

and no other advantage at all of a concrete nature we could possibly point to, then there would arise in this State a strong demand for separation. Whilst he sincerely held this strong anticipation he objected to recording a vote in favour of a preamble which repeated what was a portion of the Federal Constitution Act, that this union was indissoluble; and fully believing that the result of Federation in a few years would be such that it would be impossible for this State to continue in the Federation, he wished to relieve himself from being accused of repudiation; so he desired to take the opportunity of stating that he objected to this preamble, and objected to the Bill as far as Clause 4 was concerned. He objected entirely to the preamble, and it was his intention to vote against it. He took this objection honestly, and those members who had voted as they did to-night would probably be called "infernal fools," three or four years hence.

Amendment negatived, and the preamble passed.

Title—agreed to.

Bill reported with an amendment.

#### FERTILISERS AND FEEDING STUFFS ACT AMENDMENT BILL.

Received from the Legislative Council, and, on motion by the MINISTER FOR WORKS, read a first time.

#### ADJOURNMENT.

The House adjourned at 1:30 a.m. (Thursday), until the afternoon.

### Legislative Assembly.

Thursday, 17th September, 1903.

	Page
Questions: Railway Water Supply, Geraldton ...	1079
Stock Routes, how maintained ...	1080
Stock Department, Papers Missing ...	1080
Municipal Institutions Amendment ...	1080
Old Age Pensions ...	1080
Metropolitan Waterworks and Drainage ...	1080
Resident Magistrates and Medical Officers ...	1080
Bills: Mining Bill after Count-out, Explanations ...	1081
Constitution Act Amendment, third reading ...	1085
Trans-Australian Railway Enabling, third reading ...	1085
Inspection of Machinery, in Committee resumed, reported ...	1085
Factories Bill referred to Select Committee ...	1087
Bread Bill, in Committee, reported ...	1100

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

PRAYERS.

PAPER PRESENTED.

By the PREMIER: Annual Report of Medical Department.

Ordered, to lie on the table.

#### QUESTION—RAILWAY WATER SUPPLY, GERALDTON.

MR. STONE asked the Minister for Railways: 1, Why a large condensing plant has been imported to Geraldton by the Railway Department. 2, By whom it was recommended. 3, What will be the cost of same when erected. 4, What was the cost of supplying water to engines at Geraldton for the last twelve months. 5, What is the estimated cost for twelve months by condensing. 6, Whether the Government have taken any steps to conserve water by dams near Geraldton. 7, Whether there has been any adverse report against securing water by dams, and if so, by whom. 8, Whether the Government recognise that by erecting a condenser at Geraldton, where there is a 20-inch rainfall, they create a bad impression among directors of financial institutions and intending settlers as to the value of the district.

THE MINISTER FOR RAILWAYS replied: 1, In order that traffic may be more economically worked by the use of suitable water for locomotives. 2, The responsible officers of the Railway Department. 3, Estimated cost, £7,400. 4, £4,360. 5, £1,500. 6, No; as no suitable site has yet been found in spite of several examinations of the surrounding country, the results of which proved the

existence of salt in the water to an unworkable point. 7, Answered by No. 6. 8, This is not considered to be the case, as it is recognised all over the world that pure water is essential to economical working of locomotives.

**QUESTION—STOCK ROUTES, HOW MAINTAINED.**

**MR. JACOBY**, for Mr. Pigott, asked the Minister: 1, How many men have been employed by the Government on improvements to Fitzroy-DeGrey stock routes since June, 1902. 2, What length of time have they been so employed. 3, What amount of money the Government has spent on improvements to the said stock route since June, 1902—(a.) In wages. (b.) In supervision. (c.) In material and transport.

**THE MINISTER FOR WORKS** replied: 1, Sixteen men and one native assistant. 2, The average has been four men and one native assistant for 13 months. 3, (a.) £1,013 11s. 8d.; (b.) £8 2s. 6d.; (c.) £1,231 18s. 8d.

**QUESTION—STOCK DEPARTMENT, PAPERS MISSING.**

**MR. WALLACE** asked the Minister for Lands: Whether he will procure from Forrest, Emanuel, & Co., and place on the table of the House, folios 35 and 36, dealing with the inquiry into the dispute between the said firm and the Stock Department, and removed from jacket marked E, Lands and Surveys <sup>WV</sup>, and loaned to Forrest, Emanuel, & Co.

**THE MINISTER FOR LANDS** replied: The folios were returned to the Stock Department by Messrs. Forrest, Emanuel, & Co., and were held in that department pending the return thereto of the file to which they belong. The papers are now in file on table.

**QUESTION—MUNICIPAL INSTITUTIONS AMENDMENT.**

**MR. DAGLISH** asked the Premier: 1, Whether it is proposed to introduce, during the present session, a Bill to amend the Municipal Institutions Act, and allow municipalities to base their rates on the unimproved values of land. 2, If so, whether the measure will be brought forward sufficiently early to allow the new system of valuing to be

adopted, if approved by Parliament, in time for application next municipal year.

**THE PREMIER** replied: 1, The Government promised a recent deputation that when the resolutions of the recent Municipal Conference were placed before the Government, the question of introducing an amending Municipal Bill would be considered. This will be carried out. 2, The matter will be decided as soon as possible, and a Bill introduced should such a course be decided upon.

**QUESTION—OLD AGE PENSIONS.**

**MR. DAGLISH** asked the Premier: Whether it is the intention of the Government during this session to introduce a measure providing for the payment of old age pensions, in accordance with the request of this House as expressed by resolution during last session. If not, why not.

**THE PREMIER** replied: No. The question is one upon which the electors should be afforded an opportunity of expressing an opinion.

**QUESTION—METROPOLITAN WATER WORKS AND DRAINAGE.**

**MR. DAGLISH** asked the Minister for Works: 1, When it is anticipated that the Bill to deal with Metropolitan Waterworks and Drainage will be introduced. Whether that measure will provide for the supply of water to suburban municipalities at the same price as to the Perth City Council.

**THE MINISTER FOR WORKS** replied: 1, Full information and reports will be laid upon the table next week, and the necessary legislation will be submitted as early as possible thereafter this session. 2, Details, such as the price to be charged for supply of water, will be left to the discretion of the new Board that such legislation will seek to constitute.

**QUESTION—RESIDENT MAGISTRATES AND MEDICAL OFFICERS.**

**MR. YELVERTON** asked the Premier: 1, Whether the dual position of Resident Magistrate and Medical Officer has yet been dealt with elsewhere than at Busseton. 2, If so, where.

**THE PREMIER** replied: 1, Yes. 2, At Wyndham, Derby, Ashburton, Katan-

ning, Murray, Northampton, Williams, Esperance, and Swan.

### MINING BILL.

#### AFTER COUNT-OUT.

THE MINISTER FOR MINES, in moving that the Order of the Day for the resumption of the adjourned debate on the second reading of the Mining Bill be restored to the Notice Paper, said: In regard to the matter which occurred the other night by which this Bill disappeared from the Notice Paper, he explained that he did not think there was the very slightest intention on the part of any member to show disrespect to the member for Mount Magnet (Mr. Wallace), who was speaking when the count-out occurred. The incident was peculiar. It was near to 11 o'clock, and several members on the other (Opposition) side of the House, mining members, had promised to speak with regard to the Bill, but informed the Government they were not prepared to go on that evening, and asked that the debate be adjourned. That promise was given, and a large number of members residing away from Perth, thinking they might catch the quarter to 11 o'clock train, left the House about 20 minutes to 11, whereby the member then speaking was interfered with in his remarks. This arrangement was made by both sides of the House, and it was not anticipated there would be any trouble. He (the Minister) thought that as long as mining members were present—and there was a fair proportion of mining members present on that occasion—it was all that would be desired by any member speaking to the Bill. It had been said by some members that we should urge the agricultural members to be present and watch the interests of this Bill; but he thought that until we got to the Committee stage, and had to contest clauses of the Bill, it was not essential that such close attention should be given to the measure by members generally. He considered that the action taken the other night was absolutely unfair, and more, that it was improper, seeing the arrangement which had been made; and he believed that the feeling he had with regard to this subject was shared by nearly every member of the Chamber. He hoped that such a thing would not occur again in the

House, because it certainly did not redound to the credit of Parliament to have the news go forth to the world that a most important Bill before the House had been counted out during the debate on the second reading.

MR. F. WALLACE: It had been stated by the Minister, or rather conveyed to this House, that what occurred was only looked upon as an insult to him (Mr. Wallace) who happened to have been speaking at the time. He admitted that to a great extent he took this view of it himself. His strong reason for taking the step he had in changing his seat to a cross-bench was to protest not only against the action of the Ministry or individual members of Parliament, but against the utter lack of sympathy or attention in regard to mining matters by members other than those representing goldfields. In this Bill there were matters which largely concerned agricultural members, because a portion of it dealt with mining on private property; and if members belonging to the agricultural party would only peruse the Bill, they would see that their interests were as much at stake as those of goldfields people. The Minister had referred to an arrangement made between both sides of the House. He (Mr. Wallace) sat very close to Ministers, and not one word of the arrangement was conveyed to him.

MR. HIGHAM: The hon. member was speaking at the time.

MR. WALLACE: The arrangement must have been made very shortly before the House was counted out, and the only supporter the Minister had amongst his colleagues was the Minister for Lands. On looking round, the Minister for Mines ascertained that neither of the other three Ministers nor the whip was to be found within the precincts of the House. When the member for Mt. Margaret called attention to the state of the House he did not do it out of spleen, but simply with the desire, shared by others, that members should give less of their time to the Refreshment Room and more to the House when such a measure as a Mining Bill was going through. We had often heard of the thinness of the House when important matters were being dealt with. During the whole six

years he had sat in the House, he never before witnessed such a shameful state of affairs as that which occurred the other night. When the House was counted out, he found he had been speaking to nine members, two of whom were Ministers. It was the bounden duty of the Premier to insure that his whip should see that there was a quorum, if the Premier desired to go home before the business was finished. Agricultural members on every occasion had shown very little respect and given little time to considering mining matters, unless some question arose in which they believed the mining constituencies were going to get an advantage over the agricultural constituencies. The Minister for Mines had alluded to the impression which would be created abroad by the fact that such an important measure as this had been counted out; and he (Mr. Wallace) felt that those persons who had the interest of the State at heart had much to regret and be ashamed of in seeking the comforts of their homes in preference to attending to their duties in this House. It was time some protest was entered against the attendance in the House. Last night, when the Premier wanted what was called his "brutal majority," members were raked up for the occasion—even the member for Cockburn Sound (Mr. McDonald); yet the preceding sitting lapsed for want of a quorum. During the last two sessions Fremantle members had been conspicuous by their absence; and some provision should be made for dealing with such members in the Redistribution Bill, the Constitution Bill, or the Electoral Bill. He hoped this Mining Bill would be reinstated. Again he appealed to agricultural members to watch their own if they would not watch goldfields interests; for the Bill would affect property-owners who might be called on to sacrifice some of their land for the development of the State's mineral resources.

MR. PIGOTT: With the remarks of the Minister for Mines, who talked of some breach of agreement, he disagreed, and stated emphatically that no agreement was made, so far as he knew, between Government and Opposition. Neither he nor the Opposition whip was consulted. The Minister took good care not to state between whom the agree-

ment was made. They were not the delinquents mentioned.

THE MINISTER FOR MINES: That there was an agreement he had understood, else he would not have said so.

MR. PIGOTT: An agreement between the Opposition and the Government?

THE MINISTER FOR MINES: Yes.

MR. PIGOTT: There was no such agreement.

MR. WALLACE: What about the hon. member's left-hand supporter (Mr. Butcher)?

MR. PIGOTT: The official members of the party were not spoken to. It was not the duty of the Opposition to keep a quorum.

MR. WALLACE: Last session the Speaker ruled otherwise.

MR. JACOBY: No.

MR. PIGOTT: A Mining Bill might be discussed by a full House or by a small House. He refused to be dictated to by the member for Mt. Magnet or any other member as to when he should attend and when he should absent himself. The hon. member had incorrectly insinuated that agricultural members did not pay attention to the Mining Bill. At the time the House was counted out there were at least six agricultural members present; therefore the charge should be withdrawn.

MR. WALLACE: They were present after the bells had rung for a quorum.

MR. PIGOTT: They were in the House when it was counted out; but the mining members were not present, else the debate could have continued. The blame, if any, rested with the Government, and on mining members. He protested against the Minister's speech. Let him say with whom the arrangement was made.

THE PREMIER said he was the person responsible, as leader of the Government; and he accepted the responsibility. The occurrence had taught him a useful lesson. Last night the Government were anxious to get on with the second reading of the Bill; and he personally interviewed nearly every member in Opposition, and asked if they were prepared to continue the debate that night. The general desire was to adjourn the debate directly after the conclusion of the speech of the member for Mt. Magnet (Mr. Wallace). On that assumption members living in the

suburbs and Fremantle left. It was said all should have been here; but those members were not unreasonable in asking for some such concession under such circumstances. He (the Premier) had enough to do during the day, and liked to leave the House between 11:15 and 11:30, and would do so when he had a chance. If the Government had in this matter used their majority to insist on the second reading much against the wishes of prominent Opposition members, then this difficulty would not have been experienced; but the whole trouble arose because the Government were anxious to meet those members who wished to speak on the second reading but were not prepared to go on. He had interviewed every Opposition member whom he thought likely to speak; and they unanimously favoured an adjournment. Those were the members for Dundas (Mr. Thomas), for Mount Margaret (Mr. Taylor), and for West Perth (Mr. Moran).

MR. PIGOTT: They were not asked to form a quorum.

THE PREMIER: Certainly not; but when in such a case, for the purpose of meeting the convenience of both sides, it was tacitly agreed not to press forward the second reading, a count-out could not be expected nor could the Government be blamed if it took place. The member for Mount Margaret (Mr. Taylor), had he thought a quorum was not procurable, would not have called attention to its absence. This was a useful lesson; because if in future the Government desired to pass a motion for second reading, we should insist on its being proceeded with.

MR. CONNOR: It was pleasant to note the distinction drawn between the Opposition and the Government side, when the Premier said that he had at his hand a following which would vote for him when necessary.

MR. YELVERTON protested as an agricultural member against the remarks of the member for Mount Magnet (Mr. Wallace). When attention was drawn to the absence of a quorum, six agricultural members were in the Chamber. The hon. member's statement as to agricultural members was unfair; and agriculturists might fairly claim that there were

seven present, including the Minister for Lands.

MR. HIGHAM: While the Minister for Mines was not quite correct in suggesting that the Opposition had arranged to assist in maintaining a quorum, there was a clearly understood arrangement between him (Mr. Higham) and the Opposition whip (Mr. Jacoby) that the debate was to close as soon as the member for Mount Magnet's speech concluded, and that the metropolitan and goldfields members might fairly leave by the 10:45 train. This was arrived at one or two minutes after half-past 10. The Fremantle and suburban members, 11 in number, rather more than he anticipated, left the House and went to the train, nine leaving for the Fremantle train and two for Guildford train, including the Premier and the leader of the Opposition. Although there was no understanding that the Opposition would help to maintain a quorum, it was fairly well understood that no effort would be made to count out the House.

MR. YELVERTON: No effort was made by the direct Opposition.

THE MINISTER FOR LANDS: It was an unforeseen contingency.

MR. HIGHAM: Independent of the 11 members who went away, there were sufficient members in the precincts of the Chamber and nearly enough in the House to maintain a quorum when he (Mr. Higham) left the House at 25 minutes to 11. On looking at the official minutes, he found that at 10 minutes to 11 (a few minutes after he left) the attendance dwindled down.

MR. JACOBY: The hon. member took the members with him.

MR. HIGHAM: No. There were at the time fully 30 members, either in the Chamber or within the precincts, at the time he went away. Personally he felt considerable regret at the occurrence, and it would not be his fault if it occurred again. He wanted to protest against the reference to the Fremantle members by the member for Mt. Magnet. He had no necessity to excuse himself for attendance in the House, for he held the record against any member during the seven years he had been a member of the House. Speaking for the Fremantle members generally, their average was quite as good as that of any other body of members. If there were any means of

finding out, he would take their average of hours of attendance in the House.

**MR. MORAN:** No one was more regular in attendance than himself.

**MR. HIGHAM** admitted that no member would exceed the member for West Perth in occupying the floor of the House and in talking. He regretted what had occurred, and did not think any slight was intended to the member for Mt. Magnet or any discourtesy to the Minister for Mines.

**MR. STONE:** It was unfair to accuse the agricultural members as the member for Mt. Magnet had done, as there was a fair proportion of members present when the count-out occurred, 6 agricultural members out of 11. The member for Mt. Magnet stated that agricultural members took no interest in mining matters. Since he had been a member of the House he had troubled the Minister for Mines a great deal about mining matters, particularly about a Mining on Private Property Bill. For three years he had asked the Minister to bring in such a measure.

**MR. JACOBY:** The whip of the Opposition could not be responsible for any members outside the Opposition party. In making the wild accusation against members on the Opposition side the member for Fremantle and the Minister for Mines might have stated that we had tried to keep a House for the Government. It was an unfortunate occurrence, especially in view of the fact that the Mining Development Bill was counted out last session. The Government whip should remember that when the Minister for Mines had such complex and dry subjects before the House, he should endeavour to keep a quorum. The Opposition were not to be held liable for the action of the whole of the members on the Opposition side. Any undertaking made by himself with the Ministerial whip could only apply to those members sitting in direct opposition.

**MR. MORAN:** It was marvellous how time changed some members. When the Minister for Mines was one of a small party in the House he never missed an opportunity of counting out the House when Sir John Forrest was Premier, and it did not matter how secretly this was done. It was wilful and deliberate. One

night when Mr. Piesse was left in charge, Sir John Forrest being ill, the Minister for Mines engineered a count-out.

**MR. TAYLOR:** As the principal offender in this matter according to the Minister for Mines, it was only fair he should say a few words. The Minister had accused him of bad taste, unfair and unreasonable actions, which he denied. He was sitting in his place when the member for Mount Magnet was speaking on the second reading of the Mining Bill. When the Minister for Mines was moving the second reading of this measure there were never more than 20 members present, and on one or two occasions that number was reduced to 15 and 13. It was a memorable speech for the Minister for Mines. It had been printed in pamphlet form and circulated widely, which was well deserved. He admired the wisdom of printing that speech in pamphlet form and sending it round the country to enable members who were absent from the Chamber to read what the Minister had to say on that great and important question. The reason he drew the Speaker's attention to the state of the House on the night in question was that about 25 minutes past 10 there were about 13 members present, and as time went on that number dwindled down to nine. He thought then as a goldfields member that with such a large and important measure as that which consolidated the mining laws of the State, it was a disgrace to the Chamber, to the Bill, and to the mining industry to think that only nine members were present to hear the second-reading speeches. When the leader of the Labour party spoke on the Bill last week there were only 12 members present during the major portion of the time. The charges levelled against him (Mr. Taylor) by the Minister were denied. He called the attention of the Speaker to the state of the House with the object of entering his protest against such a measure being discussed in so thin a House. He thought the rest of the members were in the Refreshment Room, but members might just as well be in Kimberley or Geraldton as in the Refreshment Room when a debate was going on. He did not know members had gone home, and he did not call attention to the state of the House with the object of counting out the Bill.

He had no such intention. The Premier did ask if he (Mr. Taylor) intended speaking on the Bill, and his reply was that he did not think so. There was no animosity or ill-feeling on his part, but he had consistently maintained that there should be a quorum of members present when important matters were being dealt with. He had no hesitation in saying that he would do the same thing again on future occasions when large and important measures were before the House. He would not allow such measures to be discussed without a quorum of members being present; and he would not wait until the House dwindled down to nine members, but when there were one or two members less than a quorum he would call attention to the fact. When a measure was before the House which the Government desired to carry, they whipped up members. We had an exhibition of that last night when the Government whipped up members who were half dead, to come to the House. That was the case with Fremantle members generally. As far as the member for Sussex was concerned, he arrived just in time to say "hear hear" and go away again. The member for Greenough talked about agricultural members being present. The member for Greenough was the greatest offender in regard to absence. Sometimes he did not turn up for a week or a fortnight at a stretch. Members had only to refer to the minutes to find out what he was saying was correct. On the night in question 15 members were present: five were agricultural members and the Deputy Speaker made the sixth.

MR. JACOBY: All Opposition members.

MR. TAYLOR: The member for York was present and the member for Wellington. The rest of the members were mostly from the goldfields. There were only nine members in the Chamber, and 6 of the 15 were in the Refreshment Room. These members might as well have been in China as far as the business of the Chamber was concerned. He did not count out the House from any malice or ill-feeling, but with a view of having the Bill discussed in the presence of members who said they did not know anything about mining matters. These members should be present when the Bill was being discussed by mining men,

so that they could cast an intelligent vote when the Bill was in Committee. Members rolled up from the Refreshment Room to vote the Labour party down when that party desired to carry some reform.

Question passed, and the order made accordingly.

#### CONSTITUTION ACT AMENDMENT BILL.

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

#### TRANS-AUSTRALIAN RAILWAY ENABLING BILL.

Bill reported with an amendment, and the report adopted.

THE PREMIER moved: "That the Standing Orders be suspended for the purpose of having the Bill read a third time." He was anxious to have the Bill passed at the earliest possible moment.

Motion passed, and Standing Orders suspended.

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

#### INSPECTION OF MACHINERY BILL. IN COMMITTEE.

Resumed from 3rd September.

MR. HARPER in the Chair; the MINISTER FOR MINES in charge of the Bill.

Clause 64—Boiler attendant's certificate:

MR. JOHNSON moved that the clause be struck out, with a view to inserting the following as a new clause:—

Every person employed firing or having charge of steam boilers, who is not in possession of an engine-driver's certificate, shall hold a boiler attendant's certificate.

It was absolutely necessary that boilers should be in charge of competent men. The boiler was the only part of the machinery subject to inspection, and to use a boiler one required to have it certificated; yet it was not provided that this certificated portion of machinery should be in the charge of a certificated workman, or a man who had demonstrated that he was competent to look after it. The Minister, in Clause 33, had agreed to an amendment by the member for Wellington (Mr. Teesdale Smith) providing that, where a reducing valve was

used two boilers could be worked, and in agreeing to the amendment the Minister had pointed out that the reducing valve was all right provided it was in the hands of a competent man, but was dangerous in the hands of an incompetent man. The difficulty would be obviated by saying that the man in charge should pass an examination and guarantee his competency. By Clause 46 it was provided that an employer or proprietor of a boiler should be liable under certain conditions; but the clause went farther and said that, in the event of the neglect being on the part of the employee, or in the event of the employee being incompetent to carry on the work, the latter should be liable. If the employee was to be liable, it was only fair he should be a competent man. It was unfair for the Minister to contend that the employer should be allowed to employ an incompetent man, and, if anything went wrong, be able to put the blame on the incompetent man and thereby get out of his liability to a fine. The amendment got over the difficulty. One recognised the amendment would inflict hardship both in mining and agricultural districts, but, to get over this difficulty, it was provided that where an engine-driver was in charge of machinery, any man could be employed on the boiler. For instance, in the mining industry engine-drivers often did their own firing, or had labourers as assistants who did a little firing. In those cases it was not necessary for the boiler attendant to have a boiler attendant's certificate; but where the boiler attendant was in absolute charge of a boiler, he should hold a certificate. On big mining plants there were large nests of boilers in absolute charge of firemen; yet the Minister would not say that the men in charge of the most important part of the machinery should hold certificates. One readily recognised that such men should hold certificates, and the amendment would compel them to do so. The engineer who was in charge of these boilers seldom went to see to them. The Committee should give more consideration to this amendment than had been given to others moved from the Labour bench. These amendments were not moved to get some advantage to the workers on these particular pieces of machinery. The sole object of these was that there should be

competent men in the positions, and to get these competent men it was contended they should pass examinations.

**THE CHAIRMAN:** The question would be to strike out the clause. The hon. member must move at a later stage to add the new clause.

**THE MINISTER FOR MINES:** It would, perhaps, be a great deal better if certificated men were in charge of such machinery. There would be some disadvantages, however, if it were made compulsory for every person in charge of a steam boiler to have a certificate of competency. The matter need hardly be discussed at any length, because it could be seen how hard it would be in bringing in a new Bill like this to insist that every employer should have a certificated man in charge of a steam boiler. It was the first time that provision had been made for certificates to be issued to boiler attendants. [Mr. BATH: Only in this State.] Provision was made so that the department could issue certificates to persons who satisfied the board that they had a certain amount of experience with steam boilers. A great many employers would be only too pleased to employ holders of these certificates in preference to men who held no certificate.

**MR. JOHNSON:** With Clause 36 an employer would not.

**THE MINISTER FOR MINES:** That clause could be dealt with afterwards. It would be hardly proper to carry the amendment. Out in the back country it would be almost impossible to make it compulsory to have certificated men in charge of boilers. The whole working of a mine might be stopped because a certificated man could not be obtained.

**MR. TAYLOR:** They were as skilled there as in any other place.

**THE MINISTER FOR MINES:** They might be equally as skilled, but they might not have the possibility of getting a certificate, and the whole working of the mine would have to be stopped until a certificate was obtained.

**MR. JOHNSON:** The same argument might be applied with regard to drivers.

**THE MINISTER FOR MINES:** No. He had not the slightest intention of causing it to be compulsory for a boiler attendant to have a certificate, but there should be a man in charge of the machinery who had qualifications. There



must be one man who possessed a certificate. Let us see how the Bill would work. He hoped the Committee would reject the amendment, but still leave in the Bill the clause by which certificates could be granted.

**MR. TEESDALE SMITH:** The amendment was unnecessary. Every boiler had two safety valves on it, and all the attendant had to do was to put a little bit of firewood into the stoke-hole and keep up the steam. There was no necessity for the boiler attendant, as well as the engineer, to have a certificate. If the boiler attendant were an engineer as well, then of course he must have a certificate.

**MR. BATH:** The benevolent intentions of the member for Kalgoorlie (Mr. Johnson) in moving this amendment should have commended themselves to the member for Wellington (Mr. Teesdale Smith). He knew of several accidents to boilers which had occurred on the Eastern Gold-fields, and which had been due to the fact that incompetent men were in charge. He knew of one where several hundred pounds worth of property was damaged on the Ivanhoe mine, simply because the manager in charge thought that cheapness was the great thing to be considered, and he had incompetent men. That manager soon found, when that property was injured, that it was much better to obtain competent men. Only the other day a boiler explosion occurred on the Horseshoe mine, which if it had taken place in a Cornish or Lancashire boiler would probably have caused a considerable loss of life. In New Zealand they had a provision in the earlier *Inspection of Machinery Act*, and when they remodelled the measure they made the provision more stringent. The Minister for Mines knew well that in New Zealand it was compulsory for boiler attendants to have certificates, and the system worked well. In one of the States of the United States of America the system of compelling boiler attendants to have certificates had been in existence for ten years. They first instituted the system of having a written examination, but that did not work well, and then they had an oral examination, candidates being taken where the machinery existed, and being asked questions, the answers to which proved whether they were competent or

not. Massachusetts was the third greatest State in the Union as far as industries were concerned, and whilst during the past four years there had been throughout the United States two thousand explosions, there had not been one in that State since they instituted the system of boiler inspection.

**MR. MORGANS:** It was true that since laws were made not only in the United States but in England for the better supervision of boilers, accidents with boilers had diminished; but that was not in consequence of giving boiler attendants certificates: it was through a system of inspection of boilers. In England no attendants of boilers had certificates, but there was a very rigid system of inspection. That had been instituted in Western Australia already. With regard to the inspection of boilers in this State, the boiler inspectors, who were excellent men, were absolutely too rigid in their system of inspection. They not only gave to the boiler they inspected a safe pressure to work upon, but in nearly every case they gave ten or twenty per cent. lower than the boiler justified.

**THE MINISTER FOR MINES:** They were not doing that now.

**MR. MORGANS:** That had been done, and it had placed the industry at great inconvenience. In Western Australia, where there had been no certificates granted to attendants of boilers, we had had no serious injury at all. It was idle to say it was necessary to give a certificate to a man who attended a boiler. A boiler attendant had two important duties to perform. He had to watch the position of the water in the water-gauge glass, and he had to put fuel on the fire; and it would be just as reasonable to ask the House to give a certificate to the man who handed the firewood to the fireman, as to ask the House to give a certificate to the man who put the firewood on the fire. In the event of a boiler explosion occurring in a mine or factory, it might cause disaster, but it would not only be those near the boiler who would suffer, for the owner would have to suffer very considerably also, because he would be held liable for the accident.

**THE MINISTER FOR MINES:** We relieved him of a certain amount of liability.

MR. MORGANS: That was perfectly true, but under the Workmen's Compensation Act and the Employers' Liability Act, it did not matter what clauses we had in this Bill, the employer was still liable, especially under the Workmen's Compensation Act. The principle of granting certificates as proposed was doubtless—although the member for Kalgoolie (Mr. Johnson) denied it—the same as that which he (Mr. Morgans) dwelt upon the other night—giving more protection to the working man in the way of higher wages.

MR. BATH: The object was to benefit the whole community.

MR. MORGANS: If a man was not allowed to attend a boiler unless he held a certificate, one must be prepared to pay very much higher wages.

MR. BATH: No.

MR. MORGANS: It was bound to come to that.

MR. BATH: No.

MR. MORGANS: Members on the Labour bench were of course sincere in their denial, but he did not entertain the same view as they did. If this amendment were necessary, he would be one of the first to agree to it, but it was not fair to attempt to increase wages by an Act of Parliament in this surreptitious manner. If a man complied with the requirements of Subclause (a.) he must be competent.

MR. JOHNSON: The last speaker knew that compulsory certificates did not increase wages. Engine-drivers were certificated, but with the exception of winding men they worked to-day for the same wages as miners who were uncertificated. Firemen were recognised by the Arbitration Court as skilled workers; yet the clause would allow unskilled men to act. The labour being skilled and attended with danger to others, those performing it should be competent. The amendment was in the interests of the employer, and of no advantage to the employees, who were already recognised as skilled workmen, and received nearly the same and in some cases the same wages as second-class engine-drivers. The member for Wellington (Mr. Teesdale Smith) believed that the amendment would make it compulsory for a boiler attendant to be certificated where an engine-driver was in charge of engine

and boiler. Not so; but when the boiler was absolutely controlled by the fireman, he should be certificated. Large nests of boilers on Hannans Belt were controlled by uncertificated firemen, many of whom had charge of pumps also. They should be certificated, but not men firing under a driver's supervision. One or two big mines had secured experienced firemen at a slightly higher wage; but such instances were rare. The Minister opposed the amendment, yet admitted there were some good arguments in its favour. The certificate, if made optional, would be useless, for uncertificated men could be employed.

THE MINISTER FOR MINES: The employer would sooner have a certificated man.

MR. JOHNSON: Not always. Incompetent men had been taken from condensers and put in charge of steam boilers; and that the boilers on some mines were unsafe was common talk on Hannans Belt.

MR. MORGANS: Subclause (b.) made it necessary that a boiler attendant should give proof of experience.

THE MINISTER FOR MINES: That was not compulsory.

MR. MORGANS: But if in doubt, the inspector could ask the man for proof.

MR. JOHNSON: And the man, though incompetent, could continue to work.

MR. MORGANS: True, the inspector had not unlimited power; but what sane man would employ an inexperienced boiler attendant? That boilers in this country were properly attended to was proved by our freedom from accident both on goldfields and coast.

MR. JOHNSON: Surely we should not wait for an explosion.

MR. MORGANS: Our perfect system of boiler inspection prevented explosions. Only as the result of gross carelessness could an explosion take place. The amendment was unnecessary for the safety of life and property.

MR. JOHNSON: Only the man in charge need be certificated.

MR. MORGANS: How define him with three men on each shift attending to eight boilers? Should one of each shift be certificated?

MR. JOHNSON: One could not look after eight boilers.

**MR. MORGANS:** That all should be certificated was unnecessary. The amendment was intended to secure a class of firemen who would earn higher wages, though those now engaged were perfectly satisfied.

**MR. JOHNSON:** And they received the same wages as second-class engine-drivers.

**MR. MORGANS:** Perhaps so; but were it not for the certificates, many of those drivers could not earn such wages; and this proved that the tendency of certificates was to compel the payment of higher wages.

**MR. BATH:** The member for Kalgoolie was speaking from experience when he said the granting of certificates in the past had not increased wages. The member for Coolgardie stated that there was sufficient guarantee and protection by the fact of having a severe boiler inspection. To-morrow if an inspector tested one of the boilers at one of the mines of which the hon. member had control and had certified to the soundness of the boiler, he (Mr. Bath) undertook to go the next day and blow that boiler up in ten minutes. He could not help it because he knew nothing about it. An incompetent man would have no difficulty in blowing up that boiler and causing an explosion. In the Ivanhoe mine Italians were employed because they were obtained cheaper, and for a while they worked all right until some mischief was done which involved the necessity of taking out some boilers. In the state of Massachusetts, the inspector there spoke of the clause as preventing boiler inspection. The member for Coolgardie looked at these matters very much in a personal light, and if all employers were like the member for Coolgardie there would not be much need for a Conciliation and Arbitration Act and such measures; but the employers were not all cast in the same mould, and it was necessary to have protection against unscrupulous employers to protect the men and the employers also. The member for Coolgardie persisted in referring to the Bill as Labour legislation. The derivation of that term was in consequence of many of these measures being taken up by the Labour party; but in the Labour programme there were many measures which were called Labour legislation, but which were in the interests

of the whole community; for instance woman's franchise and one-man-one-vote. Measures of this kind, for the inspection of factories and machinery, passed in the United Kingdom, were initiated often by men in the higher walks of life, philanthropists, because there were evil results from want of legislation. These measures were called Labour legislation because the Labour party happened to be the reforming party in advocating them, but they were not class legislation. We were indebted to many persons outside our party for many of the best provisions. Even if the provisions for granting certificates at the request of boiler attendants was not carried on this occasion, in the future when this Bill came up for amendment the Committee would be agreed that it would be an advantage to take a step in advance, and make the holding of certificates by men in charge of boilers a necessity.

**MR. YELVERTON:** It was unnecessary to carry the amendment as proposed. The rigid inspection which was carried out was sufficient prevention against accident. In the first place boilers were provided with two safety valves, one of which was locked up so that the attendant could not interfere with it. Each boiler was provided with two water-gauge cocks and glasses, and even if one went wrong the other would show the quantity of water in the boiler. Supposing the attendant was so neglectful as to allow the boiler to run short of water, the fire-box was fitted with a safety plug, and if the water got so low as to affect the plug, it melted and put out the fire. It was impossible, under the conditions in this country, to have any danger, even if an attendant were neglectful.

**THE MINISTER FOR MINES:** This clause had nothing to do with the question of wages. The Committee had to consider whether it was necessary for a boiler attendant to have a certificate, and if so how it would affect the industries of the State. The member for Sussex had pointed out the special provisions of the Boilers Act and the ingenious devices to render an accident with a boiler impossible except through great carelessness. A man in charge of machinery must have a certificate. The department should have full power to issue certificates to boiler attendants, so that

employers who wished to employ a man holding a certificate would be able to do so, and the employer would then know that he had a man possessed of some knowledge. Farther than that he (the Minister) was not prepared to go. It had not been proved necessary that certificates should be issued; at the same time if all men had to hold certificates it would affect the industries of the State to a certain extent. Boiler certificates could be issued now, and in a few years there would be many men holding certificates. If it were then shown that it was necessary to make the provision compulsory, Parliament could consider that phase of the question. We held a good record here, although there was a slight accident a short time ago. A nest of some ten boilers was in charge of three attendants; each man looked after three boilers and the additional boiler was looked after by them all. In that case the head of one boiler blew out. This was the only accident that had occurred within ten years. With all the safeguards we had under the Act, with the different safety valves and the fusible plug, it would be a most extraordinary thing if accidents did occur. He did not think it was necessary to have the amendment.

MR. TAYLOR: The member for Kalgoorlie was to be congratulated in bringing forward the amendment, and the member for Wellington had been convinced that it was in the interests of the employer. The member for Kalgoorlie had failed to convince three employers, the member for Coolgardie, the member for Sussex, and the Minister for Mines. And the Minister's argument was that the amendment would affect the employer if it was insisted on, while those members who had spoken in favour of the amendment said it would affect materially the safety of human life. Not only would it affect those attending boilers, but those living some distance away. The Minister had stated that not many explosions had taken place in this country, but boilers had been blown up in this State and had never come down again: he believed they were still going. The member for Coolgardie was not fair when he accused the member for Kalgoorlie of moving the amendment to surreptitiously raise wages. That was not the case. Those who were advocating the amendment were men

representing labour while those opposing it were representatives of capital. It was purely a question of whether this amendment was to be carried in the interests of the employees or not. The arguments advanced by the employers he had thought would be that the employers, having a certain amount of capital invested in these boilers, would not place men in charge who would blow them up or destroy them. But the argument advanced was that there were so many safety appliances that the employers did not desire a standard of competency. They felt sure that was the only way danger would occur, but they would not get men up to the standard, and consequently accidents would occur. The members for Kalgoorlie and Hannans lived in the largest mining centre, close to where perhaps fifteen boilers were built in one nest, and they realised the necessity for the amendment. Men in outlying districts spoke of the danger of putting on men haphazardly to take charge of three or four or five boilers. Employers should consider those people living close to boilers attended to by incompetent men. It could not be said that all uncertificated men would be incompetent, but boiler attendants should have a certificate of competency showing their *bona fides*. The arguments brought forward should convince the Minister that his clause was practically useless. Members not directly concerned as employers should deal with the question in a broad way, and take into consideration the lives of those living near the boilers.

MR. ILLINGWORTH: The object of the Bill was to maintain competent men in certain important works, and the object of the amendment was that somewhere about dangerous machinery there should be at least one man known to be competent.

THE MINISTER FOR MINES: There must be such a one where an engine-driver was employed.

MR. ILLINGWORTH: No man should be left in entire charge of boilers who was incompetent to look after them. If there was someone to look after the attendant, no objection could be taken to an uncertificated man firing the boiler, but no uncertificated man, who might be incompetent, should take charge of the boiler.

**THE MINISTER FOR MINES:** Boilers were supposed to be in charge of the engine-driver.

**MR. ILLINGWORTH:** The Minister could go to Day Dawn and see the row of boilers there. The engine-driver was a long way from them. Though owners of boilers might protect their property by employing competent men, the amendment should be carried.

**MR. THOMAS:** The Committee should not agree to the amendment, but the clause might well be struck out. The members of the Labour party probably spoke in the interests of the owner of a boiler; but the owner should be in a better position to look after his boiler than those hon. members. A company owning valuable boilers would hardly have the sole object of seeing how soon they could blow them up. If there was a big nest of boilers the owner would take good care that he had a thoroughly competent man at or near the boilers to see they were properly used.

**MR. ILLINGWORTH:** Then the amendment could not hurt him.

**MR. THOMAS:** The certificated engine-driver in charge of machinery was at the same time in charge of the boilers. On a big mine there were the manager, several bosses under him, the chief engineer and sub-engineers, who would be all the time working at boilers, and under them would be the firemen to look after the boilers. Another class of skilled workmen should not be created for work in which skilled workmen were not necessary.

**MR. JOHNSON:** The Arbitration Court was against the hon. member on that point, and they were the best judges.

**MR. JACOBY:** The Labour party did not always think so.

**MR. THOMAS:** Surely engine-drivers would obtain competent firemen.

**MR. ILLINGWORTH:** If a man was competent he could get his certificate.

**MR. THOMAS:** Firemen should not be hedged round with restrictions to create another class of skilled labour. Owners were not desirous of sacrificing human life, and would not deliberately blow up boilers for the pleasure of spending thousands of pounds to replace them. They would take good care to see their property safe.

**MR. HOLMAN:** Almost the whole of an engine-driver's time, in the case of a mine where only one boiler was used, was taken up in hauling men up a shaft or letting them down, and the boiler was left in sole charge of an attendant. There was a considerable amount of danger from boilers. With regard to the safety-valve, there was a considerable amount of danger, because the boiler attendant who did not understand his work might hang his scraper on the safety valve.

**MR. YELVERTON:** The hon. member did not know much about boilers.

**MR. HOLMAN:** The safety valve was often kept down in order to get up another 20lbs. of steam.

**MR. YELVERTON:** Safety valves were always locked.

**MR. HOLMAN:** The Minister need not fear for the attendants if it were made compulsory to hold certificates. It could be arranged that certificates of competency could be issued, as was the case with engine-drivers' certificates when they were first made compulsory, by granting them to men who could show that they were possessed of certain experience in attending boilers. The amendment should be carried.

At 6:30, the **CHAIRMAN** left the Chair.  
At 7:30, Chair resumed.

**MR. THOMAS** said he did not think the member speaking before the adjournment could have read the Bill. We had devoted a fair amount of time to the consideration of the Bill in Committee, and he was surprised at the ignorance displayed by one hon. member in his comments on Clause 64. He had said that a man could tamper with a boiler, whereas he knew full well that under this Bill a man could do nothing of the sort. That hon. member had been trying to make the Committee think that unless we adopted the amendment of the member for Kalgoorlie (**Mr. Johnson**), we were placing the lives of attendants of boilers or any other persons in the vicinity of the boilers in jeopardy, because a man could, unless a qualified man, by a slight mistake cause the blowing up of a boiler. Under the provisions of this Bill that was practically an impossibility. Nothing was an absolute impossibility. An accident might occur whatever precautions

were adopted; but under this Bill there must be two gauge glasses, and everything practically was in duplicate. All the boiler fittings were in duplicate, and there were two safety valves upon the boiler. He agreed that one safety valve could be altered if a man so desired, but there was another safety valve, which was cased in and locked, and which the man could not touch or tamper with at all; that was subject to the blowing-off pressure by the Government Inspector of Boilers. As far as the safety of the boiler ordinarily was concerned, a man could go away for a drive in the bush and let his boiler be practically under full steam, and nothing would be hurt, if the inspector had done his duty in fixing that safety valve down in a proper way.

MR. JOHNSON: What about the reducing valve provided for in Clause 46?

MR. THOMAS said he would look at that in a moment. He hoped the Committee would not agree to the amendment, and he regretted that a mining member should come down and make statements about scrapers being hung on a safety valve.

MR. JOHNSON: Nothing was said by him about scrapers on safety valves.

MR. THOMAS: The member for North Murchison referred to it.

MR. JOHNSON intimated that the clause referring to a reducing valve was Clause 33.

Question (to strike out words) put, and a division taken with the following result:—

Ayes ...	...	...	11
Noes ...	...	...	21
<hr/>			
Majority against ...			10

AYES.  
Mr. Bath  
Mr. Ferguson  
Mr. Hastie  
Mr. Holman  
Mr. Jillingworth  
Mr. Jacoby  
Mr. Johnson  
Mr. Smith  
Mr. Taylor  
Mr. Thomas  
Mr. Daglish (Teller).

NOES.  
Mr. Burgess  
Mr. Butcher  
Mr. Ewing  
Mr. Foulkes  
Mr. Gardiner  
Mr. Gordon  
Mr. Gregory  
Mr. Hassell  
Mr. Hicks  
Mr. Holmes  
Mr. Hopkins  
Mr. Isdell  
Mr. James  
Mr. Phillips  
Mr. Piesse  
Mr. Pigott  
Mr. Rason  
Mr. Stone  
Mr. Wallace  
Mr. Yelverton  
Mr. Higham (Teller).

Amendment thus negatived, and the clause passed.

Clause 65—Disqualification of holder of certificate:

MR. BATH moved that the words "or who develops any symptom of epilepsy or other serious complaint" be inserted after "misconduct," in line 3. This provision was in the Queensland Act, and needed no recommendation.

Amendment passed, and the clause as amended agreed to.

Clause 66—Acting without certificate:

MR. BATH: An amendment in line 2, of which he had given notice, he would not move, seeing that the Minister had promised to make provision for it in the Mines Regulation Bill. He moved that the words "Provided that a winding engine-driver constantly employed hauling with an engine of 40 nominal horsepower capacity shall not be deemed to be in charge or have control of any other machinery" be added to the clause. One engine-driver, if he did his duty properly, would have his time fully occupied in looking after the big plants on some of the Kalgoorlie mines, and should not be required to attend to other machinery.

THE MINISTER FOR MINES: Withdraw the amendment, and in the Mines Regulation Bill the Government would insert an amendment somewhat similar, substituting "in the opinion of the inspector" for "constantly."

MR. BATH: The amendment could be withdrawn on that understanding.

Amendment withdrawn and the clause passed.

Clauses 67, 68—agreed to.

Clause 69—Notice of removal of boiler:

THE MINISTER FOR MINES moved that the words "for a longer period than one month" be inserted after the second word "district," in line 3. This would lessen the restrictions on agriculturists and others who, if the machinery were not removed for a longer period than a month, need not give notice.

Amendment passed, and the clause as amended agreed to.

Clause 70—Power to enter and inspect certificates:

MR. BATH moved that the word "appointed," in line 1, be struck out,

and "authorised" inserted in lieu. "Appointed" evidently meant "regularly employed"; but the amendment would permit anyone authorised by the Minister, even if not an officer under the Act, to examine certificates when necessary. One man could not do all the work of inspection; and the fact of Ministerial authority being requisite would be a safeguard against abuse of power.

Amendment passed, and the clause as amended agreed to.

Clause 71—agreed to.

Clauses 72 to 75—agreed to.

Clause 76—Application of part of penalty to person injured:

MR. YELVERTON: As the Workers' Compensation Act, the Employers' Liability Act, the Mines Regulation Act, and the common law fully safeguarded the workman, the clause was unnecessary. This had evidently escaped the notice of the Minister; and if the clause were not withdrawn, he (Mr. Yelverton) would move that it be struck out.

THE PREMIER: The clause provided that a magistrate might give the injured person part of the penalty imposed for a breach of the Act,

MR. YELVERTON: But the person would be compensated under the Acts mentioned.

THE PREMIER: If the magistrate had not that power, the whole penalty would go to the Treasury; and the Workers' Compensation Act made express provision for deducting the amount of such allowance from damages awarded for the injury.

MR. YELVERTON: Why should the Crown lose any portion of the penalty?

THE PREMIER: The Ministry might be left to protect the revenue.

MR. THOMAS: Would such allowance to the injured be deducted from damages awarded under the Employers' Liability Act?

THE PREMIER: Under that Act and at common law it would be for the jury to consider the allowance made to the plaintiff. But in no case would the clause increase the burden on the employer; for if the clause were struck out the penalties would not be diminished.

MR. THOMAS: But the clause might give rise to speculative actions. The Labour party as well as he deprecated these, which had been too frequent.

If a man was injured through the fault of an employer, the man should get damages, which any fair-minded jury would award; but one objected to speculative actions being brought. To insure now under the Employers' Liability Act, the Workmen's Compensation Act, and at common law it cost 30s. per cent. on all the wages paid by the employer. That was an enormous burden, and in other countries the rate of insurance was infinitely less, while the rate of accidents was about the same. The increased insurance rate in this country was brought about by the touting system which was adopted. The majority of actions which had been brought in the past had been genuine cases where damages should have been awarded, but many cases were brought into court which had been pure trying-on. He knew of a case in which an employer had paid a man from the date of his accident full wages, also hospital expenses, doctor's fees, chemist's fees, and had subscribed liberally to send the man to the Eastern States to obtain medical advice. A solicitor's agent met the man on the boat when coming back, and the company had a writ issued against them.

MR. BATH: These things were inseparable from all law proceedings.

MR. THOMAS: There was ample protection under the Employers' Liability Act, the Workmen's Compensation Act, and at common law. The clause might tend to bring about speculative actions. It did not protect the worker any more; he was already fully protected, and it did not impose any farther burden on the employer, therefore why have the clause at all?

THE PREMIER: The fine awarded in a case might avoid farther litigation.

MR. THOMAS: As the members of the Labour party had agreed to support the amendment, he would do so too.

MR. PURKISS: This clause had nothing to do with actions against employers in respect of which injuries had been caused. The various clauses of the Bill which had been passed imposed certain penalties in respect of breaches of the provisions. When an information was laid in respect of certain breaches on the part of the owner and a fine was imposed, Clause 6 provided that

one moiety of the fine should go to the injured person.

MR. JOHNSON: The Labour party desired to support the clause as it stood in the interests of the employers. If the clause was struck out and a fine inflicted, the whole of the fine would go to the Crown; but if the clause was left and a fine inflicted, half of that fine would go to the Crown and the other half to the person injured.

Amendment negatived, and the clause passed.

Clauses 77, 78, 79—agreed to.

Clause 80—Regulations:

THE MINISTER FOR MINES moved that there be added to Subclause 4 these words: "and the nature and amount of the experience required by the applicant."

Amendment passed.

THE MINISTER FOR MINES further moved that in Subclause 5, line 2, the word "or" be struck out. Subsequently he would move that the words "or other" be inserted after "dairy." Under ordinary circumstances a steam pump would come within the meaning of the Bill, and it was not necessary that a man who looked after a steam pump or a steam hammer in a blacksmith's shop should require a certificate.

MR. BATH: The motive was to except certain classes which it would be preposterous to ask to be driven by a certificated person. However, there was a big danger in allowing the Minister to frame regulations to except anything from the Act. It would be preferable to include all specifically excepted classes in a schedule. Too much was left to Ministers to deal with by regulation in important measures. These classes of machinery should not be exempted unless they were inserted in a schedule.

THE MINISTER FOR MINES: It was impossible to include every class of machinery. The hon. member would understand how impossible it was to include every class of machinery driven by steam as steam engines. On recommitment the Committee could define distinctly the word "steam engine." It might be defined as an engine that of its own motive power should work other machinery. A definition would be submitted to the members of the Labour party so as to try and meet them in

every way. It would not be well to let people come forward with complaints that an uncertificated man for instance was driving a steam hammer or a steam pump. To meet all the different exigencies it was necessary to have the power to make exceptions by regulations.

MR. BATH: If the Minister desired the insertion of the words in order to exclude from the incidence of the Act certain classes of machinery, and yet was going to place in the schedule a definition of "steam engine," there was no necessity for the insertion of the words in the clause. The Labour party would be prepared as far as possible to insist upon a definition that would confer no injustice on any class of the community, and would prefer it to be done in such a way rather than by the insertion of the words.

Amendment (that the word "or" be struck out) put and passed.

THE MINISTER FOR MINES moved that the words "or any other" be inserted after the word "dairy," in the same line.

Amendment passed.

THE MINISTER FOR MINES moved that the word "only," in the same line, be struck out.

Amendment passed, and the clause as amended agreed to.

New Clause—Right of Appeal:

MR. THOMAS moved that the following be added as a clause:—

In any case where the owner shall have reason to be dissatisfied with the orders or ruling of the local inspector, he shall have the right of appeal to the Chief Inspector and the State Mining Engineer.

It was necessary that the right of appeal should be given. All sections of the community had the right of appeal to the Minister at the present time, and both sides would agree that, in the present Minister, they had one who held the scales of justice equal between the two, not currying favour with one side or the other, but steering a middle course. There might be complaints against some person who would be prejudiced. There should be a right of appeal from the local inspector to the Chief Inspector.

THE MINISTER FOR MINES: There was no occasion for the clause. If any complaints were made, inquiries would be made by the department, and, if they proved to be correct, the inspector



would be very soon got rid of. Complaints were now immediately inquired into. A boiler inspector on the goldfields might state that certain repairs were needed on a mining plant: the owners would say that they had the right of appeal, and would keep on working a probably dangerous boiler until the appeal was heard: that appeal might not be heard for some time, because it might happen that the Chief Inspector was attending to some other matter in a distant part of the goldfields. The public were satisfied with the administration of the boilers department in the past. Complaints had always been investigated so soon as possible; so the clause was not necessary.

MR. THOMAS: There was the right of appeal in the Factories Bill.

THE PREMIER: That had been put in by the House last session.

MR. THOMAS: If it had been put in by the House, why was it unnecessary in this Bill? He had never heard any complaint against an inspector or against the administration of the department. The Minister in his regulations could provide for the local inspector's instructions being obeyed pending the hearing of an appeal; but there should be the right of appeal to the Chief Inspector, because a local inspector might put a manager to considerable trouble.

MR. TAYLOR: An appeal might not be heard for several months, and the Chief Inspector would have so many appeals to deal with that he could not attend to them. The member for Dundas was guarding the interests of the struggling syndicate which avoided on every occasion the instructions of the inspector. Repeatedly the inspector of machinery and the inspector of mines issued instructions for improvements for the safety of men working on mines or about machinery; but if the amendment were carried, managers would contrive to postpone the carrying out of instructions.

THE MINISTER FOR MINES: Under Clause 32 the inspector was empowered to condemn plant, and it would be unwise to give the right of appeal which would allow the plant to be worked. It would be within the province of the owner of the plant, immediately on its condemnation, to send in a complaint to the head of the department,

and inquiries would be instituted at once and a thorough examination made. The fact of putting these words in the Bill would really have no effect. There was always the right to appeal to the department. The clause would only to some extent injure the Bill, and he hoped the hon. member would not press it.

Motion put and negatived.

First Schedule:

THE MINISTER FOR MINES having referred to clerical errors, these were corrected.

THE MINISTER FOR MINES moved that the schedule be amended by adding "Sections 16, 17, and 21" (repeal thereof) to the sections of 63 Vict., No. 49.

MR. JOHNSON: The Minister had told us during the many discussions on this Bill that it was his intention to provide for a number of matters brought under his notice, and that this would be done in a new Mines Regulation Bill. If the Minister was going to reinsert the clauses or the amendments he desired in the new mines regulations, why was he repealing those which already existed? He (Mr. Johnson) did not know exactly what the clauses referred to, but some of the sections which the Minister was repealing provided for certain restrictions as to how engine-drivers, etc., would be employed: It would be infinitely better to leave them in the present regulations until the new Bill was passed.

THE MINISTER FOR MINES: The hon. member had been given to understand by him that the Government would, before the Bill got through another House, have amendments of the Mines Regulation Act brought down, so that he would understand what was being done. The Bill we were now dealing with dealt with the question of granting certificates. In the Mines Regulation Act there were certain sections which dealt with exactly the same thing. He wanted the granting of the whole of these certificates to be under one measure, that being the Machinery Bill. When we came to the Mines Regulation Act we should have to put in the class of certificate that persons would have to obtain to do certain kinds of work. The Mines Regulation Act said that a person working on a winding engine must have a first-class certificate, and we had to take very special care in

regard to any person working on a winding machine. The Government wanted to strike out of the Mines Regulation Act the provision regarding the granting of certificates to engine-drivers, and to have the granting of certificates under one administration, and then when we were dealing with the Mines Regulation Bill we could make provision for the class of certificate which would be issued.

Amendment passed, and the schedule as amended agreed to.

#### Second Schedule :

**THE MINISTER FOR MINES:** A promise had been made by him to have a schedule prepared so as to make more precise the machinery that should come under the provisions of this Bill. He moved that the schedule be struck out, and the following inserted in lieu :—

*Machinery subject to Act.*—All machinery worked by steam, water, electricity, gas, oil, compressed air, or any other manner (other than machinery driven by hand, treadle, wind, or animal power), and used in printing, flour-milling, sawmilling, quartz-crushing, rock-crushing, batteries, weight-raising, chaff-cutting, foundries, and breweries.

This schedule would be found to contain most of the different classes of machinery required.

Amendment passed, and the schedule as amended agreed to.

#### Schedules 3 to 6—agreed to.

#### Seventh Schedule:

**MR. BURGESS,** referring to the line “for every single boiler over 15-horse power and up to any power, £3,” moved as an amendment that the figure “3” be struck out and “2” inserted in lieu.

**THE MINISTER FOR MINES:** It was to be hoped the Committee would refuse to make this reduction. At present the Government were losing a good deal in this work. He had promised a concession. Where there were several boilers together we might charge £3 for the first boiler and for each of the other boilers only £1 5s. instead of £1 10s. If the Committee liked to provide for the cost of administration, he would not mind making a larger reduction; but the department could not afford to do it, and thought the fees for inspection should pay for the cost of administration. He intended to have a farther amendment with regard to fees to be charged for inspection of machinery. Where any of

this machinery was a part of machinery connected with boilers, we charged a fee for the inspection of boilers, and there was no additional fee for the inspection of the machinery. This fee for the inspection of machinery would only be charged where it was worked by electricity or some motive power other than steam, and if a fee was received for the inspection of boilers there would be no extra fee for the machinery.

**MR. PURKISS** failed to see the principle upon which fees were exacted at all. An inspection by the Government was thrust upon the owners of machinery and boilers.

**MR. BURGESS:** People did not mind paying a moderate sum.

**MR. PURKISS,** speaking generally, said the Government insisted upon an inspection, upon doing something against the wish and will of the owners; they said “We will invade your premises and inspect your machinery,” and they then actually asked the owners to pay £1, £2, or £3 for such inspection.

**MR. THOMAS** was glad this question had been raised. As to a number of the fees, he agreed with them; he did not think anyone objected to pay a fee, and if it was not enough, the Government should charge more; but people had a right to complain that the fee carried nothing with it. An owner got a certificate from the inspector to say that a boiler could be worked up to 60, 70, 80, 90, or whatever pounds to the square inch it might be. A fee of £20 might be charged for several days' inspection of boilers, and for an official certificate. Five minutes afterwards a boiler might explode, and the employer would be liable for personal injuries inflicted, though he might be carrying out the instructions of the Government, and actually working the boiler at a lower pressure than was authorised.

**MR. BATH:** Would he not have an action against the Crown?

**MR. THOMAS:** That point might be tested. Certainly the Government should pay a share of the damages in such case. The Minister said liquor-sellers were inspected against their will. True; but no charge was made. If inspection of boilers was designed to safeguard life and limb, make no charge; but if intended to

show owners at what pressure boilers should be worked, the Crown should take some responsibility in case of accident.

Amendment put and negatived.

THE MINISTER FOR MINES moved that in line 11 the figures "10s." be struck out, and "5s." inserted in lieu.

Amendment passed.

THE MINISTER FOR MINES moved that the words "as prescribed, but not to exceed," be inserted after "machinery," in line 21. A charge of £1 could then be made for certain machinery, and less could be charged where the work of inspection was lighter.

Amendment passed, and the schedule as amended agreed to.

Eighth Schedule—Forms of certificate :

MR. THOMAS: Could not something be done to insure owners against accident, on payment of increased fees? In England there were boiler - insurance companies, whose premiums were nominal.

MR. ILLINGWORTH: Naturally if, as alleged, the boilers never blew up.

MR. THOMAS: Of a boiler explosion in this country he had no recollection. The inspector regularly examined the boiler; he could report on its condition, and the Government could, for an increased fee, issue an insurance policy.

MR. PURKISS: A step might be taken in that direction by striking out "consider" in line 3, and inserting "certify." Any inspector worthy of the name should be able to give a conclusive certificate that the boiler was in good repair and fit to be used.

THE MINISTER FOR MINES: The same word was found in the New Zealand Act. Without legal advice he could not adopt the suggestion, not knowing how far it would make the Crown responsible for damage in case of accident. Clause 71 stated that nothing in the Bill or in any certificate should relieve the owner from liability to any action or any civil or criminal proceeding, but that all rights of owners and other persons should remain unaffected.

MR. PURKISS: The owner paid for a certificate, and required a certificate, not a mere opinion.

MR. THOMAS: The form was headed "Certificate for Boiler," and yet it read "I consider." The two other forms should be similarly amended. What was the form of certificate in the existing Act?

THE MINISTER FOR MINES: It was similar, and stated that the inspector considered the boiler to be in good order and condition.

MR. THOMAS: The Minister's explanation was satisfactory.

Schedule put and passed.

Title—agreed to.

Bill reported with amendments.

## FACTORIES BILL.

### SELECT COMMITTEE TO INQUIRE.

THE MINISTER FOR MINES moved that the House resolve into Committee of the whole to consider the Bill.

MR. PIGOTT moved, as an amendment, that the Bill be referred to a select committee. The reason for asking that the Bill be sent to a select committee was that members might deal out, what everybody wished to deal out, fair play to every section of the community. A report had been laid on the table of the House which contained many grave charges against the manufacturers of the State, and if it was desired to do justice to these people, we should send the Bill to a select committee to go into the truth of that report in order that we might give the manufacturers of the State a chance of repudiating the charges contained in the report if they could possibly do so, and so that the manufacturers might clear their characters of the stigma cast on them unfairly. No names had been mentioned, but the manufacturers of the State as a whole had been accused in the report of carrying on their businesses in a very bad way by keeping their premises in a most unhealthy state, and generally carrying on their businesses in such a way as to cause the necessity for legislation to make them alter the present conditions.

MR. HASSELL seconded the amendment.

THE PREMIER: In connection with this subject the leader of the Opposition suggested that it was desirable to have a select committee to inquire into matters which were referred to in a report by the secretary of the Central Board of Health placed on the table a few weeks ago. So far as an inquiry would tend to adduce evidence to show whether legislation of this nature was necessary or not in this State, perhaps it might serve a useful end.

He had no doubt himself, absolutely none, that legislation of this nature was necessary, and he was confident that whatever inquiry was held would abundantly justify the action the Government took in introducing the Bill last session and again bringing it before the House this session. He would be sorry if the manufacturers of the State thought there was contained in the report of the Central Board of Health anything that reflected on the manufacturers as a whole. Those who believed we needed factory legislation in the State, and those who supported factory legislation in other States and its extension from time to time, urged that legislation not because the great bulk of the manufacturers needed it, but because of the few manufacturers who failed to observe those reasonable and decent conditions which the great majority did observe.

MR. WALLACE: There were not many manufacturers outside those mentioned in the report.

THE PREMIER: We believed the manufacturer who desired to give fair treatment to his employees by providing proper accommodation for them was an individual who would support legislation of this nature, because it tended to protect him from the competition of unscrupulous men who did not care under what conditions the work was carried on by the persons he employed. The report which had been laid on the table dealt with 70 manufacturers in Perth and Fremantle. There was a far greater number than that. If members looked at that report they would find only a minority of those referred to in the report were condemned. The body of the report picked out instances where there had been very serious defects and failures to observe conditions which he believed ought to be observed in connection with factories. He realised that the Bill was opposed last session because the manufacturers, at all events some, thought this legislation not necessary. He believed they still thought it, and he also realised that before we could hope to get a Bill through both Houses of Parliament it might be necessary to have a select committee in this House, or in another Chamber, to ascertain the facts connected with the case. That being so, he was prepared to consent to the suggestion of

the leader of the Opposition, and have a select committee, so long as that committee dealt with the question indicated by the speech of the hon. member. We did not want a select committee to give us a historical account of the factory legislation in various parts of the world; we did not want to know what the purview of the ordinary factory legislation was; but we wanted the select committee to deal with the special facts of this State and see if they could, by gathering evidence from manufacturers, show us whether it was necessary or not to adopt this class of legislation. If the select committee did that and limited their observations to these particular questions, he believed they would do good work, but members would agree with him when he said we did not want to unduly lose time. In this connection, if the matter was brought on as quickly as possible, he would like to know from the hon. member who, in case the motion was adopted, would be chairman of the committee, whether he agreed with him (the Premier) that expedition should be used. This was not a case which called for a very long inquiry. The necessary data could be obtained very promptly if the members of the select committee set about the work vigorously, as they should under the circumstances. If a select committee were appointed he should think they ought to have their report—having regard to the fact that the matter which they desired particularly to deal with, the facts mentioned in the report, only referred to Perth and Fremantle—ready by, he should say, next Tuesday week. If we got the report next Tuesday week he thought the time would be well spent, and he should be glad to see the select committee appointed. He hoped on that committee both sides of the House would be represented, so that the evidence adduced before the committee would be properly examined and cross-examined and the facts properly ascertained.

MR. F. WALLACE said he had no intention to oppose sending the Factories Bill to a select committee, but he wished information on one point. The evidence to be taken by the select committee would certainly go to disprove or substantiate the report of the Central Board of Health. In the event of the weight of evidence

being against the report of the Board of Health, what action would the Government take in regard to the Board of Health?

**THE PREMIER:** The select committee would be able to call the inspectors of the Board of Health and hear what they had to say about it. Since the report had been laid on the table, no doubt a number of the matters had been remedied.

**MR. WALLACE:** That was not admitted by him.

**THE PREMIER:** Human nature being human nature, it was more than likely they would be remedied.

**MR. WALLACE:** We had seen the statement signed by the chairman and secretary of the Chamber of Manufactures refuting almost *in toto* the statements contained in the report. Either we would have to make provision in the Health Act to deal directly with the factories or we should have to deal directly with the Central Board of Health. It seemed an injustice was being done one side or the other, either the Board of Health was dealing unjustly with the manufacturers of the State, or the representatives of the manufacturers in the Press had misstated the facts. He would be glad if the matter could be cleared up by the select committee, and he hoped the selection of the committee would be left to members' own sweet will, and not that members would be dictated to by any special desire of the mover of the amendment or a member of the Government.

**MR. PURKISS:** It seemed to him the Board of Health, in view of the amendment proposed by the leader of the Opposition, must fail. Assuming the report was true, then the board was self-condemned, and must be got rid of without a minute's delay. If the select committee inquired into the report and found it untrue, the Board of Health was condemned again: they were on the horns of a dilemma. This was the most damning indictment against the Board of Health he had read.

**THE PREMIER:** It was the local boards of health.

**MR. PURKISS:** Then they should be got rid of. If we appointed boards of health they should go into these matters which existed under their very noses. If the Central Board of Health and the

local boards of health could not attend to these primary matters, then they should be got rid of. He had never heard of a more damnatory indictment in his life than the report was. If the select committee proposed to be appointed said that the report was untrue, the boards were guilty of manufacturing something that did not exist.

**MR. HASTIE:** The hon. member had put forward important considerations. If we appointed a select committee, the duty of that body would be to inquire into the matter, and after that the committee's report could be discussed. The select committee should be appointed at once, and farther time saved.

**MR. DAGLISH:** It would be a pleasure to give the manufacturers and factory owners of Perth an opportunity of presenting evidence as to the condition of their factories. He quite recognised that it was only right when the two sides were stated in a case like that before us, we should afford each an impartial hearing, and give our verdict in accordance with the balance of evidence. At the same time he would like to state there was a great deal of importance in pushing on the inquiry at the utmost speed. Last session we had, in another place, several measures rejected on the ground that they had been sent up from this House at too late a period of the session to receive proper consideration, and as this session was hastening towards conclusion he hoped the question of factory legislation would still be dealt with in sufficient time to give another place no excuse whatever on the ground of want of time to consider the measure when it reached them. He would support the investigation by the select committee, but he urged that no undue waste of time should occur in the investigation by that select committee.

**MR. PIGOTT** thanked hon. members for the way in which they had received his suggestion. It was not his intention to allow the committee, if he could help it, to dawdle in their work. It was his intention to get the inquiry carried out as fully and as quickly as possible. If the report, which had been laid upon the table was true, there would be no stronger supporter of the Bill than himself.

Amendment put and passed.

Ballot taken, and a committee appointed comprising Mr. H. Daglish, Mr. J. J. Higham, Mr. W. D. Johnson, Mr. F. Wallace, also Mr. S. C. Pigott as mover; with power to call for persons and papers, and to sit on days on which the House stands adjourned; to report on the 29th September.

## BREAD BILL.

## IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the PREMIER in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

MR. HIGHAM moved that the words "under two pounds in weight" in line 7 be struck out. Scone, Coburg, and pipe loaves were made nominally two pounds in weight. There was no necessity for the words.

THE PREMIER: The hon. member should have given notice of amendment. The Minister in charge of the Bill should not be called upon to deal with such a point without notice. The measure had been discussed carefully last session, and had only been slightly altered. The member for the Williams, at whose instance the Committee stage had been postponed, had now gone through the Bill and was quite satisfied with it.

Amendment negatived, and the clause passed.

Clauses 4 to 24—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

## ADJOURNMENT.

The House adjourned at 9:32 o'clock, until the next Tuesday.

## Legislative Council,

Tuesday, 22nd September, 1903.

	PAGE
Bills: Administration (Probate), in Committee, progress	1100
Supply, £500,000; all stages	1107
Constitution Act Amendment, first reading	1107
Trans-Australian Railway Enabling, first reading	1107
Pearlshell Fishery Act Amendment, in Committee, reported	1107
Electoral, second reading moved	1110
Noxious Weeds, not to proceed	1114

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

## PRAYERS.

## PAPERS PRESENTED.

By the COLONIAL SECRETARY: Gold-fields Water Supply Act, Addition to By-law 7. Alterations to Classification and Rate Book. First Progress Report of Royal Commission on Forestry.

## ADMINISTRATION (PROBATE) BILL.

## IN COMMITTEE.

Clauses 1 to 13—agreed to.

Clause 14—Interest of husbands and wives in estates of the other of them:

HON. F. M. STONE asked that the clause might be postponed in order that members could see the amendment of which he had given notice.

On motion by the COLONIAL SECRETARY, clause postponed.

Clauses 15 to 49—agreed to.

Clause 50—Power of executor or administrator as to debts:

On motion by Hon. F. M. STONE, clause postponed.

Clause 51—agreed to.

Clause 52—Court may appoint district agents:

On motion by Hon. F. M. STONE, clause postponed.

Clause 53—Where estate below £500, the Master or district agent may act:

On motion by Hon. F. M. STONE, clause postponed.

Clauses 54 to 62—agreed to.

Clause 63—Fees of curator:

HON. W. T. LOTON: It appeared to him that this clause was somewhat im-  
provident; it meant a payment of six per cent. on the whole of the estate being realised. At the present time at all events the full charge by a company