THE PREMIER: That is a very strong statement to make.

MR. ILLINGWORTH: It is a true one.

THE PREMIER: I do not know that it is.

MR. ILLINGWORTH: The statement of the Commissioner contains remarks regarding myself that were utterly untrue.

THE PREMIER: He says the member for Nannine lends a willing ear to complaints.

MR. ILLINGWORTH said that was utterly and absolutely false. The giving of a Sunday off to the police was simply a matter of arrangement in ordinary cases. Of course when there was any emergency, the men would be quite ready to do duty at any time.

THE PREMIER: They got a Sunday off every fortnight.

MR. ILLINGWORTH said he had shown, by the times of the shifts he had quoted, that every man was on duty every Sunday.

THE PREMIER: They changed every fortnight from night duty to day duty.

MR. ILLINGWORTH: That change did not prevent the police having to put in eight hours of duty every Sunday, while there was no necessity for every man to be on duty on that quiet day of the week. If it required 100 men to do duty on the ordinary days of the week, 50 ought to be enough for Sunday.

THE PREMIER said it was the same in Victoria.

MR. ILLINGWORTH said the Premier was misinformed.

THE PREMIER said he had a telegram here which stated just the contrary.

MR. ILLINGWORTH: No matter what was done elsewhere, it was not a reasonable thing to ask men to work 365 days in the year, in a colony where eight hours a day for six days in the week was an accepted principle in the employment of labour. There was also a great amount of overtime done by the police, for which they should be paid. The duty books were scored all over, from top to bottom, in red ink, with the records of overtime for which the men were not paid. This had been denied when he brought the matter before the House on previous occasions, but he now had precise information on the subject. Another matter to which he desired to call attention was that the members of the force were required to wear uniform when off duty. Why should they be compelled to wear uniform in their own time?

THE PREMIER: So as to be ready for use in emergency.

MR. ILLINGWORTH: If it was so absolutely necessary for the police to be in uniform at all times, why was it that constables were doing duty in plain clothes in Perth, with nothing but a badge upon the arm to indicate they were constables? Surely, if men could do duty in plain clothes, it would be sufficient for the men when they were off duty to carry the badge in the pocket, for use if called upon to do duty. The excuses for this practice were not arguments; they were simply futile objections. He was satisfied the case had not been put before the Premier in the way it ought to have been put before him. Probably the department was unwilling to make the necessary change, and a coloured report had been placed before

the Premier. Members of this House wanted to get justice and something like fair play for these men; and all he asked the House to affirm was that it was desirable—he did not want to make a hard and fast rule—that the men should be allowed an alternate Sunday off duty, or every third Sunday; also that, when off duty, they should be allowed to go to church or walk about the streets without the necessity of wearing the police uniform. He would quote a case which occurred quite recently in St. George's Terrace. A respectable woman, the wife of a policeman, was walking with her husband along the Terrace, and persons who observed them remarked: "I wonder where the bobby is taking that respectable woman." It was assumed by onlookers that, because the policeman was in uniform and walking out with his wife, he was actually taking her to gaol. This state of things was absolutely intolerable. He therefore moved "That, in the opinion of this House, arrangements should be made to give the police force alternate Sundays off duty and out of uniform."

THE PREMIER (Hon. Sir J. Forrest) said he did not know whether hon. members had read the correspondence on the table in reference to this matter, but if they had they would notice that he had kept the promise made last year to the member for Nannine, when this question was brought before the House, by taking steps to inquire into the matter. On the 12th October last he wrote to the Commissioner of Police, telling him that the hon. member for Nannine had on several occasions referred in the Legislative Assembly to the police having to do duty on Sundays the same as on other days, and had said the police had no holidays whatever throughout the year, except those granted on application, which, as the hon. member said, was rarely done. He (the Premier) then asked for a full report on the subject. The reply of the head of this department was:—"The rules regulating leave of absence are as follow. No officer may absent himself from his district, except on duty, without permission from the Commissioner, nor any other member of the force from his sub-district or station without the permission of the officer in charge of the district to which

"he is attached. Members of the force who obtain leave of absence are expected to return to their quarters on the evening of the day on which the period of such leave shall terminate. Officers of the force are allowed the same amount of leave of absence as that granted to members of the civil service, and on like terms. When an officer applies for leave of absence, he must submit the name of the member of the force who is to act for him. All sergeants and constables are allowed leave of absence for a period not exceeding 12 days, on full pay, during the course of each calendar year, provided the exigencies of the service permit of their absenting themselves from duty. For the purpose of enabling those men who are not on beat duty the more conveniently to attend the Sunday morning services at their respective places of worship, the first period of duty of the first relief will, on Sundays, be from 9 a.m. to 2 p.m., and the second period of duty of the first relief from 2 p.m. to 5 p.m. The night duty men parade at 8.45 p.m., and remain on beat duty from that hour until 5 o'clock the next morning; one sub-officer or senior constable taking charge of each section of the relief. There are no meetings of the Legislative Council or Assembly, or sittings of the Supreme, Police, or Local Courts held on Sundays, or theatres or other places of amusement open, at all of which the police have to be on duty on week days. In conclusion, I may mention that the police rules and regulations of this colony are almost identical with those in force in the Eastern colonies, but they are not carried out quite as stringently. Referring to the motion to be moved by Mr. Illingworth, regarding arrangements being made that the police be given every alternate Sunday off duty and out of uniform, I have only to repeat that the present arrangement has been found to work well, and that I have received no complaints on the subject. During the term of night duty, these men got two Sundays off duty and out of uniform. Although the day duty men are allowed to return to their homes during the four hours relief, they are not allowed out of uniform except by permission. This rule is obviously necessary, as the men are

liable at any moment to be called out to quell a disturbance, arrest an offender, attend a fire, convey a despatch, attend to scene of an accident, render assistance, &c. On the 16th inst., I telegraphed to the Chief Commissioner of Police, Melbourne: 'Are your police given alternate Sundays off duty, and are they allowed to wear plain clothes when off beat? Our duty hours and changes of day and night are same as yours.' The reply received on the 19th from Mr. H. M. Chomley, the Chief Commissioner, is to this effect: 'Police generally not allowed alternate Sundays. Certain pointsmen and sub-officers in charge of important stations are allowed. All allowed plain clothes off duty.' He (the Premier) had received a further note from the Commissioner, as follows:—"I may, however, say that for many months the Victorian duty hours, &c., have been observed here, in Perth and chief towns, under which the night duty men are off duty and out of uniform on Sundays from 5 a.m. to 9 p.m. The day duty men are relieved every four hours, consequently each man gets four to six hours off on Sundays. Only one man has complained."

MR. ILLINGWORTH: They dared not complain.

MR. GEORGE: A policeman who complained would be a marked man.

THE PREMIER said it seemed to him that the police discipline in this colony was in accord with the practice in Victoria, and was generally satisfactory, seeing that no complaints had been made to the Government; for although persons might have run to the hon. member, they did not come to him as the Ministerial head.

MR. ILLINGWORTH: If they did they would get the "sack."

THE PREMIER: Not at all; that was not the way in the service. Every man who liked could bring his case before the head of the department, and so long as he did it in a respectful manner would not suffer in any way. Was it to be expected that he was to put his opinion in regard to the discipline of the force in opposition to that of an officer who had had so much experience as the head of the Police Department? The member for Nannine, of course, knew

a great deal more about the discipline and management of a police force than the officer in charge. The member for Nannine said all these things were not necessary, while the head of the department said they were necessary, and, moreover, showed also that the same practice was followed in Western Australia as in Victoria. The telegram received from the Commissioner of Police in Victoria said the men, generally, were not allowed alternate Sundays off in Victoria; that the night-duty men were allowed Sundays off without uniform, but the day-duty men had to wear uniform. On special occasions, a constable could get permission to go in plain clothes. It was all very well for some hon. members to desire to interfere with the discipline of the police force, but they should consider well what they were about. A police force was a semi-military body, and soldiers were not allowed to be out of uniform. [MR. GEORGE: Yes, they were.] The member for the Murray must be mistaken, for wherever one travelled, the soldiers were seen in uniform. The member for Nannine seemed to have a fad for bringing down the question of police discipline; but the police had not complained, and no one had complained except the hon. member, who stood out as the champion of the force, although that force had never made any complaint to the Minister or to the head of the department.

MR. ILLINGWORTH said he was acting in opposition to a wrong.

THE PREMIER: The police had made no complaint whatever to the Government since last year, when the subject was brought up by the member for Nannine, and the House would hear nothing more about it till next year, when the hon. member might bring it up again. He could not understand why the members of the force went to the member for Nannine with their complaints.

MR. ILLINGWORTH: Because I am championing their cause.

THE PREMIER said he had been a member of the Government for six years, and during that time no representation had come to him, directly or indirectly, from any member of the police force, in regard to any hardship. He could promise any constable who was suffering from a hardship that, if he addressed him respectfully through the Com-

missioner of Police, his case would receive attention. If there was any desire to deal with this question in a way that had found favour in other countries, he could understand it; but he had proved that the rules prevailing in Victoria and those prevailing in Western Australia were the same. He would ask the member for Nannine to withdraw the motion. There had been no movement, as he had said, amongst those interested in regard to the matter; and why any member should take up the cudgels for men who appeared to be quite satisfied, he (the Premier) really could not understand. The motion of the member for Nannine, brought forward as it was every year, was likely to do a great deal of mischief, and no good whatever.

MR. GEORGE said he hoped the member for Nannine would not withdraw his motion because of the strenuous special pleading of the Premier. The sermon of the Premier was based on the text that no complaints had reached him or reached the Commissioner. But did the Premier think it likely that complaints would be made either to the Minister or the Commissioner of Police by members of the force? If a member of the force did complain to the Commissioner, his name would be placed in the black books. The Commissioner of Police was human, and if any of his men complained of the system in force, he would be a marked man, and be regarded as a malcontent and an influence subversive of discipline. Such a man would soon have his services dispensed with. As to the Sunday holiday, they were told that the night-duty men were allowed to wear plain clothes on Sundays. If a man were on duty on Saturday night, and then again on Sunday night, he would spend the best part of Sunday in bed, in his nightshirt, and that might be called "plain clothes." A constable would scarcely be expected to go to bed in his uniform. There was far too much of the military business in the police force. Men with ramrods down their backs were not wanted, but reasonable and competent men. He quite agreed that, when a policeman had entered the force, he should be ready to respond to the call of duty; and there was hardly a man in the force who would have to be asked twice to act in a case of emergency. He could not understand

why a constable in his own time should be compelled to wear uniform and go parading in it about the streets. Recently a large number of probation men had been on duty in plain clothes, wearing only the badge on the arm; and he could not see why men off duty should not be allowed to wear private clothes, provided the badge was carried in the pocket ready for use. As to promotions, there was a strong feeling in the force with regard to men who had been five minutes in the colony being placed over the heads of competent men who had been many years in the service. As far as possible, the men should be relieved of duty on Sundays, and should be paid overtime when required to serve more than eight hours a day. He hoped the Premier would take the case of the members of the police force into consideration, and remedy the grievances that existed. The member for Nannine should be commended for bringing the matter forward, and for championing the cause of men who did require a champion.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson) said he understood it was the desire of the member for Nannine that each policeman should get 24 hours free off duty every fortnight. It was not enough, he understood, that they should get five or six hours relief from duty on the Sunday; that if 100 men were necessary for the duties on week days, 50 should be sufficient on Sundays. It was a question for the head of the department to deal with, in reference to what was done in other parts of the world, and also in reference to the work to be done. But if it were found impossible to adopt that system in other parts of the world, there must be some good and sufficient reason for it. He agreed with the hon. member that it was worthy of consideration and inquiry as to whether it was possible to extend some measure of relief to the members of the force. He thought the House might assert it as a broad principle that it was undesirable that any class of men should work seven days a week, if it could be avoided. He thought the Commissioner would be only too glad to give his men freedom from duty every alternate Sunday, if it was possible to do it.

MR. SIMPSON said he hoped the Premier would see his way to approve of

the motion of the member for Nannine. It was doubtless a revelation to the House that the members of the police force were required to work seven days a week, and he thought the people were quite prepared to pay for a policeman's Sunday.

THE PREMIER: What about a watchman? He works seven days a week.

MR. SIMPSON said he would be sorry to place the police in the same position as an ordinary watchman; and, at any rate, he did not approve of a system by which a policeman or any other man worked seven days a week.

THE PREMIER: The police did so in Victoria and other places.

MR. SIMPSON: In a matter of that sort, he was not prepared to be tied down to precedent; and he hoped the Premier was not willing to follow all the precedents set by the other colonies. He did not think that the discipline of the force would suffer if the men were given a holiday every alternate Sunday. He had always held the police force in respect, and considered that a policeman occupied a much more responsible position than a soldier.

THE PREMIER: Would the hon. member employ a fresh lot of men in order to give the holiday?

MR. SIMPSON said he would be prepared to employ a fresh lot of men, rather than that the whole force should work seven days a week. It was against the Premier's instincts to oppose the motion of the member for Nannine, and he (Mr. Simpson) supposed the Premier, in this matter, was controlled by red-tape.

THE PREMIER: The railway men were on duty on Sunday.

MR. GEORGE: More shame for the Railway Department.

MR. SIMPSON: If the railway men had to work seven days a week, it was no wonder that railway accidents occurred.

THE PREMIER: Sailors had to work on Sunday.

MR. SIMPSON: Seven days work a week would wear out men before their time, and no Government should ask for it from its servants.

MR. SOLOMON said it should not be necessary to keep all the police on duty every Sunday. They should get at least an alternate Sunday off.

THE PREMIER: How was it to be done?

MR. SOLOMON: It was not necessary to say any more on the subject, as it had been so fully put before the House; but he would vote for the motion.

THE PREMIER: It seemed very easy to talk against the employment of the police on Sunday, but no one had suggested—

MR. ILLINGWORTH said the Premier had not the right of reply.

Question put, and declared in favour of the "ayes."

THE PREMIER: Divide.

MR. GEORGE: There was only one voice in the "noes."

THE SPEAKER said he heard two "noes." He put the question again, and declared it in favour of the "ayes."

THE PREMIER again called for a division, which was taken with the following result:—

Ayes	5
Noes	7

Majority against ... 2

AYES.	NOES.
Mr. George	Sir John Forrest
Mr. Higham	Mr. Loton
Mr. Simpson	Mr. Monger
Mr. Solomon	Mr. Randell
Mr. Illingworth (Teller).	Mr. Richardson
	Mr. Wood
	Mr. R. F. Sholl (Teller).

Motion negatived.

ADJOURNMENT.

THE PREMIER (Hon. Sir J. Forrest) moved that the House at its rising adjourn till half-past seven o'clock p.m., on Thursday next.

Put and passed.

The House adjourned at 9:54 p.m. until Thursday.

Legislative Council.

Thursday, 22nd October, 1896.

Mail Service: Cue to Lake Way—Geraldton Jetty Extension—Rottnest Island: use of by the public—Guano: export of from Abrolhos Islands—Fremantle Water Supply: Particulars as to—Standing Orders: Suspension of—Loan Estimates: Procedure as to; motion for adjournment—Cue-Namline Railway Bill: third reading—Appropriation Bill: second reading; committee—Adjournment.

THE PRESIDENT (Hon. Sir George Shenton) took the chair at 7:30 o'clock, p.m.

MAIL SERVICE, CUE TO LAKE WAY.

THE HON. W. ALEXANDER asked the Minister for Mines, if the Government intended to establish a weekly mail service between Cue and Lake Way.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied that the matter was under consideration before the hon. member tabled his question.

GERALDTON JETTY EXTENSION.

THE HON. W. ALEXANDER asked the Minister for Mines if the Government intended to proceed with the work of extending the Geraldton jetty to a further length of 1,000 feet.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied, that the matter was under consideration.

ROTTNEST ISLAND—USE OF BY THE PUBLIC.

THE HON. W. ALEXANDER asked the Minister for Mines if the Government were disposed to throw open the Island of Rottnest to the general public, and utilise the labour of the aboriginal convicts on the Abrolhos Islands.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied, No.

GUANO—EXPORT OF FROM ABROLHOS ISLANDS.

THE HON. W. ALEXANDER asked the Minister for Mines if the Government intended to allow the export of guano from the Abrolhos Islands to continue.