

Legislative Council, Wednesday, 23rd October, 1901.

Papers presented—Question: Railway Traffic, Karrakatta Station—Motion: Midland Railway Inquiry, Representation by Counsel—R.C. Church Lands Amendment Bill (private), third reading—Probate and Administration Amendment Bill, Recommittal, reported—Dog Act Amendment Bill, in Committee, Clause 21 to end, reported—Friendly Societies Amendment Bill, in Committee, Clause 2 to new clause (progress)—Bread Bill, second reading, in Committee, reported—Contractors and Workmen's Lien Bill, referred to Select Committee—Early Closing Act Amendment Bill, second reading—Excess Bill, second reading, in Committee—Car-narvon Tramway Bill, second reading, in Committee—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Interim report of the Agricultural Bank, 1901; 2, Report of Fremantle Public Hospital, 1901.

Ordered to lie on the table.

QUESTION—RAILWAY TRAFFIC, KARRAKATTA STATION.

HON. J. M. SPEED (for Hon. G. Bellingham) asked the Minister for Lands: 1, How many trains a day stop at the Karrakatta Railway Station? 2, What is the average number of passengers per day carried to that station?

THE MINISTER FOR LANDS replied: 1, On week days, 55; Saturdays, 65; Sundays, 29. 2, The average number on ordinary days is from 15 to 20. The number on Saturdays and Sundays is much larger, but particulars are not available.

MOTION—MIDLAND RAILWAY IN- QUIRY, REPRESENTATION BY COUNSEL.

HON. M. L. MOSS (West) moved:

That the Receiver and Manager of the Midland Railway Company be at liberty to appear by counsel before the Joint Select Committee appointed to inquire and report upon the affairs of the company.

He said: I understand that the Government will not object to this motion; that a similar resolution, or one somewhat modified, was adopted yesterday in another place on the motion of the Premier. I believe it is always regarded almost as a matter of right that where

a person's interests are in any way at stake, he should have the right to be represented by counsel before a select committee. As far as I am concerned, if other interests are at stake and the persons in question desire to be represented, I have no objection to the motion being accordingly modified. Probably the Minister for Lands will tell us whether this motion is in precisely the same language as that carried in another place. If not, it would be better to move an amendment making the two uniform.

THE MINISTER FOR LANDS (Hon. C. Sommers): The motion carried in another place differed from the hon. member's in that, after the word "company," in line one, the words "and all other persons interested" are inserted. If the hon. member will make that amendment, I shall have pleasure in seconding his motion.

HON. M. L. MOSS: I am agreeable to that amendment.

HON. J. M. DREW (Central): I most strongly object to this motion. I believe an attempt was made last night to pass a motion of this kind, and I am glad indeed that it was defeated, as the motion had been tabled without notice. I consider that the presence of counsel on the joint select committee would tend to hamper the investigation. The chief object of the inquiry is to ascertain the whole truth and nothing but the truth; but I contend that we should have to go a long way around to ascertain the truth, if half-a-dozen contentious lawyers were admitted, as they will be admitted if this motion is passed. What does the motion mean? That every person who considers himself interested in the proceedings may be represented before the select committee by a solicitor. Twenty or thirty employees of the company may consider themselves interested and may demand to be admitted; and we shall have to allow them to be admitted if this motion be carried. Owing to this, the proceedings of the select committee may to a serious extent be blocked. At present, time is our great enemy. The session of Parliament is drawing to a close; and it is necessary that the business of the Midland Railway Company and its proceedings in connection with the Government should be thoroughly investigated.

HON. M. L. MOSS: You need not worry about the close of the session on this side of Christmas.

HON. J. M. DREW: If this motion be passed, I contend that it will seriously hamper the business of the select committee by preventing them from carrying out their duties. I am exceedingly astonished at the source of this motion. It would seem that the Government appear to be taking a very fatherly interest in the Midland Company, and that the country have not only the Midland Company to fight, but the Midland Company and the Government. I hope the motion will not be carried, as I can clearly see it will mean that three or four weeks must necessarily elapse before the select committee will be able to report to the House.

THE MINISTER FOR LANDS (Hon. C. Sommers): This very motion which has been amended by Mr. Moss was carried last night in another place. It was moved there by the Premier; debate ensued; it was slightly amended, and passed. It appears to me that as a matter of right and justice, if the company think their rights are assailed or that *ex parte* evidence is likely to be given, they should have an opportunity of cross-examining any witness, so as practically to assist the committee in arriving at the truth of the statements made. But it is not intended to assail anyone's rights; and surely, in justice to the Midland Company, it is only proper that all parties whose rights are assailed, or who might think their rights are assailed, should have the right to see that their cases were properly put from their own point of view, as well as from the point of view of their opponents. I cannot see that the matter is of any great importance; but I must seriously object to the insinuation thrown out that the country has to fight the Midland Company as well as the Government. The Government are desirous that the company shall carry out their contracts; that is, the company must run the number of trains agreed on, or as many trains as it is possible or expedient to run; and they must be taught to understand that their contract will be a live one as far as the present Government are concerned, and that the Government will insist on the rights of

the State being thoroughly conserved. That is all I have to say in the matter; and I think this is a motion which the House may, in justice to this company or any other person interested, easily agree to.

HON. R. S. HAYNES (Central): I am somewhat in accord with the motion that any gentleman who wishes to appear and give evidence before the select committee shall be represented by counsel. But the motion is somewhat misleading, and I think it is this to which the hon. member (Mr. Drew) objects. I hope it is not thought that counsel will be present whilst every witness called is being examined, and during our discussions.

HON. M. L. MOSS: They are bound to do it.

HON. R. S. HAYNES: I should object to that. The chairman of the committee would have to decide. I take it that, if the interests of any persons who appear before the committee are assailed, it is only right such persons should be represented by counsel, the counsel appearing there when evidence is given, and clearing up anything that takes place. Supposing it is the Receiver: it may be that he would be asked a question by the committee which might produce a wrong impression, and it is only fair, right, and proper that he should have counsel present who, by re-examination, might set the matter right. If that is all which is desired, there can be no objection. I do not know what the usual practice is. I see no objection to it, and I think myself that if I were a layman and largely interested, and I were called before a select committee, and things I might say or do would convey a wrong impression, I should consider it hard if I were not allowed to have my counsel present at the time I was giving my evidence, so that he might put questions directly or through the chairman to remove any misconception occasioned by any answer given. If that be the object of the motion, I certainly think that instead of opposing it we should be glad indeed to pass it, because after all what we are aiming at is not a false verdict, but a true verdict: to find out the actual state of facts. We do not want to bring in a report which is not based upon facts. I take it the Government will act upon that report, and it might be shown the

committee had acted in a one-sided manner, not in accordance with justice, and had not allowed persons to be heard by counsel. I think every opportunity should be given, but that does not extend the right to any counsel they may desire to appoint to sit there practically as one of the committee. He cannot do that. It would be altogether contrary to the privileges of Parliament. I certainly think that if any witness desire to give evidence he may wish to be represented by counsel, because counsel will have the right to set right anything which may mislead. Witnesses should have an opportunity of being represented in that way. Members of this House will understand that in the same manner as a bankrupt when being examined in court can be represented by counsel, counsel having a right to object to any question which he may point out to the Judge is not a fair question, or to ask any question which may clear the matter up and give a correct impression of the true state of facts; so such right should be given in this case. I welcome the motion, if that be its object, as I take it to be; but if this be an attempt to allow counsel to come in and sit as one of the committee, I think the House would be wanting in its dignity if they agreed to it. Otherwise the motion as it stands has my full sympathy.

THE PRESIDENT: This is a joint select committee. It appears that the Assembly have already given their consent to counsel being present.

HON. R. S. HAYNES: But only for the purposes that are mentioned.

THE PRESIDENT: I take it Mr. Drew wishes that counsel shall not be present at all.

HON. R. S. HAYNES: I think the hon. member (Hon. J. M. Drew) is under the impression that counsel would sit there as a sort of member of the committee. I do not know whether Mr. Drew would have farther objection. I think it is only right and proper that, if any persons who have witnesses desire to have counsel present to protect their interests, they should be able to do so.

HON. E. McLARTY (South-West): I can hardly understand the objection of the hon. member (Hon. J. M. Drew). Very serious charges have been made in

this House by members against the Midland Railway Company.

HON. R. S. HAYNES: All the more necessity for them to be represented by counsel.

HON. E. McLARTY: And I think in the face of such very strong charges as have been made, this House would be much wanting if it refused to grant the presence of counsel. Surely if a man be assailed, he has a right to defend himself and a right to employ those who are capable of defending him. We have heard a good deal of talk outside about the Midland Railway Company. I have heard it said by a gentleman who travels very frequently on the line that there is a great deal to complain about. I think that is admitted on all sides, but that gentleman also states that a good many of the charges made cannot be verified, and I think the company are certainly entitled to have counsel to represent them. I shall certainly support the motion of the hon. member, Mr. Moss.

HON. B. C. O'BRIEN (Central): I beg to enter my protest against the motion. There has been absolutely no motive given at all why this motion has been placed before the House. True it is that in another place a motion was passed last night to the effect that the company be represented on the committee by counsel. It seems rather peculiar to me that in the absence of any motive or reason, a right to be represented by counsel should be given.

HON. R. S. HAYNES: They are not represented.

HON. B. C. O'BRIEN: They desire to be represented.

HON. R. S. HAYNES: No, no; it is only to appear.

HON. B. C. O'BRIEN: It seems to me rather strange that at this late hour the company should make such strenuous efforts to be represented by a legal man on that committee. Counsel are practically members of the committee. Any legal gentleman who can sit amongst the committee is practically part and parcel of the committee. That is my opinion, at any rate. The report of this committee should have been delivered before this House yesterday, and the other place also. Unfortunately we have not got that report, and just at the very last minute we find the company desiring

to obtain representation on the committee by a legal gentleman. It has been said by the hon. member that the company have been assailed, and that very serious charges have been made. There have been serious charges made, but not half serious enough, in my opinion. We do not desire to harass the company at all. The committee in their report may wholly exonerate them from those serious charges, as the hon. member has called them, and it may turn out there is no ground for the charges. At any rate, we want to get at the truth of the whole matter, and I do not think it will facilitate things at all to have the company represented by counsel. In my opinion it is only an attempt to stifle the evidence which will probably be brought forward.

HON. R. S. HAYNES: Only one person, the Receiver, and any other person interested, may appear by counsel.

HON. B. C. O'BRIEN: According to the motion now before the House it is open to the company to have five or six lawyers on that committee. Then we do not know who the company are. They would have, I say, permission to bring in five or six legal gentlemen. Every man who has any tinpot interest whatever can be represented on that committee by a legal gentleman. I think that will hinder instead of assist us to get the inquiry we desire. We have no reason to thank the Government, nor have we reason to thank the Midland Company for having the committee appointed which we have to-day to inquire into the working of that railway. We desire to get certain knowledge ourselves without the assistance of the company and their legal gentlemen. No thanks to them, we are now making endeavours to get at the truth of the matters, and I do not think we are going the right way about it if we give permission for the company to be represented by counsel. There is no man who would be fairer than myself to an opponent, or to a man I think doing wrong; but in this case the company have given the Government and the people of the country a considerable amount of trouble. We have now made an attempt to get to the bottom of all this, and they are making an endeavour to stifle what we desire. I express my protest against the motion, and with all

deference to the gentleman who introduced it, and who I think is doing what he thinks is right, I say he has put forth no motive or reason why that company should be represented on the committee. I trust the motion will not be carried.

HON. J. M. SPEED (Metropolitan-Suburban): I cannot see the object of the opposition of hon. members to this motion. We want to get a report which will have some weight with the country, and the only way to get a report of that nature will be to allow those people, if they so desire, to be represented by counsel, giving them every opportunity to show they are on the right side of the hedge. If they cannot show the committee they have been acting on the whole in accordance with their agreement in the past, and they have perhaps the most expensive counsel they can employ, and the report be against them, that report will have some weight with the country, and the Government will be prepared to act upon that report. If on the other hand a report were brought down and statements were made in this House and in another place that it was practically of no weight, we would be perhaps in the same position as the Government of New Zealand with regard to their Midland Railway. There they had to take drastic steps, and all sorts of innuendoes were flung at them by financial people at home and even by people in New Zealand. We want a statement that will go forth to the world unchallenged if it be against the Midland Railway Company, and the only way to have such a statement is to allow the company every facility to show that the statements made against them at different times were incorrect.

HON. B. C. O'BRIEN: Surely a committee consisting of 10 members of Parliament would have weight.

HON. J. M. SPEED: The counsel will not be on the committee, and they will have no voice in the deliberations. I am perfectly sure no chairman of the committee would allow any counsel to dominate the committee, and I do not think the committee is composed nor is it likely to be composed of men of either House of Parliament who are likely to be dominated by any counsel.

HON. M. L. MOSS (in reply): As the mover of this motion I would like to offer a few observations by way of reply.

Perhaps I am rising a little early in the debate, but perhaps it would save time. I assure Mr. Drew and Mr. O'Brien that so far as I am concerned I do not stand here as the exponent of the case of the Midland Railway Company at all; and when Mr. Drew says he is astonished at the source from which this motion comes, I hope he will acquit me of any blame. I assure him that in moving this motion I did it under the circumstance that Mr. Murcott, the representative of the company, came to the House yesterday and asked the Minister for Lands, and I believe the chairman of the committee, to move this motion; and he treated it almost as a right that where the rights of this company were being assailed or the working of the company, they should have counsel present with the object of protecting their interests. When that gentleman put the matter to me in such a manner, and asked me whether I would move the motion, I certainly stepped into the breach. Let me say that so far as the Midland Company are concerned, I have never travelled on the line; but, like most members of the public, I have heard many complaints about the way in which they are working their railway and conducting their operations generally; and if with my imperfect knowledge of the facts I were called upon to express an opinion now, it would certainly be an opinion most unfavourable to the Midland Company. That being so, I think it is all the more desirable that the fullest investigation should take place, so that members of Parliament and the public at large may know exactly where the blame rests. Let me tell Mr. Drew and Mr. O'Brien that the object they have at present in view is to get this investigation; and if this motion be lost, they will find themselves in a difficulty. Another place has permitted the appearance of counsel to represent the company; and as this is a joint select committee, if we refuse to give that consent, I think the proceedings of the committee will end in a deadlock, and the inquiry which those gentlemen are so anxious to obtain will certainly not take place. The gist of the remarks of Mr. R. S. Haynes means that counsel must be restricted in the part they take in these proceedings. Recently I read a report of the proceedings of a select com-

mittee of the Legislative Council of the State of Victoria with reference to the abolition of coupons, and was surprised at the great detail into which counsel were permitted to go; and so far as the Midland Company are concerned, I hope the select committee, if counsel be permitted to appear, will not for one moment attempt to restrict counsel as to the way in which the inquiry shall be conducted. Do not let us forget that we are dealing with a company the shares of which are held in England. I think it would be about the worst policy in the world for any branch of the Legislature in this country to do anything to disturb the confidence which should exist in the minds of the British investor.

HON. B. C. O'BRIEN: A lot of consideration the company have shown us in the past!

HON. M. L. MOSS: I quite agree with that so far as the Midland Company are concerned; and with the imperfect knowledge I possess, I have nothing good to say for them. My opinion is entirely unfavourable to the company. But I think we must look a little farther. We must not take up such an attitude that it may afterwards be said in England: "These people put their capital into the construction of that line"—and certainly a good deal of capital has, I suppose, been expended even in connection with the Midland Company—"and the Parliament of Western Australia has practically gagged the company and prevented them from being represented by counsel to properly explain their case." And how much more necessary is it that we should guard ourselves against that charge, in view of the great possibility of this report being exceedingly unfavourable to the company?

HON. B. C. O'BRIEN: That is a reflection on the committee.

HON. M. L. MOSS: No; it is not a reflection on the committee. I am the last member who would make any such reflection. I say, from the imperfect knowledge that I possess, I am of opinion that the finding of the committee may be unfavourable to the company. Assuming it be unfavourable, how much stronger will be the position of the committee, and how much greater weight will that finding have in the minds of all concerned, if

we know in the end that the company have had every opportunity of putting their case forward, of cross examining all the witnesses, and of bringing before the committee such witnesses as on application to the committee it may be thought desirable to summon.

HON. R. S. HAYNES: They can have that privilege.

HON. M. L. MOSS: So far from hindering the proceedings of the committee, as Mr. O'Brien fears, I think the motion will facilitate matters. The Midland Company will pretty soon know exactly the causes of complaint. They will have an opportunity of answering the complaints; and so much the worse for the company if they are unable to answer them satisfactorily. I think it would be the worst possible step to attempt in any way to gag the company; and I moved this motion and stepped into the breach more on the ground that the company regard representation by counsel as a matter of right, than with the object of showing any sympathy whatever with the company. I shall look forward with great curiosity indeed to that report when it is printed; because it will, I take it, be the duty of every member of Parliament to read the evidence and to scrutinise it very closely with the object of endeavouring to support the finding of the committee, particularly if the finding would cast blame on the company, if the company deserve it. In these circumstances, personally I think the motion is only a fair thing; and in the next place, I warn Mr. Drew and Mr. O'Brien to pause before opposing this motion; for if they succeed, that inquiry they have been seeking so long will terminate in a deadlock; and there will, in fact, be no inquiry.

HON. D. M. MCKAY (North): It appears to me, the principle of this motion is that of lawyer *versus* layman. What chance has a layman against a lawyer? A lawyer can make you believe that black is white.

HON. R. G. BURGESS: There are lawyers on the committee.

HON. D. M. MCKAY: Why not have the company represented by a layman? Then there would be some chance of getting at the facts.

HON. R. G. BURGESS (East): I will support the motion, after the serious

charges made against the company. We have had several select committees with representation before them by counsel, during the last three years. I shall certainly support representation in this case, so that we can have a fair and reliable report. The last speaker referred to lawyers. Many laymen, it is true, have common sense, but they cannot bring out these matters without assistance; and in most cases it is desirable for a witness to employ lawyers to help him. This is not the only time counsel have been brought in to assist select committees.

HON. M. L. MOSS: It was done on the Perth Ice Company committee.

HON. R. G. BURGESS: And on another. If it had not been for the able solicitor brought in on the latter committee, the inquiry might have continued for three months; but as soon as the solicitor was brought in, he gave his advice, and the whole thing was settled in a few days. I think it necessary that we should have the evidence searched out to the fullest extent with regard to this railway, and it is quite time the matter was settled as to whether the company are carrying out their contract, for the present attitude of the company is one of the greatest blocks to the settlement of the country; and if they are not carrying out their contract, the sooner the Government buy them out or force them to sell out, the better. I will support this motion. I am sure the solicitors will give every assistance to the committee, and will very likely save hon. members' time. Some speakers seem to think the solicitors will prolong the inquiry; but my experience of these cases is that an able solicitor often helps on the work, which, by reason of his presence, proceeds much quicker. The points under discussion are put in clearer terms and more thoroughly searched out, when we have someone who thoroughly understands how to conduct such inquiries.

HON. G. RANDELL (Metropolitan): I will support the motion, because I think it is in accord with our sense of justice and right. There are large interests involved; serious charges have been made; and I think the company should be afforded every possible chance of meeting those charges. I hope hon. members will see what a bad effect it would have in this country and elsewhere

if the House should refuse to allow counsel for the Midland Company to appear.

HON. C. E. DEMPSTER (East): I am sure it is not the wish of the House in any way to burke full inquiry into the whole of the proceedings of the Midland Company. Everyone is doubtless thoroughly satisfied that the company have not done their work in a manner desirable for the interests of the whole State. The line is not worked satisfactorily; and it is advisable that all the circumstances connected with the working of the railway should be thoroughly investigated. At the same time, I am sure it is not the wish of any hon. member that anything but a thoroughly fair, honest, and just inquiry should be conducted; and as the committee include several solicitors, if they conduct the inquiry and the other side are not allowed to be represented by counsel, that state of affairs will have a bad appearance. I think the report of the committee would have much more weight with the country if it were known that a thoroughly fair and honest investigation had been made, than it would if we were to be one-sided and not permit counsel's attendance.

HON. A. JAMESON (Minister): Hon. members who imagine that the admission of counsel will embarrass the committee may permit me to point out that it is entirely in the power of the chairman to dismiss counsel at any time. Standing Order No. 321 provides that—

The chairman of the select committee shall direct the Clerk of the Council to summon the witnesses to be examined before such committee.

That is, counsel who are representatives of the witnesses can be dismissed at any time. Their presence does not in any way embarrass the deliberations.

Question put and passed.

ROMAN CATHOLIC CHURCH LANDS AMENDMENT BILL (PRIVATE).

Read a third time, and transmitted to the Legislative Assembly.

PROBATE AND ADMINISTRATION AMENDMENT BILL.

RECOMMITTAL.

On motion by the HON. A. JAMESON (Minister), Bill recommitted for con-

sideration of postponed Clauses 10, 14, and 17.

Clause 10, Sub-clause (3.)—agreed to, and the clause passed.

Clauses 14 and 17—agreed to.

Bill farther reported, and the report adopted.

DOG ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from 16th October.

Clause 21—Wilfully urging dog to attack:

THE MINISTER FOR LANDS (Hon. C. Sommers) moved that after the word "sheep" in line 2, the following be added: "except such horse, cattle, or sheep be trespassing on the property of the owner of the said dog." If that amendment were passed, it would be permissible to urge a dog to attack or drive away horses, cattle or sheep that might be trespassing upon the property of the owner of the dog. As might often happen in the country, a dog would attack animals, not to worry them exactly, but to drive them off.

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

Schedules (four), preamble, title—agreed to.

Bill reported with amendments, and the report adopted.

FRIENDLY SOCIETIES AMENDMENT BILL.

IN COMMITTEE.

Resumed from the previous day.

Clause 2—agreed to.

Clause 3—Every society or body providing certain benefits, etc., to be registered:

HON. J. M. SPEED moved that in Sub-clause (b.) the words "medicine or medical attendance" be inserted after "accommodation," in line 5. He intended farther to move that Clause 6 of the Bill be struck out. The whole object, he took it, was to remedy a certain section of the Truck Act. In many places workmen complained that they were obliged to pay a shilling a week, whether they were pleased to do so or not, to timber and mining companies for medicine and medical attendance. They had no objection to that being paid so long as there

was some supervision over the people who got the money; but he understood there was a large amount of money received by these companies, but there was no supervision.

HON. G. RANDELL: That was not correct so far as the goldfields were concerned.

HON. J. M. SPEED: It was correct at Kalgoorlie. Not very long ago the question was threshed out at a trades congress, and they were quite satisfied that in many instances where money had been received there had been no proper accounts. There had been one or two instances where there had been proper accounts, but, generally speaking, there had not been such accounts, and he believed that large sums of money had been received without accounts being furnished to the men as to where the money had gone to. He was advised that the proclamation which the Governor in Council had power to issue under the amendment of the Truck Act, passed last year, would, wherever it operated, repeal not only the amendment of the Truck Act, but the original Act itself. And he had been informed that the original proclamation passed was afterwards rescinded, and the proclamation now applied only to certain districts to the east of the Kalgoorlie and Coolgardie goldfields. He understood that the Government saw it was improper to practically annul the operations of the Truck Act, although it might have been advisable to annul the amendment in certain districts of a State. The alteration was so made that it was impossible to annul the amendment without annulling the whole Act, too.

HON. A. JAMESON: If the hon. member looked more carefully into this clause he would see that the proposal now made by him was altogether unnecessary. Sub-clause (a) contained the words "provide any one or more of the benefits enumerated or included in Sub-sections 1, 2, and 3 of Section 7 of the principal Act." Sub-section 2 of the principal Act was "For providing medical attendance for, and for dispensing medicines to, any persons mentioned in the last preceding sub-section." That was with regard to the first amendment. In regard to the second amendment, that was upon another question altogether. It would be necessary to repeal Sub-section 6 of Section 9 of

the principal Act, because it was there provided that two guineas should be paid as a registration fee, and he might say that in the Trade Unions Bill provision was also made for payment of a registration fee. He thought that was fair. The fee was only two guineas, and all the charges came to no more than £20 or £30 a year, which went towards paying the registrar. It seemed a reasonable thing that so far as possible these societies should be self-supporting, and should not be a burden upon the revenue more than was necessary to carry out the objects in view.

HON. J. M. SPEED: The answer of the Minister was doubtless correct; but the fee was far too high. He would withdraw his amendment.

Amendment by leave withdrawn.

HON. J. M. SPEED moved that the following words be added to Sub-clause (b.): "Such registration to be free of all charges." A registration fee of £2 2s., and 2s. 6d. for each search or attendance, were heavy charges. Representatives of friendly societies in Perth and on the fields had complained of them to him, especially in view of the compulsory registration to be imposed by the Bill. Reduce the fee one-half. For one society previously registered, there would probably in future be 50 or 60. "Two guineas" might be altered to "one."

HON. C. E. DEMPSTER: It did not appear that £2 2s. was too high. A registrar had to be kept for this object, and for scarcely any other; therefore the societies should bear the expense. No doubt they did much good; but those who benefited by them should pay for the necessary governmental service.

HON. A. JAMESON: A charge of £2 2s. for registration was not heavy, for it had to be paid once only. The time was arriving when the State finances must be more strictly husbanded.

HON. J. D. CONNOLLY: The charge was rather high, in view of the compulsory registration; and a reduction would be compensated for by the large number of societies which must in future register. As these societies were for the benefit of the sick, charges should be as low as possible. A 2s. 6d. search-fee was also too large.

HON. G. RANDELL: Registration gave a certain amount of protection to

members and prospective members of friendly societies; and for the work performed in the registrar's office payment should be made. For this purpose a somewhat expensive sub-department was maintained.

HON. D. M. McKAY: But previously, registration had been free.

HON. G. RANDELL: No.

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

Ayes	5
Noes	12

Majority against	...	7
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AYES.
Hon. J. D. Connolly
Hon. D. McKay
Hon. B. C. O'Brien
Hon. J. M. Speed
Hon. T. F. O. Brimage
(Teller).

NOES.
Hon. C. E. Dempster
Hon. J. M. Drew
Hon. J. W. Hackett
Hon. A. Jameson
Hon. A. G. Jenkins
Hon. E. McLarty
Hon. M. L. Moss
Hon. G. Randall
Hon. J. E. Richardson
Hon. H. J. Saunders
Hon. C. Sommers
Hon. R. G. Burges
(Teller).

Amendment thus negatived, and the clause passed.

Clauses 4 and 5—agreed to.

Clause 6—Preceding sections not to apply in certain other cases:

HON. J. M. SPEED: The clause was unnecessary. He moved that it be struck out. It was impossible by proclamation to rescind the Bill without at the same time rescinding the original Truck Act; consequently the clause practically meant that in such cases the Truck Act would be annulled and legislation thereby confused, rendering that Act an absurdity. It would be impossible to allow a timber-miller to supply medicines and medical attendance to his workmen without at the same time annulling all the other provisions of the Truck Act.

HON. A. JAMESON: The clause was necessary and well guarded, inasmuch as it could be enforced in such parts only of the State as were defined by the Governor. Last session such a provision had been applied for by the beneficiaries, who looked on it as a hardship that where there was no friendly society the employer should not have the right to supply medicines.

HON. M. L. MOSS: Surely the Government would never by proclamation allow employers to infringe the Truck Act except in places where it was impos-

sible to maintain friendly societies. Where the employers competed with friendly societies, the latter should have a monopoly and the Truck Act should be enforced. But there might be instances, and he was sure they were going to crop up very frequently in this State in the future, where in some locality which sprung up suddenly there would be no possibility of having a branch friendly society. In a case of that kind we had to accept the evil, because there was some goodness. There was a real evil in allowing practitioners to compete with friendly societies in a locality where there were friendly societies. But to strike out the clause would be to inflict a great hardship on large portions of the public who might really benefit from the advantage which would be derived from enabling a company or employer, as the case might be, in a locality where a friendly society could not exist, to provide medicine or medical attendance. He would like to know whether this amendment of the Friendly Societies Act would repeal that section of the Truck Act passed last year.

HON. A. JAMESON: No.

HON. M. L. MOSS: In the amendment of the Truck Act, which he thought Mr. Speed was responsible for, these words occurred.

HON. J. M. SPEED said he was not responsible for the end of the section.

HON. M. L. MOSS: No; but the end of the section was absolutely necessary to suit the requirements of the country. By the Act of last session the words "medicine and medical attendance" were struck out, and an addition was made whereby exemption could be granted on the issue of a proclamation in regard to districts specified. If Clause 6 were to be struck out of this Bill, the effect of last year's legislation would be nullified.

HON. J. M. SPEED could understand it, if by proclamation certain districts could be exempted from the operation of the amendment passed last year; but if a proclamation were issued in respect to such districts, it repealed the whole of the Truck Act in those districts. The Government had to rescind the proclamation which was originally issued, and the proclamation since issued only applied east of Kalgoorlie or somewhere out there. It did not apply to the mills or mine owners, and at the present time

money was being raised illegally in different places. With respect to members of friendly societies and those places where people were collecting these moneys, the trouble was that they were paying twice over, because the money was deducted by mill owners and mine owners, and at the same time people might belong to friendly societies. Owing to being induced to pay this shilling a week, some people refrained from belonging to friendly societies, whilst at the same time those belonging to friendly societies had, as he had said, to pay twice over. Not only so, but very often men paid less than a shilling a week into friendly societies, and they had some control over the money.

HON. M. L. MOSS: Could the hon. member give one instance of the Government having exempted from the operation of the Truck Act a place where there was a registered friendly society?

HON. J. M. SPEED: Certainly the Government did so in the first instance. There were numerous friendly societies out on the fields.

HON. M. L. MOSS: That was before the amendment was made.

HON. J. M. SPEED: Since that amendment was made, they passed a proclamation exempting whole districts from the operation of the Act.

HON. M. L. MOSS: Would the hon. member tell him one instance in which it was done where there was a friendly society?

HON. J. M. SPEED said he did not know that he could, but he believed that Mr. Connolly could tell the hon. member, because Mr. Connolly knew more about it.

HON. A. JAMESON: There were two proclamations, relating to Peak Hill and Denmark.

HON. M. L. MOSS: There were no friendly societies there.

HON. J. M. SPEED: A copy of the second proclamation was seen by him, and it had effect east of Coolgardie or Kalgoorlie. If the Act was exempt from operation in Denmark the mill owners would not be liable under the Truck Act. A district could not be exempted from the operation of the amendment without being exempted from the operation of the whole of the Truck Act.

HON. M. L. MOSS: No one desired to do anything that would operate to the

detriment of friendly societies. He was as much an advocate of such societies as was Mr. Speed, and he did not wish to be misunderstood. But whilst he took up that attitude he wanted to say that in certain localities where there were no friendly societies, or where settlement would be of short duration, it was impossible to start a branch friendly society, and he wanted people there to get the benefit of cheap medicine and cheap medical treatment. He understood that Clause 6 and the amendment of the Act of last session both aimed at that object. It was only understanding it in that way that he was opposing the motion of the hon. member (Hon. J. M. Speed) to strike out Clause 6. We ought to support these friendly societies, because it was far better that these friendly societies should be started. They were under Government control; they were under the control of an officer who took good care that the levies were made of a sufficient amount to keep these institutions solvent.

HON. J. M. SPEED: It was a pleasure to him to hear that Mr. Moss was so much in favour of friendly societies. Apparently he was careful to see that members of such societies paid their money in subject to the control of the Government, and friendly supervision was exercised over them. Other men who did not belong to friendly societies were going to pay their money into the hands of people who were not responsible at all, and these were the gentlemen Mr. Moss wanted to support. He wanted money to be in the hands of mill-owners or mine-owners who were not in any way responsible to the men for what became of the money.

HON. R. G. BURGESS: That could easily be provided for.

HON. J. M. SPEED: Such was not the case. If the hon. member wished to bring in a proper amendment of the Truck Act, or the Government desired to do so, let that be done; but at the present time, as he had said, they could not suspend the operation of the amendment of last year without suspending the Act.

HON. J. D. CONNOLLY said Mr. Moss had stated that the clause would be hard in the case of a few employees not strong enough to form themselves into a society. It did not, however, take many men to form a branch friendly

society. He thought 15 could do so. The great difference was that the employers stopped a shilling a week, or 1s. 6d., or whatever it might be, and the men had no control over their own money.

THE MINISTER FOR LANDS: Fifteen men could not get a doctor by contributing a shilling a week each.

HON. J. D. CONNOLLY: One took it that mill-owners would use the money as far as it went. If the money accumulated, those who contributed it did not get it, but members of a friendly society got the benefit of such accumulated funds. Mr. Randell also mentioned that this levy did not exist on the Eastern gold-fields, but he was sorry to inform the hon. member that it did.

HON. G. RANDELL said he did not think he said that.

HON. J. D. CONNOLLY: One understood him to say so.

HON. G. RANDELL: No; that was not said by him. He knew that it did exist by the evidence brought before him. What he intended to imply by his interjection was, that men in some cases had a voice in the management of the fund.

HON. J. D. CONNOLLY: One did not know what the hon. member called a voice. As far as he understood, this was a compulsory levy of a shilling a week, and the men got a doctor when they wanted one. In a friendly society, not only was there medical attendance, but sick pay.

THE MINISTER FOR LANDS: The Truck Act could not be suspended without the approval of the Government.

HON. J. D. CONNOLLY: The clause was unnecessary. A branch of a friendly society could be formed of 15 members.

HON. J. W. HACKETT: There seemed to be a misunderstanding, which should be cleared up. The Truck Act of 1899 was a measure for which he had for many years personally worked. Mr. Speed contended it was impossible by proclamation to exempt any district from the operation of this Bill without exempting that district from all the benefits of the Truck Act. That argument had to be met by the Government. Evidently Mr. Speed had proved his case, and Clause 6 should go if that con-

tention were correct. It would be well to see the form of proclamation. He moved that the clause be postponed in order that the Government might furnish hon. members with the text of the proclamation.

HON. M. L. MOSS supported the last speaker. There was much in the arguments of Mr. Speed which required serious consideration. The only safeguard lay in the fact that the Government might from time to time alter or revoke the proclamation. No doubt, if the attention of the Government were drawn to the fact that serious breaches of the Truck Act were being committed, the proclamation would immediately be revoked. A strong case had been made out for the postponement of the clause. If existing legislation did not enable the Truck Act to be suspended in regard to the supply of medicine and medical attendance only, the sooner such legislation was brought in, the better.

HON. A. JAMESON consented to the postponement of the clause. The matter would be looked into, and the text of the proclamation be brought down for inspection.

HON. J. M. SPEED: Some time ago he had written a letter calling the attention of the Government to this; and it was in consequence of that letter, or of representations made by members in another place, that a certain proclamation had been rescinded and another issued in lieu, practically limiting the operation of the amendment of the Truck Act to parts of the country east of Kalgoorlie, where that could do no harm to anyone. Dr. Jameson seemed to have heard of only two proclamations, but there was another somewhere in existence.

Motion put and passed, and the clause postponed.

Clauses 7 to 11, inclusive—agreed to.

New Clause:

HON. J. M. SPEED: Dr. Jameson had suggested, in lieu of the new clause which appeared on the Notice Paper, the following: "The registrar or other person aggrieved may sue for or otherwise recover any penalty provided by the principal Act or any regulations made thereunder." He (Mr. Speed) would like that amended to read, "registrar or any officer of police."

HON. J. W. HACKETT: The police could not enforce even the Sunday-rest regulations on the goldfields.

HON. J. M. SPEED: The Government would not authorise them to act. There was only one registrar, who was in Perth; it would be impossible for the registrar to prosecute for breaches of the Act in the country; and as the Bill stood, it was doubtful if he could authorise others to do so.

HON. M. L. MOSS: Insert "The registrar of friendly societies or any person authorised by him in writing."

HON. J. M. SPEED: If Dr. Jameson was not prepared to accept his (Mr. Speed's) suggestion, he would move the original new clause of which he had given notice, which was similar to the clause in the Early Closing Act dealing with inspectors. There must be some imperative instruction given to someone to see that the Act was carried out, otherwise it was nobody's business to do so. The police would industriously investigate theft, but would not make it their business to prevent the fleecing of miners by companies and other employers in the manner which this Bill sought to prevent.

HON. A. JAMESON: The registrar and the legal advisers of the Government had assured him that the amendment suggested to Mr. Speed would meet the case, giving the registrar power, on receipt of a complaint, immediately to communicate with the Crown Solicitor, and put the law in operation. Police interference would probably be very unsatisfactory; and if it were desirable, it could always be procured by the Crown Solicitor. The police probably exercised too much power at present.

HON. J. W. HACKETT: Rather, they did nothing at all. Unless the duty were put on the shoulders of the registrar, who could be made amenable to public opinion, nothing would be done. If "police" were inserted, everyone would say it was for the police to take action, and the police would take no notice of the provision. Make action obligatory on the registrar, or on someone authorised by him. In reply to demands for Sunday-rest regulation being enforced on the goldfields, the police now stated it was for private persons to take action. Let Mr. Speed move the new clause of which he had given notice.

HON. J. M. SPEED moved that the following new clause be added to the Bill:—

It shall be the duty of the registrar of friendly societies, or some person authorised by him, to see that the provisions of this Act are properly carried out, and such registrar or person shall have power to prosecute any persons guilty of any breach of this Act or of any regulations made under the provisions of this Act.

HON. M. L. MOSS: It was difficult, when an amendment of this kind was not in print, to follow what a member was driving at. He thought the law needed some amendment there, but he did not approve altogether of the amendment which had been read. He had been inclined more to follow the method adopted in the Pharmacy and Poisons Act of 1894. Sub-section 2 of Section 13 of that Act contained the words "The council may, in its own name, by its registrar or any person thereunto authorised in writing under the hand of the president." In Mr. Speed's motion the authority might be a verbal authority.

HON. J. M. SPEED said he had no objection to have the words "in writing" inserted.

HON. M. L. MOSS: At the present time he was not prepared to accept the amendment. He took it that the object in view was to enable persons in different parts of the State to act, but if the amendment passed in the way proposed it would be the duty of the registrar of friendly societies or some person appointed by him to do it. If we hurried this matter through, we should not achieve the object in view, and next session there would have to be fresh legislation.

HON. J. M. SPEED: Why not postpone this clause, and consider the other? So long as we could get the law put into motion without the friendly societies, who had not money to take proceedings, having to bear the burden on their own shoulders, he would be satisfied.

HON. M. L. MOSS: One might suggest to the Minister that this would be giving an extensive power to the registrar of friendly societies, and it was a question whether the Act should not be administered by the Minister.

HON. A. JAMESON: In his opinion the adoption of the following words would cover the whole of the ground: "The registrar or any person aggrieved may

bring forward or otherwise recover any penalty payable under this or the principal Act or any Regulations made thereunder."

HON. J. D. CONNOLLY: The words "any person aggrieved" left the matter the same as at present, and everybody's business was nobody's business. The position on the Eastern goldfields at the present time was this: It was well known that numerous mining companies had been collecting money for years, and no action had been taken against them. There had been deputations to the last Government on the matter, and the answer received was: "If they stop a shilling from your wages, take action against them." If a man consented to have money stopped out of his wages, was it a nice thing for him to say, "I consented to that and now I am going to prosecute him for doing it"?

THE MINISTER FOR LANDS: That was provided for by Clause 3 of the amending Bill.

HON. J. D. CONNOLLY: If the carrying out of the Act were made part of the registrar's business or of the business of some person appointed by him, the work would be done.

THE MINISTER FOR LANDS said he had no objection to the postponement of the clause. He thought the amendment suggested by Dr. Jameson a proper one. It enabled action to be taken by the registrar or someone authorised by him or any person aggrieved.

HON. J. W. HACKETT: It was not desirable to have in the words "or any person aggrieved."

THE MINISTER FOR LANDS moved that the consideration of the clause be postponed.

HON. M. L. MOSS: It would be absurd to have in the words "any person aggrieved." If the registrar of friendly societies neglected to carry out the duties imposed upon him, we could, he thought, get at him under some penal clause. By the amendment suggested by Dr. Jameson it would be the duty of the aggrieved party to take action.

HON. A. JAMESON: No; he did not say anything about duty.

HON. M. L. MOSS: Any person could take action against any other person who broke the law of the land. The object of the new clause was to throw the onus of

carrying out the law on some person. The new clause was all right, but we must go a little farther and give the registrar in effect power to delegate the duty imposed upon him to persons in different places.

THE MINISTER FOR LANDS moved that progress be reported and leave asked to sit again.

HON. J. D. CONNOLLY: There was another clause he would like to bring under the notice of the Government whilst they were considering new clauses; that being a clause reading somewhat as follows: "That any medical officers occupying an appointment under Government or subsidised by public funds, be compelled to treat members of friendly societies at a rate satisfactory to the societies and to the Government." In some of these outlying places—he knew one case, Esperance—they formed a branch friendly society —

HON. M. L. MOSS: There could not be a debate on a motion to report progress.

Motion (progress) put and passed.

Progress reported, and leave given to sit again.

At 6.25, the PRESIDENT left the Chair.

At 7.35, Chair resumed.

BREAD BILL.

SECOND READING.

HON. A. JAMESON (Minister): In moving the second reading of this Bill, I would point out that it is somewhat extraordinary that this State has never yet passed a Bread Act. This Bill which I now bring forward is based on the Imperial Act of 1836; and in that year much interest surrounded the Bill, as it was just before the repeal of the corn laws. It was a Bill which was perhaps more fully discussed than perhaps any other Bill of its time. We now find that although we have a very comprehensive Health Act in this State, still, there has not been sufficient provision made to prevent the adulteration of bread; and this has now become particularly important—perhaps more important now than at any other time, as we see we have a somewhat heavy tariff; for undoubtedly there will be endeavours made in many directions to

get as much profit as possible on bread, there being a duty on flour.

HON. R. G. BURGESS: The tariff does not affect bread.

HON. A. JAMESON: The new tariff affects flour.

HON. R. G. BURGESS: No.

HON. A. JAMESON: It affects some of the materials used in the manufacture of bread.

HON. R. G. BURGESS: It does not affect flour.

HON. A. JAMESON: However, be that as it may, it is most important that we should have a good bread supply. I think there is nothing more important in a young State such as this, where we have large numbers of children growing up, that they should at all events have a thoroughly good and pure supply of sound bread. With this Bill there is no difficulty. It provides that the bread supply shall be thoroughly looked after. We have just discussed a Bill in which there is some doubt as to whose duty it shall be to enforce it. There is no doubt whatever here; because, under the interpretation clause, "Inspector" includes any inspector appointed by the Central Board of Health. The Bill will be administered by one of their inspectors. Then it will be seen that Clause 4 provides that bread shall be marked; household wheaten bread is marked with the Roman letter "H," and mixed bread with the letter "M"—that is not only bread made of pure wheat, but bread made of meal, flour, or any sort of corn or grain other than wheat, or of any peas, beans, or potatoes. So long as these materials are pure, they are recognised as being capable of forming sound bread. A very important clause is Clause 6, which clearly states what materials may be used to make up bread.

HON. R. S. HAYNES: What is "barm"?

HON. A. JAMESON: I think it is malted barley. At all events, these must be good, sound materials; and hon. members will note that no chemicals are admitted. That is a very important particular. Even at present in this State I am assured that a good deal of alum is used in bread. By using alum in baking, one can make a very poor and indifferent flour appear to be of a good colour. The alum makes it beautifully white, and flour that is thoroughly bad may be made to

appear good. Sulphate of copper and sulphate of zinc also have been used for this purpose; but not quite so largely. It is a great step in advance to prevent the use of alum; and the test for discovering whether alum is or is not used in the preparation of bread is a very easy test which the inspector will be duly qualified to apply. Clauses 7, 8, and 9 provide for bread being of the proper weight, and for use of scales. Every baker is required to have scales. Clause 10 makes it clear that no unsound flour is to be sold, and 11 no impure bread. By Clause 12 any justice of the peace at any time may enter the premises to test and weigh the bread and to see that it is thoroughly sound. You see that by Clause 16 there is to be no baking on Sunday. This to some may seem a hardship, but I believe that it is not in reality a hardship. There is really no difficulty, as preparation for baking bread is allowed. The clause provides:

No person exercising or employed in the trade or calling of a baker shall, on Sunday, make or bake any bread, rolls, cake, or other article for sale, except so far as may be necessary to set and superintend the sponge to prepare the bread for the next day's baking.

So that preparation is allowed, although baking is not to take place.

HON. R. S. HAYNES: It is in the English Act.

HON. A. JAMESON: Yes. In fact this is very much the English Act throughout. I think I have pointed out the general features of the Bill, and I hope members will see no difficulty in passing the measure. The Bill is very much required, and several years ago I pointed out the necessity for such a measure. I am glad the Bill has been brought before hon. members, and I hope there will be no difficulty in passing it.

HON. R. S. HAYNES (Central): I am very pleased to see a Bill of this nature introduced into the House, and it seems we have been getting somewhat ahead in introducing legislation of a democratic and advanced nature. I think the Bill absolutely necessary for the well-being of society, and really for the health of the people. I know of no Act more absolutely essential to be upon the statute book of any State than this measure. The Act is in force in New South Wales, and I am only amazed to find that such a

measure has not been in force here, because there is no article of commerce or of diet in regard to which people can more easily impose upon the whole of the public than they can as to bread. Inasmuch as people can so easily impose upon the public, and bread is an article of diet used by every person, high and low, rich and poor, it becomes absolutely essential that the strictest provisions should be contained in the Bill, and that a very severe penalty should be imposed upon those persons who break the law. I have much pleasure in supporting the second reading, and am pleased indeed to see the Government introducing legislation of this nature.

HON. J. M. SPEED (Metropolitan-Suburban): I also am very pleased to see the Government introducing this Bill. I should like to have seen them introduce provisions which exist in Victoria and in New South Wales with regard to adulterated tea. I believe there have been numerous instances in those States where tea has been condemned.

THE PRESIDENT: I call the hon. member's attention to the fact that we are only dealing with bread. The Bill before the House simply refers to bread.

HON. J. M. SPEED: Of course I do not wish to go into the subject of tea any further than to say that it is of the same nature as this.

THE PRESIDENT: The Bill now before the House simply refers to bread.

HON. J. M. SPEED: As a general rule, Mr. President, both go together, bread and tea.

THE PRESIDENT: The Bill before us now is simply with regard to bread. There is nothing about tea in it.

HON. J. M. SPEED: Leaving tea out —

THE PRESIDENT: I would ask the hon. member to confine himself to the subject.

HON. J. M. SPEED: I have much pleasure in supporting the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 9, inclusive, agreed to.

Clause 10—No unsound flour to be sold:

HON. B. C. O'BRIEN: A degree of hardship might be inflicted under this

clause. A baker doing a large business—this applied more to the fields than to the city—might have flour on his premises a week or two before he started to use it.

HON. A. JAMESON: If the word "knowingly" were inserted, that would get over the objection.

HON. R. G. BURGESS: It would then have to be proved that the person did it knowingly.

THE MINISTER FOR LANDS: It would be wise to let the clause pass as it stood. Persons who bought flour could protect themselves by notifying some person in authority that they had a consignment of flour. A very small penalty might be imposed where a person unwittingly got flour which was inferior.

HON. T. F. O. BRIMAGE: One did not see why people on the goldfields should have bad flour any more than the people in Perth. If any bad flour were sent on to the fields, and the baker brought to justice, it would be for the magistrate presiding to look into the case and deal with him accordingly.

Clause put and passed.

Clauses 11 and 12—agreed to.

Clause 13—Where bread weighed, six loaves to be tested:

HON. J. D. CONNOLLY: One would like the clause made a little clearer. If an inspector bailed up a carter who had five loaves in his cart, which on being weighed were found to be under weight, that person, according to this clause, could not be prosecuted.

HON. A. G. JENKINS: The words "if there be that number" ought to be put in brackets.

HON. R. S. HAYNES: Apparently the clause was quite right. The point was that if there were six loaves, it would be wrong to take hold of one and weigh that only. Supposing a person had 300 loaves in his shop, it would not be right to take one, and say there was a loaf under weight. Six loaves should be taken.

Clause put and passed.

Clauses 14 and 15—agreed to.

Clause 16—No baking on Sunday:

HON. J. D. CONNOLLY: There was a desire on his part to draw attention to this clause; not that he desired to advocate working on Sundays, but the clause might in tropical parts press hardly upon bakers. He understood that after bread

had been baked a certain amount of time it would not keep, so in some cases it might be necessary to bake on Sundays.

HON. R. G. BURGESS: We did not want persons to work on Sundays, but people must have bread, and sometimes there was a half-holiday on Saturday. In some places the time would be too long.

HON. A. JAMESON: This was carried out in England.

HON. R. S. HAYNES: It was to be hoped the clause would stand as at present. All our legislation was passed with a view of keeping one day free from work as much as possible. Where we allowed any encroachment upon the Sunday, persons would be too glad to use that day. Some person would try to undersell his opponent, and we should find that every baker would be forced to give hot rolls on Sunday.

HON. C. E. DEMPSTER: One could give hot bread on Monday morning.

HON. R. S. HAYNES: If one remembered aright, bakers could begin preparing at 8 or 9 o'clock at night, but must not bake before 12. The objection was not to the making, but to the baking. Hot rolls were not procurable in London on Sunday mornings, and should not be procurable here. In this climate, there was no objection to bread standing for 24 hours.

HON. A. JAMESON: This clause practically followed Section 21 of the Victorian Act.

Clause put and passed.

Clauses 17 and 18—agreed to.

Clause 19—Servant doing prohibited act is liable:

HON. B. C. O'BRIEN: Would a bread-server be liable for light weight?

HON. R. S. HAYNES: Yes; he must take care.

HON. B. C. O'BRIEN: The young man might come to work at 7 a.m. and find a cartload of bread awaiting delivery, half of which might be of short weight; yet the servant would be liable and the master would go free.

HON. R. S. HAYNES: The master also would be liable. Punish both. This was a penal Act. To punish everybody would make people sell good bread. A hawker of bad fish was liable, whether or not he were the owner. The bread-server mentioned by the last speaker would not be heavily fined by the

magistrate unless he were in the habit of selling bread which he knew to be under weight.

HON. B. C. O'BRIEN: It was not fair that a conviction should be recorded against an innocent person.

HON. R. S. HAYNES: There was the First Offenders Act. Take out this clause, and the Bill would be emasculated. Without it, guilty knowledge on the part of the employer must be proved; but the employer could always prove an *alibi*.

HON. J. M. SPEED agreed with the last speaker. To make every person liable was the only way to secure convictions. A bread-server not under a penalty would not give information to the inspector; and if liable, he would give information, and would appear, not as a defendant but as a witness.

Clause put and passed.

Clause 20—agreed to.

Clause 21—Bread, etc., on premises of baker to be deemed intended for human consumption:

HON. R. S. HAYNES moved that after the word "pastry-cook," in line 3, "or vendor of bread" be inserted.

Amendment put and passed.

HON. A. JAMESON moved that after the words "vendor of bread" inserted by the last amendment, the words "or being conveyed by a person in any vehicle, basket, or other receptacle," be added.

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

Clauses 22 and 23—agreed to.

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

CONTRACTORS AND WORKMEN'S LIEN BILL.

SELECT COMMITTEE, APPOINTMENT.

Order read, for consideration in Committee.

HON. J. M. SPEED (in charge of Bill): Whilst speaking on the second reading, he had suggested that the Bill should be referred to a select committee; and in furtherance of the undertaking then given, he moved that the order for consideration in Committee be discharged.

Question put and passed.

HON. J. M. SPEED farther moved that the Bill be referred to a select committee of two members and the mover.

Ballot taken and committee appointed, comprising Hon. J. D. Cornolly, Hon. M. L. Moss, with Hon. J. M. Speed as mover; to report on 31st October.

EARLY CLOSING ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. C. Sommers), in moving the second reading, said : This Bill seeks to repeal Section 21 of the Early Closing Act of 1898. The section reads as follows :—

This Act shall remain and be in force for the period of three years from the first day of November, 1898.

On the first of the coming November the present Act will be inoperative unless this section can be repealed. It was proposed in another place to make a great many amendments in the Bill, but when it was discussed by a number of people interested, it was found that the amendments were so many, and so great, that it would be better to bring down a new Shops and Factories Bill. That Bill is being prepared, and there is just a chance it may be brought down this session, but there is no certainty of that. Such a Bill is badly needed, because although this Early Closing Act does much good, it is to a great extent unsatisfactory, owing to the way it has been interpreted and carried out by numerous inspectors. As I say, the present Act will expire on the 1st of November next, unless this section be repealed. I think it would be wise to amend the Act, and then if a Shop and Factories Act be passed this session it will deal with the whole matter, and the Early Closing Act will be repealed, the necessary provisions being made in the new Shops and Factories Act. I do not agree altogether with the present Act, but I think it would be a pity to allow it to become inoperative, and for that reason, and seeing that it will become inoperative on the 1st of November unless this section be repealed, I move the second reading of this Bill.

HON. R. S. HAYNES (Central) : I shall support the second reading, on the express and distinct understanding that the committee stage be not taken to-night, and that the House will allow amendments of the present Act to be introduced. The object of the Act is most praiseworthy; but in my opinion we

are going the wrong way to work to bring that about. When the Act was first introduced I voted against it, and on the second occasion I voted for it, and was instrumental in putting in that particular section. It was on that condition I supported the measure, that it should be tentative, and should run if possible for only three years, when we could see whether it should be repealed or not. I am not going to say personally whether the Act has been a failure or not, but I do say that the way in which the Act has been administered has been a failure, and it has been heart-burning to a great number of people. The magistrates seem to have been as ruthless in exercising all their powers under the Act as a Cossack when he has entered a peasant village. I think our past experience shows us that we should hedge round and watch this matter to prevent any hardship being done to those persons who have their vested rights. The object of the Act was to limit the hours of labour, and with that I am heartily in accord, but the effect has been not to interfere with the rights of labour but to interfere with the rights of the subject, and the employees, who certainly ought not to be worked more than a specified number of hours, were threatened with extended hours unless they agitated and got this Act passed. It was intended to be passed in their interests, but it turned out not to have been in their interests, but in the interests of others. The whole Act is wrong. I am quite prepared to support the object of the Act, but I say we must have certain amendments, and we must see that persons are not harassed as they have been during the last two years by a whole army of inspectors, and by magistrates who desire to add a long list of convictions to their records, and have also a wish to fill the coffers of the municipal council. I would like to point out in relation to the promise by the Minister for Lands as to the introduction of a Shops and Factories Bill, that if the measure now before the House be passed, another Bill dealing with the same subject cannot be passed this session. If we pass this Bill, we shall be denuded of our rights to deal with similar legislation for 12 months, and we do not know what will happen in 12 months' time.

Other things will arise, and the Government may say, "the Act is in force now, and we will let it go on." We have a right now, and we ought to observe that right.

THE MINISTER FOR LANDS (in reply): I have no objection to the Committee stage being put off to the next sitting of the House, and I do not wish to press it after the second reading is passed.

Question put and passed.

Bill read a second time.

EXCESS BILL (1900-1).

THE MINISTER FOR LANDS (Hon. C. Sommers), in moving the second reading, said: I much regret the necessity of bringing this Bill down to the House. I intimated when moving the second reading of the Excess Bill, passed about 10 days ago, that there would be a necessity of bringing down this Bill, and I would like to say at the outset that the Government are not responsible for this Bill. The Bill represents unauthorised expenditure from revenue amounting to £364,384 12s. 6d., and unauthorised expenditure from loan fund of £135,308 11s. 3d., or a total of £499,783 3s. 9d. This money has been expended, and there is very little for the House to do but to pass the Bill. The estimated revenue for the year to which the Bill refers amounted to £2,900,000; and that year commenced with a credit balance of £12,371. The amount available for expenditure, therefore, was £2,912,371. The revenue exceeded the estimate in that year by £188,034. The principal expenditure, I may say, in excess was on the railways, caused principally by the increased business done by the Railway Department and increased wages. That amounted to £153,399. There is still a very large sum expended which Parliament never sanctioned. The lesson to be learned from this Bill is to avoid the inaccurate estimates of expenditure of the former Treasurer, through haphazard statements, in order to make the Estimates balance, and what you may call the vicious system of asking for a sum of money less than is necessary to do the work. The present Government intend to stop this unauthorised expenditure as far as possible, and thus avoid such Excess Bills next

year. I cannot say much about this measure. The money has been spent, and the least said about it the better. I therefore move the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Schedule A.—*London Agency*, £760 3s. 9d.:

HON. J. M. SPEED, referring to item, "Lecturer, £126 8s. 3d.," asked had this money been of any use to anyone in particular except the lecturer.

THE MINISTER FOR LANDS: From his employment no good results were apparent.

Miscellaneous Services, £30,555 8s. 8d.:

HON. R. G. BURGESS, referring to item, "Grant to York Municipal Council for clearing River Avon, £200," asked for explanation. Would the Minister also explain the items, "Purchase of 10,000 copies of the *Review of Reviews*, £266 7s. 6d.," and "Payment made by the Official Receiver erroneously in the estate of T. Williams, a bankrupt, £193 6s. 8d.,"?

THE MINISTER FOR LANDS: Concerning these items, little information could be given, save that the money had been spent.

HON. R. G. BURGESS: Up till last Saturday, the £200 for clearing the River Avon had not been paid.

THE MINISTER FOR LANDS: Then the Audit Department must be at fault. The copies of the *Review of Reviews* were purchased as a special advertisement, and were circulated abroad, on the Continent and in Great Britain; hence their non-appearance here.

HON. J. W. HACKETT: Did the Government both advertise in the paper and pay for copies of it?

THE MINISTER FOR LANDS: Apparently. The last item mentioned was a payment made in error by a Government official, for which the State had to suffer.

Schedule put and passed.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

CARNARVON-BABBAGE ISLAND TRAMWAY BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. C. Sommers), in moving the second reading, said: This is a very small matter. There is a tramway at Carnarvon, having a length of two miles 67 chains. The line has been constructed, and it was thought by the Government that authorisation was needed in order to work it under the Railways and Tramways Act of 1888. It is merely a horse tram to the new jetty at Babbage Island, connecting it with the town of Carnarvon. The intervening space was very unsuitable for a roadway, consisting as it did of lagoons and sandbanks; and the only way of bridging it was by laying down this line. I move the second reading.

HON. J. W. HACKETT: What is the cost of the line?

THE MINISTER FOR LANDS: I regret I cannot at the moment say. The peculiar formation of the country, which is a network of lakes, has made the tramway necessary.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

ADJOURNMENT.

HON. C. E. DEMPSTER: I should like to suggest to the Minister for Lands—

THE PRESIDENT: The hon. member is out of order, as there is nothing before the House.

THE MINISTER FOR LANDS (Hon. C. Sommers): I have a good idea of what the hon. member intended to convey; and that was, seeing we have very little business likely to come before the House to-morrow, and that next week the principal show of the State will be held, and will occupy Tuesday and Wednesday, at which I know a great number of country members desire to be present, it would be well in these circumstances for the House to adjourn until next Tuesday week. By that time, a certain amount of work will, probably, have come down from the Assembly; and we may then be able to

sit right on without any more breaks. I move that the House at its rising adjourn till Tuesday, the 5th November.

Question put and passed.

The House accordingly adjourned at 21 minutes to 9 o'clock until Tuesday, 5th November.

Legislative Assembly,

Wednesday, 23rd October, 1901.

Petition: Sunday Theatricals—Railway Administration, Personal Explanation—Question: Railway Engine Sparks, new Funnel—Papers ordered: 1, Prison Warden at Fremantle, Dismissal; 2, Railway Workers, late Strike Incidents; 3, Cookgardie Water Scheme, Correspondence—Return ordered: Perth Park Board, Particulars—Motion: Federal Tariff, Effect on State Industries; a Protest (division)—R.C. Church Lands Amendment Bill (private), first reading—Motion: Sanitary Site at North Perth, to Inquire—Adjournment.

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

PRAYERS.

PETITION—SUNDAY THEATRICALS.

MR. JOHNSON presented a petition from the Synod of the Church of England in Western Australia against theatrical companies holding performances on Sundays, and praying that in the event of existing legislation being found insufficient to prevent such performances, new legislation should be passed.

Petition received, read, and ordered to be printed; to be considered on the next Wednesday.

RAILWAY ADMINISTRATION — PERSONAL EXPLANATION.

HON. F. H. PIESSE (Williams): Before the orders of the day are proceeded with, I desire to make an explanation to the House in regard to a statement I made a few evenings ago concerning Mr. Alexander, Mayor of Fremantle. I stated that I understood Mr. Alexander had expressed himself as in sympathy