

Legislative Assembly,

Wednesday, 25th November, 1908.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By Mr. Speaker: Public Accounts, with Auditor General's Report to 30th June, 1908.

By the Attorney General: Rules of the Supreme Court relating to the Court of Disputed Returns.

By the Minister for Works: By-laws passed by the Tableland Roads Board.

By the Minister for Lands: Report of the Surveyor General, 1907-08.

URGENCY MOTION—EARLY CLOSING PROCLAMATION.

Mr. BATH (Brown Hill): I would like to ask the Premier whether he has come to any decision in regard to holding over or postponing the Proclamation referring to early closing, which comes into effect on the 1st December.

The PREMIER (Hon. N. J. Moore): I find that the Colonial Secretary has given his attention to this question, and he has promised that the Proclamation shall come into force on the 1st December, and in view of the fact that certain arrangements have been made, we do not consider we would be justified in altering or postponing the date. It would be a breach of faith to alter the date at the last moment, and I am not satisfied we have legal power to do it without another petition.

Mr. BATH: In accordance with notice given to you, Mr. Speaker. I desire to

move the adjournment of the House to call attention to a matter of urgency, the question of postponing the Proclamation altering the half-holiday from Saturday to Wednesday.

Seven members having risen in their places,

Mr. BATH said: I thought that when the Premier or his colleague, the Colonial Secretary, had given consideration to this matter of postponing the operation of that Proclamation, they would at once have acquiesced in the wisdom of at least postponing the regulations under which that Proclamation comes into force, until the 1st January at the earliest. We are in this position, the members of this House are called upon by the Government to deal with an Early Closing Bill in which we are asked to decide one way or the other, or failing a decision of this House, to give the ratepayers in the metropolitan area a chance of deciding, whether the half-holiday shall obtain on Wednesday or on Saturday. As far as this House is concerned, the fact that the Bill is well up on the Notice Paper makes it probable that we shall come to a decision before the 1st December, but when the Bill is finally dealt with by this Chamber it has to go to the Legislative Council, which does not meet until the 1st December, the date on which the Proclamation will come into force. We are, therefore, in the unsatisfactory position that while Parliament, the proper authority, is in the act of determining the half-holiday question finally, a Proclamation comes into force which at once sets up a disturbing influence in the whole concern. I am satisfied as I said yesterday—and I have no desire to traverse the arguments put forward on the second reading of the Early Closing Bill—that there is a very substantial, in fact, an overwhelming majority of those people vitally concerned in this question, in favour of the Saturday half-holiday. The minority have adopted means which are certainly not legal means, because nothing whatever in the Act gives them the power or authority to present the petition, and there is nothing in the Act to justify the Colonial Secretary in granting the prayer of that petition. We have this position,

that a minority in opposition to the expressed statement in the Act dealing with the question, is able, through some influence with the Colonial Secretary, to set at defiance the will of the majority, and by reason of the fact that while Parliament is discussing the question, the minority is able, through a Proclamation issued hurriedly, to compel those in favour of the Saturday half-holiday to come into line with the minority. We have also the fact that the Proclamation is brought into force just before the Christmas holidays, when, by all our experience, we know there will be an increase in trade for a certain period, and we give these people the opportunity of using as an argument the fact that the Christmas trade, which is always an increased trade, has justified the change, and that the views of the minority are right. It seems to me that the Premier and his colleague, the Colonial Secretary, are taking an unjust course in forcing on this Proclamation while the question is being considered by those who have so emphatically declared in favour of the Saturday half-holiday, and before they have had the opportunity of having their views expressed in the Legislature. I am satisfied a majority are in favour of a provision being made for a statutory Saturday half-holiday, and that they are not at all in favour of the proposal for referring it to the ratepayers. In view of that fact I say the Government, even if they cannot see their way clear to withhold the Proclamation until the 1st January—the same date upon which the previous Proclamation fixing the half-holiday for Saturday came into force—they at least should see the wisdom and decency of withholding the operation of that Proclamation until Parliament has finally dealt with it. The Premier or the Attorney General who is in charge of the Bill, must know that the Legislative Council is not meeting until the 1st December, and in view of that fact he should postpone the Proclamation until after the Legislative Council has dealt with the Bill, and finally decided as to how the question should be determined. It seems to me there is nothing to be gained by forcing on the Proclamation, and there

is no legal obstacle in the way of the postponing of the alteration of that Proclamation in spite of what the Premier said. In view of that fact I think the Premier should consult the wishes of Parliament, and should do what is after all bare justice, and that is to allow the Proclamation to stand over until we have dealt with the Early Closing Bill, and decided whether the holiday shall be on Wednesday or Saturday, or whether the matter shall be referred to the ratepayers or the electors of the metropolitan area.

Mr. HUDSON (Dundas): I second the motion.

The PREMIER (Hon. N. J. Moore): In regard to this question I may say that when the matter was first brought before me last year, I viewed the proposal favourably, and after giving a certain amount of notice I was only too pleased to fall in with what I considered the wishes of the majority of the business people, and of the people generally in the metropolitan area. A petition was presented and it was not only a majority petition of the whole metropolitan area but also of each individual district comprised within that particular area. After the last deputation was received, and the petition approved of, it was decided that the innovation should come in as from the first of January of this year. One of the reasons that actuated me, one of the reasons why I was so favourably disposed towards it was that I desired that, so far as possible, where there were more than one or two members of a family who happened to be engaged in the Government departments, or in different businesses in the City they should have an opportunity of taking their holidays on one and the same day. However, during the year the Government were approached on more than one occasion in connection with the operation of the Act, and as a result of petitions which were presented, we sought advice and were advised that we had no option but to fall in with the wishes of the majority of the petitioners.

Mr. Johnson: In view of the criticism are you still of that opinion?

The PREMIER : Certainly we are. The Crown Law authorities advised accordingly. As far as my personal wishes are concerned, I am in favour of a Saturday half-holiday. It is only a question of carrying out what we are advised by the Crown Law Department, and hon. members will now have an opportunity of giving expression to their views on this Bill. I do not wish it to be a party question. It is not a party question. It is one on which we are anxious to arrive at an early solution. That is one of the reasons why this matter has been brought in so early in the session. Hon. members will have an opportunity during the discussion on this Bill to say whether they consider it advisable—

Mr. Bath : But while you can give us that opportunity, you are forcing the proclamation on the people ?

The PREMIER : I am advised that so far as the proclamation is concerned we have no option. The proclamation directs that on and after the first of next month, the day to be observed as the holiday and also the day for the opening of the shops until 10 o'clock shall be the date set out in the petition ; and no power to revise is vested in the Government except as the result of a further petition. The question of whether the holiday should be compulsory or optional is one on which various opinions have been expressed. I have had an opportunity quite recently of making some inquiries in connection with the operations of the Act in various parts of the Commonwealth. At Hobart, for instance, the holiday is optional, but the whole of the business people in that city decided to make Friday night the late night. They have done that without anything compulsory at all.

Mr. Heitmann : You would not allow them to do it here.

The PREMIER : I say we are giving an opportunity of dealing with this measure now, and Parliament can do what it may think right in the matter. In Adelaide they have got it optional, and within the city of Adelaide no fewer than 817 shops close at one o'clock on Wednesdays and 1,301 in the suburbs ; as against 449 closing on Saturdays in the city, and

424 in the suburbs. So that as far as Adelaide is concerned, it is evident that although it is optional there are more traders in that city who prefer to close on Wednesday than there are who favour Saturday.

Mr. Bath : What about Brisbane ?

The PREMIER : I think it is on Thursday nights. But there I believe it was decided on a poll of the ratepayers.

Mr. Bath : They have had the Saturday half-holiday there for the last nine years.

The PREMIER : Well I only say in reply to the observations of the Leader of the Opposition that under the circumstances the Government feel that they have not the right at the present time to make these alterations, and we are prepared to give every opportunity to hon. members to discuss this Bill. At most, it only means three Saturdays, because if the Bill be given effect to within a fortnight of the first of January, a poll could be taken, and then it could be decided whether it should be Saturday or optional.

Mr. Scaddan : Why make any alteration pending those few Saturdays ?

The PREMIER : I have already explained that we have no option but to grant the prayer of the petition.

Mr. JOHNSON (Guildford) : I desire to take exception to the Crown Law Department's opinion that the Government have no option but to grant the prayer of the petition. It is only Section 5 of the Early Closing Act which deals with the question, and it states that the petitioners may petition to have the days fixed on which the shops shall close at one o'clock and at ten o'clock respectively. But that section gives the Government no power to frame a proclamation or a regulation stating that it should be left to the option of the shopkeepers as to whether they adopt Wednesday or Saturday. We have a King's Counsel and other counsel of high standing in the legal fraternity all expressing opinions contrary to those given by the Crown Law Department.

The Attorney General : Quote them.

Mr. JOHNSON : Mr. Haynes, K.C., is against you.

The Attorney General : What did he say ?

Mr. JOHNSON : He said the proclamation is *ultra vires* ; that it is not in accordance with the section of the Act. To the lay mind it appeals strongly in that direction. Section 5 of the Early Closing Act does not to my mind give the Government power to take the action they did under the petition that was presented. If the petition had contained a requisition that Wednesday should be resorted to, making it definite, then the Government would have had no option. But the petition did not do that ; it prayed that the holiday should be left optional. And immediately that was inserted in the petition the Government had no right to adopt it under the section. But apart from that, while I think it is due to the House that the Attorney General should explain that point, I think it is worthy of note that the Government have introduced this Bill and the public have remained quiet, because they thought the Government were sincere in their desire to give Parliament an opportunity of deciding the question. But while we have the Bill before us, the Government have placed us in the position that we cannot possibly get the decision of Parliament on the matter until the alteration has been made, and immediately that alteration is made, the Government know full well the influence that it will have in another place. Immediately it is made statutory for the shopkeepers to close on Saturday afternoons and the Bill is sent to another place, the reply will be, "Oh, they have changed again ; it is inadvisable to disorganise trade again." And so those in another place will not agree to the Bill. And I am of opinion that the Government know this full well, and consequently they are not giving us an opportunity to decide this question. This Chamber may be absolutely sincere in its desire to honour the wishes of the people, but we cannot possibly send this Bill to another place before that proclamation comes into force. So while the Premier assures us that he favours Saturday closing, the Government it would seem is not nearly so

anxious—quite the reverse. I am strongly of opinion that the Government had no power to issue that proclamation under the conditions in which the petition was presented. Then again, they are trifling with those who favour Saturday closing ; because they do not give the representatives of the people an opportunity of deciding the issue before another arrangement altogether is made. They are disorganising trade, and that will be pointed to in another place. It may be necessary to force this motion in order to demonstrate to the people who are sincere where the insincerity lies. But in order to prevent that expedient, if the Premier will give us some definite assurance that he proposes to force on this Bill—

The Premier : I have told you that there is nothing to stop it going to the Legislative Council on Tuesday.

Mr. JOHNSON : But there is a Bill placed on the Notice Paper before it. Why was that done ? That clearly demonstrates the insincerity of the Government, and demonstrates further that the Premier is trifling with us when he throws out his chest and says he is in favour of Saturday closing. Let him give the House an opportunity of deciding the question, and if he wants to trifle with the people, let him do it in a straightforward fashion.

Mr. Bath : Another place will not meet until after the proclamation comes into force.

Mr. JOHNSON : The Notice Paper gives to the people a clear indication of the insincerity of the Government on this question in that there is another Bill placed before this one.

The Premier : You can have it after the tea adjournment. There is only one speech to be made.

Mr. JOHNSON : What will happen ? I am told by the Leader of the Opposition that another place will not meet until after the proclamation comes into force. Evidently there a complete organisation to prevent the views of the people being heard on this question. It does not matter what we do, the Saturday half-holiday is going to be interfered with. You are going to disorganise trade, and this is

upon a petition that was not in order according to the Early Closing Act.

Mr. Bath : And was not representative of the metropolitan districts either.

Mr. JOHNSON : That is true. Clearly this is a serious question and as far as I am concerned, I am prepared to go to the full extent of dividing the House on the question, in order to show the shop assistants and others that we tested it. Not only was it decided at the last general election, but we have tested it at public meetings from Fremantle to Midland Junction, and the whole of the metropolitan area, except Perth, has declared in favour of the Saturday half-holiday.

Mr. Gordon : You are a bit wrong.

Mr. JOHNSON : I suppose the people of Victoria Park have not been consulted on the question.

Mr. Gordon : There are no labour organisations there.

Mr. Bath : There will be.

Mr. JOHNSON : I am satisfied of this, that Victoria Park is in favour of Saturday closing.

Mr. Gordon : You were not game to ask the question, anyhow.

Mr. JOHNSON : We will give the representative of Victoria Park an opportunity of speaking for the people on this question, and we will see the result when he meets them again. But we have to realise that the people have been consulted in the most important portions of the metropolitan area at public meetings. We have had meetings of traders on the one hand declaring in favour of Saturday closing, and they in turn have gone to the people at public meetings and the people again have declared it. But when Perth asks that the day be altered, the big trading concerns of Perth, those big combinations—another indication of the Government's love for these people—have been able to cast aside the people's decision. One small area, irrespective of where it is situated, one small area, comparatively speaking, has been able to influence the Government to take the course they are taking. The shopkeepers in this small area have so organised their arrangements that it is absolutely impossible for the shopkeepers of the other areas that have

declared in favour of Saturday closing to influence the Government in any way. One way to influence the Government I know would be to cast them out and give another Government an opportunity of altering the proclamation, and of course there is no opportunity of doing that, but we certainly can take the opportunity of dividing the House to-day to show where sincerity is and where insincerity lies on this question.

Mr. Hudson : Let us have an assurance from the Attorney General. Let us hear what his opinion is.

The Attorney General : Were you not here last night?

The MINISTER FOR WORKS (Hon. J. Price) : With the Premier I have a sincere desire to see the Saturday half-holiday, but like the Premier I believe the Government have no alternative but to give effect to the law as we find it. At this juncture the legal adviser of the Government is not the member for Guildford. We have had a clear exposition of the case from the Attorney General, the man to whom we look for our law on a subject like this, and in his opinion we had no alternative but to adopt the course we adopted. However, the issue has gone somewhat beyond the matter of early closing, and the sincerity of the Government on this question has been challenged, and on that account I certainly would oppose the adjournment of the House. It has been stated on the other side of the House—and most unjustly I think—that by reason of certain influence with the Colonial Secretary the request of this petition was granted and the proclamation issued; but the Colonial Secretary is a layman as well as myself; and not having that assurance in legal matters possessed by the member for Guildford, he adopted the advice of his colleague, and had no option but to stand by it.

Mr. Collier : I thought it was the advice of the Crown Law officers.

The MINISTER FOR WORKS : I understand they are in agreement with my colleague in this matter. The position is that there are those of us on the Government side of the House who desire to

see an alteration in the law so that there shall be a wider choice on this question, and so that an opportunity shall be given for the expression of the public view on the matter; who desire to see the matter submitted to the public and this question settled by those who are interested. But I venture to say that if the Government are to be challenged as they are to-day, and this is made a question, not of early closing, but one of the sincerity of the Government on this subject, then those on the Opposition side of the House who support the Saturday half-holiday are taking a wrong step, because they are obscuring the issue. It is only a matter of allowing the Bill to take its course; the Government will give it every facility this session. The Premier has stated that he is not prepared to make a party measure of it, thereby freely allowing the will of the majority to take its course; but those who question the sincerity of the Government are doing anything but assisting those they wish to help. After the Premier's distinct statement that this shall not be made a party question the Opposition are using every endeavour to make a party question of it. That is the position. They had the opportunity at this juncture to have the question considered in an impartial manner without any party bias, yet their action now will have a totally contrary effect. The Government have issued this proclamation, and they cannot back and fill over the matter; they have pledged themselves to these people who in a legal manner brought forward a petition and took those steps which we are told by the Crown Law Department they were required to take before effect could be given to their petition, and the Colonial Secretary has agreed that the proclamation should come into force on the 1st December. I regret it. I think it is unfortunate that it is not to come into force on the 1st January. But what would those who put trust in the Government think if we backed and filled on a matter like this? The step taken was strictly in accordance with the law and we did no more

than we were advised we were bound to do under the Act. In these circumstances let me appeal to those on the other side who think with me on this question. Why turn this into a party matter? Let the Bill take its course. It may lead to a delay of four or five weeks, the old position may be reverted to, but in the long run I am satisfied that in two or three months at the outside, if members let the measure be treated as a non-party one, we shall probably get what many of us in the House desire. I therefore appeal to members when they have a non-party measure not to make it a party question.

Mr. WALKER (Kanowna): I want to know what party influence is being dragged into this matter, and if so who is responsible for it. And on what ground is the sincerity of the Government questioned? It is only on the ground of their conduct. It is perfectly legitimate to challenge the Government on the ground of their conduct. I see the Attorney General taking notes. He generally follows me, I have noted. I shall endeavour to give him something to go on with. Have we ever had such a spectacle as the twaddle—if I may term it such—that has fallen from the lips of the Minister for Works this afternoon? As a matter of fact what is sought to be done on this side of the House? It is only a party question so far as during the course of the debate this side has merely asked that no decision shall be come to or no action taken until the measure now before the House has been voted on, and has gone through both Houses; and all the party exhibition has been in advocating that course being taken. Does that constitute it a party question because this side of the House is the only side of the House that has asked for common sense to be exercised in a question of this sort? Is it not a common sense view—the Minister in charge of the Agricultural Department smiles—that the decision of Parliament shall not be anticipated by a Proclamation? Is that not common sense?

The Minister for Works: But in the meantime we have a statute to go by.

Mr. WALKER: In the meantime we have a statute to guide us which has been ignored by the Government, its conditions and terms twisted in order that they may serve their friends, a section of the shopkeepers; because it is only a section of the shopkeepers that is interested in the petition upon which the Colonial Secretary acted. Now what party conduct can there be in that? And when we view the conduct of the Government, when we consider that they have anticipated Parliament and have refused to let Parliament speak on the matter, why then, what must we think of the conduct of the Government in a case of that kind? It scarcely does look like sincere conduct. It looks for all the world as though the Government were going to take the course which would make Parliament hesitate in giving them respect. The Government have pledged Parliament before Parliament has had an opportunity of expressing a voice in the matter. That is the complaint made, and legitimately so. We say the Government have no right to speak until Parliament has first spoken. The Government say, "No." I am not going to pit myself in legal matters with the Attorney General. I should be very loth indeed and very presumptuous to do so. In fact I tremble as I venture with the light only of a layman's common sense to read the section in the Early Closing Act upon which the Government say they were compelled to act. The section says that the majority of shopkeepers, not being those mentioned in Schedule 1, who are the exceptions, being druggists, hairdressers, etcetera, situated in any district may present to the Minister a memorial under their hands in the form of Schedule 3 asking that the days appointed for closing at 1 o'clock and 10 o'clock respectively may be altered to the days specified in the memorial. Now that is the power given to the memorialists, that of asking that the day may be altered. They have no power further than that.

The Attorney General: It says "days," not "day."

Mr. WALKER: Yes, that is so. Either Wednesday or Saturday may be altered. That is the position. The sec-

tion goes further, but first of all look at what the memorialists can do. They can ask for the alteration of the days that were fixed; that is all. Now does the proclamation alter the days that were fixed? That is the point. I am not going to call in any legal acumen or insight or reasoning, simply blind common sense. Does the proclamation alter the days? Does it fix certain days? That is what the memorialists have the right to do, the right that certain days be fixed. Now the proclamation fixes no days. It absolutely ignores what the memorial is supposed to secure, namely the fixity of a day. Supposing the shopkeepers opened on Wednesdays and wanted instead to open on Saturdays, they could memorialise and have Wednesday altered to Saturday, or Saturday altered to Friday, but there must be an element of certainty in the memorial. This is the very thing absent from the proclamation. There is no certainty at all, and no days are fixed by the proclamation. The latter therefore, as it stands, is void, so far as legality is concerned, on the score of certainty. It fixes no date and therefore to that extent is not of any value whatever. The proclamation is void also inasmuch as it leaves the matter entirely open to any shopkeeper to do as he likes. That is to say there could be two days upon which the holidays could be taken if the shopkeepers so pleased. One half of their number under the proclamation could have the holiday on Wednesday and the other half on Saturday. Where is the fixity in the face of that? The old Act gave the option. In the proclamation liberty is given to the shopkeepers to elect whether they will have Wednesday or Saturday. The proclamation in response to the first memorial fixed Friday as the long day—namely the day on which the shops would be open till 10 o'clock at night—and fixed the Saturday as the holiday. That remained in force until the recent memorial which asks for nothing. Observe; the memorialists seek to fix a certain day for their own convenience, which has to be a general day for all shopkeepers to open. That is the object of the memorial. The proclamation obeys no such memorial as that.

Mr. Hudson : The memorial does not fix the day.

Mr. WALKER : The memorial itself is absolutely useless then. It leaves matters as they were. Where is the legality in a proclamation of that kind ? How comes it that there is to be a proclamation of this sort ? Where is the compulsion ? Where does the Early Closing Act say the Government must act in accordance with every requisition, whether that requisition is in accordance with the law or not. If the requisition is informal, is not in accordance with the Act, is not one that under the Act can be tolerated, does not comply with the terms of the Act, why then must the Crown Law Department enforce it ? Why must Cabinet be bound by it ? It is absurd. I can hardly credit that the Attorney General and the accepted counsel would seriously say that the Crown Law Department must obey an informal, irregular and, to that extent, unlawful memorial. Surely the Attorney General will not say so, and yet that is what has been accomplished. I submit that under Section 5 the declaration is absolutely illegal. It is not authorised by the section. If anything can be altered by that section it is the fixing by proclamation of a specific day. That is all Section 5, which deals with memorials, permits the Executive Council to do, and if the Attorney General does not twist and try and make light of the Opposition, and sneer at this side of the House because they have brought opposition at this stage, if he speaks straightforwardly and goes right to the point, he cannot escape from that position. There is only one power given to the Executive Council, and that is to issue a proclamation fixing a day.

Mr. Bath : In accordance with the memorial.

Mr. WALKER : Yes.

Mr. Taylor : The memorial asks for nothing, and they have given it.

Mr. WALKER : It was the duty of the Executive Council to dismiss the memorial. Let me address myself to another phase of the question. Supposing the Government were compelled to comply with the terms of a lawfully-drafted memorial—I mean drafted in

accordance with the wording and spirit of the Act—are they compelled to comply by a certain date ?

Mr. Bath : That is the point.

Mr. WALKER : But the Crown Law Department think so, and say that if the proclamation is not issued before the 2nd December an illegal act will have been committed. Was advice received from anyone to that effect ? I would like the Attorney General to interject and tell me this. Is it compulsory that this proclamation should be given effect to on a specific date, to wit, the 1st December ?

The Attorney General : No. It must be done within a reasonable time.

Mr. WALKER : That is what I want. It is the unreasonableness of the time to which we object. The putting into effect of a proclamation, like all other things, is regulated by common sense, is it not ?

Mr. Heitmann : Not this time.

Mr. WALKER : That is what it should be in ordinary circumstances. Is there any common sense in this precipitate haste ? Must the proclamation be given precedence to Parliament ? Must the proclamation over-ride Parliament ? Is that reasonable ? The Premier just now told us he was bound by what had been promised by the Colonial Secretary. I like the loyalty of the Premier ; he is loyal to all of his colleagues, no matter what sins they commit. But what was there that actuated the Colonial Secretary in coming to this hasty conclusion that it must be the 1st December ? Supposing the Colonial Secretary has made a mistake in that respect because he has been impulsive and youthful.

Mr. Taylor : Useful ?

Mr. WALKER : Must the members of the Cabinet all follow suit by precipitately rushing into the rash ventures of an inexperienced Colonial Secretary ? That is why we complain. There is no reason about it. As a matter of fact the Government would have been in reasonable time if the proclamation were issued to take effect next February. That would be quite reasonable, for three or four months should be given. I am not going to discuss the Bill now before

Parliament in detail for it is not the question at this moment, but I submit there is nothing in the present condition of affairs in Perth that makes it necessary for the proclamation to take effect before January or February. What are we asking the Premier to do? We are asking him simply to postpone the bringing into effect of the proclamation until Parliament has dealt with the question. Is that unreasonable? Is that an evidence of party bias? Is that in any way threatening the Treasury bench with destruction? No, it is plain, simple, straightforward, honest, commonsense request to postpone the matter until Parliament has spoken. No matter what Parliament may decide, let us have the choice. What we object to is being gagged before we can speak on the matter. We are gagged by the conduct of the Ministry in issuing the proclamation to take effect so speedily. A certain course is promised to the shopkeepers of Perth before it can be said by this House and another place what the shopkeepers of Perth shall do. It stands to reason that to that extent the proclamation creates a sort of vested interest. There is no doubt about that. It creates an interest, and people make their arrangements upon the faith of that proclamation. The business arrangements are all attuned to that proclamation. It can clearly be seen that when we recognise all preparations are being made by the shopkeepers who are relying upon the bona fides of the Government and in good faith, depending entirely upon that proclamation being carried into effect, we cannot feel inclined to upset those arrangements. We feel we are probing into vital interests in the business section of the community, and therefore debate is not free, judgment is not uncoerced. We feel that we must speak with fetters upon us; in the face of that proclamation we have to consider how we shall disturb the existing business arrangements made in good faith on a proclamation issued by the Executive Council. We are not free to debate it. What this side of the House is doing is to ask the Government to remove the club held up above us and en-

able us to debate the subject. There is no party bias in such a fair request as that. Let us have this menace taken from us. More, let us undeceive the business people before it is too late. Let the business people realise that this is an open question and will be so until the House has decided upon it, for otherwise we shall do a vast wrong to them. If we give them to believe that they will have the day altered, will have the option of the day on the 1st December next, and they act upon this belief, go to expense in regard to it, why then, if at the last moment we undeceive them, we do so only after they have paid an unnecessary penalty. It is to avoid that we ask for the removal of the proclamation; it is to avoid putting business people to inconvenience. If they act, after this House has spoken and the proclamation has been deferred, they do it at their own risk, with all possibilities in their consideration, but now there is nothing of that. The proclamation stands as law in the eyes of the business people, and they may be led into conduct which might be very trying and expensive to them, perhaps to some almost ruinous, if the proclamation stands as it is and we should decide to the contrary. It is not fair to the business people, let alone the shopkeepers, and it is not fair that they should pledge their faith to that proclamation which may be upset. We ask the Government even at this late hour to reconsider the matter, and allow this and the other House to be perfectly free to come to what decision they in their wisdom may think right, and the business people also to act as though the question were not decided. Then we shall be likely to come to a fair and just conclusion. Under the existing circumstances we are doing it with a menace, a feeling over us, that we who believe in Saturday as a half-holiday are doing a wrong to certain people who are spending money on the strength of the proclamation issued by the Government. All the commonsense has been on this side of the question, and no earthly wrong can be done by postponing the proclamation, and, as I have shown, there is nothing in the Act to compel the Government to bring that

proclamation in on the 1st December. Whatever their mistake in the reading of the law may have caused them to do, in the reading of the Act there is no compulsion and no necessity to bring it into operation on the 1st December. If it is carried into effect we shall be met with this absurdity, that on the 2nd December we shall have a proclamation in force opening the shops on a certain day, and at the same time we shall have a law in existence closing the shops on that same day; it will make the State ridiculous, and will make a plaything of Parliament and Ministers. The Attorney General must see that we should be placed in a false position if on the 2nd or the 3rd of December we should have a law declaring certain days to be holidays, and if there should be a proclamation at the same time under which the citizens have acted declaring the contrary. We do not want to play with the public or the rights of the people. There is a way to go about business, and the proper way is to postpone the matter until Parliament has spoken.

The ATTORNEY GENERAL: (Hon. N. Keenan): I regret that the member for Guildford has introduced into this debate a tone which certainly tends to give it a party character. Whether he intended to do that or not is immaterial; the fact is that the burden of his speech was directed not to discussing whether the Saturday half-holiday was one that should prevail or the contrary, not to discussing whether this Bill, if immediately considered, it would be possible for it to come into operation at a time when the decision would be the most welcome, but the hon. member has wholly devoted himself to the making of capital for himself and for his party out of the existing circumstances, and he declared his intention to divide the House, to prove his own sincerity.

Mr. Johnson: To demonstrate yours. We have had enough talk about this, we want to see where you are.

The ATTORNEY GENERAL: I was flattered by the member for Guildford making me responsible for a legal opinion. It is quite possible that any opinion I may be responsible for may be wrong;

opinions pronounced by the highest Judges have been reversed by higher Courts, but I confidently assert the member is almost certain to be wrong. He has devoted his attention to other paths, and I do not think that he is fully qualified to express an opinion on a matter of law. I did think last night that I made it plain to the House what I considered to be the legal position that the Government of the day or any Government existing after the passing of the Act of 1902 was placed in. I again draw the attention of hon. members in the plainest language to the terms of the Act. Section 4 of the Act of 1902 sets out what is the scheme of the whole Act, and that scheme is that on one week day shops shall close at one o'clock, on one day they shall close at ten o'clock, and on four other days at six o'clock. There is the whole scheme. Had it been any part of the intent of Parliament to determine for itself on what day during the week the shops were to close at one o'clock, and on what day they were to close at ten o'clock, hon. members would have found that expressed, but the whole scheme of the Act is simply to secure a half-holiday during the week and to allow the shopkeepers to remain open until ten o'clock on one day. In order to carry that intent into actual existence; provision was made that only those who were entrusted with the right to decide the question, namely, the shopkeepers, not being the keepers of shops mentioned in the schedule should by petition under their hands decide the matter and pending such division provision was made under Subsection 2 for an interim arrangement. That was that Wednesday or Saturday, at the choice of the shopkeeper, was to be the day on which the half-holiday should be observed. I do not know that any great advantage could ever accrue from a legal argument on the floor of this House; a great majority here are not prepared to listen or join in a legal argument, for they are without special training to enable them to decide correctly, but perhaps I might explain in sufficiently clear language the position as it stands in order that it might reach the untutored mind. First of all, having

grasped the intent of Parliament that one day of the week shall be the half-holiday, and having further grasped the intent of Parliament that that half-holiday shall be held on a week day to be selected by shopkeepers, members will find that the Act provided that the shopkeepers were to present a memorial, and that that memorial was to be given effect to by proclamation. I am surprised that I have not yet heard some emphasis laid on the words used "may be altered" and that the word "may" imports the right of discrimination.

Mr. Hudson: Discretionary power.

The ATTORNEY GENERAL: Yes, discretionary power. The word "may" when used in connection with a power that imposes a duty must be read as the term "must." Let me give hon. members some illustrations. This is a matter that has not been decided to-day or yesterday, but it is found recorded almost in the very earliest reports of our English Law Courts. As far back as the time of Lord North, the reports of which period are only to be found in the old volumes, there was a case where a petition was presented in bankruptcy against a certain person, and the terms of the Statute were that the Chancellor may grant a commission. He refused, and an appeal was made from the Chancellor to the Lord Keeper of the Privy Seal, and the Lord Keeper decided that he was bound to exercise the power for the benefit of those who asked that it should be exercised. Right through a number of years decisions are found, all of which follow on the same line, until we come to a decision which I will read shortly. It is an extract from a case of recent origin, "*Julius v. the Lord Bishop of Oxford*." In that particular case the Lord Chancellor, Earl Cairns, said:—

"When a power is deposited with a public officer for the purpose of being used for the benefit of persons who are specially pointed out, and in regard to whom a definition is supplied by the Legislature of the conditions upon which they are entitled to call for its exercise, that power ought to be exercised and the Court will require it to be exercised."

It is exactly similar to the construction of the word "may" again. Where a power is coupled with a duty, the expression "may" leaves no option, but must be taken as being synonymous with the expression "must." If hon. members will now follow me they will see that the scheme of the Act having been as I pointed out to secure a half-holiday on one day of the week, and allow the right to fix that to the shopkeepers, the shopkeepers having presented a memorial there remained nothing for the Executive to do, according to the scheme of Parliament, but to give effect to it. There was a power and the duty, and the consequence is that whatever hon. members may think of the wisdom of Parliament in passing a Statute of this character in the phraseology they chose to pass it, it remains for the Executive to carry out the law as they find it. I have no hesitation in saying that when a memorial is presented the only duty of the Minister in charge of the administration of the Act is to inquire into the memorial and see that it complies with the requisites of the Statute, and see that the majority of the parties entitled to sign it have signed it, then to have the signatures verified, and within a reasonable time to grant it. The member for Kanowna has suggested, I think, that although that might be so in effect, definite days must be set out, or a definite day must be set out in the memorial, and if a definite day is not mentioned the memorial is in itself indefinite, and if indefinite should not be given effect to. I trust I have fully grasped the argument of the hon. member. In dealing with that let us consider that which the reading of Section 5 properly imports. It means that from time to time the alteration in itself imports a change, and the shopkeepers who are entitled to vote can by a majority petition apply for the state of affairs then existing to be changed to a state of affairs set out in the memorial in respect of their particular application. In respect of the particular application of this Act, they can ask that the day appointed for closing at one o'clock or at ten o'clock shall be altered to certain other days; not that any one day shall be appointed for closing at ten o'clock. As

for instance in this case had they chosen to do so, they could have asked that Monday be the day for closing at one o'clock or at ten o'clock, or that Thursday be the day for closing at one o'clock or at ten o'clock at the option of the shopkeepers. Provided that what is asked for is in substance an alteration of the existing state of affairs the petition is certainly in order.

Mr. Walker : But it should ask for something definite.

THE ATTORNEY GENERAL : It is definite in my opinion. It is sufficient to say it shall be either Wednesday or Saturday, or Monday, or Thursday.

Mr. Bath : Then the clause is unnecessary, it is superfluous.

THE ATTORNEY GENERAL : In what sense?

Mr. Bath : Because the other clauses provide for it.

THE ATTORNEY GENERAL : The other clauses provide for it? Nothing of the kind. I have pointed out that they provide for somebody to make an election.

Mr. Walker : Can there be an election when there is an alternative?

THE ATTORNEY GENERAL : The party cannot choose both, but chooses one. I can only ask the hon. member to address himself more carefully to the question when he will see his view of the matter is not a correct one. I reminded the House last night that when the memorial was taken to the Colonial Secretary with the petition to declare Wednesday the half-holiday and Saturday the day on which shops might remain open until 10 o'clock, the Colonial Secretary, being aware of the fact that some of the premises in Perth had for certainty a great number of years past, and for long before the passing of the Act of 1902, observed Saturday as half-holiday, pointed out to those gentlemen—not that I think he had any right to tell them; but as a reasonable man speaking to other men whom he had a right to expect to be equally reasonable, he pointed out that if the proclamation were made in accordance with the petition it would impose upon those people the necessity of opening their shops on Saturday afternoons

or else having them closed on Wednesday as well as on Saturday and therefore it would lead to a lot of unnecessary friction in mercantile circles. It was in a desire to avoid bringing about that which he saw would be an injustice to certain persons in the City that the Colonial Secretary suggested that the petition should be altered to the form in which it was subsequently presented. Now was the Colonial Secretary not wise? Seeing that his hands were tied in the matter the petitioners said, "There is the petition and under the Act it is your duty to give effect to it." You have to ask yourselves therefore, was the Colonial Secretary not wise in suggesting to these people that instead of standing on their rights, they should meet him in the views he expressed, and protect those whose employers had no desire to open their shops on Saturday afternoon. I venture to say as a dispassionate observer, that the Colonial Secretary did act in a wise and proper manner, and in a manner that every member of this House, if he had to act in similar circumstances, would think it his duty so to act. There is only one other matter that deals in any way with the legal side of this question, and that is, as to the length of time allowed to elapse before the day of proclamation. The member for Kanowna has asked whether the Colonial Secretary was bound to make this proclamation come into effect on the first day of December. Last night I gave to the House dates showing when action was taken in this matter, and when action was taken on the previous occasion when the Saturday half-holiday was established. The dates were such that I have no hesitation in again calling the attention of the House to them. The proclamation altering the day from Wednesday to Saturday was first mooted in June, 1907. A petition was presented and a proclamation made on the 2nd October in that year and it came into force on the first January.

Mr. Bath : Six months after.

THE ATTORNEY GENERAL : This petition was first brought forward in last April, and instead of their being any haste in dealing with the matter, it was only dealt with in October. So it cannot

be said for a moment that there was any haste exhibited by the Colonial Secretary in dealing with the matter. Then having been at length forced to deal with it, as he is bound to do under the Act, for it is his duty to give effect to the memorial within reasonable time, he allowed something over six weeks to elapse. In his opinion that was reasonable time.

Mr. Johnson: How long did he give to the previous one?

The ATTORNEY GENERAL: Three months. I am addressing myself to the point as to what is reasonable time.

Mr. Johnson: Why did he not adopt the same period on both occasions?

The ATTORNEY GENERAL: I am not prepared to say why it was six weeks on one occasion, and on another three months. The question is, is six weeks a reasonable time as required by the Act? If the Colonial Secretary says that six weeks is a reasonable time, I cannot see that any question arises. It does seem to me that in a matter of this kind it is a reasonable time. If the Colonial Secretary had been able to see how things were going to fall out; if he had foreseen that business in Parliament would have been delayed, he might have made the date later. Still he has fixed it for the first of December, and he cannot now alter that date.

Opposition members: Yes he can.

The ATTORNEY GENERAL: It is so easy to say "Yes" when you do not know anything about it. I say he would be assuming to himself the right to exercise a discretion in amending or refusing this memorial; because if he could disallow it for two months, he could disallow it for two years. In other words he would be taking to himself the right to determine whether or not the memorial should be granted.

Mr. Walker: This House can instruct him.

The ATTORNEY GENERAL: This House can instruct no one in the circumstances. It can amend the Act, and then the Minister will give effect to it. But while the Act stands on the statute book no one can alter it. I may point out that the idea that this proclamation could be altered is an erroneous one. As

to whether in the event of the Colonial Secretary having foreseen certain things he might, when selecting a date have postponed it to a later date, that is another matter. If for instance he had anticipated that the hon. member for Guildford and other members would have spoken at great length on the subject, he no doubt would have made allowance for the proximity of their language.

Mr. Bath: Other proclamations have been postponed.

The ATTORNEY GENERAL: Other proclamations deal with other matters, and are made under other circumstances.

Mr. Bath: I am only referring to cases where the Executive have come to a decision and have afterwards postponed the date.

The ATTORNEY GENERAL: When they made that decision, they also had the right to decide in the opposite direction. Is that not so? They were not bound to carry out a certain course, but on their own volition came to a certain decision. If they have to issue a proclamation which it is in their power to issue or withhold they can at any time issue it. But here we are carrying out a duty which we are bound to carry out within a reasonable time. If we have made a proclamation within a reasonable time, we have no right to postpone it.

Mr. Walker: If the Colonial Secretary has fixed an unreasonable time could he not have corrected it?

The ATTORNEY GENERAL: If the Colonial Secretary had in the first instance fixed a date which in fact would not allow the prayer of the petition being given effect to, then of course he could. But the circumstances are not the same. Here he has fixed a date and it is quite possible to give effect to the prayer of the petition on that date. Circumstances do not exist which would justify the action of the Colonial Secretary in rescinding that.

Mr. Walker: But the date could be altered.

The ATTORNEY GENERAL: Just as a clerical error can be altered in any document. As the hon. member knows, in a deed no alteration can be made after the execution by the parties; but if

a clerical error be found in the deed, there is no difficulty at all in altering it. It is impossible in this case to come to any other conclusion than that the Colonial Secretary did form in his mind the opinion that the first of December was a reasonable time; and that being so, whether he erroneously formed that opinion or not, he is not now in a position to revise it. Now I want to deal with the issue in the form in which it has been put by the hon. member for Guildford. It is not now a question of the wisdom of the House irrespective of party in framing a Bill in that form in which it would be best suited to the wants of the community. The hon. member has submitted instead, that there should be a vote on the sincerity of the Government. That is a challenge and as such the hon. member knows perfectly well that we will take it. Therefore he has no one to blame but himself if he has dragged this Bill down from the position in which the Premier put it, to the level of a party measure. We submitted it as a non-party Bill and we asked every hon. member to contribute usefully to the framing of it. But it remained for the hon. member to remove it from that sphere, and drag it into the realm of party politics. There can be only one ending to that, and that is the wrecking of the Bill. Then the hon. member will be able to flaunt himself about the country as the saviour of the class he has attempted to injure. Let us hope that every hon. member will display more sense, and recognise the promises of the Premier to push on with the measure without delay.

Mr. Bath : But you cannot do it. What is the use of talking in that silly manner, when it cannot be presented to the other House before the proclamation comes into force.

The ATTORNEY GENERAL: One single Saturday will elapse before this Bill can become law, and for that the hon. member is prepared—

Mr. Bath : But the change will have been made.

The ATTORNEY GENERAL: The change has been made before.

The Treasurer : They kept open the other Saturday afternoon.

Mr. Hudson : You do not prosecute them for it.

The ATTORNEY GENERAL: What effect can there be from any such change being made? If Parliament expresses itself on a matter of this kind, whether it is to be determined by the electors or by the ratepayers or whether Parliament determines it off hand permanently by statute, it must be obeyed if it becomes law. But I again repeat that those who have taken this Bill out of the category in which it was classed when introduced, those who have brought on this motion, are not assisting the cause they wish us to believe they have at heart, but they are doing something which must lead, if it is successful, to the Bill being wrecked and cast on one side.

Mr. HUDSON (Dundas) : When the Attorney General rose I was inclined to agree with the tone he adopted. He deprecated the tone of the member for Guildford for introducing party feeling into a discussion of this character; but I think those who have sat through the debate will agree that the first time the gauntlet was thrown down or, as was the expression used in this Chamber the other night, the tail of the coat was dragged, was when the Minister for Works spoke. The Minister for Works was the first man who made it a party issue. He looked round the House, looked to his Whip, counted the numbers, and said, "Make this a party matter;" and then he started to deprecate the Opposition and said members of the Opposition were not sincere and did not want the matter threshed out on a fair and square basis. That is our desire, to have this matter settled on a fair and square basis. I agree with the Attorney General that little good arises from a discussion of legal technicalities in this matter. I am rather of the opinion that when we come here to discuss large public questions—which I consider this to be—we should deal with them on broad lines and should not confine ourselves to the strict technicalities of the law in our discussion, and that we should at

least give some reasonable interpretation to the wishes of the people we represent. The Attorney General based his observations, and it was the premises upon which he based his argument, that the scheme of this Act was for the purpose of compelling shops to close at one o'clock on one day of the week and at 10 o'clock on another day of the week, and the idea he propounded was that the shopkeepers were at liberty to make their own choice. I want to show that was not the scheme of the Act, taking it broadly, and the Attorney General's arguments and opinions are upon false premises. Section 4 clearly provides for the closing of all shops, and I say it was the intention of the Act that all shops should close uniformly on particular days of the week. Otherwise there is no necessity for legislation setting out Wednesday or Saturday or any particular day. If it were the intention to leave it to the choice of the individual shopkeepers, all we had to do was to say, "The closing time for shops except those mentioned in Schedule 1 shall be in each week for one day 10 o'clock, for one day 1 o'clock, and for other week days 6 o'clock;" and the Act might have stopped there except to make penalties. But the scheme of the Act was to make the minority fall in with the voice of the majority. Section 5 provides that a majority of shopkeepers may memorialise the Minister. Does not that clearly show that the minority shall bow to the majority and that there shall be uniformity? That is to say that all shops in a particular district or neighbourhood should close upon the same night. The point that was raised by the member for Kanowna strikes me as being one that settles the whole question. Under Section 5 a majority of shopkeepers may memorialise the Minister under their hands in the form of Schedule 3, asking that the days appointed for closing at 1 o'clock and 10 o'clock respectively may be altered to the days specified in the memorial. I do not think language could be clearer than that. It says, "altered to the days specified in the memorial." And when

one turns to the schedule which provides the form so that the Colonial Secretary could not be misled by the memorial, it clearly shows, "We, the undersigned, being a majority of the shopkeepers in the municipality or district, ask that the days in each week for the closing of shops in the said municipality or district at 1 o'clock and 10 o'clock respectively may be altered to the days following—" Then it leaves two lines for the days to be put opposite "closing time 6 o'clock" and "closing time 10 o'clock." So the whole of the days must be set out in the memorial. Now the Colonial Secretary has received a memorial that does not comply with the form of the schedule. And not only does it not comply with the form of the schedule, but it does not comply with the intention or effect of the section that provides for the schedule. The days are not fixed in this memorial, and I say that the Colonial Secretary has done absolutely wrong in receiving the memorial in the form that it was, because it was an irregular form. There is no doubt about it. The Attorney General can say what he likes as to the irregularity. He admits it was the duty of the Colonial Secretary to see to the regularity of the petition. All the argument with regard to the interpretation to be placed on the words "may" and "shall" has nothing whatever to do with our consideration this afternoon. The point is: Did the Colonial Secretary act within his powers when he issued that proclamation on the memorial presented to him? I am confident that memorial was most irregular, inasmuch as it did not comply with the specific requirements of the Act; it did not comply with the scheme of the Act; and inasmuch as that memorial is irregular, the Colonial Secretary has done wrong, has done something he should not have done.

Mr. Walker: The whole thing is irregular.

Mr. HUDSON: Yes, the basis of the new proclamation is irregular. It is based on a memorial that is irregular, and the whole thing should fail to pass. I suggest that the only way out of the

difficulty is for a postponement of the date of this proclamation, but I think that the authorities should go beyond that and make up their minds that the memorial was irregular, and that the proclamation on it, being irregular, they should cancel both and go back to the state of affairs that existed prior to the memorial being presented.

Mr. Foulkes : Has the Colonial Secretary power to issue a proclamation saying that he was wrong?

Mr. HUDSON : That is what I am coming to. Having done something wrong the Government should do something to cure that wrong, so as not to lead to confusion and endless litigation, and so as not to upset the commercial affairs of Perth; and going beyond that and speaking apart from the legal aspect, I think it is the duty of the Government to lead Parliament in its deliberations and not to throw any obstacles in its way. They should allow this matter to be settled by Parliament without any interference from the Colonial Secretary or any of his irregular actions.

(Sitting suspended from 6.12 to 7.30 p.m.)

Mr. BATH (in reply) : I desire to make a few remarks in reply, especially as to the case put forward by the Attorney General and the remarks made by the Minister for Works. In the first place if any blame is attributable to any member of this House for any effort to impart a party aspect into this matter it is to the Minister for Works, whose effort was so palpably one to evade the discussion on the real point at issue in order to influence members to vote otherwise than they may have intended. If any party bias is imparted the Minister must be held responsible. I disclaim that I was actuated by any motive to secure a party division on this question. The very purpose for which the adjournment was moved was entirely on the question of the wisdom of holding to the proclamation which was to influence this early closing question so materially if permitted to come into operation on the 1st December. The Attorney General in arguing this case

tried to convince members that he was actuated by a desire to inform the House, irrespective of which side members sat, and that he was placing the legal aspect of the case before them. Members should look to the Attorney General for any legal exposition on matters about which there is any doubt, and we also have a right to look to him for a fair and impartial statement of the case, and not a legal interpretation from him with a view of assisting his own side in the debate, or to help them out of any difficulty in which they may have landed. The Attorney General either did not know of the existence of the schedule, which would be a serious enough charge to make, or else he deliberately suppressed any mention of it in order to mislead members. He has argued that Section 5 gives to the shopkeepers, in presenting their memorial, the right to fix two days and to leave it to their discretion as to which day shall be fixed for the half-holiday, and which for the day when the shops must close at 10 o'clock. The schedule completely destroys the laboured case set up by the Attorney General, as the form in which the memorialists have to frame their petition to the Minister specifically sets forth that the day on which the half-holiday closure is to come into force must be stated, and that the day on which the shops are to be closed at 10 o'clock at night must also be stated. There is no choice between the two days; they must decide either for the Wednesday or the Saturday. If the Attorney General were right in his contention that the Colonial Secretary acted legally in connection with the last petition, then he must admit that the Minister acted wrongly and illegally when the half-holiday closing was altered to Saturday afternoon. He was wrong in either one case or the other.

The Attorney General : Why ?

Mr. BATH : Because in the memorial presented at the end of 1907, which brought into force the Saturday half-holiday on the 1st January, 1908, the half-holiday on Saturday was clearly expressed, as was the closing at 10 o'clock on Friday. As a result of that memorial the Colonial Secretary fixed the half-holiday for the Saturday afternoon, and we have always

been ready to believe he acted in a thoroughly legal manner on that occasion; but now the Attorney General tries to inform us, in connection with the second petition, that in permitting two days to be fixed and in allowing individual shopkeepers to decide, he has also acted rightly. One or the other must be wrong.

The Attorney General : They are not contradictory.

Mr. Hudson : Hopeless.

Mr. BATH : Yes, hopeless. Before the Attorney General came into the Chamber I pointed out that in trying to lead us to believe he was giving a legal interpretation he was either unaware of the schedule under Section 5, which permits a majority of shopkeepers to specify the date for the half-holiday, or else he has deliberately suppressed mentioning it to support his case.

The Attorney General : It is possible to insert the two days.

Mr. BATH : The schedule provides that the day on which the closing is to take place must be inserted.

The Attorney General : It says "days," plural.

Mr. BATH : It leaves no option. There are two blanks with the time of closing set opposite.

The Attorney General : They can insert Wednesday or Saturday at 6 o'clock, or Wednesday or Saturday at 1 o'clock.

Mr. BATH : It is impossible for the shops to close at 1 o'clock and at 10 o'clock on the same day.

The Attorney General : There can be alternative days. One day the shops close at 1 o'clock, and the other day at 10 o'clock.

Mr. BATH : Then the schedule would be absolutely useless. Taken in conjunction with the section, the schedule says that. The Attorney General has either not looked into the matter or else he is trying to secure a small advantage for his side by deliberately deceiving the House. I leave it to members to decide which motive has actuated him.

The Attorney General : Have you read the schedule yourself? If you had you would see there is an error. That is apparent.

Mr. BATH : That is so. Again, the Attorney General has tried to lead us to believe it is absolutely impossible for the Colonial Secretary to alter the date set out in the proclamation for the new regulations to come into force, but he had to admit that in many instances the dates of proclamations are altered, are repeatedly altered, in the *Government Gazette*. If no difficulty is encountered in other instances why is there an insuperable obstacle in regard to this question? Why is the period of six weeks regarded as a reasonable time for this petition and three months regarded as a reasonable time for the other petition? If the Attorney General had sought to obtain the views of those interested he would have found that those anxious to revert to the old condition of affairs know they can put up a case if they compare the Christmas trade with the ordinary trade in any other time of the year, by comparing the trade to take place after the 1st December, if the old system of closing on Wednesday is reverted to, with the trade after the 1st January, 1908, when the Saturday half-holiday principle came into force. He would then realise they could put up a case which, unless the full circumstances were known, would argue in favour of their representations to the Colonial Secretary. Probably that is the reason why the period of six weeks is regarded as reasonable for one petition and the period of three months is essential where the other petition is concerned. The Attorney General has failed also to enlighten us as to the reason why, when the petition was presented in 1907, it was referred back to the petitioners with the injunction that the signatures of the majority of shopkeepers in the district between Midland Junction and Fremantle must be secured before he would grant their prayer. If he had investigated the circumstances he would know that those interested in the change had to go to Coogee in order to get the signatures of shopkeepers there so that the Colonial Secretary might consider the petition. In this instance, however, when the times of closing fixed in accordance with the first petition were sought to be changed, the signatures of the minority in Perth were con-

sidered quite sufficient to effect that change. I want to make clear to members the difficulties which confront a private member in dealing with a proclamation, or amending regulations. In nearly every one of our Acts—the Early Closing Act in common with the others—power is given to the Executive Council to make arrangements consistent with the provisions of the Act. If Parliament is in session the regulations have to be laid on the Table of the House within 14 days. If Parliament is not in session they have to be laid on the Table within 14 days after the assembling of Parliament, and before a private member, or any other member in fact, can take objection to those regulations or deal with them, he has to move in the direction of asking that an address be presented to his Excellency the Governor praying that certain regulations be disallowed. This is the only chance which a member has of dealing with objectionable regulations framed under these Acts. When the Education regulations were under consideration, in accordance with the procedure laid down, I moved a motion that an address be presented to the Governor, and immediately—such is the attitude the Government take up in this House when a member moves in the only way that is open to him—the Government accepted the motion as one of want of confidence. The regulations gazetted in connection with the last petition are clearly in defiance of the provisions of the Early Closing Act; they are absolutely in defiance of the Act; and yet any hon. member wanting to have those regulations removed, if he proceeds in the only way open to him, the Government will at once accept the move as a party one and the motion as one of no-confidence. That secures to the Government not only the power to administer the legislation passed by the Government, but secures to them power that was never intended to be granted to them, power of legislating over the head of Parliament, and if members seek to prevent them, the Government use their majority and declare it to be a vote of no-confidence. I disclaim any desire in regard to moving this adjournment of giving it a party aspect in any

shape or form; I have taken the only opportunity which has presented itself to call attention to a proclamation which stands in the way of Parliament dealing clearly and without any restraint whatever with the provisions of the Early Closing Act. If I had given notice of motion even couched in the mildest form to meet the susceptibilities of Ministers, we would have had no opportunity of discussing it prior to the regulation and proclamation coming into force. I am prepared to say even to the Attorney General and the Premier that if they will agree to treat as formal and bring on to-morrow a motion to be submitted by me, couched in the mildest possible language that can be framed, either by a member on this side of the House or on the other side of the House—perhaps the member for West Perth, who expressed an opinion last night that the operation of the proclamation should be postponed—a motion that in the opinion of this House it is desirable that the proclamation shall be postponed pending the final consideration of the Early Closing Act by Parliament, then I for one will be prepared to drop the discussion. Surely that will convince the Attorney General that there is no desire to impart to the matter a party aspect.

The Attorney General: Who gave it a party aspect?

Mr. BATH: The Minister for Works. Apart altogether from what has been said in this debate I make this offer to the Attorney General, and I will give an undertaking that there will be no discussion. The motion can be placed on the business sheet as a formal one, and we will take a vote upon it immediately. If the Attorney General will agree to that I am prepared to accept any assurance and let the matter drop.

The Attorney General: I told the hon. member last night that it could not be done.

Mr. Heitmann: You cannot defer it?

The Attorney General: No.

Mr. BATH: I might say in regard to the charge that has been levelled against the member for Guildford that a party

aspect was imparted into the debate, that no one dreamt for one moment that there would have been any denial of the reasonable request for a postponement of the operation of the proclamation, and it was probably the heat that was imparted into the debate that made hon. members somewhat indignant.

Mr. Walker: The Premier has come in, ask him.

Mr. BATH: I may say for the information of the Premier that what I suggested, to show that I have no desire to impart any party aspect or any party bias into this question, was that the Attorney General or the Premier should agree that a motion be moved, I care not by which side of the House, to the effect that in the opinion of this House it is desirable that the operation of the proclamation should be postponed until Parliament has finally dealt with the Early Closing Bill now before the House. If this is done I will undertake that there will be no discussion as far as our side of the House is concerned, and the motion can be treated as a purely formal one and carried to-morrow. If this is agreed to I will consent to the withdrawal of the motion before the house.

The Premier: I fail to see how that course would be possible after the contention of the Attorney General that such an action would be absolutely illegal. What would be the good of accepting a resolution of this House knowing at the same time that it was illegal?

Mr. BATH: I might point out that if we are afforded an opportunity we are always empowered to deal either with regulations or proclamations gazetted under regulations. No regulations can have any force if in the opinion of the majority of the members such regulations are objectionable.

The Treasurer: That would override a proclamation.

Mr. BATH: Most decidedly. If a regulation were overridden a proclamation would have no force whatever. A proclamation under these circumstances is issued under regulations gazetted by the Colonial Secretary. What would be the

use of having a proclamation if members were of the opinion that the regulations were objectionable. It would mean that the Government could make objectionable regulations at any time, and no member of this House would have the opportunity of redress. Surely that is not the position that one wants to set up.

The Treasurer: You are suggesting something that cannot be carried out.

Mr. BATH: I think if the Attorney General gives his candid opinion it will be that there can be no obstacle to carrying out the suggestion to postpone the operation of the proclamation.

The ATTORNEY GENERAL: I hope I have made myself clear. If the Colonial Secretary were to take upon himself as the Minister in charge of this Act to suspend the operation of the proclamation for one week or two weeks, he could well do so for one month, two months, or a year, or he could absolutely by his own volition defeat what the Act purports to give as a privilege to certain shopkeepers in every early closing district.

Mr. Johnson: But if a resolution of this House is carried?

The ATTORNEY GENERAL: If you resolve to amend the Act you must do it in a proper way. This is the exercising of a right conferred under the Act, and until we take away that right, it stands, and the Colonial Secretary has no right, even though he may be told by a resolution of the House to ignore that law, to effect any alteration. If he were instructed by an amendment of the Act, of course, he could do so. Until Parliament chooses to amend the Act he must recognise the right.

Mr. BATH: That was not the opinion given by the Colonial Secretary in reply to a deputation this afternoon.

The ATTORNEY GENERAL: I have no knowledge of the reply given by the Colonial Secretary.

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

Ayes	..	..	..	18
Noes	..	..	..	24
				—
Majority against	..			6

AYES.

Mr. Bath
Mr. Coillier
Mr. Gill
Mr. Gourley
Mr. Heltmaun
Mr. Holman
Mr. Horan
Mr. Hudson
Mr. Johnson

Mr. McDowall
Mr. O'Loughlin
Mr. Scaddan
Mr. Swan
Mr. Taylor
Mr. Underwood
Mr. Walker
Mr. A. A. Wilson
Mr. Troy

(Teller).

NOES.

Mr. Barnett
Mr. Brown
Mr. Butcher
Mr. Carson
Mr. Cowcher
Mr. Davies
Mr. Draper
Mr. Foulkes
Mr. Gordon
Mr. Hardwick
Mr. Hayward
Mr. Jacoby

Mr. Keenan
Mr. Male
Mr. McLarty
Mr. Mitchell
Mr. Monger
Mr. N. J. Moore
Mr. S. F. Moore
Mr. Osborn
Mr. Plesse
Mr. Price
Mr. F. Wilson
Mr. Layman

(Teller).

Question thus negatived.

QUESTIONS—RAILWAY COAL SUPPLIES.

Newcastle Coal.

Mr. A. A. WILSON asked the Premier: 1, What is the date and currency, and the amount of tonnage, with price per ton, specified in the contract last entered into by the Government for the supply of Newcastle coal for use on the Government railways? 2, The amount of tonnage taken by the Government in excess (if any) of the contract amount for the period mentioned? 3, The name of the firm that got the contract? 4, The price per ton at present paid for Newcastle coal by the Government?

The PREMIER replied: 1, The last contract was for a period of 12 months from the 14th March, 1907, tonnage and price as follows:—Fremantle, 40,000 tons, price 18s. 11d.; Geraldton, 7,500 tons, price, 18s. 11d.; Albany, 6,000 tons, price, 18s. 11d.; Bunbury, 2,500 tons, price 18s. 11d. Total—56,000 tons. Right was reserved to the Commissioner to order 33 1/3 per cent. more or less than the above quantities. 2, The total quantity which could be ordered was 74,666 tons—the total quantity supplied was 74,671

tons—or an excess of 5 tons. 3, McIlwraith, McEacharn, & Co., Ltd., 4, The contract provides for a 3 years' supply from 1st February, 1909, at the following prices:—Fremantle, 1st year, 19s.; 2nd and 3rd years, 19s. 6d. Geraldton, 3 years, 24s.

Exclusive use of Collie Coal.

Mr. A. A. WILSON asked the Premier: In view of the excellent results given by the use of Collie coal on the Government railways, and further, in view of the large number of practical miners at present unemployed in the State, will the Government consider the advisability of using Collie coal exclusively on the whole of the Government railways for a trial period of six months?

The PREMIER replied: In view of the fact that a contract for the supply of Newcastle coal has just been let, and for other reasons, it is not considered advisable to refrain from using any but Collie coal.

QUESTION—STATE MOTOR CAR.

Mr. BATH asked the Premier: 1, Which Government department controls the State motor car? 2, What is the annual cost of the upkeep of the car for (a) chauffeur's wages? (b) petrol, repairs, etc.?

The PREMIER replied: 1, The Premier's Office. 2, (a) 1s. 3d. per hour, as and when required; (b) the vouchers are now being dissected, and as soon as the information is prepared it will be made available for the hon. member.

QUESTION—STATE BATTERIES, TEST OF PARTS.

Mr. BATH asked the Treasurer: 1, On what basis was the comparison made between the trial shoes and dies made at the State workshops and the imported article? 2, What Government officer was responsible for the statement that the white hematite iron is not comparable with the fagotted steel used in the imported article? 3, Was white hematite iron used in the trial manufacture of the shoes and

dies at the Government workshop? 4, Is it usual for white hematite iron to be used in the manufacture of shoes and dies? 5, Is the Colonial Treasurer aware of the fact that a number of mining companies in W.A. manufacture their own shoes and dies locally, and have been doing so for some time, thus finding local employment for mechanics and at the same time effecting a saving in comparison with the imported article? 6, Will the Government cause another trial to be made on a proper basis and communicate the result to Parliament at an early date? 7, If such a test prove satisfactory will the Government take steps to manufacture shoes and dies and other State battery requirements within the State? 8, Will the Government take steps to have the unit stamp boxes manufactured locally instead of importing same?

The TREASURER replied: 1, The State workshop shoes were placed in a battery alongside the imported ones, and were thus tested under precisely same conditions. 2, The Resident Engineer, Fremantle. 3, Yes. 4, Yes, in cast iron shoes and dies. 5, Yes; but this is only considered advisable where large quantities of old scrap iron are available on the spot and facilities for casting exist. 6, Not at present. A most thorough test has been made, and there appears no hope of cast shoes and dies being manufactured to compare with the imported fagotted steel shoes and dies. 7, Answered by No. 6. 8, It is the intention of the Mines Department to give the State's workshops an order for the next boxes required. Only two boxes have been imported.

QUESTION — TIMBER TROUBLE, EASTERN GOLDFIELDS.

Refusal of Bail.

Mr. BATH asked the Attorney General: 1, Has he instituted any inquiry into the action of Kalgoorlie justices in refusing bail to the men charged with intimidation at Kurrawang? 2, If so, with what result?

The ATTORNEY GENERAL replied: 1, No. Application for bail was made to a Judge in Chambers and an officer of the

Crown Law Department attended and arranged for the immediate hearing of same and that the Judge should be informed that same was not opposed. 2, Answered by No. 1.

QUESTION—RAILWAY CONTRACT, HOPETOUN-RAVENSTHORPE.

Mr. HUDSON asked the Minister for Works: 1, Has a further extension of time for completion of the Hopetoun-Ravensthorpe Railway been granted? 2, If so, (a) for what time, and (b) why?

The MINISTER FOR WORKS replied: 1, No. 2, Answered by No. 1.

QUESTION—GOLDFIELDS WATER SUPPLY, METER RENT.

Mr. SCADDAN (for Mr. Johnson) asked the Minister for Works: Whether he will at an early date submit to the local bodies of the Guildford electorate alternative proposals which he claims are necessary to recoup the Goldfields Water Supply administration for loss of revenue before he (the Minister) can carry out the instruction of Parliament to abolish meter rents?

The MINISTER FOR WORKS replied: Yes.

QUESTION — ABATTOIRS AND FREEZING WORKS, FREMANTLE.

Mr. DAVIES asked the Minister for Agriculture: 1, In view of the large increase of the flocks of this State, and the surplus amount of sheep and lambs now awaiting sale by the farmers and pastoralists of this State, is it the intention of the Government to take into their serious consideration at an early date the advisability of making an immediate start with the erection of public abattoirs and freezing works at Fremantle? 2, If so, will the Government take into their consideration the suitability of certain lands at South Fremantle for that purpose?

The HONORARY MINISTER replied: 1, The matter is under consideration. 2, Yes.

QUESTION—ELECTORAL CLAIMS, MENZIES.

Mr. SCADDAN (without notice) asked the Attorney General whether the Minister would permit him to peruse all claim forms, lodged since the general elections, for the Menzies electorate.

The ATTORNEY GENERAL: Does the hon. member want to peruse all claim forms of all electorates?

Mr. SCADDAN: No; those for the Menzies electorate since the general election.

The ATTORNEY GENERAL: I cannot say whether the member is entitled. If he is entitled I have no objection.

Mr. SCADDAN: I am not. Fourteen days have elapsed, and I want your permission.

The ATTORNEY GENERAL: If the hon. member is entitled to it, if I can give him legal authority to do it, I shall be glad to do so.

BILL—METROPOLITAN SEWER-AGE AND DRAINAGE.

Introduced by the Minister for Works and read a first time.

SUPPLY BILL, £365,579.

All Stages.

THE TREASURER (Hon. Frank Wilson) moved—

That the House do now resolve itself into a Committee of Supply and also of Ways and Means for the purpose of considering His Excellency the Governor's Message No. 1, recommending that an appropriation be made out of the Consolidated Revenue and from moneys to credit of General Loan Fund for the purposes of a Bill for "An Act to apply out of the Consolidated Revenue and from moneys to credit of the General Loan Fund the sum of three hundred and sixty-five thousand five hundred and seventy-nine pounds to the service of the year ending 30th June, 1909," and that the Standing Orders be suspended so far as to admit of the reporting and adopting of resolutions therefrom on the same day on which they shall have

passed those committees and also the passing of the Bill through all its stages in one day.

Question put and passed.

In Committee of Supply.

Hon. F. T. Quinlan in the Chair.

THE TREASURER moved—

That there be granted to His Majesty on account of the services of the year 1908-9 a sum not exceeding £365,579.

He said: As I have explained, it is merely a formal matter, the putting of this Bill through the Committee. It is to enable supplies to be obtained in order to pay our way until such time as the Estimates placed before the Committee have been considered and sanctioned. The amount is based on a proportionate amount of the Estimates which I have framed for the Committee, taking into consideration the amount previously granted during the recent short session. The two put together are estimated as five and a-half months' supplies based on these Estimates. I beg to move the motion.

Mr. BATH (Brown Hill): The Treasurer referred to this as merely a formal matter, but the formality is not so apparent on the face of it as he would make out. The fact that the Treasurer has to put through this additional amount of supplies £365,000, is an evidence of one of the evil results of postponing the meeting of Parliament to a late stage as was done on the occasion of the meeting of this new Parliament. I am satisfied that if reasonable diligence had been used we could have assembled a month earlier. The formality of passing this money means that later on we will pass the Estimates, and however much we may desire to take exception to any expenditure involved up to the time these Estimates were passed; whatever remarks are made or whatever progress is done will be like so much wasted effort; because it will mean that the Government will inform us that the money has been expended and that it cannot be helped. Now under ordinary circumstances when each session of Par-

liament meets we have to confront this position of affairs: that so much of the financial year has passed before the members of this House are given an opportunity of criticising and examining the expenditure set down in the Estimates. So much expenditure has already taken place that our efforts are practically wasted, and I hope the Government will realise that whatever arguments they may have to advance in favour of the delay in the assembling of Parliament it involves a very serious question when it comes to the expenditure of our finances and the right of individual members to criticise and deal with that expenditure before it is actually incurred.

Question put and passed.

Resolution reported; the report adopted.

In Committee of Ways and Means.

On motion by the Treasurer resolved, "That towards making good the supply granted to His Majesty for the services of the year 1908-9, a sum not exceeding £365,579 be granted out of the Consolidated Revenue Fund of Western Australia, and from moneys to credit of the General Loan Fund."

Resolution reported; the report adopted.

Supply Bill introduced.

In accordance with the following resolutions a Supply Bill was introduced, and passed through all stages, and transmitted to the Legislative Council.

BILL—VERMIN BOARDS.

Second reading.

THE HONORARY MINISTER (Hon. J. Mitchell): In moving the second reading of this Bill I may be permitted to explain the circumstances that lead to its introduction at the present stage. Members are aware that until the last few years we were immune from pests, but the rabbits came here from the Eastern States and, unfortunately, came to stay, and with the rabbits came the dingoes, though of course wild dogs have always been most destructive and harmful

to the flocks of the State. Now at the request of the pastoralists and stock-owners generally throughout the State, we have decided to introduce this measure. Members will realise the importance of the great industry affected by the Bill; and when we remember that we own one-third of Australia, that our acreage is about 624,000,000 acres, of which we have alienated only about 14,000,000 acres, while leaseholders hold 161,000,000 acres, the Crown still holding 450,000,000 acres to be leased or sold to settlers in the future, it will be realised that it is most important that we should deal with the vermin pests at once. Fortunately, the owners of the land we have leased or sold are desirous of putting their hands in their pockets in order that they may protect themselves, which is just as it should be in the present state of our finances, as members will agree. But before coming to the provisions of the Bill I wish to say that we have done remarkably well in the matter of stock during the past 15 years. We are practically the only Australian State that has made any big percentage of increase in cattle, and our sheep have also increased in numbers from two and a-half millions to something like four millions. So the industry is a most important one, and it is necessary for us to do all in our power to protect it. I have no need to tell members what the rabbit has done in Eastern Australia to the pastoralists and settlers there generally. We must remember that our country is being settled, that at last people believe our State is capable of great development, that it is a place worth coming to, and that our lands are something worth having. We have only to remember that in the last three years the lands under cultivation have increased by 60 per cent., an enormous increase members will agree. We anticipate a much bigger increase in future, and a big percentage increase each year in sheep and cattle. That being so, it is advisable to look at this trouble that has come upon us full in the face and deal with it now. We have also to remember that Australia is practically the home of the sheep: there are more sheep in Australia than anywhere else in the world; and when

we remember that, we have almost a duty to humanity, that is to protect our flocks and herds in order that we may be able to face the markets of the world, and so help to feed the people who need feeding in older countries. The export trade in lambs for Australia has got beyond £1,000,000, and our wool export is worth over £22,000,000 per annum, while our wheat export is something like £10,000,000 per annum. So it is no small thing to which we have to look forward. It means that these industries so natural to this vast State of ours are to be protected, and I think hon. members will realise that I am only doing my duty in introducing this Bill. Under the existing Rabbit Act, which I propose will remain in force, we have power to advance to our settlers for the purpose of purchasing wire netting. I propose that this provision shall remain. We further propose to maintain the fences already erected by the Government as at present. We now spend about £15,000 per annum in the upkeep of these fences. We have something over 2,000 miles of fencing, which has cost the State to-day about £400,000; and this will remain in the possession of the Agricultural Department, and will be controlled and maintained by the department as at present. In all we are spending something like £30,000 per annum in connection with this fencing and the destruction of rabbits. Also we have a vote annually on the Estimates for the destruction of the dingo or wild dog. This vote I propose shall remain. It will be necessary that the present Rabbit Act and also that this special vote shall remain; because as members will see when they look at the Bill, it is not at all likely that the whole of the alienated lands will be included in the various vermin boards appointed, and it will be necessary that the whole of the State should receive attention. In order that this may be so, I propose that we should work as at present under the Rabbit Act in the various districts not formed into vermin boards. Under the Bill which I have the pleasure of introducing we propose to create in the various

parts of the State vermin boards which will have charge of vermin districts, and it is arranged that these districts shall be the present road districts. We may constitute one road district a vermin district, or we may constitute several road districts a vermin district. This is advisable because in elections it will be very simple to use the roads board rolls as far as they apply to the persons eligible to vote under this new Bill. Then we propose that the first boards shall be appointed by the Government, and that they shall hold office only until the third Thursday of March in the following year. Members will agree that this is a wise provision, because it is necessary that there should be no delay in bringing this measure into operation. Already, as we know, the rabbit is on the move; it has reached the North, and in the Gaseoyne district so famous for its sheep-carrying capacity it is now causing anxiety. My desire is that the measure shall be put into operation as soon as possible, and with that object we propose that the first boards shall be nominated, but they will only hold office until March next when the boards will be elected; and we propose that the elections shall be held on the same date as the roads board elections. The advantage of this will be obvious. We do not wish to put people to more trouble than is necessary, and when people come to vote for their roads board members, as they do now they are taxed, they will come in to elect those who propose to put this additional taxation on them. It is quite possible that many members of the roads boards will also be members of the vermin boards, and it should be possible to use the same buildings, and probably in many centres have one secretary for both boards. Economy will doubtless be practised wherever possible, for it is essential that such a course should be followed. It is proposed that persons owning up to 10,000 acres shall have one vote, those owning between 10,000 and 100,000 acres two votes, and those having areas exceeding 100,000 acres, three votes. In no case shall an owner have more than three votes. It is also provided that an owner of three

separate properties may have separate votes, but in no case shall he have more than three votes for any one property. It seems to me that this provision is a right one. It is based on the same principle as voters for a mayor of a municipality. Since these persons have to pay it is not unwise to let them have the greatest number of votes.

Mr. Scaddan : A man can have nine votes in one district.

The HONORARY MINISTER: Why not? If there is any criticism I shall be delighted to listen to it and to any suggestions members may have to make. It is provided that the Government are to decide upon the number of members to constitute each board, and that a Government inspector, resident in the district, shall be an *ex officio* member. It is a reasonable arrangement, for as the Government will have to find the money necessary for the erection of the fence it is only right that they should have an official on the board.

Mr. Hudson : Will not the inspector be a servant of the board?

The HONORARY MINISTER : No. The inspector will be under the Minister. I do not propose to constitute a central authority, for the Minister will administer the Act and the board will be subject to him. The inspector will be a Government man resident in the district; that is if he takes any part in the board's proceedings. This is a necessary provision as inspectors will have to be appointed for the various districts of the State. The district boards will have power to erect fences, and of course they must have money to do the work. It is wise that this money should be borrowed as required, and it would certainly be unwise to give the boards power to borrow money independently of the Government for the erection of fences. Therefore we must have an inspector on the board. The power of the board will not end at erecting fences, for the work will also be carried out of searching for and destroying rabbits, dogs, or any other vermin that should be got rid of. The boards are also given power to fix wire netting to any fence erected in the district, whether erected by them or not. That is

a right provision. There is a further provision that if any board fence is made use of by the owner, who obtains a special benefit from it, he shall pay a fee for the use of it. It is arranged under this clause—and I hope members will pay particular attention to it as it is very important that no one should be dealt with unfairly—that the charge made annually for the use of the fence to be erected shall not be more than 5 per cent. of the value of a fence sufficient for the owner; that is to say if the owner is a cattle man and only requires a cattle fence, when the board erects a vermin-proof fence he will pay 5 per cent. on the value of a necessary cattle fence.

Mr. Walker : That is not the meaning of the clause.

The HONORARY MINISTER: It is quite clear and is provided in the Bill. Then too, when it is necessary to improve an existing fence the board will have power to collect five per cent. on their expenditure. It is proposed that any dispute arising between the board and an owner must be settled by arbitration. It should not be difficult to settle disputes and it is best that they shall be determined by arbitration. There is a provision under which the board may give notice to an owner to destroy vermin, similar to the provision which exists at the present time. Under the Rabbit Act we have power to compel any owner, whether of a pastoral lease, conditional purchase lease, or a freehold lease, to destroy vermin on his property. If he fails to do this work when requested we have power to put on men and recover the cost from him. This has been done in some cases already. The owners naturally object to it, but it is a necessary provision, for it is obvious that the district boards would not be able to collect sufficient money to deal with the vermin found on the properties in the district. It is provided that the rate shall not be more than 2s. for every 100 acres, and there shall be no charge on any area of less than 100 acres. This may not seem much, but it is almost twice the sum collected in South Australia and Queensland.

Mr. Collier : Why limit the amounts the board can charge?

The HONORARY MINISTER: It is necessary to limit the amount. If a board rates up to 2s. there will be a fairly heavy charge against owners of some of the large runs. I hope it will not be necessary to have the tax so high as that, as the collection of two shillings for every 100 acres in a district of a million acres would amount to a very considerable sum, and much more than would be required. It is provided that there shall be a severe penalty for the destruction of any fence. If a man wilfully destroys a fence he will be liable to a penalty of not less than £20 and not exceeding £100. If we are to do any good at all by the erection of fences there must be a fairly stiff fine for wilful destruction. Then there is a fine of not exceeding £100 for the offence of leaving a gate open. It will be realised that this is just as bad as destroying a fence. The upkeep of the fences erected is a most important matter. Notwithstanding the fact that we have boundary riders, a great deal of trouble is caused by people destroying the fences. Recently we had to spend £100 in three months on a few miles of fencing, owing to teamsters driving along the fences and neglecting to look after their horses. Members will agree with me it is not a bit of use spending money on fences unless they are well maintained. Victoria spent £70,000 in erecting a rabbit-proof fence on the South Australian border, but for the last 12 years they have not spent one penny on upkeep, as they found it useless and let it go. I might explain here what they do in Queensland with regard to rabbit boards. There they have about 70,000 miles of fencing, on which the Government have spent about £500,000, while private owners have spent about one million pounds. Our Act is based on the Queensland one to some extent. Ours is a tax against the acre, but theirs is against the stock. As to assessments the Queensland Act states:—

"For the purpose of creating a fund for the carrying out of the provisions of the Act, the board may in each year beginning with the first day of April and ending with the 31st day of March following, make and levy an assessment

not exceeding five shillings (5s.) nor less than one shilling on every twenty head of cattle or every hundred sheep, ordinarily depastured in the district. Provided that the assessment in respect to a run held under lease or license from the Crown, shall in no case be upon a less number of stock than the proportion of ten head of cattle or fifty sheep for every square mile or run."

That is practically, after all, a tax against the acre. It may be a little more fair in its application than ours, but it is certainly much more troublesome than the provision in this Bill. Every owner of land here will know what he has to pay, whereas under the Queensland provision that is almost impossible. There it means the employment of inspectors to decide the carrying capacity of the land. The tax is a very troublesome one to collect under that system, which probably would not operate better than the one proposed in this measure. It is important that we should get to work without delay, and under this system our tax can be imposed at once, whereas under the Queensland system it could only be collected after returns had been sent in from the station owners. It would take them some time to work out these returns as many owners do not know the number of stock on their runs. It is very difficult to compel an owner to send in a return when he does not know himself how many stock there are on his run. An inspection has also to be made, under the Queensland system, in order to decide the character of the land. In South Australia the Act operates differently from this Bill. There the Government have advanced £460,000 in connection with the erection of about 18,000 miles of fencing. They advanced the money at 4 per cent. and the capital is returned in 20 equal instalments. As in our case, in South Australia they borrow from the Government to erect these fences. Their vermin board consists of four persons and a Government official as in our case. In Queensland the Government inspector has a seat on the board too.

Mr. Taylor: Are they elected or honorary?

The HONORARY MINISTER: They are elected in each case. In South Australia the tax does not exceed 5s. per square mile. We have already spent as much as they have advanced in South Australia. We have erected at an expenditure of something like £400,000 2,000 miles of rabbit-proof fence; in South Australia they have erected 18,000 miles, and the expenditure by the Government, or the amount advanced by the Government for the purchase of netting is only £460,000, so that members will see how much more has been done by the private individual over there than has been done by this Government with the same amount of money. These long lines of fences are never effective. It is true that this long line of ours has kept rabbits from our agricultural lands and I hope it may always do so, but I have doubts about it. I think anyone could easily lose his reputation if he were to say they will not get through. I do not say it is not necessary for people inside the second fence to erect fences of their own, but the people outside should now begin to put up fences if they wish to feel secure. The trouble is having spent our £400,000 we practically have to begin over again; we have to find the money to erect fences, the erection of which will be ordered by the vermin boards, and hon. members will realise it is no light matter to have to face a large expenditure of money such as we will have to face again. Here we have 620 million acres needing protection from the rabbit, and the only way to protect that vast area is to fence it in small blocks. We have to start these boards realising that money will have to be found to enable the people to protect themselves. The only difference between the expenditure in the past and the expenditure in the future lies here, that the Treasurer has to pay from Consolidated Revenue £30,000 for interest and maintenance for the fences we have. The fences to be erected in the future will be erected at the cost of the owners of the land, but if we find the money they will have to pay interest. I regret this Bill was not introduced 10 years ago; I think it would have been a wise thing to have introduced it, at any rate in 1901, when we started

to spend half a million of money in erecting the fences we now have. I believe this country will face the question cheerfully and raise the necessary money to protect our pastoral and agricultural areas, and I believe the House will accept this measure as the best that can be introduced just now. I have no doubt amendments will be required from time to time, and when required they can be made. Our anxiety is to have this Bill become law as soon as possible, in order that we may allow settlers to do whatever is necessary for their own protection and for the protection of the herds of the State. I move—

That the Bill be now read a second time.

On motion by Mr. F. Troy debate adjourned.

BILL—MIDLAND JUNCTION BOUNDARIES.

In Committee.

Hon. T. F. Quinlan in the Chair.

Clause 1—Alteration of boundaries of Midland Junction Municipal District:

The ATTORNEY GENERAL: A letter had been received from the attorney of the Midland Railway Company of Western Australia. It was addressed to the Premier, and was dated 17th November:—

“The attention of the railway committee of the Midland Railway Company of Western Australia Limited, has been called to a Bill recently introduced by you in the Legislative Assembly, having for its object the severance from the Swan road board district of land at Midland Junction belonging to the company on which are erected the company's railway workshops, sheds, officers' dwelling houses and sidings and which also comprises the Midland Railway yards, with a view to the land being annexed to and included within the municipal district of Midland Junction for rating purposes, the boundaries of the municipal district being altered accordingly. This land was granted to the company for railway purposes

only, but if it is to form the subject of special legislation to the detriment of the company, the committee respectfully submit that the company shall not be restricted in its use of the land, but should be permitted to deal with it in such manner as it may in its best interests think fit. The committee need scarcely point out that if the Bill should pass into law, it will be detrimental to the company by considerably increasing the rates and taxes on the property in question. They accordingly deem it their duty to respectfully record a strong protest on behalf of the company against the Bill, and before proceeding with it, they have the honour to request that you will be good enough to take this letter into your favourable consideration. It should be mentioned that in January last correspondence passed between the Colonial Secretary's department and this office on the subject of the annexation of the property to the municipality of Midland Junction, when the Under Secretary was informed that if the annexation was authorised by law the company did not propose to offer any objection thereto. The committee however view in a totally different light the passing of special legislation for the express purpose of increasing the company's taxation beyond the powers already conferred by the Municipal Corporation Act."

The letter was read to the Committee because he assured members the other evening in every good faith that all parties concerned were agreeable to the measure. Members were aware that he did not make that statement without proper authority, and he would ask the permission of the Committee to read a letter, which conveyed to him at that time that all the parties were agreeable to the introduction of the measure. This letter was also from the Midland Railway Company, and was dated 31st January, 1908:—

"Adverting to your letter of the 5th December last (4917/07) in reference to a request for annexation to the municipality of Midland Junction

of certain property owned by the Midland Railway Company at Midland Junction now within the jurisdiction of the Swan Roads Board, I beg to inform you that the matter was considered at a meeting of the railway committee held yesterday when I was requested to inform you that if the annexation is authorised by law the company does not propose to offer any objection thereto."

The meaning was that after the legislation was passed and the annexation authorised by law, the railway company had no objection, and putting that meaning on the letter he assured the House when speaking the other evening that all parties—the Railway Company, the Swan Roads Board and the Midland Junction council—were agreeable to the introduction of the measure. He only referred to the matter now in order that any misunderstanding or suspicion that anything had been kept back should be removed.

Mr. BATH: When this matter was under discussion last Friday the Attorney General seemed to resent the criticism that was offered by members of the Opposition. It only showed the advantage of having a vigilant and careful Opposition in Parliament. All were desirous of seeing that before any alteration was entered upon that those who were interested should be consulted. The Attorney General in good faith told the House that everything was all right, and all were completely agreed that the Bill was a most desirable one. The member for Kanowna and himself were desirous that the Attorney General should have every opportunity of giving to the House the fullest assurance on the question, and that day they found that he had this letter from people who were vitally concerned, in which they emphatically protested against the Bill.

Mr. JOHNSON: Not having been present when the Attorney General read the letter from the Midland Company to the House, he was astonished to hear the remarks of the Leader of the Opposition, because as one who took an interest in having this Bill passed, he felt it was desirable in the interests of the electorate that the land in question should be in-

cluded in the Midland Junction municipality. He interviewed the Colonial Secretary on the matter, and it was then agreed that the Bill should be introduced provided the Midland Railway Company offered no objection. With the view of getting their opinion the Colonial Secretary wrote to the company, and on perusing the file it was seen that there was a letter there from the company agreeing to the measure. Now, evidently as the outcome of the discussion in the House a few evenings ago, the Midland Company saw that there was an opportunity of securing protection from the payment of these rates. The streets included in this area had to be maintained to the very highest standard because they were main streets, and while the company used these streets owing to the fact that they surrounded their property, they contributed not one penny towards their upkeep, consequently, the condition of affairs was unfair to the rate-payers and the people of Midland Junction. They had had the benefit of it so long that at last they had repented, and now that they saw an opportunity of saving themselves they had altered their opinion. Seeing however that they had been consulted by the Government and had agreed to the Bill, he did not think this last effort should influence the House. The letter had only been written because of the action taken by the Opposition in inquiring as to whether everybody had been consulted. It was only fair that this piece of land should be included in the Midland Junction municipality.

Clause passed.

Clause 2—agreed to.

Schedule, Title—agreed to.

Bill reported without amendment; report adopted.

BILL — EARLY CLOSING ACT AMENDMENT.

In Committee.

Hon. T. F. Quinlan in the Chair, the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Days on which shops to close at one and ten o'clock:

Mr. BATH moved an amendment—

That all the words after "Act," in line 1 of the clause be deleted with the view of inserting "The day on which all shops situate within the Metropolitan District, except those mentioned in Schedule One of the principal Act, shall, in accordance with Section 4 of the principal Act, close at ten o'clock p.m. shall be Friday, and the day on which all shops, except as aforesaid, shall, in accordance with Section 4 of the principal Act, close at one o'clock p.m. shall be Saturday."

He moved this amendment with some doubt. He was not going over the grounds which had been traversed in the discussion on the motion for the adjournment, except to say that if it had been felt that there was any desire to meet hon. members and to give an opportunity of discussing the matter irrespective of party weight or feeling, that had been dissipated by the objection urged that the proclamation which sought to interfere with the existing position could not be postponed until Parliament had decided the matter. The fact of that proclamation coming into force on 1st December would vitiate and seriously affect the pre-determination of those interested in the question. Notwithstanding this, he intended to persist in moving the amendment, believing as he did that if settlement of the question were longer delayed it would only lead to a continuance of the unsettled conditions of trade owing to the doubt as to whether the Saturday half-holiday was to continue, and the greater doubt as to whether the Government had a mind on the question. He believed that a majority of members were in favour of the Saturday half-holiday. Yet on Tuesday next they would have an alteration with the result that the minority would be able to alter the day of closing to Wednesday and by the mere fact of that alteration would be able to bring pressure to bear on those who were strongly adverse to any interference with the existing conditions, and who had already clearly emphasised to the Colonial Secretary their antagonism to the proposal. However, the situation had to be taken as it was found, and believing as he did that the

change was not acceptable to the shopkeepers or their assistants or the general public, he hoped that the House would declare straight out for the Saturday half-holiday. The member for Perth had trotted out the time-honoured platitude about the measure being an interference with the freedom of the individual. That had been the argument used ever since the first measure for the protection of any body of workers was introduced either in an Australian or in the British Parliament. When the first Factory Act was introduced by Peel, the one argument against it was interference with the freedom of the individual, with the further contention that trade was going to stagnate; in fact one could almost have imagined that the United Kingdom was going to sink under the sea if the allegedly pernicious legislation were allowed to be introduced. But times had changed, and in spite of the protests of the *laissez faire* school, modern legislation had been in favour of interference by the Legislature for the protection of the lives and health of those employed in shops and factories. And there was to-day but a very small minority against the accepted canon that the welfare of the individual, whether he were the humblest worker or the most exalted in the land, was superior to interests of property. The doctrine was by many held to be absolutely essential to the preservation of the prestige of the British race. It was an opinion universally held by scientists, sociologists and others that if factory legislation were to be repealed and done away with, it would not be very long before the decadence of the race would mark the end of the glorious British Empire. He believed that the hon. member for Perth was voicing the views of a very small minority of members of the House, or indeed of members of both Houses of Parliament, so far as the Saturday half-holiday was concerned. Every communication received from other places where the Saturday half-holiday had been in force for any length of time was emphatically in favour of a continuance of the system as being a step in the right direction. In Sydney a very influential majority of shopkeepers was desirous of the change to the Saturday half-holiday,

and in Victoria they had a very large society known as the Shopkeepers' Saturday Half-Holiday Association, who were working for the purpose of gaining a universal Saturday half-holiday for Melbourne and suburbs; and even an ex-Minister of the Crown, Sir Alexander Peacock, had declared himself strongly in favour of it. The same feeling prevailed in every capital city throughout Australia, and for Perth to revert to the old order of things would be a retrograde step. He did not want to appeal by any pathos to the sympathies of hon. members, but if they had made any personal investigation of the effect of the Saturday half-holiday, they would realise that it was beneficial to the health of those employed in the shops. He thought members would agree with him that so long as it did not interfere with trade, anything that would improve the conditions of the employees and give them more favourable opportunities for recreation and rest, should commend itself to all having humanitarian sympathies. He therefore moved the amendment in the fullest belief that a majority of hon. members were favourable to the change.

The ATTORNEY GENERAL: If the amendment were adopted it would be ambiguous. The hon. member should move the rejection of the clause, and then move to insert his proposal as a new clause.

Mr. BATH: The reason for moving it in the altered form was that it had been ruled that a member could not move to strike out a clause with a view to inserting another, and the alteration had been made to prevent confusion in the minds of members; because unless they knew the nature of his amendment, they might not seek to reject the clause as it stood in the Bill.

The CHAIRMAN: The proper course was to vote against the clause and move to insert a new clause afterwards.

Amendment by leave withdrawn.

Mr. BATH: Those who favoured the proposal which would be submitted later in the form of a new clause should vote against Clause 2.

The ATTORNEY GENERAL: The Bill represented the best remedy the Minister in charge of the department

could advise, but it was perfectly open for any member to vote as he thought fit, and there would be no suggestion on his part that it should be a party question. It was erroneous if any idea existed that there was any suggestion that this was made a party question.

(*Mr. Daglish took the Chair.*)

Mr. TAYLOR: It was pleasing to hear the Attorney General express the opinion that the measure was to have no trace of being a party measure. It was the duty of the Committee in dealing with a measure of this character to deal with it on its merits, and to allow each member, no matter on what side of the House he sat, to express his views unfettered by party prejudice. It was to be hoped that was the aspect the debate would take; and if members perhaps in their zeal to press their point to the very last stage might seem to be fighting on party lines, he hoped it would not be accepted as such; because if the Committee did their duty they would strike out Clause 2 in order to enable the Leader of the Opposition to insert the amendment standing on the Notice Paper in his name. The Act had been in operation for a considerable time, but had been unsatisfactory almost from the start; and had become extremely more unsatisfactory recently. From the manner in which the question had been discussed by those directly concerned—employers and shopkeepers, not forgetting the customers—Saturday was the half-holiday that would best suit the employees; and he was sure the majority of the employers were of the same mind. No one who lived in Perth any length of time could fail to notice the appearance of the employees in the shops. It was necessary that their holiday in the week should come when it would enable them to have as long time off as possible, and that could only be if the shops closed at 1 o'clock on Saturday, because then they would be free until Monday morning. If we desired to have in our metropolitan area a vigorous people following the calling of shop assistants, it was necessary to give them as many hours as possible free from the places of business. In regard to this matter he was not only voic-

ing the views of a majority of shop assistants, but he had discussed the question with employers, and found a large number of them absolutely wedded to closing on Saturday afternoon, instead of the Wednesday afternoon, and keeping open on Friday night; and unless there was some reasonable argument advanced by the Minister in charge of the Bill why Clause 2 should remain in its ambiguous form it should be struck out. It was necessary to fix a day on which shopkeepers should close at 1 o'clock, and the day should be Saturday, as the Leader of the Opposition proposed. There was no need to speak at any length on this question, unless there was some strong opposition to striking out the clause.

The MINISTER FOR WORKS: It would be a pity to make the matter compulsory. The Bill had to go to another place and should be sent there in such a form that there would be a fair prospect of its being accepted. In this case time was the essence of the contract, and if we could get the matter to the ratepayers on a suitable constituency, it was as much as we could attend to. If it was left in that way, the measure would suit all parties, but if we attempted to make the thing compulsory there was every probability that we would be riding for a fall.

Mr. FOULKES: There was a tendency throughout the British Empire to see early closing established for the benefit of shop assistants. Even such a staunch Conservative as Lord Salisbury was responsible for an alteration to try to improve the condition of shop-assistants in London. Unfortunately, here it was difficult to come to a definite opinion as to what were the wishes of the people with regard to this subject. He used the word "people" advisedly, because he maintained they were the sole ones who should decide this question. He did not agree that the issue should be left to the shopkeepers, because they after all were the servants of the public, and to a certain extent only carried on business and did their best to cater for the public requirements. It was in the interests of the shopkeepers themselves to find out what were the wishes of the majority, not only among themselves but also of their

customers, with regard to this question. The Leader of the Opposition, in his amendment, asked for legislation for a comparatively small portion of the State. Here was provided an instance where certain members were willing to make regulations for districts in the metropolitan area, but were not at all anxious that they should apply to either the goldfields or country districts, which they represented. When certain goldfields members were speaking on the question and arguing in favour of Saturday closing in the metropolitan area he had questioned them as to whether they would make the same regulations apply to the fields, but with one accord they refused to have such facilities applying up there.

Mr. Scaddan: Who said that?

Mr. FOULKES: Not a single goldfields member, on being asked whether he was prepared to agree to the measure being made to apply to his district, said he was in favour of it.

Mr. Bath: I am in favour of it, and will give it to them as soon as they ask for it.

Mr. FOULKES: The amendment of the Leader of the Opposition was framed particularly for the metropolitan district. If he had desired it should apply to the fields, why were they not included with the other localities?

Mr. Bath: They have not asked for it.

Mr. FOULKES: One would have thought from the hon. member's speech that the whole State was in favour of Saturday closing.

Mr. Troy: So it is.

Mr. FOULKES: Then why did not the hon. member insert a provision in his amendment to make the clause apply to the whole State? Why did not the members for York, Northam, Kalgoorlie, and Boulder ask to have their districts included?

The Attorney General: The conditions are not the same.

Mr. FOULKES: The conditions on the fields, owing to the climate, would be one would think, more onerous than on the coast. As regards hours, doubtless the shop assistants on the fields had to work just as long as those in Perth and

Fremantle. It was not reasonable for the members for the goldfields and the country to vote on a question which only affected the metropolitan area. The decision of the matter should be left entirely to the people of the various localities. Personally he favoured the Saturday closing movement, but the decision should be left to the people concerned. The system of members representing outside districts passing legislation which did not affect their own localities was to be deprecated.

Mr. Hopkins: To whom would you refer the question, the electors or the rate-payers?

Mr. FOULKES: So long as a good system was initiated it did not matter. There was not a precedent to be found of regulations being made in regard to an industry common to the whole of the State when they applied only to a particular portion of the State.

Mr. Walker: What about the Vermin Bill?

Mr. Troy: The 1904 Early Closing Act is an instance in point.

Mr. FOULKES: The last-named Act was certainly a case in point, but it was the only instance. That, however, did not show that the principles in the measure were just. It was a very dangerous precedent for Parliament to establish. Like many members, he had tried to find out during the past few months what steps should be taken to afford every possible protection to both shop assistants and shopkeepers. It was very difficult to ascertain the opinions of the people, for there seemed to be no unanimity whatever on the question. Not only did the shopkeeper and shop assistants disagree, but also the customers. It was almost presumption—the word was used without any offence being meant—for a member representing a district like Mount Margaret to dictate what regulations should be passed for the people of the metropolitan area alone, while at the same time he was silent with regard to what regulations should be framed for the shopkeepers in his district. If the Bill applied to the whole State every member would be thoroughly entitled to speak.

Mr. Collier: How can you presume to know the wishes of the people of Boulder on mining questions.

Mr. FOULKES: If mining were carried on in Perth or the metropolitan area one would be justified in trying to see that the same regulations were passed with regard to mining in Perth as were promulgated for mining at Boulder or Kalgoorlie. That he did not know much about mining was always admitted by him, and it would be a good thing if the member for Boulder would make equally honest admissions, and say he could not presume to know all about the various interests in the metropolitan districts.

Mr. Collier: I am living here.

Mr. FOULKES: The question should be left to the people in the various districts instead of the decision being placed in the hands of members like those representing Boulder, Mount Margaret, and Beverley.

Mr. TAYLOR: The member for Claremont had sneered at the attitude members had taken up on the measure. Very few measures were brought before the House upon which members of the Opposition did not express their views, for we knew that in doing so we were expressing the views of the majority of the people. During the past eight years he had been in Perth almost continuously, and at all events had been long enough to ascertain pretty accurately the opinions of the people on this question. A very large proportion of the shop keepers, the assistants and the customers would be perfectly satisfied to have the half-holiday fixed for Saturday. Members for the goldfields and agricultural districts had been termed presumptuous for expressing opinions on a matter affecting the metropolitan area, but if the people in the goldfields, agricultural, or pastoral areas asked Parliament in similar terms as the people in the metropolitan area had done to legislate for them the request would be complied with equally promptly. Parliament had been called upon by the people of the metropolitan area to fix for them a half-holiday on Saturday. That had been found by everyone who had spoken from the plat-

forms and through the Press, and it was idle to say that the position was the same in the country towns as it was in Perth. When the time arrived that the people on the goldfields or in the country desired this legislation it would be the duty of the House to give it, and he would be prepared to assist to give it. There was no argument which could be used in the direction of pitting a country town against Perth and Fremantle. He hoped the member for Claremont would not influence any of those members he had singled out. He hoped the hon. member in charge of the Bill would not persist in the retention of the clause under discussion.

Hon. F. H. PIESE: The remarks of the member for Claremont were a reflection upon the intelligence of members. If members were to be talked to in the way that the hon. member had spoken to them that evening as to how we should deal with matters with which we were not conversant, then we were not fit to occupy the positions we filled in the House. Many members had a special knowledge of the different concerns in which they were engaged; they also had a general knowledge of many of the trades, and it was the combined knowledge which was brought to bear on the question. Thus it was that members were able to judge as to the right course they should take in dealing with the matters that were placed before them for consideration. He had not intended to speak on this Bill although perhaps he had a greater knowledge of the work of a shop assistant than many other members in the House, having put in many years, something like 20 years, in that kind of work. However, in regard to Perth it was a difficult question, and no doubt it was one which perhaps could be better dealt with by those interested. He agreed with those members who had spoken as to the necessity for limiting the hours and doing all that was possible to ameliorate the conditions of the employees engaged in shop duties, which, in his opinion, were more trying than many other occupations. In the very early days, some 25 years ago, he remembered introducing into his business

shorter hours, when it was the custom to keep shops open every evening until 9 o'clock. Then the closing hour was reduced until 6 o'clock, and 10 o'clock was fixed as the closing hour on Saturday night; there were no half-holidays in those days. He agreed now that anything we could do to help the employees we should do, consistent with fair play to the employer. He was somewhat in doubt as to whether or not the question in the more populous localities should be left to the people who were interested, but as it was a matter which required much more consideration than he had been prepared to give to it, he would plead ignorance in regard to the condition of things in Perth. If one wanted full information one needed to visit these places and hear both sides of the story. He would prefer to support the measure brought in by the Government, and would like to see the manner in which it worked for a time, and later on if it was found that a better condition of things could be brought about by declaring a definite day for a holiday, and that day one which would meet with the general approval, then by all means we should do something to legislate in that direction. One had not to forget the employer who had great responsibilities and who had to carry on his business at a time when profits were small. Rents of buildings were often out of proportion to the business carried on, and therefore we should look into these matters to see that the income of the people who were particularly interested was not materially affected.

Mr. HUDSON: He was pleased to hear the remarks of the member for Katanning with regard to what was said by the member for Claremont. He was sorry the remarks of the latter gentleman had not influenced the former as they had himself. The member for Mount Margaret said that the remarks of the member for Claremont had not influenced him in the slightest, but he (Mr. Hudson) was now convinced of the righteous and proper attitude to adopt, and that was to support the amendment. If he wanted any other influence worked upon him it would have been afforded by the remarks that were made by the Minister for

Works. That gentleman spoke to the Committee and said we should adopt the Bill as it had been placed before members, and not bring in anything that would cause trouble in another place. Could anything be so ill-advised, could anything be so unseemly as to declare that we should not do anything, that members should sacrifice everything to another place, and that if we wanted to carry any measure we must consider the views of another place? Surely as the representatives of the people, members of the Assembly were entitled to act independently of the members of another place. The member for Claremont tried to introduce an element of discontent between the representatives of the goldfields and the representatives of the coastal districts. He deprecated any such attitude, and thought that the member for Claremont deserved the reprimand he got from the member for Katanning. With regard to the half-holiday the only matter that had to be decided was the question of the day. It was generally stated that there should be one day on which shops should close at one o'clock; that position being stated, members had to consider how the days of the week should be determined with regard to the hours. At present it had been decided practically by the shopkeepers who had presented a memorial to the Government. The suggestion in the Bill was that it should be left to the ratepayers. Still there was no certainty that the result would not be the same as in the past. There would still be confusion, and petitions and counter petitions. If left to the electors, the position would be little better. He agreed with the hon member for Katanning that Parliament itself should deal with the question. Hon members should accept the responsibility cast upon them. Then the question arose as to what day should be decided upon. During the last year the shops had been closing at ten o'clock on Fridays and at one on Saturdays, and no argument had been put forward to justify any alteration. Indeed, the only attempt made was that expressed in the petition to the Colonial Secretary. There had been no trouble on the goldfields, and no disturbance.

There they closed on Wednesdays and kept open late on Saturday nights.

Mr. Brown: There was no trouble here until your crowd came in.

Mr. HUDSON: Was the hon. member in order in referring to "my crowd"? The trouble had been through the crowd the hon. member had introduced to the Colonial Secretary that afternoon.

Mr. Brown: Well let us legislate for the State.

Mr. HUDSON: In the present instance it was necessary to legislate for one part of the State. The difficulty had arisen only in the metropolitan area. He thought hon. members should vote for a continuance of the Saturday half-holiday, and should make it universal throughout the metropolitan area.

Mr. DRAPER: The Standing Orders laid it down that no motion for referring a Bill to a select committee should be considered after the Chairman of the Committee of the whole House had reported the Bill. He trusted he would be in order in moving at this stage that the Bill be referred to a select committee.

The *CHAIRMAN:* The hon. member could only submit that proposition in the House and not in Committee. It would be necessary to report progress before any such proposal could be brought forward.

Mr. BARNETT: It was gratifying to know that this question was not to be treated as a party measure. In his opinion the Government had committed a grave error of judgment in the first place in interfering with the weekly half-holiday.

Mr. Hudson: With the Saturday half-holiday.

Mr. BARNETT: Not with the Saturday half-holiday, but with the weekly half-holiday. And the Government had made even a greater mistake in again interfering once they had decided upon the matter. In his opinion the people most particularly interested and those who should decide the question of the half-holiday were the general public. He intended to support the retention of the clause in the Bill as introduced, although he was prepared to support a proposal for a referendum of the electors on the Legislative Assembly roll. Speaking as one

with a thorough knowledge of the subject, and as one who had served many years in trade, he could say that if he had to go back again, he would prefer a half-holiday in the middle of the week.

Mr. ANGIN: The remarks passed by the hon. member for Claremont were in no way surprising. They were characteristic of that hon. member who showed an appreciation of many things, but who when the time came for him to record his vote was not to be found in the Chamber. It was customary to hear him say he was in favour of this or that, but when the time came for tying him down the doors unfortunately were found to be open. There had been no outcry on the part of the general public against the Saturday half-holiday; and when there was no outcry against any system it was only to be concluded that the general public were in accord with it. He himself had been behind a counter for six or seven years, and had had to remain there until nine or ten o'clock each night, except Saturdays, when it was midnight or one o'clock in the morning before he got away. When in those days it was decided to close at five o'clock on one evening of the week, a clamour arose, and it was declared that all the firms would become bankrupt. When it was first mooted that there was a possibility of the Government granting the petition for the opening on Saturdays and the closing on Wednesdays, the Traders' Association of Fremantle, which comprised a number of traders who were opposed to the Saturday half-holiday, engaged a man to take a fair and unbiassed expression of opinion of all the traders in the Fremantle district. These traders were merely to be asked the question of whether they were in favour of returning to the Wednesday half-holiday. The result of the canvass was 34 ayes and 82 noes. That showed clearly that there were 48 of a majority of the shopkeepers of the Fremantle district in favour of a Saturday half-holiday. Eighteen had refused to sign either for or against. A vote was taken also of those shops which under the Act were exempt from closing. Of these 32 had expressed a desire to go back to Wednesday, while 17 wanted things to remain as they were. Thirteen

would not sign for or against. Therefore he did not think that so far as Fremantle district was concerned there was any necessity for taking further steps to test the feeling of the traders. It was clearly shown that they were in favour of the Saturday half-holiday. The shop assistants were in favour of it of course, and the general public not having raised any outcry it could be fairly concluded that they also were in favour of it. He would oppose the clause.

Mr. WALKER: One might be accused of cowardice if one were to allow the occasion to pass without an expression of one's views, and without giving reasons for any course one might be about to take. The question was a vexed one. It concerned the general public and the employers and the employees, and there were differences of opinion amongst each of those sections. It had been said that if the Saturday half-holiday were to continue, Perth would be ruined; that the railway revenue was going down, that the shops were closing up and that the small man particularly would be rushed into the Bankruptcy Court. On the other hand we should remember the cry of the shop assistants who had asked for this privilege, had obtained it, and desired it to continue. We were in this vexed position: Who were we to consider? Whose views were we to take? Whom were we to placate? Whom should we favour? To his mind the question had a higher plane. It had involved in it the advancement of that course towards democracy that was involved in every step taken towards reducing the hours of labour and giving sufficient hours of leisure to the workers everywhere. In this question there was involved the whole of the eight-hours fight that had been happily won, and the whole question of giving holidays for recreation and improvement for those who had to earn their living by the wage system. We had to consider whether we were setting a wise example, whether we were keeping in line with the onward march of democracy by doing away with the half-holiday in the middle of the week and putting it at the end of the week, or whether by changing

that course we were simply advancing the material prosperity of a few interested parties. A change of any kind would deleteriously affect some, and they would always cry out no matter what the nature of the case might be. No law could be passed, however apparently harmless, but would affect some person injuriously. But our question was not how we would affect the few but how we were going to benefit the many. The proposal of the Leader of the Opposition was going to affect the many and do it beneficially. The holiday in the middle of the week was scarcely a holiday for the shop employee, because a holiday did not simply mean a cessation from any particular kind of work, it meant the possibility of engaging the mind and the qualities of the body in other directions. Wednesday was a day of work everywhere except to the shop assistants or those employed in shops. There was no amusement, no recreation for the shop assistant who stopped his work on Wednesday afternoon; there was only his room, or loitering about the street, or solitary pleasures of some sort or other. But on Saturday we had, for the great bulk of the population, a holiday in the general and genuine sense of the term; there were public sports, amusements of all sorts, picnics, recreation grounds thrown open, and special entertainments; and it was upon that particular day when the world seemed happy and joyous that we were condemning the shop assistants to some irksome task.

Mr. Gordon: And some poor people want groceries and cannot get them.

Mr. WALKER: Therefore girls in the shops must waste away their lives to supply the hon. member with a pound of butter for his selfish appetite. Because he was too lazy to buy his butter on the Friday night the hon. member must keep these girls or men working until 10 o'clock on Saturday night. It was a matter of convenience. That was said all along, when every step towards the point we were now reaching was made. It was said that if the shops were not kept open until 8 o'clock or 9 o'clock every night in the week somebody would

have to do without butter or without groceries. For that matter, why should we stop on the Wednesday afternoon? Were there not people wanting groceries on the Wednesday afternoon? Was not the closing of the shops on that day an inconvenience to some people? No matter when the shops shut there would be some who had forgotten to get their groceries. Whatever conveniences the public were given, there would be always something more convenient. If we were to consult the wishes of some portion of the public we should have the shops open all day Sunday, because it would be a convenience to them. What was the tendency of modern legislation? It was to restrict the imposition of toil and duty on the few for the benefit of the many, that was to say, to make everybody participate in the burden, so to speak, that naturally came from giving some benefit or pleasure or justice to the few.

Mr. Gordon: It will be all pleasure and no trade later on.

Mr. WALKER: It was impossible to speak to the member for Canning. Sense was wasted on the hon. member. Our tendency had been to save those who had hitherto been made the slaves of the many. While the people were enjoying themselves on Saturday afternoon, the natural holiday, we had no right to make the few in our shops stay there for the convenience of the thoughtless. If the member for Canning would only continue as graceful as he was in his present attitude, he would be very useful to the Zoological Gardens, from which he came.

Mr. Gordon: Is the hon. member in order?

The CHAIRMAN: The hon. member was not justified in making that allusion.

Mr. WALKER: If the Committee had seen the simian-like activities of the hon. member's appendages, they would have seen that the remark was called for. It was an interruption suggestive of the reply made. However, he had no wish to offend the Committee by allusions of that kind and withdrew the remark. He hoped he could proceed without interruption from the hon. member. The ob-

jection made to this Bill had been made to other Bills that sought to reduce the hours of labour and give more comfort to those administering to the wants of the community. John Bright, when it was proposed that the working hours should be reduced to ten, threatened the entire ruin of the cotton trade and believed that it would be disastrous to England. But we had in every part of the civilised world reduced the hours of work to eight, and the consequence was that we had more work, better work done, and the world had increased in health, wealth, and prosperity in proportion to the decrease in hours. We had stronger men and stronger people. If we reduced our people to slavery we reduced their capacity to administer to the welfare of the world and we made them weaklings and parents of weaklings. Step by step, as burdens and tasks were imposed on them, we got a degeneracy in the standard of mankind, weaklings everywhere in consequence of overwork and overtime and lack of that nutriment of the mind as well as of the body, naturally demanded. What was the good of half a day's rest to a person? It was scarcely an interval. The bulk of us could have from Saturday afternoon till Monday, and in that there was an opportunity for relaxation, for pleasure, enjoyment and recuperation. But how could we give that natural recovery to the body to persons who had just a few hours off on the Wednesday afternoon and worked on Saturday night until 10 o'clock? How could they possibly enjoy their Saturdays? How could they have that natural rest which nature demanded? Day by day at their toil until their minds were crushed, their spirits lost and their bodies decayed? That was the position of the shop assistants. Certainly they were comparatively few to the vast bulk of the community, but that was the very reason why they should have our protection. It was because they were not a large army that they needed all the safeguarding Parliament could offer them. The argument was that we should refer this matter to the general public and ask them to decide on the fate of the shop assistants. But the general public on matters of this kind, one regretted to say,

were thoughtless. Why should we refer this? What excuse was there for making an exception in this instance? If a referendum was given for this measure, why not for the Bunbury Harbour Board Bill, or why not have a referendum before any measure was decided on? Every measure had as much justification to be referred to the people for their decision as this.

Mr. Carson: The Bunbury Harbour Board Bill is not a vexed question.

Mr. WALKER: The very reason why we should act in this matter. This was a vexed question, and it was only because it was so that members sought to shirk their responsibilities. Members were afraid to take a stand because they thought they would offend the shopkeepers, or the hotelkeepers, or else the general public. They were afraid of creating political enemies who would have revenge on them at the next election. Responsibilities should not be shirked in this way, and it was because the question was a vexed one that we should take a stand upon it. A right had already been given to the shopkeepers by the proclamation which established Saturday afternoon as a half-holiday, and that right should not be taken away from them. The benefit of the Saturday half-holiday would soon make itself known. There would be a greater distribution and a greater creation of wealth, the latter owing to the better health of the whole community. Saturday nights had too often become scenes of saturnalia, and often as a consequence the homes had to suffer. It was true that the money spent in hotels since the shops were shut on Saturday, had been much decreased owing to the fact that there were so few people in town on Saturday. Where had that money gone? It had not been lost, for wages had been paid just the same, but the money, instead of being spent in the hotels, had gone into the homes. Money had been saved and the families were better off. Wives had not been forced to receive drunken husbands on a Saturday and nurse them on Sunday so that they should be fit for work on Monday. In consequence of the alteration there

were happier homes in Perth. Was all the business to be concentrated in Perth? No; the suburbs had a perfect right to some of the trade. There was no less sum spent for the needs of living because of the alteration, but the money earned was now better distributed, more people received a share of it, and a larger number of people were given a chance to live. No longer was it a case of the few being given a chance of becoming enormously rich. Owing to the Saturday half-holiday money was now being spent in all the centres instead of being concentrated in one. True, so many people might not come into town from the country, but on the other hand country traders obtained some benefit in consequence of the alteration. More particularly because the shop assistants required the holiday did he support the amendment. It was objectionable to make these people slave on a day when other people were making holiday. Because he considered the health of those people, and through them the health of the whole community, because he desired to establish a moral force in the direction of encouraging opportunities for leisure for working people, would he vote for the amendment.

Mr. CARSON: The question, which affected the metropolitan area solely, was a vexed one, and there was a great difference of opinion upon it; consequently he would prefer the matter to be referred to the people. There were three sections to be considered, the trader, the employee, and the customer. It had been said that the general public had not made a demand for the alteration to Wednesday, but without doubt the trader who catered for the public could speak on their behalf. As one who had been a shop assistant for over 20 years he could say he would prefer to have the Wednesday as a holiday as it provided a nice break in the middle of the week. If members would move in the direction of doing away with a late night in the shops he would support it. Country members should not vote for any specific day. He would support a referendum being taken by those concerned.

The TREASURER moved—

That progress be reported.

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

Ayes	..	..	..	18
Noes	..	..	..	20
				—

Majority against .. 2

AYES.

Mr. Butcher	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Davies	Mr. N. J. Moore
Mr. Draper	Mr. S. F. Moore
Mr. Foulkes	Mr. Osborn
Mr. Gordon	Mr. Plesse
Mr. Hayward	Mr. F. Wilson
Mr. Jacoby	Mr. Layman

(Teller).

NOES.

Mr. Angwin	Mr. Keenan
Mr. Bath	Mr. McDowall
Mr. Brown	Mr. O'Loughlin
Mr. Collier	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Troy
Mr. Holman	Mr. Underwood
Mr. Horan	Mr. Walker
Mr. Hudson	Mr. A. A. Wilson
Mr. Johnson	Mr. Hettmann

(Teller).

Motion thus negatived.

Mr. SCADDAN: The clause in question contained more than the matter that was being discussed. The clause dealt with more than the Saturday or Wednesday half-holiday, and in the event of its being carried, it would not be possible to move any further amendment at all, so that the result would be that some of the other matters contained in the clause would be overlooked, and there would be no chance of making any amendments. Immediately the Bill came into operation, it would compel all shopkeepers to accept Wednesday as the half-holiday, because no shopkeeper in his senses would dream of asking that on the Wednesday he should keep his premises open until 10 o'clock at night. A number of shopkeepers were favourable to remaining open on Friday night until 10 o'clock, but not a single person would be found to advocate the opening of shops until 10 o'clock on Wednesday. He desired to move at a later stage that Wednesday should be struck out in order to provide that the shopkeepers might keep open until 10 o'clock on Friday night if necessary. At the

same time he hoped the majority of the Committee would definitely decide that Saturday should be the half-holiday. As far as he was concerned, he would be prepared to make the Saturday half-holiday universal throughout the State. He had not been able to find any reason why people could not do their shopping between Monday morning and Saturday at noon. The Attorney General shook his head; perhaps he had in his mind the prospectors on the goldfields. If Mr. McKenzie, who owned a large store in Kalgoorlie, were present to express an opinion on this question, he would point out that these people sent in for their stores during the week, and the stores were sent out to their places, and they did not do their shopping on Saturday. The Saturday night trade was merely a catch trade, and the result was the shopkeepers vied with one another to secure that trade. After all he was not yet satisfied that it was essential that there should be any night shopping at all. To his way of thinking, it was unreasonable to ask assistants to remain on their feet from 8 in the morning until 10 o'clock at night, to provide the people with what was required. If shops were to remain open until 1 a.m. it would be found somebody would come along at one minute to one o'clock to make a purchase. He was not satisfied that the volume of trade in the metropolitan area had been affected in any degree by the alteration of the half-holiday from Wednesday to Saturday. A certain amount of trade had been diverted from the City to some of the suburbs, but he was not satisfied that that was detrimental to the City. Certain firms in Perth would say that they had had to go to considerable expense to set themselves up in a way which would allow them to take some of the trade from some of the bigger firms; but the trade that they had lost, as he had stated, had gone to the small people in the suburbs to whom it had been a boon, and after all these small people should be considered as well. He was prepared to stand the responsibility of his action in regard to making the holiday universal. He had heard many opinions expressed with regard to the half-holiday. On one occa-

sion the manager of a firm told him that he preferred the Saturday half-holiday, because he found that on Monday morning his assistants returned fit and well to do all that was required of them; but when they were in the habit of getting the holiday on Wednesday, they applied themselves to recreation on that afternoon, and on the Thursday morning they returned to work unable to do what was required of them. That was a selfish standpoint, but it must apply. Not being prepared to admit that the shopkeepers of Perth were going to lose anything considerable from the alteration from Wednesday to Saturday he would oppose the clause. Would it be possible to move any amendment in the clause to put it in the for in which it was required.

The CHAIRMAN: If the hon. member wished to move an amendment he could only do so now. If the question were resolved in the affirmative then the clause would have been agreed to by the Committee.

Mr. BROWN: Before proceeding to deal with the clause he wished to congratulate the Chairman sincerely on his re-election as Chairman of Committees; and to congratulate also the Government on their magnificent majority. He wished to refer particularly to the kindness received at the hands of the member for West Perth (Mr. Draper).

The CHAIRMAN: The hon. member must not pursue any discussion except on the clause.

Mr. BROWN: In the circumstances he contented himself with reiterating his congratulations to the Chairman, but was sorry to have been cut so short. In reference to the Bill he intended to support the Government. He thought the ratepayers of Perth would decide that the Wednesday half-holiday should be reintroduced. He was surprised that hon. members on his right were not magnanimous enough to allow this Saturday half-holiday to operate through the whole of the State. We had heard the member for Balkatta speaking of the hardships sustained by the shop assistants of Perth working in a terrible atmosphere. Surely those remarks were

equally applicable to the shop assistants serving in the Kalgoorlie establishments. There was no goldfields member, not even the Attorney General, who would be game to get up and advocate a Saturday half-holiday for the shop assistants on the goldfields. Surely if it were good enough for the shop assistants of the metropolitan area it was also good enough for those on the goldfields.

Mr. Heitmann: That is no argument against the amendment.

Mr. BROWN: No legislation should be enacted which would be applicable to only one particular locality. Speaking for Perth he could say that the Saturday half-holiday had been exceedingly detrimental to the City. He knew that the pressure of business in the Bankruptcy Court during the last few months had been entirely due to the Saturday closing. The exempted shops in the City of Perth had suffered even more than those that closed on Saturday afternoon. If the House would vote for a universal Saturday half-holiday he too would be prepared to support such a proposition.

Mr. GILL: The member for Perth had again uttered the old parrot-cry that it was owing to the Saturday closing there had been so many bankruptcies.

Mr. Bath: And murders and all sorts of horrors.

Mr. GILL: There had been within three or four months after the Christmas of 1906, within 14 miles of Perth, no fewer than 27 insolvencies. He was sure the hon. member could not bring forward as many and credit them to the Saturday closing.

Mr. Bath: That was when the Government came into office.

Mr. GILL: The inference was that the people did not spend as much money as formerly. It might be that the shopkeepers of the City were not getting as much as they had previously got. For his part he could not say. As the member for Subiaco had pointed out on the previous evening, they had had no facts or figures to show that there had been a general reduction in trade. They had merely had the member for Perth everlastingly singing the same cry that it was the ruination of the City. In this

amendment they were striving to consider the health of the assistant and of the shopkeepers as well. The traders of the suburbs were unanimously in favour of Saturday closing.

Mr. SCADDAN moved an amendment—

That the word "Wednesday" in line 5 be struck out, and "Friday" inserted in lieu.

This would get over the difficulty of testing the question whether Wednesday should be the holiday. No one would dream of having the holiday on Friday. If the amendment was agreed to the holiday must be on Saturday.

Question put, "That the word 'Wednesday' stand part of the clause," and a division taken with the following result:—

Ayes	..	..	..	20
Noes	..	..	..	20
				—
				0

AYES.

Mr. Barnett	Mr. Layman
Mr. Brown	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Davies	Mr. N. J. Moore
Mr. Draper	Mr. S. F. Moore
Mr. Foulkes	Mr. Osborn
Mr. Hayward	Mr. Plesse
Mr. Jacoby	Mr. F. Wilson
Mr. Keenan	Mr. Gordon

(Teller).

NOES.

Mr. Angwin	Mr. Hudson
Mr. Bath	Mr. Johnson
Mr. Bolton	Mr. McDowall
Mr. Carson	Mr. O'Loughlen
Mr. Collier	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gouriey	Mr. Underwood
Mr. Heitmann	Mr. Walker
Mr. Holman	Mr. A. A. Wilson
Mr. Horan	Mr. Troy

(Teller).

The CHAIRMAN: The custom prevailed of giving a casting vote in support of the existing law. Where it was a question concerning existing law the Chairman had something to guide him, but in this instance there was nothing to guide him. Therefore, in accordance with his own opinion he gave his casting vote for the Noes.

Question thus negatived, the word "Wednesday" struck out.

Amendment "That 'Friday' be inserted in lieu," put and passed, and the clause as amended agreed to.

Clause 3—Memorial for alteration of days:

Mr. DRAPER: The clause was utterly unworkable, and for this and other reasons he intended to vote against it. It was proposed that the provisions of the clause should extend from Midland Junction to Fremantle, and that in order to obtain a decision of the ratepayers a majority throughout that large district must sign the memorial. It was obvious that the time occupied in obtaining the signatures of a majority of ratepayers would be out of all proportion to the object to be achieved. The expense would be enormous. The clause did not provide a satisfactory solution of the difficulty. The objection which could be taken to the clause was that it was no better than leaving either the shop assistants or the shopkeepers only to decide the question. If the shopkeepers alone were allowed to decide that would be unfair to the assistants, while if the shop assistants were given the right that would be obviously unfair to the shopkeepers. The remedy provided was simply to refer the matter to a class. If there were to be a referendum on the question, and there should be one, let it be of the electors who sent us to Parliament. It had been urged by the member for Kanowna (Mr. Walker) that we should take the responsibility on ourselves. This was not a question of legislation which was to apply throughout the State, but the very principle of the Bill recognised that the interests of parties might differ in various localities. Each district was to govern itself so far as the closing of shops was concerned, therefore what better body to decide the issue than the electors themselves, whose interests were bound up in the particular locality, and who could therefore judge impartially between the shopkeepers and assistants, and at the same time consult the conveniences of the general public. At a later stage he would move a new clause in place of the one under consideration.

The ATTORNEY GENERAL: If the hon. member wished to move an amend-

ment he could do so by substituting the word "electors" for "ratepayers." In order that the Committee might dispose of the matter it would be better not to strike out the whole clause but to amend it. An amendment could be made in the proviso giving effect to what the member desired.

Mr. DRAPER moved an amendment—

"That all the words from line 1 of the clause to the word 'accordingly' in line 11 be struck out and the following inserted in lieu:— A poll of the electors on the Assembly roll in any district may from time to time be taken under regulations provided for the purpose, asking that the days appointed for the closing of shops (not being shops mentioned in Schedule 1 of the principal Act) at 1 o'clock and 10 o'clock respectively, may be altered to the days specified on the voting papers recorded by such electors, whereupon on such poll having been counted the days in each week for the closing of such shops in such districts at 1 o'clock and 10 o'clock respectively which have obtained a majority of the votes recorded shall be altered by proclamation."

Progress reported.

House adjourned at 11.21 p.m.

Legislative Assembly,

Thursday, 26th November, 1908.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

ELECTION RETURN—MENZIES.

The Clerk announced the return of writ for the election of a member for Menzies, showing that Mr. Henry Gregory (Minister for Mines and Railways) had been duly elected.

The Hon. H. Gregory took the oath and subscribed the roll.

URGENCY MOTION—TIMBER TROUBLE, MURCHISON.

Mr. HEITMANN (Cue): I desire Mr. Speaker to move the adjournment of the House for the reasons that I have given to you.

Mr. SPEAKER: I have received a notice from the hon. member that he desires to move the adjournment of the House on a question of urgency, to call attention to the state of affairs existing at Day Dawn in connection with the woodcutters' strike at Nallan.

Seven members having risen in their places,

Mr. HEITMANN said: I feel sure hon. members will recognise there is no necessity for me to apologise to this House for the step I am taking this afternoon. At the present time I may say the condition of affairs in the Cue district, especially at Day Dawn, is deplorable, and my object in bringing this matter before the House, is, if possible after discussion, to arrive at some solution of the problem which is facing the people of that district. After all, members will find there is not such a great difference between these men who are out on strike and the Company who have refused up to the present time to grant them the concessions that they have asked. At the present time in the district of Cue and particularly at Day Dawn a good deal of poverty is existing as the result of the Great Fingal mine closing down, because they have been unable to obtain fuel. At this mine only eight days ago, there were some 500 or 600 men employed. This number and even more have been employed on this mine during the last six or seven years. Members will understand that a place like Day Dawn contains more of a floating population, but at the same time