

MR. F. CONNOR: Will the Government feel themselves bound to support the adoption of the committee's report?

THE PREMIER: No. It will not be a party committee.

MR. T. H. BATH (Hannans): Will it be in the power of the House to instruct the committee to allocate the seats on a scientific basis?

THE PREMIER: No; I do not think we can give instructions to a select committee.

MR. R. HASTIE (Kanowna): It may be as well to leave the whole matter to the select committee at first, with the understanding that the House shall have full power to decide which districts are to get increased representation. I have in my mind the proposal to give the South-West District an extra member, against which I and others will take an opportunity of seriously protesting. On the understanding that these and other questions will come before the House with the report of the select committee, I think we may pass the second reading and refer the Bill to a committee as proposed.

Question put and passed.

Bill read a second time.

THE PREMIER moved that the Bill be referred to a select committee.

Question passed.

Ballot taken, and a Committee appointed comprising Mr. Pigott, Mr. Higham, Mr. Hastie, Hon. F. H. Piesse, also Mr. Walter James as mover; with power to call for persons and papers, and to sit on days on which the House stands adjourned: to report on the 1st September.

ADJOURNMENT.

The House adjourned at 10.42 o'clock, until the next Tuesday.

Legislative Assembly,

Tuesday, 1st September, 1903.

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THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR MINES: 1, Statement of expenditure under "The Mining Development Act, 1902." 2, Camels and horses loaned to prospecting parties—return to order of the House dated 26th August.

By the MINISTER FOR WORKS AND RAILWAYS: 1, Exemptions from rating granted to various roads boards—return. 2, Erection of stock jetty at Point Sampson, papers re—return to order of the House dated 5th August.

By the PREMIER: 1, Report by Public Health Department on factories and work-rooms in Perth and Fremantle. 2, Width of Tires Act, enforcement of—return to order of the House dated 19th August. 3, Remission of duty on cattle imported by Connor and Doherty and by Forrest, Emanuel, & Co., papers re—return to order of the House dated 5th August.

Ordered, to lie on the table.

CONSTITUTION ACT AMENDMENT BILL.

AS TO RECOMMITTAL.

Amendments made in Committee read.

MR. MORAN: Could the Bill be recommitted at this stage?

THE SPEAKER: No; it could be recommitted when a motion was made for the third reading.

MR. MORAN: Could the report be now discussed?

THE SPEAKER: Members could discuss the question whether Committee amendments should be now agreed to, but such amendments had better be referred to specifically.

MR. MORAN: Probably it would be well to wait for the third reading, and move then for recommitment.

THE SPEAKER: That was the proper and regular time.

THE PREMIER moved that the report be adopted.

Question passed.

BREAD BILL. SECOND READING.

THE PREMIER (Hon. Walter James), in moving the second reading, said: Bills similar to this have on previous occasions been before the House. Members will no doubt recollect that on the last occasion the Bill failed to pass because of some slight difference between the Legislative Council and the Assembly. However, the Bill now before the House has passed through the Council, and includes that provision which on the last occasion the Assembly thought it should contain. It classifies bread by specifying the ingredients which each kind shall contain. The divisions are household wheaten bread, fancy bread, mixed bread, rolls, standard brown bread, and standard wheaten bread. It provides that household bread, which is the inferior bread, as members will see from the definition, shall be branded "H," and that mixed bread shall be branded "M." If a loaf be sold which is not branded either "H" or "M," it is deemed to be of the standard quality; that is, the best. That is provided for by Subclause 3 of Clause 4. The Bill provides that each loaf when sold must be 1lb., 2lbs., or 4lbs. in weight, unless the contrary be specially ordered in writing by the purchaser; and that is a very necessary provision. As members know, there is not now any statutory enactment to the effect that bread must be of a fixed weight. People buy it on the assumption that they are getting, say, a 2lb. loaf; but in a great many instances that assumption is falsified by the fact. Clause 6 details the ingredients of which bread must be made. Clauses 8 and 9 provide that scales and weights must be kept in shops where bread is sold, and carried by the person who takes out bread for delivery; and provide also that any purchaser, justice of the peace, inspector, or police constable has a right to have any bread weighed. Sections 10 and 11 provide

No person shall, for the purpose of human consumption, sell or purchase or have on his

premises any impure, unsound, or unwholesome flour.

And—

No person shall put into any cornmeal or flour any ingredient or mixture, not being a real and genuine product of corn or grain.

Section 11 provides penalties for impure bread or dough sold or offered for sale. Section 16 deals with the hours of labour on Sundays, and Section 18 with penalties for the offence. It is a short Bill, which has now been before members for some time. I have much pleasure in moving the second reading.

Question passed.

Bill read a second time.

COMMITTEE STAGE, POSTPONEMENT.

THE PREMIER moved:—

That the Speaker do now leave the Chair for the purpose of the Bill being considered in Committee.

HON. F. H. PIESSE opposed the motion.

THE PREMIER: The Bill had been before the House some days, and progress must be made with the work.

HON. F. H. PIESSE: There was already before the House for consideration a sufficient number of Bills to engross the attention of members for some time, particularly the Electoral Bill, the Constitution Bill, and the Redistribution of Seats Bill.

THE PREMIER: This Bill was gone through last session.

HON. F. H. PIESSE: There were some slight amendments he intended to move in Committee, but he was not prepared to raise them at present, because he had not all the facts before him. The whole of his available time had been taken up during the previous fortnight with the other Bills before the House. It was impossible to give one's full attention to Bills brought before the House and put through with such rapidity. This was a Bill brought forward with only a few words, and we were asked to push it through without an opportunity of going into it.

THE PREMIER: The hon. member knew the Bill by heart.

MR. JOHNSON: The Premier should not push this Bill into Committee at this stage. The Labour members, who devoted more time to Bills than any other members of the House, could not keep

pace with the legislation which was brought forward, and this Bill had not been taken into consideration by them. He hoped the Committee stage would be postponed for a few days.

THE PREMIER: In a great majority of cases members did not look at Bills until the second reading. When a Bill did not come down until the second reading, most indignant complaints were heard from portion of the House if members did not have time to look at it. Members had travelled through the Bill already last session, and no one knew its contents better than the member for the Williams. It was not unreasonable to ask that the Committee stage should be taken immediately after the second reading; but he had no objection to the Committee stage being adjourned. He hoped that in the future members would be prepared to go on with Bills. Hon. members had known that the Bill was on the Notice Paper for to-day. He asked leave to withdraw his motion.

Motion withdrawn, and the Committee stage postponed.

PRISONS BILL.

SECOND READING.

THE MINISTER FOR WORKS (Hon. C. H. Rason): In moving the second reading of this Bill, I desire to point out that the measure is one which comes to us from the Legislative Council, where it received considerable attention. I think it will be admitted there is some necessity for improvement to existing prison laws. There is necessity also for consolidating the existing laws and for putting them in a somewhat more understandable form than at present. The present prisons enactments are contained in some sixteen Acts, some of them dating back to William IV. Now this measure consolidates and preserves all that is worth preserving in these sixteen Acts, and will prove a considerable improvement to the existing legislation. There is no very great departure from the existing laws. Rather is there improvement only. The greatest improvement to my mind is the clause that provides the legal machinery necessary for the classification of prisoners. We shall have, if this Bill passes, legal machinery which will enable prisoners to be pro-

perly classified. Undoubtedly, owing to the structural difficulties in most of our prisons, alterations will have to be made to the prisons themselves; but it will, I hope, shortly be possible to have proper classification in regard to our prisons. I think every member will admit that it is absolutely necessary, in fact I think it is now recognised, that it is worth our while, even if only from an economical standpoint, to see that beginners in crime, at all events, are not forced to consort with hardened criminals within the walls of a gaol, although our prisons should not be just mere comfortable lodging-houses, but should be houses of correction; for while they should act as a deterrent to evil-doers, they should have a corrective influence as well. I am afraid that up to the present one may write over the walls of most of our prisons, "All hope abandon ye who enter here." I think that is a wrong state of affairs, and it can only be bettered by bringing about classification. Another feature is that provision is made for the appointment of visitors. The Governor may appoint anyone to be a visitor to a gaol, and the difference between the existing law and the proposed law in this case is that, whereas in the past none but justices of the peace could be visitors, now it will be possible to appoint anyone, not necessarily a justice of the peace. This will enable lady visitors to be appointed, and I look forward with great hope to the benefit which lady visitors will accomplish. I have no doubt that good women will be found ready to devote a portion of their time to visiting prisons, and that this will have some good effect on female prisoners confined therein. It will be possible for any justice of the peace to visit any prison at any time.

MR. JOHNSON: Why not a member of Parliament?

THE MINISTER FOR WORKS: I think they are always qualified. I have no doubt that, if any member of Parliament desires to enter a prison, no obstacle will be placed in his way. I think that if, when dealing with the provision regarding the visiting committee, members think it advisable to add those members of Parliament who are qualified to visit prisons at all times, there will be no objection; but the great point to which I wish to draw attention is the fact that

it will be possible if this Bill passes to have lady visitors for the prisons. I should like to call attention to the fact that in 1902 there were 2,536 commitments to prison, and of those prisoners committed no less than 239 were females. That suggests at once considerable food for reflection, when we bear in mind that the cost of maintenance of prisoners in the gaols of Western Australia amounts to £1 per head per week. If then the care of these 239 females does not appeal to us on humanitarian grounds, surely it appeals to us on economical grounds. These 239 females, all of whom with one exception were adults, will, I submit, in the ordinary course of events fulfil their mission in life and become mothers, if they are not so already. Mothers of what? Mothers of more criminals? Are we, by taking no steps at all to bring them back into proper paths, by our neglect and our utter disregard, to force them into a continued life of criminality and so increase the criminal population of Western Australia? I submit it will be well worth our while, apart from any motive of kindness, to turn our attention to these female prisoners, and I hope that in our midst women will be found who will give some attention to their afflicted sisters in this respect. I think that we can always have some hope at all events for the reform of women. I myself think we can look for reform in everyone. I do not believe that we should, as I am afraid has been the practice in the past, add to the legal punishment by the punishment which society inflicts, and I am afraid in some cases continues to inflict for ever. Surely we should hold out a helping hand to those who have made only one slip at any rate, and see if by a little encouragement they cannot be brought back again. I am afraid that what I speak of has especially been the case in regard to the treatment of women. I have not been able to help noticing that when a woman has made even a very small deviation from the path of justice, and has had some very small sentence inflicted by the law as sufficient punishment for the crime, when she has expiated the crime society continues that practice I allude to, and brands her for all time as being not fit to associate with others on the opposite side of the path, when perhaps

their claim to that path might very well be disputed. [Interjection by Mr. ILLINGWORTH.] If the police do it, more shame to them, and I say that anybody who does it should be ashamed. I am afraid the practice originated with the first fearful coward who said a woman tempted him, and it has continued right down to the present day.

MR. ILLINGWORTH: It is the same with the men, too.

THE MINISTER FOR WORKS: Undoubtedly the same with many men, but I hope a better state of things will be brought about. I look to the appointment of these visitors, if visitors can be found, and I do hope they will, to bring about a very much better state of things than has existed in this respect in the past; and here I should like to say it seems to me a little short of a disgrace to some of our religious bodies that the only religious association which has taken any part in prison work is the Salvation Army. The Salvation Army, through the Prison Gate Brigade, have undoubtedly done very good work in this direction; but I am afraid other religious denominations have been conspicuous by the way in which they have left this work, this undoubtedly good work, severely alone. It is not, as I said, the object of the Government to provide residential hotels for prisoners. Rather do we hope by this measure to insist that, for instance, where prisoners are not sentenced to hard labour they must maintain themselves in prison. If they have means, those means must be available for their maintenance, and if they cannot maintain themselves, yet although they are not sentenced to hard labour they must do labour in some form or other, light labour, to endeavour to give some return to the State for the cost of their maintenance. Members will see by Clause 29 of the Bill that the rate of payment for prisoners who cannot maintain themselves will be fixed by regulation. They will also see that prisoners may be paid some gratuities for work done under trained inspectors or at penal outstations. This I think is a very commendable step. It will be possible under this scheme to pay prisoners some small amount in return for the work they do, so that when their sentence is completed and

they leave the prison gates they will at all events have some little funds to either get into some other district where they are not known, or to maintain themselves until they can get some work, rather than perhaps be forced, through the absence of any money, back into crime which will lead them to prison again. Provision is also made for the establishment of penal outstations. Members of the House will know that there is already a penal establishment of this kind in existence at Hamel. The experience in regard to this station is very encouraging, and provision is sought whereby similar outstations can be provided in the future, if necessary. Provision is also made that short-sentence prisoners, prisoners sentenced to less than three months, may be confined in police gaols instead of in prisons as commonly known. Provision is also made whereby prisoners may be removed from one gaol to another. It will be within the memory of some members of the House that considerable trouble arose with regard to the gaol at Kalgoorlie quite recently. That gaol was reported to be very much overcrowded, and had this enactment been in force then it would have been possible without any delay at all, simply by moving some of the prisoners from Kalgoorlie to another gaol, to remedy the undoubtedly bad state of affairs which existed at that time. At present a prisoner can only be removed from one gaol to another by an order of the Governor-in-Council, which takes some time to procure, and means a good deal of formality. Much of the actual work of this Bill, as members will see, is left to be dealt with by regulations.

MR. TAYLOR: Too much of this Bill is left to the regulations.

THE MINISTER FOR WORKS: That may or may not be so. I do not think it would be possible to provide a Bill which in itself would contain all the numerous regulations necessary for the management and conduct of prisons and prison life, but I saw that the success of the measure will depend a great deal upon its administration and upon the wisdom of the regulations. These regulations have to be submitted to Parliament, if made during the recess, within 14 days of the meeting of Parliament,

and, if made whilst Parliament is in session, within 14 days of their being gazetted. Power is given in the Bill to provide an officer who shall be styled Comptroller General of Prisons. The clause which gives power to appoint that officer provides that the office of Sheriff and Comptroller General of Prisons can be amalgamated and held by the same person till such time as the Governor may think fit. I do not know that I can add very much to what I have said already in regard to the Bill. As I have said, it does not contain any very great departure from the existing law. It only tends to improve and consolidate the law. It is a thoroughly practical measure, which has been well thought out and has been prepared by those who have to administer the present law, and by the Attorney General who had to draft the Bill in a legal form. Coming to the actual clauses of the measure, it will be seen that by Clause 1 the Bill will come into operation, if it passes, on the 1st January, 1904. Clause 4 is the interpretation clause. Clauses 5 and 6 maintain the existing rules and regulations and the application of this Act to prisons already in existence. Clause 7 provides for the existing prisons to be continued. Clause 8 gives the Governor power by proclamation in the *Government Gazette* to declare any building, enclosure, or place to be a gaol, any police station or lockup to be a police gaol, and any place to be a penal outstation; and any of these places after proclamation shall be a prison within the meaning of the Act. Clause 14 is the one giving power for the appointment of a Comptroller General, to which I have just referred. Part III. consists of Clauses 17 to 20, which give power to appoint visitors. Part IV. provides regulations for the management of prisons and the discipline therein. It provides for the gratuities to be credited to prisoners for approved work under trade inspectors or at penal outstations. It provides for the ordinary remission of portions of sentences.

MR. ATKINS: Will the value of the work done by prisoners be charged against their keep, or will it be given to them when they go away? Clause 29.

THE MINISTER FOR WORKS: Clause 29 provides that persons sen-

tenced to prison without hard labour may be set to work or labour, provided the same is not severe, except those who maintain themselves.

MR. ATKINS: Does it mean that the work done shall be credited against the cost of maintenance?

THE MINISTER FOR WORKS: Some portion would be credited as against the cost of maintenance, and a small balance, if any, will be handed to the person when he leaves the prison.

MR. ATKINS: There may be a good bit of sweating in that.

THE MINISTER FOR WORKS: I do not think members need fear there will be any desire to sweat in the way suggested. The desire will be to make prison life a deterrent as well as a corrective. Clause 25 provides for separate confinement, so that contamination may not arise by the association with other prisoners. Clause 29, which I have just referred to, provides that prisoners must work, or if capable of maintaining themselves must bear the cost of maintenance. Clause 34 provides for penalties for minor prison offences; and by Clauses 37 and 38 members will see that prison offences are divided into two classes—minor prison offences, and aggravated prison offences. Clause 39 provides that all complaints of prison offences shall be heard, in the presence of the prisoner charged, by a magistrate, or in some cases by the visitors, not necessarily visiting magistrates. Clause 48 provides that in the case of prisoners whose sentences expire on a Sunday, Christmas Day, or any known holiday, they may be discharged the day previously, as is at present the case. Clause 59 is one that I have referred to in my opening remarks, giving power to remove a prisoner from one prison to another. Part VI. of the Bill deals with offences in relation to prisoners; and Clause 58 deals with those who aid a prisoner to escape. Strange to say it has been found necessary not only to provide legislation for those attempting to break out of gaol, but also to deal with those who desire to break into gaol. It will be seen that it is an offence contrary to the regulations for any person entering or attempting to enter any prison except under the provisions contained in the regulations. I do not know that there is any other clause in the Bill that demands

special attention. It will be seen by the last clause that the Comptroller General shall report, at the close of each year, on the state and condition of all prisons throughout the State, and all matters affecting their management, and shall include therein such observations and recommendations as he may think fit to make. As I have previously said, the leading features in the Bill in the way of improvement are, I submit, the power given to make regulations for the proper classification of prisoners, and the power of appointing anyone as a visitor to prisons. I have already said this is a good and workable Bill; an easily understandable measure expressed in easily understandable language; it avoids technicalities, and I submit it with confidence to the House. I beg to move the second reading.

MR. F. ILLINGWORTH (Cue): This is a Bill that has been required for a good long while, and I sincerely hope it will realise all that the Minister promises for it. I want to take this opportunity of calling the Minister's attention to a state of things that at present exists, and I do not know there is any provision in the Bill to prevent it. It is a common practice for the police to follow a prisoner after his discharge, and if a prisoner gets into a situation the police go and inform the employer that the man has been in prison—has "done time." If there is anything unrighteous on God's earth, that is an unrighteous thing to do. A man coming out of prison is supposed to reform his ways. If he goes to honest work he may find himself discharged a day or two after he has begun work, simply because the police have informed his employer that the man has "done time." It is an outrageous state of things, and it has come under my notice again and again. I want the Government to take official notice of it, and see if something cannot be done to stop this state of affairs. [MR. TAYLOR interjected.] We cannot blame a constable for what another person may do, but the police are in the pay of the State. The police are perfectly justified and well within their duty if they take surveillance over a man who has come out of gaol to see what he is doing. That is a proper thing to do, but to go and inform a man's employer that

a man who has been discharged has "done time" is wrong, and the only effect can be to drive the man out of honest labour and send him back to his previous associations. In regard to giving credit for what a prisoner may do in gaol, this I think is a long-desired reform, a much-needed reform. It constantly happens that a prisoner goes out of gaol without a penny to bless himself with; he may get a suit of clothes which may not be too good; he goes out into the street without any money, and the only people most likely to pick him up are those who sympathise with him in crime, and who will introduce him into their criminal company right away. If some provision can be made that a prisoner during his incarceration may earn a little money so that when he goes out of gaol he will have something in his pocket, a big thing will be done for him, and a great help to him. I hope too much will not be taken out of a man's earnings for his support, so that every man who goes out will have something to make a fresh start with. There is another abuse in connection with the present system. A man may reside at Geraldton or Roebourne; he is brought down to the Fremantle gaol, and when he has served his sentence he is turned out into the street. Such a man is unable to find employment in a city; he wishes to go back to the district from whence he came, or some similar district, but he is discharged in a city, he is not used to city life, and he is without a penny in his pocket. This is not the reform of criminals, but the creation of them: at any rate such a system means the creation of them or the encouragement of them. I hope something will be done in this respect. If a man is arrested at Roebourne or farther off inland and is brought away from his ordinary sphere of livelihood to Fremantle, when he is let out of gaol we ought to be able to send him back, if not to the place from whence he came, to some similar place where he can obtain the labour to which he has been accustomed. The Government might take some steps to look after this matter, so that a man can either be sent back to the district from whence he came or to some district where he can earn a livelihood.

HON. F. H. PIESSE: The people may not wish to see him, sometimes.

MR. ILLINGWORTH: It is not necessary to send him back to his old district, but to some similar district where he can obtain employment. I do not want to see such men left in the streets of a city; they ought to be taken to some place where there is a reasonable chance of getting honest work. What can be expected from putting such a man on the streets with no money in his pocket, and away from his associations? What can happen, and what does happen? Either some charitable person gets hold of him and helps him on his way—but there are not sufficient for such purposes—or else his own "pals" get hold of him and put him on the evil way again. It is all very well to put a man in prison for an offence, but if you wish to make prison of any utility you must make a provision that when a man comes out he shall have a fresh start in life. Give him some money; take him to the place to which he desires to go and has some reasonable expectation of obtaining an honest livelihood. I hope the Bill will do what it is proposed it shall do, a good deal in this direction. But in connection with the regulations I hope the Government will take notice of some of the things to which I have called attention, and do something in the way I have indicated. I have much pleasure in supporting the second reading, and I hope some of the things to which I have referred will be readily done.

MR. C. J. MORAN (West Perth): I am with the Government in their desire to travel along humanitarian and utilitarian lines, in the way of prison reform; but a good deal more can be done when handling the question by viewing carefully what has been done elsewhere. This is an expert science, and in handling it we should be guided by experience, and at least a young and rising State like this should have the advantage of the rest of the world and our own neighbours in the East to guide us; and they ought to be up-to-date in these matters. I want, before touching on one or two points of the Bill, to repeat what I said last session in reference to Bills introduced of a technical or legal character. On this (Opposition) side we still labour under the disadvantage of having no legal mind amongst our number to compare the clauses of these codifying Bills

with the old Acts; and on more than one occasion last session very important changes were introduced into this Chamber in large Bills, embodying alterations of a grave character which were not hinted at by the Minister in introducing such measures. They were inadvertently left out, but were discovered after the Bills had left this Chamber. In introducing measures of this kind, more stress should be laid by the Minister on the changes proposed than in dealing with general principles. The old law in existence sometimes is well known to many people. New changes introduced under hazy legal terms are not often easily discernible to the ordinary lay mind. I hope that as the result of the next general election, as far as this side of the House is concerned we shall have one or two—I hope not many more—prominent legal gentlemen who will be able and willing to devote their services to criticising the Bills and the administration.

MR. JOHNSON: We need to increase the salary, then.

MR. MORAN: I am in favour of increasing the salary, certainly. That is absolutely necessary in any Legislature, especially in view of the present-day tendency to codify our laws, when the Government are making a feature of large statutes such as the Mining Bill, in compiling which they take a number of previously rather handily-arranged Acts and place them under one cover, remodelling the phraseology, sometimes obscuring what was plain before, and generally not rehashing but rearranging the whole law. And it is absolutely necessary that while we stick so closely to legal phraseology in framing our laws we should have one or two lawyers on this (Opposition) side of the House to give such measures a critical examination. I am sure the Minister for Works does not wish me to detail the Bills which have been introduced in a very haphazard manner and have afterwards turned out to be "loaded"—he will remember one Bill in particular which was loaded right up to the muzzle, and went off with a bang, nearly blowing away his sick headache. I do not suggest that in this instance the Minister for Works has not given us an interesting and a fairly com-

prehensive outline of this measure; but he will admit that he is not quite able to point out the exact effect of the kind of changes I have mentioned. And I wish to make a request to the Government, to the Premier in particular, and to legal members on his side of the Chamber, that we should adopt as a custom in this State the same rule as is observed by lawyers pleading before a Judge. The Government and legal members generally should be entirely ingenuous in these matters, and should clearly point out every change proposed in a Bill, never hiding anything through carelessness or ulterior motives. Let us have complete honesty in our proposals; let us have questions stated upon their merits; and propose no radical change unless it be clearly pointed out by the member introducing it. I listened with pleasure to the foreshadowing by the Minister of a policy of utilising many of the spare portions of this country, as several parts of New Zealand and one part in particular are utilised, for the elevation of the minds of prisoners who through some misfortune have lapsed into crime of which the law takes cognisance, when other men, though guilty of offences equally if not more serious, go scot-free because ordinary human law does not take notice of their crimes. I believe a start has been made in this State, at Drakesbrook or Hamel, to employ prisoners at the work of planting trees. Some members must have seen in the Press an article which I wrote on an institution of this kind in New Zealand, an institution which it gave me great pleasure to have an opportunity of inspecting. I made a point of examining it, though my doing so involved a rather long journey. It was particularly startling to all my preconceived ideas of prisons to find that in New Zealand, where so many successful and forward experiments have been made in legislation, first offenders are taken out to the hitherto barren lands of the volcanic portions of the North Island, and utilised to plant such waste areas with all sorts of suitable trees. I do not wish to recapitulate what I wrote on that subject, but merely to draw attention to the fact that first offenders are kept there without warders, locks, keys, bars or bolts. There is no night supervision whatever. Any

prisoner who likes can get out of bed and walk away.

Stone walls do not a prison make,
Nor iron bars a cage.

This is evidently true in that case; and during the two years for which the institution has existed, a large number of first offenders have been engaged there, entirely unwatched, in the splendid occupation of making nature fertile where before she was barren, employed at congenial work in the open air, at work which is calculated to elevate the mind of almost any man. A great number of prisoners had been passed through that institution; but in only one case did a man attempt to escape; and, as I stated in my printed article, that man was an Australian who happened to be a daw in borrowed feathers—he was not a first offender, but had been over 20 years in gaol in Australia. In that institution no genuine first offender has ever violated the trust reposed in him; and it must have an elevating influence on those men's minds to see the noble efforts made to regenerate them according to the dictates of humanity. I heartily welcome this proposal of our Government; and I do not think we should be averse to following a good example wherever we find it. I know the name of New Zealand in legislative matters is to some people "anathema." Their preconceived ideas of that country are that it is cursed by socialism and by all the other "isms" which they so much dread from popular government. The member for Kanowna (Mr. Hastie) says "hear, hear." He is evidently one of those who are not in touch with the forward legislation of New Zealand. However, this is a case in which we may follow the noble example set us by that country. I think our State is peculiarly suitable for such experiments. We have areas of land which may be utilised in very many ways. I do not for a moment advocate our rushing into the experiment of throwing open our prison doors and turning loose the prisoners. I hope to see the experiment tried in a small way, and gradually extended. It does not always follow that what suits one country will suit another. But humanity is much alike in all parts of the world; and there cannot be very much difference between humanity in Australia and humanity in New Zealand.

We must be careful; our judgment of human nature and the judgment of the prison governor as to the nature of prisoners in particular, must be the guides which will lead to desirable prisoners being given such privileges. However, the experiment is proving an immense success in New Zealand; and it is for us to follow it if we think fit. The Minister for Works thinks we ought to follow that example, and with him I agree. I think much can be done also by the classification of prisoners. No person nowadays doubts the fact that placing first offenders amongst hardened criminals and leaving them together at night for months, and not under supervision, has certainly a very damaging effect. It would be better altogether to set free our first offenders with a caution, than to place them in a contaminated atmosphere where hardened criminals live hopelessly with no intention to reform. The State would suffer less in the finish. Let us therefore place first offenders on their honour, as it were, in some suitable occupation, not degrading them but trying the experiment I have described. I listened with considerable sympathy to the Minister's references to the pharisaical opinions of some people who are never content to forgive any fallen brother or sister who has the misfortune to be found out. The fault is doubtless common; but we might legislate for ever without accomplishing the hopeless task of clearing the world of the hypocritical and pharisaical judgments which such people are prone to pass upon those whom they are pleased to call their fallen brethren or their fallen sisters. It is beyond the power of this Parliament to remove that defect from human nature. Nothing but the ennoblement of such minds, nothing but great human charity, or Christian charity if that term be preferred, will ever remove that prejudice, which will exist while the world exists. Though reprehensible, it nevertheless is and must continue very prevalent. But surely we can go as far as the Minister suggests, and can hold out a kindly and helping hand to those who have slipped but can scarcely be said to have fallen. After all, however we may make them, our laws are very mechanical. When distributing punishment we cannot look into the human

heart to distinguish between the really guilty and the accidentally guilty ; but we can hold out a helping hand to those who have fallen for the first time. As a State, we can do all that is possible to give such offenders a fair chance to start again ; and therefore some little help when leaving prison, some help which will place the first offender above the reach of want for a few days or a few weeks, ought to be welcomed by us all. That will be a step in the right direction. I heartily support the Bill ; I will so far as I am able give it, when in Committee, the keenest criticism ; and I hope that legal members will clearly point out what are the changes proposed to be made and what will be their effect. I hope that the Premier especially will help us in this matter, as he is always willing to do. I have pleasure in supporting the second reading.

MR. S. C. PIGOTT (West Kimberley) : I think that in this Bill the Government show their intention to consider seriously the matter of our gaols, and to do what they can to improve our present system of punishing criminals. It appears to me that many clauses of the Bill have been taken from the Imperial Act regulating the prisons of Great Britain ; and we can plainly perceive that the very fact of these clauses being included in the Bill shows that there is undoubtedly great need for reform in our State prisons. I have always considered that a prison should be a place not so much of punishment as of correction. When we send a man to gaol, I think it the duty of the State to do what it can to educate that man to a knowledge of the enormity of his fault, to endeavour to show him where he has been wrong, and to enlighten his mind so that he will not be likely to fall again in a similar manner. From the few words which fell from the lips of the member for Cue (Mr. Illingworth), I cannot help thinking that much depends on what treatment is meted out to discharged prisoners ; and I can corroborate the hon. member's opinion, because I have known several instances of men who served sentences in gaol, who worked well and behaved well in confinement, and who after their discharge secured good employment. But in these instances the police by some

means induced the employers of those ex-criminals to discharge them at almost a moment's notice. I think this is a line of action undoubtedly to be deprecated. Once a man has served his sentence, he has, so far as the community is concerned, expiated his fault. Once he is out of prison, I think he is again a free man, and should be considered as free as if he had never been convicted. I should like to see some system by which the minds of men committed to gaol could be improved. I would like to see all classes of trade taught in prisons, and I would like to see all the gaols provided with good libraries. I would even go farther, and institute a course of instruction by means of lectures to most of the prisoners in any gaol. I regret I cannot see in this Bill any provision for a class of persons which, under our present laws, we are unable to treat—a class which suffers from drink disease, otherwise dipsomania. I hold that those who suffer from this disease are, to a certain extent, people who should be taken under the control of the State. I believe in some countries there is a system by which men who are confirmed drunkards can be confined for a term of six or twelve months in a place which, though not actually called a prison, is one in reality. These people are allowed to enter—[MR. DIAMOND : Inebriate retreats ?]—not inebriate retreats, for in some cases they are attached to prisons : these people are allowed on their own initiative or on the initiative of their friends to be taken care of ; and in many cases it has been proved, I believe, that men who have gone into these retreats or prisons have come out cured of the disease from which they were suffering when they entered. If the Ministry take this matter into consideration, they may at some future time be able to bring in some law to allow of the State taking care of such people, because to my mind if there is one thing that causes an increase in the criminal classes, it is the drinking habit. I think more men become criminals through the drinking habit than from any other cause. I also agree with the suggestion of the Minister that prisoners should be allowed to earn some money during their confinement, for I think it is a system which will have a very good effect, and which may, in many cases, allow men coming out of gaol to

either leave the country or go to some part of the State where their records are not known, and where they will undoubtedly be able to make another start in life. The idea of keeping first offenders separate from the hardened criminals is an excellent one. We have only to look at the systems prevailing in the old country to recognise that the idea is a good one. I think the Government are to be congratulated on bringing in the Bill; and I think that the House will give it fair consideration, and make its effect as good as possible.

HON. F. H. PIESSE (Williams): The introduction of such a Bill has been looked for, and I with others feel that it is a step in the right direction. One of the principal features of the Bill, and one which will prove of great advantage, is the classification of prisoners. There has been a great demand for this reform during many years, and no doubt the outcome of a thorough system of classification will result in much good to the State. It is to be hoped that, when such a system is introduced, it will be one on most modern lines, and will be so far advantaged in its regulation as to insure the good result we all desire to see. The member for Cue, in dealing with the question of remuneration to the prisoners, which would assist them when they left gaol, enabling them perhaps to reach their district and recommence work in some capacity, thought no doubt from his experience that this would be a very good means of helping the men; but my experience is that assistance of this character is not always of advantage to the person leaving gaol. I quite agree that some means should be afforded to the discharged prisoner to enable him to reach his district or take some occupation; but I think it would be better if a portion of the money which he might have earned were retained, or if provision were made by the Government to allow some institution to take the money and look after him for a time, and then start him at some work, maintaining some sort of supervision over him. The difficulty I see is that, if you give a man money when he comes out, in nine cases out of ten before the day is over, or before the next day comes, he has lost the whole of it: it would be of very little service to him. There are

some cases, no doubt, where men would husband their resources in the direction of trying to obtain work; but in many cases the men would spend the money recklessly. Some sort of care should be exercised in looking after men who have served their time in gaol, and by that means they would certainly be helped to obtain employment or to retrieve the past. Allusions have been made to the good work of the Salvation Army Prison Brigade, who have so far taken up the work of reforming and looking after the criminal classes. They have succeeded admirably in many cases; and though they have many failures, if they only get twenty-five per cent. of successes it is a gain to the State. I think that something on the lines they have inaugurated could be assisted by funds from the State. It would be money better spent than by giving it to the men themselves, because we all know that the majority of criminals who are unfortunately in our prisons are hardened in crime, and that, when they come out, most of them, if they have money, will spend it as recklessly as they are always wont to spend it. There are cases where money could be safely intrusted to institutions similar to the Prison Brigade of the Salvation Army, and in that direction much good might result. Here is an opportunity for organisation in the direction of trying to help to retrieve the positions of those who, unfortunately, have undergone sentences in our gaols. In regard to the question touched upon by the member for West Perth (Mr. Moran), the question of the treatment of first offenders, his experience of their management in New Zealand should give us food for reflection, and should enable us to judge as to the best means of dealing with this class of prisoners. I think with him that it would be far better to liberate first offenders than to herd them, as we now do, with criminals in our gaols. The present Superintendent of Prisons has for a long time strongly recommended a system of classification. No doubt his object was to enable the prison authorities to deal with first offenders, and with those less hardened in criminality who might also be termed first offenders. I think also in that direction we have great opportunity for doing good work; and I sin-

cerely hope the introduction of this Bill may promote reforming influences which may assist us throughout the State in lessening crime. I farther hope that those who have the direction of affairs will see the advantage of looking into this system of giving money to men leaving prisons, and see that a better system will be adopted by intrusting the funds to some institution such as I have suggested. I support the Bill, and hope that, in Committee, it will be so discussed on the various points that good legislation will result.

MR. M. H. JACOBY (Swan): This Bill is one which does not lend itself very much to criticism in detail, because work of this description is largely of an expert nature; so that Bills such as this are more likely to get better treatment in the hands of a committee of experts than in Committee of the whole House. However, on a few of the broader aspects and theories of criminal management opinions may be expressed; and I support the action of the Government in introducing in this Bill an attempt to more effectually utilise the large amount of prison labour now practically lost to the community, not only on the score that this labour should be utilised and return something to the State, but because I believe the large amount of ineffective labour now carried on in gaols leads to the demoralisation of the men. Idleness and ineffective labour are more likely to do harm than good, and I trust the experiment of utilising prison labour, now being carried out in the State, will justify its very considerable extension. If it is the intention of the Government to extend this outside work in the direction of forestry, I hope that warders may be selected who have experience of forestry work, for we might add very considerably to the forest resources of this State if we could do something in the particular direction of planting soft woods. Sufficient experiments have been carried out in other parts of Australia to justify us in the hope that work of this description would be beneficial to this State. In South Australia they have made a cutting of a State forest planted 20 years ago, with the result that a gross amount of £200 per acre has been realised on soft woods suitable for various classes of work, particularly fruit-case making. A very large

extent of this State is suitable for forests of this description, and I hope some attempt will be made to utilise prison labour in the direction I have indicated. I also think there is an opportunity of training prisoners in the work of clearing. We are doing some clearing I believe at Hamel, and work of that description might be the means of giving to men suitable for the work sufficient knowledge to permit them, after the expiration of their sentences, to take up clearing work by contract or otherwise throughout the State. At the present time there is great difficulty in obtaining men who are sufficiently acquainted with clearing work to be able to do the work properly and in such a way as to benefit themselves; and I think that if a large amount of prison labour be devoted to clearing work, it will create a class of forest clearers very much needed in this State. The Government themselves, I believe, contemplate some extension of experimental work, and I hope also that we shall have some utilisation of prison labour in the way of clearing various portions of the State for experimental work. I would like to suggest to the Government that in connection with the appointment of lady inspectors, the mistake should not be made here which has been made elsewhere of selecting as lady inspectors persons who have sometimes been led to take up this work more from a mere matter of curiosity than from any real sympathy with people in prisons. I hope that if lady inspectors are appointed they will be taken from those who have been doing the work in connection with the prison brigade, and that the women selected will not be so far out of touch and so far above the prisoners socially and in every other possible way as to be often incapable of doing the work we expect inspectors of this description to do. A great many mistakes have been made in the past in the direction of lady committees in hospitals and so on in the Eastern States, which have led to a tremendous amount of trouble. Ladies have been placed in those positions more on account of the influence they happened to possess than on account of their ability for the work. I hope also that the attention of the Government will be drawn to the statement which has been made with regard to the harassing of

prisoners when they have served their sentences, but that the Government will not be led to entirely forbid supervision, because regarding men who are incorrigible prisoners I think it is for the safety of the State that those men should be watched afterwards and be watched carefully. In the case of those who have committed a first offence and have not done anything particularly wrong, some chance might be left to them without undue police interference. I rather regret this Bill has given us an opportunity for creating another post. I thought that in every direction we went, it would be in the way of lessening the number of official appointments rather than increasing them, and I regret therefore to see that this Bill provides for the appointment of another officer. I trust that when the Government come to look into the matter they will be able to avoid this appointment altogether. There are some reasons, no doubt, why the Sheriff should not do all the work provided for the Comptroller General, but I hope that by some rearrangement we shall avoid creating another appointment and having another amount placed on the Estimates in connection with this matter. I support the second reading of the Bill, and I trust that all the benefits the Minister hopes will accrue from the passing of the measure will be experienced.

MR. G. TAYLOR (Mr. Margaret): I have not read this Bill, and I am like other members who think Bills are being introduced so rapidly and they are of such volume that it is impossible for members to keep pace with them. As has been pointed out by the member for West Perth (Mr. Moran), most of the Bills are consolidating other laws or amending laws already in existence, so that it is impossible to keep pace with the Bills coming down. I intended to move the adjournment of the debate, but the Minister in charge of the Bill is not agreeable to that, and from experience I know that when the Government are anxious to let anything pass it is almost impossible to effectually prevent them. They have always the patient majority. I think in matters of this kind when members have not read a Bill they should be allowed to have an adjournment sufficiently long to enable them to go through it if they desire to

speak on the second reading. It has been pointed out by various speakers and by the Minister in charge of the Bill that it is the best Bill under the conditions that we could expect. Not having read the Bill, I cannot say. I can only make a few remarks from what has dropped from the lips of other members, who I presume must have read the measure; but I feel somewhat the same as the member for Cue (Mr. Illingworth) on one point, with reference to what is done in the case of men after their discharge. I certainly disagree with the member for the Williams (Hon. F. H. Piessé) with reference to his idea as to what the Government should do to men after they have served their time. The member for Cue was perfectly correct, from my experience, in speaking as he did on the way in which the police follow and hound men who are discharged from prisons. That charge is not alone made against the police. This applies to persons not in Western Australia alone, but all over Australia, who, one would really think, should be the very last to injure the chances of a man's prosperity after he has served a term of imprisonment. I believe clergymen are the greatest offenders in this way. I know men who have been working on jobs where I have been working myself, who have served terms of imprisonment, and I have heard from the boss that he has been told through the parish clergyman that a man has been in prison; consequently the unfortunate man has been dismissed. I think gentlemen of that class should, according to their doctrines and teaching, be the very last to attempt to do anything that would militate against the chance of a man redeeming his character. I thoroughly agree with the member for West Perth in reference to first offenders. I believe it would be very much better for this State or for any other State to turn their first offenders loose rather than put them into an atmosphere tainted by old criminals. Gentlemen in this Chamber who have acted as justices of the peace might let members know how many of those men who have been charged and found guilty—*young men and even men up to the age of 40 years—*of first offences and have been let go under the First Offenders Act without

being put into prison, have offended again and come back. As a rule you will find that a first offender who has been in prison invariably comes back. Knowing that, I think there is a lot in what the member for West Perth says. I feel confident that, unless the crime is very bad, the prisons of Australia are the manufacturing shops for criminals. If a man goes to prison and there is the smallest trace of criminality in his system it will be thoroughly developed in prison. He mixes there with criminals who not only have offended in Australia but in other parts of the world, men sometimes up to 60 or 70 years of age, who have been steeped in crime all their lives. When a young man mixes with them and hears them tell of how they have done this and done that, he looks upon the old veterans as heroes and almost tries to emulate them in every particular. I would like the information to which I refer to be forthcoming on the authority of people who have been controlling or managing these establishments. I say, without fear of contradiction, that great care should be exercised with regard to first offenders. In regard to what are called second and third offenders, we should not be so particular in looking after them. It is only in relation to first offenders that the classification will work to the best interests of the community as a whole. I am pleased to know there is a provision in the Bill by which the regulations will set forth certain gratuities for prisoners. I would like to know—of course I shall know in Committee—what these gratuities will be. The Minister has not made it clear in introducing the Bill that after a man has served a term of imprisonment the Government will pay his train fare back to the portion of the State from which he was taken if he desires to go there, or failing that I think the Government should allow him train fare to any portion of the State where he thinks he will be most likely to get work. Think of a man who has served a term of imprisonment and is turned out of Fremantle gaol without any money, and is in the metropolitan centre. Perhaps he committed an offence in the back country and has never before been in a city in his life. When a man is turned out of gaol into a city, and is without a shilling, what is he to do? He will think of a man who has been dis-

charged a week before him and who lives in Fremantle or Perth, and he will look that man up and see if he can find some means or ways by which he can obtain work or leave Fremantle or Perth, or get to know the run of the metropolitan area.

MR. JOHNSON: Provision is made in the Bill for sending a prisoner back.

MR. TAYLOR: I have not read the Bill. The Minister did not make it clear. Another thing is that better provision should be made regarding the clothes a prisoner receives on leaving gaol. I do not mean to say that when a man has had to do a week in prison and leaves, he wears the regulation clothes; but he does wear a suit provided for him on liberation, and if a person once knows that brand of clothes he can distinguish it as soon as he sees it. I have seen only two or three who have been discharged, and they had exactly the same sort of clothing. When one sees a man with a particular sort of tweed, one knows exactly where he got it, and one is apt to think he has just come out of prison.

MR. WALLACE: It is not so there, because there are different classes of material.

MR. TAYLOR: It is a class of material only worn by discharged prisoners, I believe. The men who have been discharged and who have come to me for assistance since I have been in this House have worn the same sort of clothing. It may be that they selected the same. It is a pattern one could not mistake. This is a matter for the regulations, and I hope the Government will make a provision to prevent such things taking place in future. The member for the Williams (Hon. F. H. Piesse) expressed a desire that the Government should take certain steps after a man has been discharged. When a man has been discharged from prison the Government have no farther control over him than they have over any other citizen of the State. Such a system would simply make a man undergo another sentence. The Government should allow a discharged prisoner every opportunity to get away from the metropolitan area, and to get back to the place where he came from. Every chance should be given to a man to redeem his character. I believe with the member for the Swan (Mr. Jacoby) that there is no great

necessity for creating a new office for the administration of this Bill. If every Bill which we pass through this Parliament means the creation of a new office, we shall have too many officers. I do not see why the Sheriff could not administer this Bill. The position of Comptroller of Prisons in the Eastern States is held by the Sheriff; and in the other States there are more prisons than we have in this State. We have practically only one prison here, and I do not know the number of prisoners contained in it; but if this Bill means the creation of another officer for the administration, then I shall oppose it. If there is any intention of placing an item on the Estimates to increase that officer's salary, then I am opposed to it. From what I can gather from the remarks of the Minister, the Bill is a great improvement on anything we have had. I would like to ask the Minister in charge of the measure a question about the visitors to be appointed. Are they to have the power of the present visiting justices to try prisoners for breaches of the regulations?

THE PREMIER: The clause in the Bill expressly states what they can do.

MR. TAYLOR: Visiting justices can only deal with certain breaches of the regulations; but there are other breaches which must be tried by a full bench of magistrates?

THE PREMIER: That is so; there are certain minor offences and certain aggravated offences. Clauses 34 to 38 will give the hon. member all the information he desires.

MR. TAYLOR: It is very easy for an offence to be considered an aggravated offence when a man is in gaol. Caution will have to be exercised in the appointment of the visitors to try men for breaches of the regulations. To those who do not know anything about the regulations, and how they apply, it seems a simple thing to walk into a prison and try a man for a small offence; and these persons may be led to think it is a horrifying crime. I suppose they will only be allowed to give a limited sentence.

THE PREMIER: They have only very limited power.

MR. TAYLOR: So long as the power is limited, that will be all right; but

visitors should not be allowed to award solitary confinement, which would carry with it dark cells; that should not be in the hands of men who are visiting justices or even visitors. I do not know of any prison regulations in the Commonwealth which allow visitors to try prisoners for breaches of regulations. This is only done by visiting justices, but the Minister in charge of the Bill will be able to put me right on that point.

THE PREMIER: There has been a recent amendment in England where it is thought there is no reason why a visitor should be a justice.

MR. TAYLOR: I do not know about England.

THE PREMIER: There is no reason why only a justice of the peace should have the power.

MR. TAYLOR: Then why not apply the same principle to people outside? If visitors are allowed to try prisoners for breaches of the regulations, surely a person who is not a justice can try an ordinary citizen outside. I hope too much power will not be placed in the hands of these visitors. When the Bill is going through Committee I shall give attention to this clause, but from what I see of the measure I think it will be very acceptable. I support the second reading.

MR. T. H. BATH (Hannans): I can welcome this measure, as I consider the Minister in charge desires to pass a Bill providing for the more humanitarian treatment of prisoners. I would point out in regard to the conduct of prisoners that while it will be practically impossible to make a measure idealistic in its provisions, a great deal can be done in regard to administration. As far as the conduct of prisoners is concerned, I have talked with many people who have been in gaol for what may be termed political offences, and these persons state that it is not the man who is really a good citizen and who goes into prison who comes out of the prison ordeal the best, but it is practically the hardened prisoner who comes out best under the present régime. A prisoner may be up to the tricks of the trade, and it may all depend on how a man acts in prison; but the fact remains that often the autocratic rule of the warders makes it hard for those who go to gaol not for criminal offences, while the hardened

criminals get the best treatment. I think justices of the peace are apt to take too magisterial a view of prisoners when visiting a gaol, and to take cognisance of small complaints. I have been associated with justices on the bench, and I know the light in which they look on a man before he is convicted. I have known men who have been brought up on the vague charge of "idle and disorderly"; and when I have asked the justices to go into the question and to make the police give some definite statement so that no injustice may be done, they say "Oh, this man is idle and disorderly; you know the class of person;" and they give him one month, or two months, or even three months' imprisonment. He is sent to gaol for really committing no crime, and he is placed in gaol with criminals, and is turned out a criminal at last. Even if it is necessary to sentence these men to some term of imprisonment, I think some proposal should be made for their future, altogether apart from the ordinary class of criminals. I can think of no better scheme than the afforestation of our waste lands, something after that which is carried out in New Zealand, and which has been spoken of by the member for West Perth (Mr. Moran). But I think prisoners should not be placed on the reserves with unrestricted liberty. The member for West Perth has spoken this evening of an experiment which is carried on in New Zealand; and I would like to speak of a scheme which has been in force in the United States for a considerable time and has proved satisfactory. It is the Elmira Reformatory. Certain classes of prisoners are committed to this reformatory; they are not sentenced to any definite term, except that there is a maximum term fixed, and beyond the maximum they cannot be detained. The length of detention depends on their conduct.

MR. MORAN: The system in New Zealand is altogether by marks: a prisoner can get good marks beyond the maximum allowed.

MR. BATH: The detention at Elmira depends on the conduct of the prisoners. When they are first brought in they are drafted into one of two classes: there are the upper first class and the lower first class, and the second class.

The class that a man is first placed in is determined by his previous history. When a prisoner is brought in, the fullest particulars are obtained as to his antecedents and his early environment, so that the comptroller of the prison may judge as to which class to place him in. Usually a beginner is placed in the lower first class, that is the intermediate class. His conduct during the first six months and the number of marks he receives for his conduct determines whether he shall be placed in the upper first class, where he obtains special treatment in the way of commodious cells, access to various kinds of literature, and certain hours of almost unrestricted labour. The authorities also take into cognisance the fact that very often a prisoner has a tendency to crime determined by physical conditions, and the authorities do all they can to build up a manly man: they not only build up his physique, but they make him a moral man as far as lies in their power; they give him access to good literature and teach him a good trade. Most of the men when first committed to the prison have no particular trade or occupation. In the prison they do all they possibly can to teach a prisoner one of 30 or 40 different trades which are taught in the prison, and the result of the treatment is, from the statistics which I have, that 85 per cent. of those released on parole are reformed. A prisoner released on parole means a prisoner liberated before the maximum term fixed, say 12 or 18 months; and he may be detained only six months and then released on parole: it all depends on conduct when a prisoner is released on parole. These men then have to keep up a correspondence with the comptroller of the prison; that does not mean that they are spied on by the police, but they themselves communicate with the authorities as to their movements for six months, and 85 per cent. of those detained as the result of this system are found to reform and become good citizens. The result of the institution of this system has practically committed the authorities in the United States to a similar scheme for the conduct of all prisoners and the control of all prisoners throughout the United States. In other countries similar systems have been adopted with great advantage. I would like to see, when the appoint-

ment is made of the controlling authority under the Bill, someone who has had experience in the humanitarian methods of dealing with prisoners placed in control, because I am confident the reformation of prisoners in gaols depends on the treatment received in those gaols. If the warders are not properly controlled they exercise autocratic influence, which only means that we shall be manufacturing prisoners instead of preventing crime and criminals.

At 6:30, the SPEAKER left the Chair.

At 7:30, Chair resumed.

MR. BATH (continuing): I shall now refer to some of the provisions of the Bill. Clause 19 provides that, subject to the regulations, any justice of the peace may enter and examine any prison at the prescribed time; and Clause 20 provides that any Judge of the Supreme Court may visit and examine the prison at any time he may think fit. Now if Clause 19 means that the time at which a justice of the peace may enter and examine a prison is to be fixed, I think the purpose of the Bill will be defeated. The clause, like Clause 20, should provide that the visitor may enter and examine the prison at any time he may think fit; that is, within reasonable hours.

THE PREMIER: I think the intention is, not that the hours shall be fixed, but that he shall not visit at an unreasonable hour, say at midnight.

MR. BATH: I wish to point out that it should not be necessary to send any notification to the prison authorities that the justice contemplates a visit; because the very purpose of the visit would be defeated were notice to be given beforehand. Clause 38 details what are to be deemed aggravated prison offences; and among these, in Subclause 8 we find "pretending illness." Then Clause 36 provides that a person charged with an aggravated prison offence may be confined in a solitary cell for any time not exceeding one month, or if a male offender, may receive corporal punishment as prescribed. Now I think that such a punishment for pretending illness is altogether too severe. Instances have been brought under my notice of prisoners really ill having been deemed by brutal

warders to be only shamming illness, and sentenced to solitary confinement or to bread-and-water or other forms of punishment; and there have been cases of warders actually kicking a prisoner and brutally assaulting him because he was really ill. And we have on more than one occasion read in the newspapers how prisoners, after such brutal treatment, have been taken to the prison hospital, where they have died as the result partly of illness and partly of illusage. I think the punishment altogether too severe for such an offence as malingering; in fact, I cannot perceive the necessity for either solitary confinement or corporal punishment. It may be said that some prisoners are beasts, and must be treated in this fashion. But I certainly know of no case in which such punishment has reformed any prisoner, and, on the other hand, it has the tendency to make brute beasts of prisoners; therefore these provisions should be struck out of any Bill dealing with prisons. Prisoners of that kind are insane, and ought to be treated in some different fashion. Clause 70 provides for a reform which some members have mentioned to-night, that the prison authorities may give a prisoner on his discharge sufficient money to enable him to return to his home or usual place of residence. I should like to see the Bill go farther, and provide that while a prisoner does any kind of work in the prison, a small sum, no matter how small, should be credited to him as payment, and should be graded according to his conduct, so that if he conduct himself well he shall get so much the more as a return for his labour; and this would mean that on a prisoner being discharged he would have a sum sufficient to maintain him and to enable him to get some kind of employment if he desired it. I think the measure a step in the right direction, and I will conclude by saying that the conduct of our prisons should be as far as possible humanitarian. We should aim at separating first offenders, those who have just started on the down track, from old and hardened criminals; we ought as far as possible to build up the prisoner physically, mentally, and morally; when he is discharged he should have sufficient money as a result of his prison toil to enable him to tide over the time during

which he is seeking employment; and while in prison he should be taught some trade which will enable him when released to become a useful member of society, if he has any inclination in that direction. I shall support the second reading.

Question passed.

Bill read a second time.

PHARMACY AND POISONS ACT AMENDMENT BILL.

SECOND READING.

THE PREMIER (Hon. Walter James), in moving the second reading, said: A Bill very much like this came before the Assembly last session, but was at the end of the session slaughtered with the remainder of the innocents. This Bill makes certain alterations in the principal Act, which regulates admission to the profession of a chemist, which controls the conduct of a chemist's business, and which deals also with the sale of poisons. The first amendment proposed in the Bill appears in Clause 2, and is an amendment of Section 21 of the principal Act. Section 21 sets forth the persons who are entitled to be admitted to practise in this State as chemists, and provides for the admission of those persons who had been carrying on business for a certain time before the principal Act came into force, and who had the qualifications therein mentioned. The section deals with the case of apprentices also; and it is the subsection dealing with apprentices that it is proposed to amend by Clause 2 of this Bill. Subsection (e) of Section 1 of the principal Act provided that an apprentice who had served for four years in the business of a chemist and druggist in Western Australia and held a certificate from the Pharmaceutical Council that he had passed the examinations required by the Act, could then be admitted as a chemist. The subsection allowed the Pharmaceutical Council to admit those apprentices only who had served their term of apprenticeship in Western Australia. In the year 1899 the subsection was amended so that any person who had served his apprenticeship either here or elsewhere could, on passing the examination only, or on completing his apprenticeship and passing his examination, be admitted as a local chemist. Under Clause 27 of the Bill

the intention is to go back to the original subsection; and if that clause be adopted the Pharmaceutical Council will be able to give a qualification to local apprentices only who have served the term of four years, and have passed the examination. That reversal to the old subsection is rendered necessary because the Pharmaceutical Society are most anxious to obtain complete reciprocity with the other States; and their efforts in that direction are such as will commend themselves to us. The society think there should be no restrictions between State and State, and that a man who holds a qualification in one State should be recognised in the others.

MR. TAYLOR: That principle does not apply in other professions.

THE PREMIER: I think it does in all cases where there is reciprocity. It does in the legal profession.

MR. TAYLOR: There is no reciprocity with Victoria.

THE PREMIER: Oh, well, as Victoria does not admit our legal practitioners, that is not surprising. One of the objections raised by the pharmaceutical councils of the Eastern States relates to this very clause. They object to the local council dealing with apprentices who may have served their time in the Eastern States, but failed to pass their examinations there, and who may have come over here and, under the amending Act of 1899, obtained admission. They say that these apprentices, having commenced their course of study in Victoria, for instance, should go through the course there and pass the examinations there, and should not, having failed in that State, come to Western Australia and obtain a qualification which the Pharmaceutical Council of Victoria refuse to give. Victoria lays down a certain law, and the student may fail to pass there, but under the laws here that student can come to Western Australia and, assuming he has served four years in Victoria or here, on passing the local examination become a local chemist. If under conditions like that there were complete reciprocity, the student who failed in Victoria could come here, submit himself to the local examinations, and thus, by means of the back door, obtain admission to Victoria in an irregular manner.

MR. ILLINGWORTH: That is assuming the standard of the local examination is not equal to that in Victoria.

THE PREMIER: That is the objection raised in Victoria. The local council desire to obtain reciprocity; but that is the objection taken in the Eastern States. The next amendment is in Clause 3 of the Bill, which deals with Section 38 of the principal Act. This section provides that—

From and after the date of the first appointment of the Council, (1) Any person other than (a) A pharmaceutical chemist, or (b) A person or company registered under "The Companies Act, 1893," carrying on the business of a pharmaceutical chemist by an agent, manager, or servant who is a pharmaceutical chemist; or (c) A legally qualified medical practitioner who carries on, or attempts to carry on, the business of a chemist or druggist, shall be liable to certain penalties.

Under this clause they exempt from the penal operation of the Act, assuming that these individuals have the right to practise, first the pharmaceutical chemist admitted in accordance with the Act, secondly the person or company carrying on business by means of a manager who is a pharmaceutical chemist, and thirdly a legally qualified practitioner; so that any person may carry on the business of a chemist so long as he does it by means of a pharmaceutical chemist as agent or manager. It is, however, a strangely worded section. It provides farther that any person other than these three persons exempted—

Who carries on, or attempts to carry on, the business of a chemist and druggist, or pharmaceutical chemist, or assumes or uses the title of pharmaceutical chemist, pharmacist, pharmacist, chemist and druggist, dispensing chemist, homœopathic chemist, or other words of like import, or who uses or exhibits any title, term, or sign which can be construed to mean that such person is qualified as a pharmaceutical chemist shall be guilty of an offence against this Act.

So as the section is worded a person, by means of Subsection (b), may carry on a business by means of a pharmaceutical chemist as manager; but the section goes farther and not only exempts the person from the restricted clauses which prevent him from carrying on business, but it also indirectly allows him to call himself a chemist. Members will see, when they look at the section, that we not only authorise a person to carry on business,

but say he is one of the exempted persons who may, by inference, call himself a pharmaceutical chemist or may use words which can be construed to mean that he is a pharmaceutical chemist. It is quite right that a pharmaceutical chemist or a legally qualified practitioner may have the right to call himself in this way; but when we pass a section allowing an individual person to carry on a business by means of a properly qualified pharmaceutical chemist, such person should not have the right to advertise that he is a chemist, or to hold out to the world that he is qualified himself. To this extent the section clearly requires amendment; but the amendment goes farther, and its effect will be that, if a man carries on the business of a chemist, he shall be a pharmaceutical chemist. If we wish to deal with these large companies, then of course we must make provision by which they may carry on by means of an agent. We make provision that they may do so as long as the manager is a pharmaceutical chemist. Personally I do not think any individual who is not a chemist should be allowed to trade as a pharmaceutical chemist.

MR. BATH: Then no company also should be allowed to do it.

THE PREMIER: If we do not allow the company to do so, we deny to persons carrying on the business of chemists the privileges of the Companies Act. We prevent them from enlarging their stock or trade by forming a company, and compel them to take on their shoulders too great financial responsibilities. If we prevent them from forming a company we would very seriously interfere with the privileges enjoyed by persons in business or out of business.

MR. ILLINGWORTH: What about a big storekeeper who wants to carry on the business of a chemist? Do you wish to cut him out altogether?

THE PREMIER: Can the hon. member mention such a case?

MR. CONNOR: I can.

THE PREMIER: I want the case of a man who has a business so large that he employs a pharmaceutical chemist.

MR. ILLINGWORTH: I cannot give you names.

MR. REID: I can give you an instance in Coolgardie.

MR. ILLINGWORTH : There is one at Cue.

MR. CONNOR : There is one at York.

THE PREMIER : I am astonished to hear that in York there is a business so big that one branch requires the attention of a pharmaceutical chemist.

HON. F. H. PIESSE : The storekeeper is a chemist now.

THE PREMIER : Those must be, in any case, very exceptional instances.

MR. DIAMOND : Why should a storekeeper not be allowed to carry on the business of a chemist ?

THE PREMIER : Because we say that a pharmaceutical chemist requires special qualifications. If a man is carrying on such a business, why should he not be qualified ? I submit that in the hypothetical case of a storekeeper whose business becomes so large as to require the services of a pharmaceutical chemist, the storekeeper should give up this branch of the business to a properly qualified chemist.

HON. F. H. PIESSE : I do not see why he should, so long as the branch is carried on by a properly qualified chemist.

THE PREMIER : After all it is a special line dealing with drugs, and if there is enough work in that special line to put on a man to look after it, then it is good enough to let that go to someone else.

MR. BATH : There is a case at Busselton where the chemist is a storekeeper and stationer.

THE PREMIER : He is chemist I suppose. He must be a chemist unless he has a registered chemist dispensing for him. As the law now stands a man can start a business and, having nothing whatever to do with it except the finding of capital, employ a man who is a pharmaceutical chemist to take charge of the business and make it. The chemist so employed makes it or mars it, but any success goes to the man behind the scenes, whose personal qualifications are in no way affected.

MR. REID : It is the same with the company.

THE PREMIER : No ; as a rule it is not. In nearly all cases the shareholders of companies, like Faulding and Company, are themselves chemists carrying on business. In nearly every case there is a small proprietary company, almost

all of the shareholders being themselves chemists. The effect of this amendment will be that the man who carries on a chemist's shop must be a chemist, whereas, as the law is now, I who am not a chemist may open a chemist's shop, put in a manager who is a registered chemist, and hold myself out as being a chemist. No hon. member could approve of that.

MR. DIAMOND : Yes ; certainly.

THE PREMIER : What funny ideas some members have ! Because I have money I can call myself a chemist though not in the least qualified !

HON. F. H. PIESSE : You may buy a bootmaker's shop and call yourself a bootmaker.

THE PREMIER : The views I hear are astonishing. We need not discuss the matter now. The law is absolutely settled. A man is not qualified to carry on certain businesses unless he has the proper qualifications. It is gross scandal if I, not being a chemist, may advertise myself as a pharmaceutical chemist and call myself equivalent to the man who has all the qualifications.

MR. HOLMAN : But you get over that by calling yourself a company.

THE PREMIER : No.

MR. TAYLOR : What about the widow ?

THE PREMIER : There is provision for the widow. This provision is clear. I contend that if a man cannot act as a pharmaceutical chemist, he should not be called upon to lie by Act of Parliament. Assuming that is the case, provision will have to be made in Clause 4 for the widow in the case of a chemist's death, or for other persons in case where possession is taken of a chemist's stock by reason of a mortgage. Clause 5 merely makes a verbal amendment in the Act of 1899. Members will see it is quite unimportant. It was really a case of misprint. In Section 6 of the Poisons Act there is reference to a wrong section, and Clause 5 of this amending Bill sets it right. The two important clauses are, first Clause 2, dealing with apprentices, and then that Clause 3, which prevents a person from carrying on the business of a chemist unless he himself be a chemist. I move the second reading.

MR. F. WALLACE (Mt. Magnet) : I regret I was unable, and am still, to see with the Premier in so far as the provisions made in this Bill for reciprocity

in this particular profession are concerned, because I have always been an advocate for reciprocity, not only in this profession but in others which have come before this House and which have been looked upon by people throughout this State as very close boroughs. And perhaps it will be just as well to refer to one: I allude to the Bill for the admission of legal practitioners from other States. With regard to this particular Bill, having been a number of years in this State I remember that the council of pharmaceutical chemists, or whatever they are termed here, reigned throughout this State with very great terror and very great injustice, to my mind, to many persons who were qualified to act as chemists; but I believe that in the amending Act of 1899 and the Bill to-day before the House provision is made whereby, through an examination, a qualified person cannot be refused admission to the roll of pharmaceutical chemists. In order to obtain a farther expression or a farther correction from the Premier, I would like to refer to the two Acts passed, in order to ascertain more clearly how in the Bill before the House reciprocity appears. Subsection (e) of Section 21 in the Act of 1894 is identical with Clause 2 before the House to-day, but in 1899 we altered that clause by striking out the words "Western Australia" and inserting in lieu thereof "any of the Australasian Colonies." That, to my mind, was reciprocity, but if we get back again by striking out "any of the Australasian Colonies" and inserting "Western Australia," then to my mind we make it a closer borough than it was in 1894, unless Subsection (f) of Section 21 of the Act of 1894 has a bearing on it, and I fear it has not, but I must ask the Premier to say whether it has or not. Subsection f follows that section in which we have struck out "Western Australia" and inserted "any of the Australasian colonies." It says:—"Holds a certificate or diploma of competency as a pharmaceutical chemist, or as a chemist and druggist from any society, college, or board of pharmacy recognised by the regulations." Do the regulations recognise any such society, college, or board of pharmacy outside Western Australia?

THE PREMIER: Yes, undoubtedly.

MR. WALLACE: In the Act of 1894 the words were "Western Australia." In 1899 we opened the door, and substituted "Australasian States." To-day we get back to "Western Australia."

THE PREMIER: That is not our fault. The Eastern States do not object to that at all.

MR. WALLACE: I want to know whether we embody in this Bill reciprocity or not, because I hope before the session finishes there will be a Bill dealing with another profession, to which it is, I believe, the wish of the majority of members of this House to grant reciprocity. The Premier has said that reciprocity is provided for in this Bill; but I fail to see it, and I ask the Premier to explain the matter, especially when it reaches the Committee stage, if not before. So far, however, I cannot see it. In dealing with the Bill before the House I would like to read Clauses 3 and 4 and compare them. Clause 3 reads:—

Section thirty-eight of the principal Act is amended by striking out in paragraph (b) of Subsection one the words "person or," and by inserting after paragraph (c) the following words: A person taking possession of the stock-in-trade of a pharmaceutical chemist under a *bona fide* mortgage or other security, and carrying on business by an agent, manager, or servant who is a pharmaceutical chemist, for a period not exceeding twelve months, for the purpose of selling the same as a going concern.

A person taking over a business under these conditions is not allowed to conduct the business for a term longer than 12 months. That provision will have to be dealt with from the point of view of the mortgagee. The mortgagee is not allowed to continue that business for one day beyond 12 months after it has fallen into his hands. If it is fair that a person taking possession of the stock-in-trade shall be allowed to carry on that business for a term not exceeding 12 months, why is there not some limit placed in Clause 4, which provides that the executor or administrator, or the Curator of Intestates Estates, or the Official Receiver, or the trustee in bankruptcy can continue such business? It seems to me that an alteration or amendment will be required in either one clause or the other. There must be either a striking out or an addition—a striking out in Clause 3 or an addition to Clause 4. Personally I

would be in favour of making the conditions of Clauses 3 and 4 similar, because if it be found necessary for a mortgagee to be put into possession of a chemist's business, then it is only fair that such mortgagee should have some protection, because if a person asked to advance money or stock to a chemist knew that he would have no security immediately he foreclosed, no advance would be made; consequently many of those chemists would not be able to start in business. I would ask the Premier before we get into Committee to look at these clauses, and make some provision for both persons, whether they become possessed of the business as mortgagees or whether they become possessed of it as executors or administrators of the estate or by any other means, seeing that the manager in every case must be a pharmaceutical chemist. I hope the Premier will look into Clause 5. I have looked into it, and fail to see that it makes any difference to the House whether the provision is in Clause 4 or Clause 5, because the intention of the Act of 1899 was to punish persons guilty of breaches of the Pharmaceutical Act. As the Premier said, it was doubtless a misprint, and it is of very little import.

MR. F. ILLINGWORTH (Cue): I think if I remember rightly that the conditions are somewhat different from those introduced last year. What I want to be clear about is this, and I dare say the Premier can give me information. Supposing a firm were carrying on extensive business of various kinds, and supposing it desired to add the business of a chemist and druggist. If it employed a pharmaceutical chemist to dispense the drugs, the object of the Bill would be gained as far as the public are concerned. Under this Bill the firm could still carry on the business, but it would have to use a chemist's name instead of its own.

THE PREMIER: The intention is that the business shall be carried on by a chemist.

MR. ILLINGWORTH: Supposing anybody, yourself for instance, took up a large universal business; if you opened a department called the chemist's department, and you had there a properly qualified person as a pharmaceutical chemist, the only object of the Bill

would be secured to the public. What does it matter whether your name is put up, or the name of the chemist? The object of the Bill is to prevent an unqualified person from administering drugs to the harm of the public.

THE PREMIER: And also to prevent an unqualified man from holding himself out as a chemist.

MR. ILLINGWORTH: That may be the intention of this Bill, but the object of such Bills is to protect the public, and not to protect the business man who desires to carry on a business, nor to interfere with the carrying on of business. As long as he carries it on in a proper way, what right have we to interfere with the conduct of that business?

THE PREMIER: If the law insists upon a chemist passing a certain examination, why should other persons hold themselves out as chemists?

MR. ILLINGWORTH: If a man provides a salary for a chemist and the chemist administers the drugs and the public are not harmed, what right have we to interfere by legislation as to the conduct of the business? Why could not Jones and Smith or anybody else conduct a large business including a chemist's, providing they have a pharmaceutical chemist to administer it? But this Bill will not permit it, as I understand. Then the serious phase of the subject is in the next clause, where we limit the period to 12 months. A man fails, his assets get into the hands of the mortgagees or his creditors, and they are compelled within 12 months to dispose of that business; they must dispose of it. The one who conducted the business before might have been a qualified chemist and have conducted it in his own name. He dies and another properly qualified man is now conducting it, but the business is owned by the widow of the first owner, yet she must sell this business inside of 12 months.

HON. F. H. PRESSE: There is Clause 4.

MR. ILLINGWORTH: I am speaking of Clause 4. I may misunderstand the Bill, but that is how it seems to me. If a person takes possession of the stock-in-trade of a pharmaceutical chemist under a *bona fide* mortgage or other security and carries on the business by an agent, manager, or servant who is a duly

qualified pharmaceutical chemist, what matters it to the public or anybody else how long he carries it on, whether one year or 12 years?

THE PREMIER: This clause depends on the other clauses.

MR. ILLINGWORTH: I object to Clause 2 for the same reason. Here we are legislating for the purpose of interfering with a business, for no good cause so far as the public are concerned. Is this condition of affairs necessary for reciprocity?

THE PREMIER: Clause 2 I am informed is necessary.

MR. ILLINGWORTH: In this we may sacrifice the liberty of the business man for the benefit of the profession as a whole. I cannot see any good which will come to the public by this Bill. The public are supposed to be legislated for, not the individual; and I cannot understand what harm can come to the public so long as drugs are compounded by a duly qualified man, no matter whether his name is Jones, Brown, or Robinson. It does not matter who compounds the drug so long as the person is a properly qualified man. So long as a man is properly qualified, what right have we to interfere with the conduct of the business? If Wainwright & Co. or any other company have a chemist's shop connected with their business, that is no matter to the public so long as Wainwright & Co. employ a properly qualified man to conduct that chemist's shop. If there is something of the reciprocity reason in this Bill, I can understand it. There is one other point. In Clause 4 the Bill compels the liquidator of an estate, or a widow, to sell a business inside of 12 months. That is my reading of it.

MR. WALLACE: Clause 4 provides that the curator of an estate can carry on a business indefinitely, but a trustee must sell within 12 months.

HON. F. H. PIESSE (Williams): This, as the Premier has already stated, is a very similar Bill to one introduced last year; and I cannot see why these provisions should apply to anyone carrying on a business provided he has for the conduct of that business a properly qualified or certificated man. The object to be obtained by registering is to protect the public, and if it can be done equally as well under the name of John Brown who

is a storekeeper, and who has a qualified chemist to carry on a separate department of his business, as by a properly qualified man, I cannot see what right the public have to complain, or what reason there is for the Pharmaceutical Society asking for this prohibition to be placed on the carrying on of such a business. The desire of the Pharmaceutical Society evidently is to limit the extent of their business and retain it in their hands exclusively. It is not to their advantage or to the advantage of the profession generally to do so, for in some cases in outlying country districts, as I pointed out last year, there would be some difficulty in carrying on a chemist's business if it was not associated with some other business, because it would not be sufficiently lucrative to pay a man to start such a business. I know a place in the country where a chemist is carrying on a business; he is also carrying on a bookseller's business, as was pointed out by the member for Mount Burges (Mr. Reid), and he is also an agent for lotteries; in fact this man carries on every kind of business possible to keep him going. I cannot see where the objection comes in if some responsible firm of storekeepers have put up as a portion of their business a separate room where a chemist can conduct a business, so long as he is properly licensed. This is simply one of those motives on the part of a profession or business concern to limit the application of those qualified only by their society. That is just their object. I cannot see why we should limit the operation. The Premier no doubt, in introducing the matter in regard to apprentices, had good ground for his argument, but it is evident his knowledge of business is not sufficient to enable him to place his arguments clearly before members of the House in a convincing manner to show that the other proposals will meet with the approval of the public. The proposals which are now made under the Bill will not be approved of by those living in outlying country districts. Even in a large city like Perth we may have a Whiteley come here to run a large concern, and there are businesses in the city to-day in which innumerable departments are conducted, and the conductors of these businesses may wish to open a chemist's department. Why should they

not do so provided they have a properly qualified chemist to conduct that portion of their business, in which case the business would be safeguarded by our present law. In the present circumstances I shall do as I did last year, object to the passing of this clause. I shall object to it although at first I thought we might waive our objection; but when I came to look at it, I found that it would be a hardship on certain localities, and unless some amendment is made by which persons can continue to carry on businesses as they do now, I do not think the clause should be passed. That is really the substance of the Bill, and it is brought in, as many measures are, by interested parties with a view to confining the business to themselves.

MR. A. J. DIAMOND (South Fremantle): It appears to me this Bill would be more correctly named "a Bill for an Act to farther extend the monopoly of the Pharmaceutical Society." With reference to this talk about storekeepers' and chemists' departments, I have seen enough in Australia for many years to convince me that it is absolutely necessary no obstacle should be thrown in the way of any responsible firm adding a chemist's department to their business. I have known during the last 25 or 30 years of several back-block towns in New South Wales and South Australia where no proper stock of drugs or chemicals would have been kept if it were not for the storekeeper keeping them, and it would be years before a chemist could establish a business in the town. Storekeepers doing business with people out back, pastoralists chiefly, naturally start a chemist and druggist department; they employ duly qualified men. Even if every town in Western Australia had a qualified chemist carrying on business in it, any day a rush may break out, and a big storekeeper may establish himself where this rush is. It might be one or two years before a chemist could start in such a locality. Why should not a big storekeeper not start a chemist and druggist business as portion of his store, having a duly qualified person to conduct that portion of his business? Why should not Foy & Gibson start a chemist's shop so long as they have it under duly qualified management? I shall vote for the

second reading, but in Committee I shall try to limit this provision. With reference to Clauses 3 and 4, there seems to be some misunderstanding. I can understand the reason why the time is limited in Clause 3, because in that case the business would be in the hands of the mortgagor, and in the interests of the mortgagee the final disposal of the business should have some limit placed upon it, because a careless man might carry on a business for some time and ruin the business, in which case no advantage would come to the mortgagee through the Court winding up the business; therefore a limit is necessary. As to Clause 4, I approve of it. There should be no limit as to the time for which a business should be carried on. As to the question of storekeepers adding a chemist's shop to their business, I am in favour of such a provision providing a duly qualified man is placed in charge. As to reciprocity, the Premier no doubt has some evidence that the people in the Eastern States demand this. For my part I want to be satisfied on that point. The clause in the original Bill of 1894, as altered in 1899, is the correct one, and I shall strongly vote for that reason to keep the provision as it stands. I shall support the second reading, and assist to amend the Bill in Committee.

MR. F. REID (Mount Burges): A gross injustice will be done if we allow the Bill to pass in its present form. When the Premier was speaking to-night, I interjected that I knew of a party in the country carrying on a dual business. He is a chemist, and has a fancy goods business. The man is not a chemist, but he employs a duly qualified man to conduct that portion of the business for him. If this Bill as proposed is carried, it will mean that this individual, who is no friend of mine, who through years of untiring industry has built up a business and laid in a valuable stock, will be ruined. My opinion on this matter is that the Premier is straining at a gnat while swallowing a camel. In a case that came before the Coolgardie Court a short time ago, it was brought out that if a person goes into a chemist's shop and asks for poison, that person must take a witness or witnesses with him to sign a book if only a sixpennyworth of poison is purchased.

In Coolgardie one can go into a shop next door to that of the chemist of whom I spoke, and purchase a hundredweight of the same poison without any witness at all. Surely, if it is the intention of the Government to provide in this Bill for protecting the public against the improper sale of poisons, there should be some regulation of such cases. I am not relating fictions, but am describing an everyday occurrence, an instance of which came before the police court at Coolgardie a few weeks ago, when the storekeeper was discharged as not guilty, was allowed to go on selling, and so far as I know is selling to-day. If we are to be so particular in the interests of the Pharmaceutical Society as regards the sale of these poisons, why not be as particular in the interests of the public? Surely it is only right that we should protect the people against the sale of poisons in this way, when we realise that the poisons being sold over the counter are weighed in the same scales as other people's sugar, butter, and general groceries. Certainly if it is necessary to be particular in a case where there is a witness or two, and the purchaser needs sixpence worth of poison, it is more necessary that every care should be exercised in the sale of poisons in large quantities. I will support the Bill; but I sincerely trust that the Premier will see his way to protect the interests of such a person as I have mentioned; because it would be a gross injustice to him, he having spent a number of years in building up his business, that we should to-night or at any future time be the means of ruining him, or of ruining any other person similarly situated.

Question put and passed.

Bill read a second time.

INSPECTION OF MACHINERY BILL.

IN COMMITTEE.

Resumed from 20th August.

MR. HARPER in the Chair; the MINISTER FOR MINES in charge of Bill.
Clause 53—Drivers in charge of engines:

MR. BATH moved as an amendment:

That all the words after "who," in line 4 of Subclause 2, be struck out, and "holds a certificate of competency in electrical engineering, issued by a school of mines or school of technical instruction, shall be entitled to receive

an extra first-class certificate," be inserted in lieu.

The clause provided that the holder of a first-class engine-driver's certificate who had served five years in a workshop should after an examination be entitled to an extra first-class certificate. An experienced engine-driver would not set any value on a certificate issued under this provision, in addition to his first-class driver's certificate. On the other hand, owing to the increased use of electricity in the State, it would be an advantage if a driver holding a first-class certificate, and who was qualified by a knowledge of electrical engineering, could have his certificate indorsed to the effect that he had such knowledge, such indorsement to constitute an extra first-class certificate. For this the amendment would provide.

THE MINISTER FOR MINES: The object of the extra first-class certificate proposed in the clause was to induce engineers to obtain the highest certificates which could be given them under the Bill. The hon. member did not seem to think workshop experience as valuable as technical training in a school of mines; but surely practical knowledge was better than theoretical, and before obtaining the certificate the applicant must not only pass a very strict examination, but must show that he had five years' experience in a workshop. It was originally intended to provide that he must have been indentured; but many might not have had the good fortune to be indentured, and five years' experience was thought sufficient. The hon. member's amendment had been submitted to the State Mining Engineer, who advised that the subclause should not be altered, and that practical knowledge was to be preferred to theoretical.

MR. JOHNSON: The clause as drafted was not at all practical. It was evidently taken from the New Zealand Act; but that Act provided that a man who had served five years' apprenticeship to engineering was entitled to an extra first-class certificate. In the Bill the word "apprenticeship" was left out; and it was proposed that a man who had worked for five years in an engineering shop should be entitled to this certificate after passing an examination as an engine-driver.

THE MINISTER FOR MINES: No; a special examination—the strictest that could be held under the Bill.

MR. JOHNSON: But working five years in a shop did not necessarily give him special qualifications. In Australia we had bitter experience of lads not apprenticed to any trade, but learning it as improvers. These were always inferior workmen. The apprentice became a skilled tradesman, and often made his name at his calling; while the lad who went to work to earn a few shillings and picked up fragments of the trade here and there, sometimes with different firms, was not, even after six or seven years' experience, in the same class as he who had served an apprenticeship. The amendment was practical, and made it possible for an engine-driver who had studied electrical engineering in a technical school to gain an extra first-class certificate provided he had the necessary practical knowledge also. Five years' experience in a workshop might mean that the workman had been engaged for that period at a boring machine, as was frequently the case; yet that man was to be entitled to the certificate on passing an examination for which he could prepare by mere study without practical experience.

MR. THOMAS hoped the Committee would not adopt the amendment, which, in spite of the last speaker's remarks, was purely a theoretical suggestion. He had an objection to the clause, and intended to move an amendment to Subclause 2. The theoretical training at a school of mines was not sufficient to entitle an engine-driver to an extra first-class certificate. He (Mr. Thomas) had passed his examinations; but he would be the last to take the position of an engine-driver, though he had passed the theoretical examination, because he saw the danger that his theoretical knowledge was not sufficient unless backed up by practical knowledge. He might support an amendment to the effect that a man who had been engaged for a certain number of years with an electrical engineer on the fields should get his certificate; but when it was asked that a man attending a series of lectures by a professor, who perhaps might not possess any practical experience in electrical

engineering, should get a certificate, it was not sufficient.

MR. ILLINGWORTH: Could a man obtain this first-class certificate if he had not worked a winding plant at all? Was the examination a practical one, such as for work on winding engines?

THE MINISTER FOR MINES: Before this extra first-class certificate could be obtained the applicant would need to have obtained his first-class certificate, which could not be gained unless the applicant had been for a certain time assisting in the work of a winding engine. The applicant would have to go before the board and show that he was able to drive the winding engine; and before he could get his certificate as an engineer he would need to pass another examination. Hundreds of first-class certificates had been issued, and the holders of these should be enabled to qualify for the extra first-class certificates. Those who were qualified to pass the very strictest examination should get the higher engineering degree. At present there were first-class and second-class certificates. A man holding a second-class certificate was allowed to work any engine other than a winding engine. The holder of a first-class certificate could work any engine, and also a winding engine; but he would have to pass all the examinations necessary to work a winding engine, and then before the degree of "certificated engineer" would be granted to him he would have to pass a farther examination, and prove to the board that he had practical engineering experience in an engineering shop. The Bill dealt only with steam engines, and explained the different classes of certificates that would be granted. An amending Mines Regulation Bill would be brought forward in which all the certificates required for doing certain work would be set out. Under the present Bill a certificate would be granted to anybody who had a certain knowledge of a steam engine. It did not deal with what a man knew about a gas engine.

MR. ILLINGWORTH: Men might be in a shaft below a gas engine.

THE MINISTER FOR MINES: On a mine he would not for a moment allow a winch to be worked by anybody not competent, where lives were at stake. It

was one of the most important things to which we should have regard, where lives were at stake, that men must be properly qualified to work any class of engines. For instance, electric motors were being used for winding plants, and he had been asked why he should insist on proper men being in charge where there was only a button to be pressed; but he had required that properly qualified men should be employed in all cases where men's lives were at stake. No absurdities would be allowed such as that suggested. The House should allow these engineers' certificates to be granted, because it would cause enthusiasm among engine-drivers, who would endeavour to reach the highest status.

MR. TAYLOR: An engine-driver must have a first-class certificate before he could obtain an extra first-class certificate, so that the member for Dundas (Mr. Thomas) would not be entitled to obtain an extra first-class certificate. It was quite possible for a man in a workshop to be engaged on one particular class of engine for five years, and yet obtain an extra first-class certificate. The amendment should be adopted.

MR. BATH: The provision, as laid down by the Minister, would give encouragement to "jackeroo" engineers to become "certificated engineers." An engineer should serve his apprenticeship, and an engineer who held a certificate based on an apprenticeship would not care a fig for the certificate provided by the Bill. The instruction imparted at the School of Mines should be both practical and theoretical. For that reason the School of Mines should have been established at Kalgoorlie, where the student could get practical instruction among the large mining plants treating the ore there, and combine the theoretical with the practical knowledge.

MR. HOLMAN: The amendment should be passed. Under this clause a person would have to serve five years in a repairing shop or machine shop before being entitled to an engineer's certificate. A first-class engine-driver might be working in a place where he had to do his own repairs, and if any new machinery came along he had to repair it, yet because he had not been five years in a workshop where the machinery was manufactured or repaired he would not be able to get

this extra first-class certificate. Under this clause it would be almost impossible for any of our engine-drivers who at present had to work for their living to get the certificate. The certificate could only be obtained by those who could spare the time to go into a workshop where machinery was manufactured or repaired.

THE MINISTER FOR MINES: A man must have been in a workshop before he could obtain this certificate. This was not saying that a man who went to a school of mines or to a technical school should obtain it, but the man who worked at the trade and did a certain class of work.

MR. HOLMAN: Would the Minister give a certificate to a man who had to repair his own engines?

THE MINISTER FOR MINES said he wished to give a certificate which would entitle a person to be called an engineer. Before he would allow that certificate to be granted that person would have to obtain the highest certificate that could be granted under the old Act, the Mines Regulation Act, and he would also have to show he had been working in a workshop. It was desired to give any men who were working in the big mines of Kalgoorlie a chance. Some men had been there for years wholly engaged in the repairing of machinery.

MR. JOHNSON: Boring machinery.

THE MINISTER FOR MINES: What he proposed would, he thought, give us a practical man and not a theoretical man. That was what he desired, and he hoped the clause would be passed as it stood.

MR. THOMAS: The proposed amendment would, he hoped, be negated. A man who was a first-class driver on steam engines and who had proved himself a capable and practical man in electrical engineering might be entitled to an extra first-class certificate; but one could not understand any practical man asking this Committee to grant an extra certificate on a theoretical certificate granted by a school of mines, supposing a man had only been engaged as an engine-driver in say steam, and had nothing to do with the electrical part of the work as well.

MR. BATH: It would not be purely theoretical; the school of mines would see that it would not be so.

MR. THOMAS: It might be practical, it might be theoretical, or it might be both. If a man was engaged on steam engines and was attending a class at the school of mines on electrical engineering, one failed to see where that man was going to get any practical knowledge of electrical engineering; therefore he objected to this business, because to his mind it was purely theory. It might possibly be practical.

MR. JOHNSON supported the amendment. It should be possible for an engine-driver who held a first-class certificate to go up for the extra first-class, but under the provisions of the Bill as it stood at present it would not be possible for 90 per cent. of those who held first-class certificates to compete for this extra first-class. Provision was made for a select few who did not deserve it, and he was sorry the Minister gave so much consideration to that select few. He took strong exception to giving any consideration to any tradesman who had not served his apprenticeship. He was strongly opposed to giving special consideration to the labourer in the engineering shop. He did not desire to say anything against labourers in the fitter's shop, for, on the contrary, he wished to raise them, but it was unfair that a man who had worked his way up to be a first-class engine-driver should not be allowed to get this extra first-class certificate simply because he had not been in an engineering shop. A man who held a first-class certificate was driving big engines on the Golden Mile, and right against that man was the electric motor, and all the electrical apparatus was close beside him. We knew the man was gaining knowledge from the fact that this machinery was near his hand. He simply went to the school of mines to gain the necessary technical knowledge to enable him to go up for the special examination. It was to be hoped the Committee would adopt the amendment so that it would be possible for a man holding a first-class certificate to work his way up and go to the school of mines to qualify for the extra first-class certificate. A man who had not served his apprenticeship in an engineering shop should not receive special consideration.

MR. BATH: Was it not possible with a school of mines at Kalgoorlie, and

where there were large mining plants and electrical plants, to impart practical instruction to the students as well as theoretical knowledge? In New South Wales students at the technical school of the university obtained practical instruction in metallurgy at the Government metallurgical works; they also obtained practical knowledge of electrical engineering at the big electric works or power house in connection with the tramways. Why could not the same system be adopted here? Members who had the ruling authority should see that practical instruction was imparted to the students, or the school of mines would be turning out a class of students who would be practically useless. The instruction could be made practical as well as theoretical at the school of mines.

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

Ayes	8
Noes	17

Majority against	...	9
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AYES.	NOES.
Mr. Hastie	Mr. Atkins
Mr. Holman	Mr. Burgess
Mr. Illingworth	Mr. Butcher
Mr. Jacoby	Mr. Ferguson
Mr. Johnson	Mr. Foulkes
Mr. Reid	Mr. Gardiner
Mr. Taylor	Mr. Gregory
Mr. Bath (Teller).	Mr. Hayward
	Mr. Iadell
	Mr. James
	Mr. McDonald
	Mr. Piesse
	Mr. Rason
	Mr. Thomas
	Mr. Wallace
	Mr. Yelverton
	Mr. Higham (Teller).

Amendment thus negatived.

MR. JOHNSON moved that in Sub-clause 2 after "who," the words "has been employed as an apprentice at least five years" be inserted. This amendment would bring the clause into line with the New Zealand law.

THE MINISTER FOR MINES: This was hardly the best place for the words proposed, though he would not oppose the amendment. His object in drafting the clause was to make the gaining of the certificate easier than it would be were an apprenticeship required. If the hon. member would let the clause pass, the Government would bring in an amendment containing the words "has been employed as an apprentice." But he could not accept the amendment which he understood would be moved by the

member for North Murchison (Mr. Holman); for then any man who could repair the stuffing-box of an engine would be qualified for the certificate. The proposal before the Committee would make the certificate more difficult to obtain, and of greater value when obtained.

Amendment withdrawn.

MR. HOLMAN moved that the words "has repaired the engine on which he has been engaged" be inserted after "years," in line 4. By the subclause as drafted any engineer employed in a workshop for five years might gain the certificate; but an engine-driver who could do the whole of his own repairing was better entitled to the certificate than a man who was merely employed in a workshop.

MR. THOMAS: After the Minister's promise to bring in a proviso that only a properly indentured man could get the certificate, there was no need for this amendment, nor for the amendment of which he (Mr. Thomas) had given notice.

Amendment negatived.

MR. BATH moved as an amendment,

That the words "steam engine," in line 2 of the subclause, be struck out, and "machinery worked by steam, water, gas, electricity, oil, or air" be inserted in lieu.

THE MINISTER FOR MINES: In this Bill it was not proposed to deal with other than steam engines. Goldfields members should note that all matters specially relating to the working of gold-mining machinery and the granting of certificates therefor would be subsequently dealt with under the Mines Regulations in an amending Bill; but in this Bill, which would apply to the State, it would not be insisted that every person working an oil or an air engine must have a certificate. By the Bill the drivers of steam engines must be certificated, though some had not been certificated hitherto. Do not pass amendments which would make it impossible for an uncertificated man to work an oil engine or a hydraulic lift.

MR. BATH: Members had understood from the Minister that he would bring under this Bill all regulations regarding the inspection of machinery now contained in various Acts.

THE PREMIER: Yes; regulations as to machinery generally, not specially applicable to a certain industry.

MR. JOHNSON: Why have some regulations in this Bill and some in the Mines Regulations Bill or other measures? If we passed the subclause as drafted, there would be no means of preventing incompetent men from driving other kinds of engines.

THE MINISTER FOR MINES: Where there was a possibility of danger proper provision would be made.

MR. THOMAS: Not one reason had been given for the amendment; yet if it passed, a man working a hydraulic lift, an ordinary water-jacket or gas engine, oil engine, or electric motor operated by a switch, must have a first-class certificate. The amendment specified "any machine moved by air." This would include a rock drill or an air pump, or an electrical pump, probably also a windmill. How absurd to ask us to pass such an amendment without reasons given. Imagine an expert miner being prohibited from working a rock drill because he was uncertificated, and being compelled to give place to another member of his own close corporation.

MR. BATH: The last speaker displayed conspicuous ability in arguing all round the question. Notice of this amendment had been given in order to draw attention to the many engines on the goldfields other than steam engines which should be worked by certificated men. Engines not requiring expert attendance could be excepted. Take one instance of the danger of the present system. A man had entered the race of a fly wheel; the electric light went out; the unqualified man in charge of the machinery "lost his head," and the other man might have been killed had not a competent engineer rescued him by stopping the engine. The Minister's assurance that he would make other provisions in the Mines Regulation Bill was contrary to the promise to deal with all such matters in this Bill; and it was under the delusion of that promise he had moved the amendment so as to insure that the man in charge of machinery, whether driven by steam or any other power, should hold a certificate. The Minister agreed with him; so there was no necessity for the member for Dundas occupying much time in talking about nothing. He (Mr. Bath) accepted

the Minister's assurance, and asked leave to withdraw the amendment.

THE MINISTER FOR MINES: Under the Mines Regulation Act he proposed to provide that, before certain work could be done on mines, a certain certificate would have to be obtained. A man able to take charge of a winding engine where lives were in danger would need a first-class certificate, no matter whether the machinery was driven by electricity or not. Care would be taken that these amendments were brought down, because in the Bill before the committee the repeal of the provisions granting these certificates was provided for. A man employed on an air winch on the surface for the purpose of raising tailings would not be compelled to hold a first-class certificate. It was only when men's lives were in danger that properly certificated men must be employed.

MR. JOHNSON: The amendment of the member for Hannans (Mr. Bath) was identical with the wording of the Mines Regulation Act. The Minister should give the assurance that, if the provisions for granting certificates were repealed by this Bill, it would not be absolutely necessary to enforce the amendment since the provisions would be reinserted in the Mines Regulation Act. The difficulty was, however, that immediately this Bill was passed there would be an interval before the amending Mines Regulation Bill was passed, and men in charge of machinery on the goldfields driven by air, oil, or electricity, would not in the interim need to hold certificates. What did the Minister propose to do to meet this difficulty? Were men driving engines the motive power of which was other than steam, and employed outside the goldfields on machinery such as was used at the Collie and on the timber mills, not required to hold certificates?

MR. HOLMAN called attention to the state of the House.

[Bells rung and quorum formed.]

THE MINISTER FOR MINES: The hon. member was as anxious as himself that there should be special regulations dealing with the mining industry. As soon as possible the amending Bill would be brought down, and the Bill now before the House would not be pushed through the Council until the Mines Regulation Act Amendment Bill was brought down

to the Assembly. With regard to small places it was not intended to make it compulsory to hold a certificate that would be required for the working of a steam engine. If electricity was to be used where lives would be in danger on gold mines, he would insist that the man in charge should hold a certificate.

MR. BATH: The Mines Regulation Act provisions would only apply to the goldfields; but apart from the goldfields there were big engines driven by other than steam power which should require a certificated engineer.

MR. THOMAS: Where the lives of men were at stake, no certificate could be too stringent. The provisions of the Mines Regulation Act did not go far enough. Some winding engines were to be run with electricity, and the vast majority of those who held first-class engine-drivers' certificates were utterly incompetent at present to take charge of electrical winding engines. Provision should be made that, where any man drove a winding engine whose motive power was electricity, a special certificate be insisted upon. Again, in the case of machinery driven by electricity underground, where lives were endangered, nothing could be too stringent in the regulations to enforce the holding of certificates; but the man who worked a rock drill or an electrical motor or small machine, where lives of men were not at stake, and which an unqualified man was as equally fitted to run as a certificated man, should not be required to hold a certificate. It was wrong that a close corporation like the Engine-drivers' Association of Western Australia should ask that the boundaries of their corporation should be extended to give them more powers than they already possessed. When this corporation came before the House to ask for some stringent regulations, where lives of men were at stake they could depend on his support; but when they asked, as now, to extend their powers to prevent an ordinary man, quite capable of doing the work but not one of their corporation, from working a machine, he would have nothing to do with the request. Would the Minister give the assurance that men driving air motors underground, and similar machinery, would not be required to be certificated men?

MR. JOHNSON: If the member for Dundas (Mr. Thomas) knew anything about mining, he must know that, under the Mines Regulation Act, the wording was identical with the amendment of the member for Hannaus (Mr. Bath). The amendment, however, did not include rock drills and other things of that kind for which the Act provided. It was his own neglect that a farther amendment to include rock drills and such like things was not put upon the Notice Paper. He had intended to move it himself, for the idea of forcing a man to hold a certificate to drive such engines appeared equally ridiculous to him and to the members of the Engine-drivers' Association. They did not desire to put a certificated man on the rock drills the member for Dundas made so much of.

Amendment withdrawn.

THE MINISTER FOR MINES moved that after "steam engine," in Subclause 3, the words "other than a locomotive" be inserted.

Amendment passed, and the clause amended agreed to.

Clause 54 — Drivers of travelling engines:

MR. BATH moved that all the words after "hereof," in Subclause 3, be struck out.

THE MINISTER FOR MINES: It was absolutely necessary to have these third-class certificates. The Bill would apply all over the State, whereas the Act dealing with these matters only applied to the mining industry. In the old days all the engine-drivers working in the State had certificates of service, and now they were against the granting of certificates of service to those in this part who had been working as engine-drivers. He did not want to have to give second-class certificates to men who in his opinion were not fit to hold them, but if we were going to strike out the third-class certificates, those to whom he referred would have second-class certificates.

MR. BATH: The object was to do away with third-class certificates, because the proposal to grant third-class certificates was one of the most absurd ever brought before this House. One had only to take it down a series of gradations and deal with lower-diametered cylinder-engines to give fourth, fifth, and sixth class certificates. A second-class

certificate should cover all certificates. Not only did the Engine-drivers' Association oppose this proposal, but also the Chamber of Mines; and the Mining Commission which formerly dealt with the mining industry and with this matter had strongly opposed the granting of third-class certificates.

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

Ayes	...	...	6
Noes	...	...	16

Majority against ... 10

AYES.
Mr. Bath
Mr. Hastie
Mr. Johnson
Mr. Reid
Mr. Taylor
Mr. Holman (Teller).

NOES.
Mr. Burges
Mr. Butcher
Mr. Ferguson
Mr. Gregory
Mr. Hayward
Mr. Isdell
Mr. James
Mr. McDonald
Mr. Piesse
Mr. Quinlan
Mr. Rason
Mr. Smith
Mr. Thomas
Mr. Wallace
Mr. Yelverton
Mr. Atkins (Teller).

Amendment thus negatived, and the clause passed.

Clause 55—Drivers of engines:

MR. BATH moved as an amendment, That the second paragraph be struck out.

In the past, certificates had been granted to marine engine-drivers without the holders being qualified. They passed some sort of examination, but not an examination sufficient to entitle them to have a second-class certificate, at least as far as it was understood on the goldfields. Many of those who had marine engine-drivers' certificates were incompetent to hold second-class certificates, and in consequence breakages of machinery occurred. Even if persons held marine engine-drivers' certificates, they should, in his opinion, be compelled to come up for examination for a second-class certificate.

THE MINISTER FOR MINES: What the hon. member proposed was hardly a fair thing. All who had obtained certificates as marine engineers had to pass an examination, but that did not apply to a great many certificates issued on the goldfields, because certificates of service were granted when the 1895 Act was passed. Any person who had been employed more than 12 months on a steam engine could, under that Act, get a

certificate of service which was equal to a first or second-class certificate under this measure. That did not apply to marine engineers' certificates. Marine engineers had passed an examination, and the Government said that if they could show they had done so their certificates must be considered as second-class certificates: no matter what the examination might be, they could not get a first-class certificate unless they had a knowledge of winding engines.

MR. JOHNSON: Two wrongs did not make a right; and because certain things were done under the 1895 Act, that did not say they were good. His contention was that what had been done previously was wrong. Unless men were competent to pass an examination they should not receive a certificate. A man who passed a marine engine-driver's examination was not competent on the fields at the present time to hold a second-class certificate. If the Minister would say that the provision would not make it possible for a marine engine-driver to leave Fremantle and go to the goldfields and hold a second-class certificate, he was not anxious to see the provision struck out.

THE MINISTER FOR MINES: It would apply.

MR. JOHNSON: Then he opposed the paragraph. A man at the present time had to pass a stiff examination to obtain a second-class certificate, and justly so.

MR. THOMAS: Marine engine-drivers had to pass an examination.

MR. JOHNSON: A marine engine-driver's examination was easy to pass; it was not as stiff as the examination on the fields for a second-class certificate. If a marine engine-driver was competent to pass a second-class examination, he should pass it. One was assured that certificates held by marine engine-drivers were not as good as certificates held by second-class engine-drivers on the fields. If a man was entitled to hold a second-class certificate, let him be examined for it; and if a marine engine-driver was as good as a second-class driver on the fields, then he would have no difficulty in passing the examination. The Minister for Mines had said that a marine engine-driver could leave Fremantle and go to the fields and drive a big engine up

there. That was not right, because he was assured that the marine engine-drivers could not pass a second class examination.

MR. THOMAS: The Committee might possibly be misled by the member for Kalgoorlie into believing that marine engine-drivers were able to sacrifice life on the fields. That was not the case. Before a man could handle any engine on the goldfields, or anywhere else where men's lives were at stake, he must of necessity hold a first-class certificate. A marine engine-driver could only hold a second-class certificate by virtue of his marine certificate. Being in charge of a marine engine, he had frequently lives at stake. Many a time a marine engine driver had many lives on his boat to look after; and if he was not competent to look after a marine engine he would not be placed in charge of such engine. A marine engine-driver's examination was much stiffer than the examination that it was necessary to pass to qualify a man to hold a second-class certificate in this country. If it was not, then there was something radically wrong, because a marine engine-driver had frequently a number of lives in his control.

THE MINISTER FOR MINES: In 1895, when the Mines Regulation Act was passed, a clause was inserted providing that the board should grant a certificate of service to every person who furnished satisfactory evidence that he had been in charge of, and had efficiently managed upon a mine, machinery worked by steam for a period of 12 months prior to the application for a certificate, and such certificate should confer the same privileges as a certificate for competency. The reason for inserting that clause was that there must have been employed, for years prior to the Act, a number of men who had not certificates; and without this clause these men would have been robbed of their occupation. He was satisfied that the certificate issued to a marine engine-driver was equal to that issued to a second-class engine-driver on the fields.

MR. BATH: If a certificate held by a marine engine-driver was as good as that held by a second-class engine-driver, then it was not conferring any hardship on the marine engine-drivers to make them go up for examination. Many marine engine-

drivers had secured certificates of competency. He believed the great majority of them held certificates of competency as the result of examination; but the certificate for marine engine-drivers was not confined solely to those who drove marine engines. Many of those engaged on shore engines, and on little tin-pot launches in the harbour, secured their certificates as the result of a farcical examination, and the Minister would like to grant to those having certificates a second-class certificate. The idea was absurd.

MR. TEESDALE SMITH: One would imagine that the work of engine driving was most difficult. As a matter of fact any intelligent man with a week's training could drive almost any engine in the State with the exception of a winding engine. If anything went wrong with an engine the driver did not repair it; a fitter was employed to do that work.

Amendment negatived, and the clause passed.

Clause 56—Examinations:

MR. BATH moved as an amendment,

That the words "supervised by such persons as may be appointed by and under the direction of" be struck out, and the words "conducted by" inserted in lieu.

The clause provided that the board to be constituted might appoint persons to conduct the examination for certificates. He wished to provide that the examination should be conducted by the members of the board as it might lead to a loose method if the board deputed any one to carry out the examination. In the past, examinations in the different centres had not been uniform; in some centres men had secured certificates without anything like a proper examination, while in other places where there was a proper board the examination had been such as an engine-driver should pass before obtaining a certificate. The examination should be uniform and conducted by the board.

THE MINISTER FOR MINES: The object of the hon. member was to have a travelling board going throughout the State conducting examinations; whereas the proposal of the Government was to have a board to visit only the most important centres, and chiefly remain in Perth. The examination papers would be made up by this board, and if an examination was to be conducted say at

Cue or Menzies, the Inspector of Boilers, who was an engineer, and the Inspector of Mines, who was a magistrate, would attend and see that the papers were distributed amongst the applicants, sealed up afterwards, and the oral examination would be conducted by the Inspector of Boilers. There would be an oral examination also. The examination papers would be returned to the board of examiners at Perth, or possibly at various other centres; but it would not be desirable to have an expensive board travelling all over the country; and if it were, he would not have the State Mining Engineer on it, for such duty would occupy too much of that officer's time. The system proposed was adopted in New Zealand; and the department were satisfied that it could be worked here at little cost, and would provide as good an examination as was obtainable without real practical tests. These were not possible, for few machinery owners would care to let strange aspirants for certificates experiment with their machinery.

MR. JOHNSON: What was wrong with the present system of examination?

THE MINISTER FOR MINES: It was not uniform, there being separate boards at Coolgardie, Menzies, Lawlers, Cue, and Kalgoorlie.

MR. TAYLOR: The test was the same at each.

THE MINISTER FOR MINES: But all the papers would in future be prepared by one board, and the oral examination held by two inspectors. He would subsequently move as an amendment that instead of the words "qualified engineer," "qualified engine-driver" be inserted, as the latter should be temporarily sufficient if a qualified engineer were not immediately procurable to act on the board.

MR. JOHNSON: Though the oral examinations were conducted by inspectors of mines, many of the inspectors would not understand the questions which they were instructed to ask by the central board; and it was because some inspectors were not qualified to conduct examinations that the appointment of a central board to draw up examination papers was suggested. The main point in conducting an oral examination, at least of an engine-driver, was not the candidate's answer to the question, but

his manner of giving it and his demeanour; yet the qualified supervising board would not conduct the examination, but would merely draw up questions to be submitted by men who did not understand them. The present was a good, though not perhaps a perfect system, and the department prided themselves on Western Australian engine-drivers' being better than those of any other State, because our system of examinations was the best in Australia; yet the Minister now proposed to abolish a good system, and introduce a bad system or no system at all. To get a uniform and a perfect system we must appoint a board as suggested in the Bill, and give it power not merely to supervise but to conduct examinations at stated times in the different centres. The amendment would provide a system of which the State might be proud.

MR. TAYLOR: The amendment appeared to aim at providing that the board of examiners should not appoint deputies. Members for outlying districts knew that a mine manager was invariably found on the local examining board. Was it proposed to send out the Chief Inspector of Mines or the State Mining Engineer, both of whom resided in Perth? He had travelled much throughout the State, but had never found the tracks of either officer.

THE MINISTER FOR MINES: The former had travelled over much more ground than the hon. member.

MR. TAYLOR: The State Mining Engineer, a recent arrival in the country, had been as far as Kanowna; but Kanowna was hardly reckoned amongst the goldfields. That the board should have power to appoint deputies was very undesirable. None but the officers mentioned, with a qualified engineer, should conduct examinations. The Minister might not have seen the necessity for the amendment which he (Mr. Taylor) had witnessed. The board would not care about travelling into the back portion of the State, especially in eight of the hot months of the year, to hold examinations. Consequently there would be some very slipshod boards constructed.

MR. WALLACE: It would be impossible to appoint two men less practical than those provided for.

[MR. QUINLAN took the Chair.]

MR. HOLMAN: Under present conditions examinations were not very satisfactory, and if the clause were agreed to as printed, the conditions would be worse. At present engine-drivers had the protection of the Inspector of Mines on a board, but at places like Peak Hill or Lake Way, where one company held all the mines, the board was constituted of the manager of the mine and one of his engine-drivers, with the Inspector of Mines.

THE MINISTER FOR MINES: The hon. member wanted to perpetuate that system.

MR. HOLMAN: Members of the board should themselves travel round the State to examine drivers. It would be impossible to have good examinations with two persons interested in one mine on the board, as in the case of Lake Way. In the granting of certificates every possible care should be taken to see that only competent men should hold them.

MR. TEESDALE SMITH: Should the amendment be carried, one-third of the men who wished to become engine-drivers would never get their certificates, because the board would not move out of Perth for eight months of the year, as had been pointed out by the member for Mount Margaret. It was evidently the wish of the Labour members to prevent men getting certificates. The man who owned valuable machinery would see that the driver was capable of driving an engine. The clause should be carried as printed.

THE MINISTER FOR MINES: One who listened to the remarks of the member for North Murchison (Mr. Holman) would feel satisfied that the present system of appointing boards throughout the State and having examinations in various small centres was not a good one. At present one member of the board was nominated by the engine-drivers, one by the mine managers, and one by the Minister. It was not a perfect system. Good boards had been obtained in a few places, but not in all. He did not want a board where the engine-drivers on the one side were trying to prevent the issue of certificates, and where the mine managers on the other side were trying to get plenty of certificates granted, so as to increase the number of drivers and reduce wages.

The method proposed in the Bill was now in vogue in Tasmania, Queensland, and New Zealand, while in Victoria there was a similar board which was a travelling board. [Mr. TRESDALE SMITH: There was no distance to travel in Victoria.] The gentleman at the head of the department would hold a better examination than was held at present. Better engine-drivers would be obtained and better facilities would be given to persons going up for the examinations.

MR. HOLMAN: Could the Minister give some idea of the persons who would hold the examinations?

THE MINISTER FOR MINES: Papers would be made up by the board, sent out to the different districts, and the Inspector of Boilers and the Inspector of Mines would jointly see that the papers were distributed among the applicants, who would fill them up in the presence of these two gentlemen. Then there would be an oral examination held by these two gentlemen, very much the same as was the system now. All the papers and the reports of these gentlemen would be sent to the head office. This meant the abolition of about eighteen boards of examiners, and a considerable saving to the department in fees. A better class certificate would be provided, and more satisfaction generally would be given to those who desired to see a first-class certificate issued.

MR. BATH: In New Zealand examinations were conducted by the board, which consisted of the Chief Inspector of Machinery and some other qualified engineer.

THE MINISTER FOR MINES: It was not a travelling board.

MR. BATH: It was a travelling board. Nearly every accident which occurred in the history of mining on the fields had been due to the fact that uncertificated men were in charge. That was sufficient evidence that certificated engine-drivers were necessary. Some had said the employers or owners of machinery would see that they had certificated men. The Labour members wanted to see not only the owners, but also the men employed, protected.

THE MINISTER FOR MINES: How could they drive without a certificate?

MR. BATH: In the case of an accident near Menzies, it was found the driver

was uncertificated, and the Minister for Mines had given permission to an uncertificated driver to drive.

THE MINISTER FOR MINES: The hon. member was talking nonsense.

MR. BATH: The Minister seemed desirous that a larger number of men who were incompetent should be able to hold a certificate. Labour members wanted the men to be competent, and he was surprised at the Minister taking such a retrogressive step.

MR. THOMAS: One would have thought the Labour members would have hailed the proposal of the Minister, because it made the examination for engine-drivers more stringent than it was at present. The Minister told us that the board would consist of the Chief Inspector of Machinery, the State Mining Engineer, and a third member, and that they would supervise the other board, which would consist of the Inspector of Mines and the Inspector of Boilers, two men who should be eminently qualified owing to their practical knowledge.

MR. JOHNSON: Why should they require supervision?

MR. THOMAS: There was a desire to have a uniform system throughout the country, instead of having what we had now unfortunately. In one place we had a very lenient board which perhaps passed men in and gave certificates to men who were not really thoroughly competent to hold them, whilst in other cases we should have boards so constituted that they would refuse certificates to men who were eminently qualified to possess them.

MR. JOHNSON: No.

MR. THOMAS: Instead of having these three men, the Labour members wanted to wipe out the proviso altogether, and say that this board should travel, and that the board should consist of the Chief Inspector of Machinery, the State Mining Engineer, and a third member who should be a qualified engine-driver.

MR. JOHNSON: A practical man.

MR. THOMAS: They wanted representation for one side and denied representation to the other. He did not want a board constituted with bias on one side or the other. He had faith enough in the Mines Department of this State to believe that when they were asked to appoint a board to conduct examinations

the third man appointed would be one who would hold the scales of justice equally between the two sides. It was hardly fair to ask the Committee to agree to an amendment of this sort, which could only be tantamount to passing a vote of censure upon our Mines Department as at present constituted.

MR. TAYLOR: It was not the intention of the mover of the amendment to pass a vote of censure on the Mines Department. Was the member for Dundas right when he said there would be a uniform set of questions sent by the central board to the other boards appointed?

THE MINISTER FOR MINES: That was the method that would be adopted.

MR. TAYLOR: If a uniform set of questions were adopted there would not be as strict an examination as at present, for under the existing conditions candidates did not know what questions would be asked them, and they prepared themselves for every conceivable question.

THE MINISTER FOR MINES: They would not know under the system proposed what questions would be asked.

MR. TAYLOR: Then what did a uniform system mean?

THE MINISTER FOR MINES: The questions would be altered from time to time: it did not mean that the same set of questions would be asked each time.

MR. TAYLOR: It meant something like it. The board which had been suggested could be tied up in an hour by any engineer. He had seen in the past thoroughly competent men unable to obtain certificates because they could not answer catch questions; they were not good scholars, and did not understand certain words which were put to them, but these men could do anything with an engine; when it was out of order they could repair it, but because they had not a good education they had been unable to obtain certificates. Under the system proposed, if a man was not a practical engineer, but was educated and could write answers to questions well, he would be able to obtain a certificate.

THE MINISTER FOR MINES: There would be an oral examination as well.

MR. TAYLOR: The proposal would place disabilities in the way of many men if they were asked to put their views on paper.

MR. JOHNSON: The only reason, according to the Minister, for altering the examination was to have uniformity; but he was afraid there was another reason for the alteration, which was to simplify the examinations. There was a lot of contention at present that the examinations were too stiff, and that a simple system of examination would do. The proposal was intended to provide a simple way of getting a certificate. If the Minister's desire was uniformity, then it would be better for the State Mining Engineer to submit the questions, or generally supervise the boards, which would be constituted as at present. To get uniformity, this was a drastic proposal.

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

Ayes	...	...	...	7
Noes	...	...	...	15

Majority against ... 8

AYES.

Mr. Bath
Mr. Hastie
Mr. Holman
Mr. Illingworth
Mr. Johnson
Mr. Taylor
Mr. Reid (Teller).

NOES.

Mr. Burgess
Mr. Butcher
Mr. Ferguson
Mr. Gardiner
Mr. Gregory
Mr. Hayward
Mr. James
Mr. McDonald
Mr. Piesse
Mr. Reason
Mr. Smith
Mr. Thomas
Mr. Wallace
Mr. Yelverton
Mr. Atkins (Teller).

Amendment thus negatived.

MR. BATH moved as an amendment—

That all the words after "be," in line 6, be struck out, and the words "an experienced, qualified winding Engine-driver, recommended by the Engine-drivers' [Association]" be inserted in lieu.

The proposed supervising board would consist of the Chief Inspector of Machinery, the State Mining Engineer, and a qualified engineer. The chief inspector was virtually a clerical officer, and did not appear to have any knowledge of practical engine-driving. The State Mining Engineer was only a geologist; and as for as the third member, a man might qualify as an engineer in every university in the world, and yet have no practical knowledge of engine-driving. In the interests of engine-drivers—a large section of the community—one member of the board should be a qualified engine-driver appointed by the engine-drivers throughout the State. The Com-

mittee need not fear that the engine-drivers wished to make this the appointment of a close corporation, for many drivers with first-class certificates now worked at other occupations. The desire of the drivers was to insure that all who obtained certificates should be thoroughly qualified; and to do this it was necessary that a practical engine-driver, recommended by the engine-drivers in the State, should be appointed to the board.

MR. THOMAS: What was a "qualified winding engine-driver," and what was the meaning of "recommended by the engine-drivers"?

MR. TAYLOR: The Engine-drivers' Association.

THE MINISTER FOR MINES: As previously stated, he would agree to insert the words "or engine-driver" after "engineer." If possible, a certificated engineer would be appointed; but whoever was appointed must have a winding engine-driver's certificate. He (the Minister) would not consent to the Engine-drivers' Association making the appointment. How would the department know that the association's nominee was well qualified? He might be simply a favourite with the members of the association. The appointment would be made after examination, and the appointee would have practical experience of a winding engine.

MR. HOLMAN supported the amendment. None were better qualified to recommend an engine-driver than were the Engine-drivers' Association; but the association would hardly try to compel a Minister to accept any nominee. All knew that the State Mining Engineer, a geologist, knew practically nothing of engine-driving, and was to be placed on the board apparently to give him more work to do, with a view to raising his salary—a course frequently adopted with other officers.

THE MINISTER FOR MINES: As farther discussion of this clause was inevitable, he moved that progress be reported.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 11:20 o'clock, until the next day.

Legislative Assembly, Wednesday, 2nd September, 1903.

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THE SPEAKER took the Chair at 4:30 o'clock, p.m.

PRAYERS.

QUESTION—RAILWAY BUILDINGS, SOUTHERN CROSS.

MR. OATS asked the Minister for Railways: 1, What was the total cost of the material and erection of the Southern Cross Railway Station, including sheds, dwelling houses, barracks, and all other expenditure. 2, What is the total amount of the rents obtained per annum on the dwelling houses there, and what is the interest per cent. on the capital outlay?

THE MINISTER FOR RAILWAYS replied: 1, Station buildings, goods sheds, platform, yard, approach roads, weighbridges, cattle yards, £11,010 3s. 4d.; Cottages, £6,619 4s. 10d.; Loco. Barracks, £4,791 17s. 5d.; Water Supply, £3,116 0s. 1d.; Coal Stage and running shed, £6,169 8s. 6d.; Various small works, £823 14s. 8d.; total, £32,530 8s. 10d. 2, (a.), £343. (b.), 5·93%.

REDISTRIBUTION OF SEATS BILL.

SELECT COMMITTEE'S REPORT.

THE PREMIER brought up the report of the Select Committee appointed to consider the Bill.

Report received, read, and ordered to be printed.

RETURN—PUBLIC BATTERIES, CYANIDE.

On motion by MR. HOLMAN, ordered: That a return be laid upon the table of the House showing—1, The State batteries that have cyanide plants erected, when erected, and of what capacity. 2, The total cost of experimenting in con-