such sums would not have been passed without explanation.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

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

Read a third time, and *passed*.

BILLS, FIRST READING.

INDUSTRIAL STATISTICS ACT AMENDMENT BILL, received from the Legislative Assembly, and on motion by the Minister for Lands read a first time.

DAY DAWN RATES VALIDATION BILL, received from the Legislative Assembly, and on motion by the Minister for Lands read a first time.

ABORIGINES PROTECTION BILL, WITHDRAWAL.

THE MINISTER FOR LANDS (Hon. J. M. Drew): I beg to move "That the Bill be withdrawn, and that leave be given to introduce another Bill at the next sitting of the House." Since the Bill was introduced, Dr. Roth, the Chief Protector of Aborigines in Queensland, has visited this State and has been able to make some valuable suggestions to the Government; which suggestions the Government have adopted, the result being that it is desirable to introduce a new Bill.

HON. J. W. HACKETT: Will you proceed with a Bill, when Dr. Roth has furnished his report?

THE MINISTER: Yes.

Question passed, the Bill withdrawn, and leave given to introduce a Bill in lieu.

HEALTH BILL, DISCHARGE.

THE MINISTER FOR LANDS: I beg to move "That the Order of the Day be discharged from the Notice Paper."

Question passed, and the order discharged.

ADJOURNMENT.

THE MINISTER FOR LANDS: I would like to ask members to attend in good numbers to-morrow, as there are one or two matters to be considered, especially the Day Dawn Rates Validation Bill. I promise that if members assemble in good force to-morrow, there will probably be an adjournment until the next Tuesday week.

HON. G. RANDELL: Will the Minister come prepared with a statement that the ratepayers of Day Dawn have no objection to the Bill? It is only right that the opinion of the ratepayers should be known to the House.

THE MINISTER: I shall be able to furnish the House will all information to-morrow.

The House adjourned at 53 minutes past 4 o'clock, until the next afternoon.

Legislative Assembly,

Tuesday, 20th September, 1904.

THE SPEAKER took the Chair at 3·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: 1, Regulations under "The Land Act, 1898." 2, By-laws for the management of the King's

Park. 3, Regulations under "The Stock Diseases Act, 1895." 4, Return of Transfers of Parliamentary Votes for 1903-4.

By the MINISTER FOR MINES: 1, Empress of Coolgardie Gold Mining Leases —Papers to order of House dated 14th September. 2, Report of the Mines Department for 1903.

QUESTION—LAND SETTLEMENT, COWCOWING.

MR. BATH, for Mr. Watts, asked the Premier: When will the agricultural lands in the Cowcowing district be available for settlement?

THE PREMIER replied: Land within the Cowcowing Agricultural Area will be thrown open to selection so soon as the requisite surveys have been completed, probably in January next. Land outside the Agricultural Area and beyond 40 miles from the Eastern Railway is already open for selection unless within a pastoral lease. Land outside the Agricultural Area and within 40 miles from the Eastern Railway is already open for selection unless within a pastoral lease granted under the Land Regulations of 1887.

QUESTION—MIDLAND RAILWAY, PURCHASE.

MR. CARSON asked the Premier: Have the Government any intention of approaching the Midland Railway Company with reference to the purchase of the Company's Railway and Land Concessions? If so, when?

THE PREMIER replied: The matter is under consideration.

QUESTION—LIQUOR LAWS, LEGISLATION.

MR. CARSON asked the Premier: Is it the intention of the Government to introduce legislation, during the present session of Parliament, dealing with the Liquor Laws of the State? If not, why not?

THE PREMIER replied: Notice of motion for the introduction of a measure dealing with this subject has already been given.

BILLS, FIRST READING.

FRIENDLY SOCIETIES ACT AMENDMENT BILL, introduced by the Minister for Railways.

PUBLIC SERVICE BILL, introduced by the Premier.

RETURN—DIVIDEND DUTY TAX.

Ordered, on motion by Mr. P. J. LYNCH (Mount Leonora), That there be laid upon the table a Return showing—1. The revenue received under the dividend duty tax last financial year, and the amount outstanding, if any. 2. The number of companies in each industry or business subject to the Dividend Duty Act, and the amount of capital in each case upon which assessments are made. 3. The amount of tax received from each company.

RETURN—FREMANTLE GAOL, WARDERS' HOURS.

Ordered, on motion by Mr. E. NEEDHAM (Fremantle), That there be laid upon the table a Return showing: 1, The number of hours worked by the warders (male and female) in the Fremantle Gaol, and the warders and nurses in the Fremantle Hospital. 2, The weekly wage received by each.

RETURN—RAILWAYS IN CONSTRUCTION, EXPENDITURE.

Ordered, on motion by Dr. ELLIS (Coolgardie), That there be laid upon the table a Return showing: 1, The railways in course of construction on 30th June, 1903, not handed over. 2, The amount of loan money expended on each line to that date.

RETURN—PUBLIC ACCOUNTS, SCHEDULE HEADS.

Ordered, on motion by Dr. ELLIS (Coolgardie), That there be laid upon the table a Return under the Schedule head of the sum of £278,313, marked (*b*), in Return No. 13 of the Public Accounts for 1903.

INDUSTRIAL STATISTICS ACT AMENDMENT BILL.

Read a third time, on motion by the MINISTER FOR MINES AND JUSTICE, and transmitted to the Legislative Council.

DAY DAWN RATES VALIDATION BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Taylor): In moving the second

reading of this Bill, it is not necessary to make any lengthy speech. It is purely a Bill to validate certain rates collected by the municipal council of Day Dawn. I would like to point out that the municipal boundaries of Day Dawn were extended about 18 months ago, and some technical mistake was made—I do not know if on the part of the municipal council or on the part of the Government. The municipal council thought everything was in order, and have since been collecting rates in the ordinary way; but having applied for a farther extension of their boundaries, it has been found out by some of the ratepayers that the previous boundaries were not properly carried through their legal stages, and these persons are now objecting to pay their legal rates. This Bill is to validate the rates already collected. I feel sure the House will accept the measure, of which I now move the second reading.

Question put and passed.

Bill read a second time.

STANDING ORDERS SUSPENSION.

THE COLONIAL SECRETARY moved that the Standing Orders be suspended to enable the Bill to pass through its remaining stages at the present sitting. It was necessary that the Bill should become law as soon as possible, and as it was likely that the Legislative Council would adjourn to-day for a fortnight, it would be well for the Bill to pass through all the stages in this Chamber at the present sitting.

MR. GREGORY: Was it so very important?

THE COLONIAL SECRETARY: It was very important that the Bill should pass at the present sitting. The Bill could then go to another place.

THE SPEAKER: Only in cases of extreme urgency was it usual for the House to consent to the suspension of the Standing Orders; and he trusted this action would not often be availed of, and that the House would not always readily assent to a motion of this character unless the case was an urgent one.

MR. H. GREGORY (Menzies): The Colonial Secretary might have informed the House of the urgency of a matter of this sort. If the matter were urgent, members on this (Opposition) side of the House had no objection, but otherwise he must protest against the Standing Orders being suspended.

THE COLONIAL SECRETARY (Hon. G. Taylor): This measure should become law as speedily as possible. The people referred to had been paying their rates and the council had been collecting them in good faith. He believed some of the ratepayers had proceeded against the council for collecting rates to which they had no legal right. It was very unfortunate that the council should be placed in this position through some neglect perhaps on their own side or on the side of the Government.

MR. RASON: Were actions pending?

THE COLONIAL SECRETARY: Yes; and he was anxious to get the Bill through last week, but he thought he could do so without suspending the Standing Orders. However, he found that the Legislative Council would in all probability adjourn this afternoon for a fortnight, or they might sit to-morrow to consider this Bill. That was the urgency, and he hoped the House would accept the position.

MR. E. E. HEITMANN (Cue): Undoubtedly the measure was urgent. It was through no fault of the present councillors of Day Dawn that this mistake was made, for not one of them was in office at that time; and now that the ratepayers had found out that the Council had been illegally collecting rates, one party at least had sued the Day Dawn Council for this money. Although the money was not legally collected, he certainly thought the people were morally entitled to pay their rates, and he hoped the motion would receive no opposition from the Assembly.

MR. A. J. DIAMOND (South Fremantle): One would like to be clear as to whether the new territory which had been included had been so included with the consent of the residents and ratepayers, or whether they had been forced into the municipality against their will. If the whole thing were simply the result of a clerical error, or a surveyor's error, he would not offer any opposition to the Bill; but if these people had been forced into a position which they did not wish to be in, that was a matter for consideration.

THE COLONIAL SECRETARY: As far as he knew no opposition was raised

by the ratepayers to their being placed within the municipal area. He thought that when new territory was joined to a municipality it was done by petition. All that portion of the machinery was correctly put into effect, but there had been some unfortunate mistake or clerical error. The boundaries were not properly arranged, and the ratepayers having found out just recently that such was the case, some of them took exception to what had been done, and sued the council for illegally collecting rates from them. He did not suppose there were many. As had been pointed out by the member for the district (Mr. Heitmann), the present councillors were not responsible for the mistake in any way. When the deputation waited upon him there was no evidence before him to bear out the suggestion raised by the member for South Fremantle (Mr. Diamond). According to the Municipal Institutions Act there was no way by which people could be forced to become part of a municipality. These people had been availing themselves of their privileges as ratepayers in returning councillors, and also voting for the mayor. They had done everything in order as if they were legally within the municipal area. He hoped no member would think this Bill was being hurried through with the object of harassing any of the ratepayers of Day Dawn. The Bill was purely one to validate rates that had been collected by the council in good faith.

Question passed, and Standing Orders suspended.

IN COMMITTEE, ETC.

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

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR RAILWAYS AND LABOUR (Hon. J. B. Holman), in moving the second reading, said: I must express regret that we have not had time to go fully into this matter, and bring forward all the amendments absolutely necessary to the Industrial Conciliation and Arbitration Act. The present amendment is brought forward to cope with the large number of cases now before the Court, which the illness of the president prevents from being heard. Clause 76 of the Arbitration Act provides that "the presence of the president and at least one other member shall be necessary to constitute a sitting of the Court." At present we have a large amount of work before the Court, while, owing to the absence of the Chief Justice, the Judge who acted in the capacity of acting-president of the Court is now acting Chief Justice, so that it is impossible for him to go out to the country to do the work necessary under the Arbitration Act; and it is also a matter for regret that the president of the Court is so ill that it is impossible for him to take any active work in hand at the present time.

MR. GREGORY: Could you not appoint a Commissioner under the Act?

THE MINISTER: I do not know. Section 59 of the Act says: "and the third member shall be a Judge of the Supreme Court, nominated as hereinafter provided by the Governor to act in that behalf." And in subsection 2 it goes on to say: "In case of illness or absence of the president at any time, the Governor shall nominate a Judge of the Supreme Court to act as president during such illness or absence." So it is absolutely necessary for the president of the Court to be a Judge of the Supreme Court. Some cases now pending have been hanging on just about twelve months, and it is impossible to have them heard before the Court. We find it impossible to appoint an acting president from among the Judges of the Supreme Court; and I think it would be unwise to appoint another Judge of the Supreme Court at present. To do so, it would be necessary to pass a measure through Parliament empowering the appointment of a fifth Judge, and that would necessitate long delays, while the cry at present is for some means whereby the cases now cited before the Court can be heard as soon as possible. In any dispute before the Court it is always unwise to delay settlement for a lengthy period, because while a dispute is in process there is always discontent and dissatisfaction on both sides, both among employers and employees. So we require to devise some means whereby the cases at present cited before the Court can be dealt

with as soon as possible. We are all aware in the first place of the importance of the Arbitration Act, although if we take the progress of the Act in Western Australia we find that we have been unfortunate in having so much illness among the Judges, and in the matter of delays and changes in the *personnel* of the Court; but since the Act has been in force in Western Australia it has saved the State some hundreds of thousands of pounds, because had it not been for the existence of an Act whereby disputes could be settled, in the case of almost every dispute brought before the Court since its inception there would have been a strike, either short or lengthy. So we must all admit that, although the Court has not been fortunate in having good health amongst its members, the existence of the Act has saved us considerable expense, and has also made the condition of our industrial world much better. The last strike at Outtrim, in Victoria, lasted 16 months; and it was only a small affair compared to what some of our troubles would have been in Western Australia if we had not had an Arbitration Act in existence to settle them. I have a report here which I shall read:—

> For 16 months the coal-miners at Outtrim (who had asked for an increase of pay) have had to endure the privations, the irritation, and ruin of a lost living. Their places have been filled by others, and the miners have had to wander away to other places in search of employment. They have lost £176,000 in wages; they have spent £100,000 subscribed by friendly unionists from their own hard earnings; and the owners have lost fully £200,000 in profits. So that, in this one instance alone, the Colony of Victoria has thrown away at least half a million of money, which would have been saved by an Industrial Arbitration Act.

With such facts as these brought home, we must all congratulate ourselves that we are not compelled to face such troubles in Western Australia. We had strikes here before the Act came into force, and some of them cost the people of the State thousands of pounds. The amendments I am bringing forward to the present Act are not of any great importance, nor do they affect the principle of the Act, being merely the best means I can devise for having disputes heard before the Court at the earliest possible moment. It is provided in the Bill that the two members of the Court other than the president may, with the consent of the president, sit at any time or place for the purpose only of hearing and taking evidence in any proceeding before the Court, but it shall not be deemed to constitute the Court. This is to allow at the present time, if it be possible, two members of the Court to proceed to the out-back places and take the evidence that is necessary in such cases as come before the Court, and then to come back to Perth so that the cases can be finished or settled before the president.

MR. GREGORY: Is this in practice anywhere else?

THE MINISTER: It has never been in practice anywhere else to my knowledge; but I do not think it will be a uniform practice here, because this is only an endeavour to cope with the many cases we have before the Court at present. We may all agree that when two members of the Court (one representing the employers and one representing the employees) go away to take evidence, there can be no advantage to either side. The workers' representative will be there and the employers' representative, also the clerk of the Court, and the whole of the evidence will be taken. Section 74 of the Act provides: "The Court shall, in all matters before it, have full and exclusive jurisdiction to determine the same in such manner in all respects as in equity and good conscience it thinks fit." We are all aware that an Arbitration Court is not the same as a court of law. The duty of the Arbitration Court is to give satisfaction to both sides. The amendment is brought forward to provide for the hearing of between 20 and 30 cases now cited before the Court. In the first place we have a case brought by the Broad Arrow and Paddington Mining, Timber, and Firewood Supply Union of Workers against the Kalgoorlie and Boulder Firewood Co., cited on the 29th September, 1903, which case may perhaps have to be heard at Broad Arrow. Then there are the Paddington and Broad Arrow M.U. of Workers against a number of companies cited on the 7th October, 1903; also the Kurrawang Mining, Timber, and Firewood Supply Union of Workers against the Kurrawang Firewood Company and others, cited on the 7th October, 1903; also the Goldfields

Painters, Paperhangers, and Decorators Union of Workers against P. Badham and others, cited on the 13th October, 1903, which case has to be heard at Kalgoorlie; also the Kanowna M.U. of Workers against two Kanowna companies, cited on the 26th April of this year, which case, to prevent much expense to both sides, should be heard at Kanowna; also the Norseman M.U. of Workers against local mining companies, cited on the 20th of May; also the Eastern Goldfields Tailors Union of Workers against W. Oliver and Co. and others, cited on the 2nd August; and the Hannans and Boulder Mining Employees and Industrial Union of Workers against several mining companies, cited on the 5th September. So the list goes on. We find that the goldfields alone and the outlying country have 16 cases cited before the Court, while several others are pending; and in a great number of these cases great dissatisfaction prevails owing to the disputes not being settled. Large numbers of workmen are working at reduced rates of wages pending the settlement of the disputes; and that of necessity causes dissatisfaction, and is likely to create a big upheaval on the goldfields. On the coast at present there are six or seven cases cited before the Court, one being at Collie; and there are several other cases which may be cited at any time. Under the present conditions it will be a long time before these cases come before the Court at all, because we find that the Court adjourned last Monday until the 11th October; so that unless this amendment is carried and the members of the Court are allowed to go out and take evidence as we ask, it it will perhaps be more than twelve months from now before many cases can be heard before the Court. If we do not do our best to try and settle the present cases, the outcome may be that dissatisfaction will become so great that it will be impossible to get those concerned in disputes to stay their hands until the cases can be heard by the Court. The Arbitration Act was in the first place passed to prevent trouble without work ceasing, and also to settle disputes without any delay and with as little cost as possible to those concerned in them. Our Act has been a new departure, but it has done good service since it has been law in the State, though it is hardly fair to say that the principle of the Act has had a fair trial up till the present. In a new Act we must of necessity find that a great number of amendments are required; but at present we are not going into all the amendments. We are providing for two members of the Court visiting centres and taking evidence. The evidence is to be taken down in writing and drawn up properly; and then when the members of the Court have heard as many cases as they possibly can while out travelling, a Court will be properly constituted here in Perth.

MR. GREGORY: You make the other members of the Court advocates before the Judge.

THE MINISTER: We allow the agents of the two sides to argue their cases before the Judge. They will bring forward evidence of any importance, so that the president will get an idea of what is the evidence of importance that should be brought before him. According to the present procedure of the Court, if the two lay members agree on any point, that point is never submitted to the president; and if the lay members agree on every point, the president is not called on for any decision, the two lay members drawing up the award. The president settles naught but matters in dispute between the two lay members; and this can as well be done under the conditions which the Bill provides as if the president travelled with the lay members and heard the evidence. The new procedure will not, perhaps, be as satisfactory as if the president were present so as to constitute a proper sitting of the Court; still, I think members will agree that the Bill embodies the best means of getting rid of the cases now pending. To look back for a few weeks only, we may take the Peak Hill and the Abbot cases. Consider the cost of these cases to the State. Moreover, the employees must have expended some £300 to have the cases heard in Perth. The existing Arbitration Act was not passed with the intention of causing large expenditure, but so as speedily and with a minimum of expense to settle disputes. In the Peak Hill and the Abbot cases, the two lay members of the Court, with the clerk, visited Peak Hill, went over the mines, and met representatives of both parties, and it would have been easy for those members to hear

the evidence while on the spot; but instead of the evidence being taken there, all parties to the disputes were compelled to visit Perth—a journey of about a week, and a very expensive journey at that. The mine managers had to leave their properties, and were away for a fortnight. That is not satisfactory to any mining company. The opinion which led to the introduction of the Bill is not that of the workers only. We have now before us several applications from employers asking that the Court may visit various places to hear cases. Here is a telegram, dated 13th September instant, from Kalgoorlie to the clerk of the Court, in reference to the Norseman miners' dispute:—

Norseman mine owners cited strongly opposed to hearing in Perth. Consider very desirable Court should sit in locality of dispute.—MAUGHAN, Secretary Chamber of Mines.

Another wire from the Princess Royal, dated the 14th September, reads:—

Understand Norseman Workers' Union are requesting Arbitration Court hear their citation in Perth. Protest strongly Court sitting elsewhere than goldfields.—RIDGWAY, General Manager Princess Royal Mine.

Another from the Princess Royal reads:—

Understand from Secretary Workers' Union here Norseman case to be heard in Perth. I and other managers protest against unnecessary heavy expense of taking witnesses beyond Coolgardie or Kalgoorlie.—THOMAS CREER, Manager Princess Royal North.

Another wire reads:—

Princess Royal. Behalf Dundas Mine Managers' Association strongly object hearing Norseman industrial dispute being held in Perth.

Amongst the correspondence in the Arbitration Court are numerous applications from employers and workers alike, requesting that disputes shall be heard in the places where the parties are located.

MR. RASON: By the full Court?

THE MINISTER FOR LABOUR: By the Court, certainly. I may say that every possible inquiry has been made, before introducing this Bill, as to a means whereby disputes could be settled without taking this step; but we find that this is practically the only feasible means of having pending cases decided at an early date. I fully placed the matter before the acting Chief Justice, and he agrees with the amendments. I had two conferences with him and with the president of the Arbitration Court also; and we have fully threshed out the matter. Various suggestions have been made; but this, as far as I can see, is the only one which will at all assist us. Some will, perhaps, say, why is not the Conciliation Board availed of? Simply because if in a case before the board either side disagrees with the board's recommendations, the case is practically as it stood before. It has to be re-cited before the Arbitration Court, and the matter fully gone into. The acting Chief Justice and the president of the Court agree with the proposals of the Bill, and consider that they should be tried. The president of the Court in reply to my question said: "The amendment does not seem to me to be objectionable in any way. The Legislature has made the presence of the President a *sine quâ non*, and it therefore makes the matter a little difficult. I think if they had the right suggested, that might assist. So far as the legal aspect is concerned, I do not see any difficulty." Farther on he says, speaking of the powers of the members of the Court: "Unless any difference exists between them, they would not come to me. If they disagreed, they might submit their differences to me. I see no legal objection to it." I asked him whether he could suggest any other way. He said "The other way would be to appoint some other man as acting Judge, paying him £1,700 per year." I remarked, "That would mean considerable difficulty;" and the president replied: "If you decided on appointing a Judge, you would have to appoint him permanently; but I see no legal objection to your proposition. You would have to bear in mind the practical difficulties." Of course, practical difficulties may crop up when the proposal is in actual operation. No measure brought before the House but will involve some difficulty in its practical working; but in this case I do not see how any serious difficulty can arise, because when any dispute comes before the two lay members of the Court, provision is made whereby any objection to the admissibility of evidence shall be noted, such evidence being taken, and the question of admissibility determined by the Court. Hence all such objections will come before the president when the Court sits as properly constituted in

Perth, and the objections can be threshed out there. It is impossible for the Court to sit in Perth this month; in fact, it is adjourned until the 11th October. We must make some provision for the future, lest we be immersed in great industrial difficulties; because when so many disputes are pending, and have been pending so long, it is almost impossible to have any satisfaction in the industrial world. I have made the fullest possible inquiries, and cannot find any better solution than the Bill presents. The parent Act was passed to give better facilities for settling disputes; and we should endeavour, so far as in us lies, to farther this object. I ask members to assist the Government; for unless something is done, we who are looking after the interests of the State will be to blame if, on the occurrence of some unforeseen dispute, the country is plunged into serious industrial strife. Let us pass the Bill as soon as we can, so that the cases now pending may be decided. I intend to ask that the Bill be passed through the Committee stage to-day, so that it can be laid before the Legislative Council ere that House adjourns for some little time, as is, I think, intended. We have now between 20 and 30 cases pending; and unless the Bill is passed it will be impossible for any or at all events for the majority of these cases to be heard this year. As soon as the president of the Court is able to travel, the Bill will not be availed of more than is absolutely necessary; but now that we are compelled to have a Judge of the Supreme Court as president of the Arbitration Court, it is impossible that the pending cases can be heard for some considerable time to come. I beg leave to move the second reading.

MR. H. GREGORY (Menzies): This is a very short Bill; and the Government give the usual excuse that it is only a little one. I believe the Bill was placed on the table to-day, and that is the first we have seen of it, though it affects the whole jurisdiction of the Arbitration Court. I will therefore ask the Government to agree to the adjournment of the debate; because, firstly, I want to know whether it is not possible for the Government to appoint a Commissioner. The Minister said he did not think he could appoint a Commissioner, but told us afterwards that he could appoint an acting Judge. Such a matter should be well investigated. Some members may desire to bring forward amendments to the Bill, the debate on which will afford the only possible chance this year of amending the Arbitration Act; so I hope the Government will agree to adjourning the debate. I move that it be adjourned.

Motion passed, and the debate adjourned.

TRAMWAYS ACT AMENDMENT BILL.

SECOND READING.

Resumed from the 15th September.

MR. C. H. RASON (Guildford): I do not intend to offer any opposition to this small Bill; but I hope that before the Committee stage is reached some farther consideration will be given it, and some opportunity afforded, at all events to existing tramway companies, to acquaint themselves with its provisions. Clause 1 strikes me as being somewhat peculiar. It reads:—

> This Act may be cited as the Tramways Amendment Act, 1904, and shall be read as one with the Tramways Act of 1885, which, as from the commencement thereof, shall be taken to have been amended as hereinafter provided.

I do not know whether there is any precedent for this sort of thing; but it seems to me a very dangerous expedient if, by so short a Bill as this, or by an Act similar to this, a House of Parliament can affect legislation passed 20 years ago, and by a stroke of the pen making something, which we have been legally doing for 20 years, utterly illegal during the course of that period. I should like the Minister in charge of the Bill to look closely into that point, and give members, when in Committee, an assurance that an action of this kind is strictly legal, and that there is precedent for this sort of thing. It seems to me that it would affect the existing tramway companies to a somewhat serious extent. While it is right and proper that legal authorities should have the power intended to be given under the clauses of the Bill—on that matter I offer no objection, for I believe they should—still it will be seen that the power given makes the Bill hark back to 1885. Local authorities could say that they would not grant licenses for some of the cars which

had been imported according to the specifications laid down in the provisional order. A local authority wishing to make itself objectionable, or wishing to make better terms with an existing company, may say, "Yes, these cars of yours are according to specifications, and are all right and in accordance with the provisional order you have obtained under the Tramways Act of 1885; but we have altered that state of affairs, and it is optional for the local authority to grant you a license for these cars." Although I offer no objection to the second reading of the Bill, yet the Committee stage might well be postponed for a few days in order that the point I have raised may receive the fullest consideration.

THE MINISTER FOR WORKS (in reply): I would like to point out to the member for Guildford that this Bill has already been before the local authority and the tramway company, and is concurred in by both parties; consequently there can be no objection on that point. Personally, I have no desire to rush the Bill through, but I cannot see the necessity for delaying the Committee stage to allow the points raised to be considered, seeing that the Bill has already been before the bodies referred to.

MR. RASON: Can you give any information about Clause 1?

THE MINISTER FOR WORKS: I can see no objection to the framing of Clause 1. The Bill is brought forward to validate something which has been in existence for years.

MR. RASON: The Act shall be taken to have been amended 20 years ago?

THE MINISTER FOR WORKS: That is the question. The agreement has been in existence, and we desire that the Bill shall be retrospective to validate the agreement from the day it was brought into force.

MR. RASON: Can you do so legally? Have you any precedent?

THE MINISTER FOR WORKS: The Bill has been before the Attorney General, and the Minister for Justice has raised no objection. I think the Bill is in order. It is concurred in by the legal advisers of the Government.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1.—Short title and incorporation with 49 Vic., No. 23:

MR. RASON: It was not so much the effect of the Bill that he objected to as the principle. This was a very dangerous precedent to introduce, to say that an amendment in the Bill should have effect as if it had been in force when the parent Act was introduced, thus making the Bill date back to 1885. If this could be done in regard to a Tramways Bill, it could be carried out in any other measure. Parliament might do something rendering illegal what had been done legally for 20 years. Where would the matter stop? This clause may not have a far-reaching effect in this Bill, but if the principle was right in a Bill of this description, it could be applied to any other measure. In the course of his experience he had never come across a similar clause to this one, making a Bill retrospective for 20 years. More information should be obtained on the point before the clause was passed, or he would move that the clause be struck out.

THE PREMIER: The hon. member should not be under any misapprehension. The operation of the original Act had not extended over a period like that referred to, although there had been a measure on the statute-book for that time.

MR. RASON: It might have been.

THE PREMIER: The power existed to have tramways working under the Tramway Act for 19 years, but the object of the short clause was in regard to rates which might have been chargeable by the Perth Council on the tramway company's buildings for four years. He was quite aware that the clause would create a dangerous precedent, if it had a general application.

MR. MORAN: It could be legalised by a special legalising Act.

THE PREMIER: There was a certain amount of undesirableness in having a provision of this sort, but there was only one company and one municipal corporation affected.

MR. MORAN: It was not worth introducing a great principle for.

THE PREMIER: If the Committee were very strongly opposed to the clause in the way in which it was printed, he was willing to agree to a postponement of it in order that the idea aimed at might

be met in a more specific way. But the clause was a thoroughly harmless one, enabling the Perth City Council and the Perth Tramway Co. to reach an agreement which had already been arrived at, and to enforce that agreement so that neither one party nor the other might be able to go back on the arrangement made. If members were desirous that we should meet this in another way, he was willing to agree to the clause being postponed so that an amendment could be brought forward to the clause if it were possible to do so.

MR. MORAN: As far as Acts of Parliament were concerned, no one Act was a tittle more important than another. As to the principle, it was dangerous to say that an Act should be amended now, and hold it to have been amended 20 years ago. It was an extraordinary course to take, especially when the point could be met in another way. Parliament had passed validating Bills previously, when there was no principle at stake. Such Bills dealt with specific objects. It was not often that a Parliament suffered from the lack of legal gentlemen, but the present Parliament did; so did the last Parliament. There was no member present who was capable of giving a legal opinion to the House.

MR. RASON moved that the clause be postponed.

Motion passed, and the clause postponed.

Clauses 2, 3, 4—agreed to.

Progress reported.

METROPOLITAN WATERWORKS ACT AMENDMENT BILL.

SECOND READING.

Debate resumed from 15th September; the PREMIER in charge of the Bill.

MR. C. H. RASON (Guildford): I understood when the Premier introduced this Bill that the principal reason for bringing in so short a measure was that the larger Act of last year could not be dealt with and the amendments be considered and brought down within two months from now. Personally I should have much preferred to wait those two months, rather than have what I think I can only describe as an Actlet such as this brought before us. To my thinking there is always the danger about Bills of the kind before us, that if they do any good at all they do away with a certain amount of agitation, a certain amount of complaint. If this Bill succeeds in doing that, it will remove to a very great extent the incentive to proceed with the larger and more comprehensive measure. I hope that if this Bill passes and does succeed in removing some complaint which exists at present, it will not be the means of making the larger and more comprehensive scheme overlooked, forgotten, neglected, and perhaps not brought in this session at all. That is the danger likely to occur if this Bill passes. The effect of this measure, if I rightly understand it, is merely to transfer the management of the Metropolitan Waterworks from the existing board to the Minister for Works. It gives to the Minister for Works no power other than the board already has. It gives him no power to deal with the more comprehensive scheme of water supply in the metropolitan area.

MR. MORAN: What do you mean by that? Outside of Perth?

MR. RASON: Anywhere; either inside of Perth or outside. [Interjection.] The last year's Bill has not yet been proclaimed.

MR. MORAN: Has it any power to enable him to engage in larger water schemes?

MR. RASON: Not the slightest. This Bill merely transfers the management of the Perth Waterworks to the Minister. Any powers he may have under other Bills I have nothing for the moment to do with. I am dealing with the power given him under this Bill, and this Bill gives him only the same powers that are at present held by the Metropolitan Waterworks Board—it gives him no new powers; but in taking the existing power, he takes all the existing obligations.

MR. MORAN: Does it give him power to deal with sewerage?

MR. RASON: It gives him no power to deal with sewerage within the metropolitan area; it gives him no power to deal with an increased or improved water supply within the area of the Metropolitan Waterworks. I should like also to point out that if this Bill passes, the publication of the Order in Council referred to in Clause 3 will at once have

the effect of stopping any payment to the existing board. It amounts in fact to instant dismissal without any compensation. [MEMBER: Quite right.] That may or may not be; but it appears to me a somewhat harsh way to deal with men who have tried to do a service to the State, and I hope the House will bear in mind that whatever we may think of the chairman of the present Board, we must give him his due, that he has done his best to make that scheme pay. [MEMBER: Paying interest out of capital.] Members will find out in the course of time, if ever they are associated with an undertaking they are expected to make pay, that they will not be popular, and the more they try to do their duty in the way of making the undertaking pay, the less likelihood is there of being popular in the eyes of the public. If it had been proved—and I submit that it has not—that the late chairman or the present chairman of the Metropolitan Waterworks Board was a perfect devil, yet still I should say, "Give the devil his due"; and I believe some credit is due to Mr. Traylen for the way he has undertaken the financial arrangements of this board at all events. I should like an assurance, if I can obtain it, from the Minister for Justice. I should like to be perfectly satisfied on this point. Am I correct in assuming, as I do, that as this Bill does not repeal any of the clauses of the parent Act, it is to be read as one with the Metropolitan Waterworks Act of 1896, "hereinafter referred to as the principal Act," that all the sections of that Act stand, plus the clauses of this Bill. [The PREMIER: Yes.] Quite so. That being the case, I should like an explanation of Section 4 of the parent Act, which still is the law, and which says that the board shall consist of four persons—three to be appointed by the Governor, one to be the mayor of Perth, or, as subsequently amended, one to be a councillor of the city of Perth. That section has not been repealed.

THE PREMIER: It is amended by this Bill.

MR. RASON: I think you will find there is nothing in the Bill to suggest that Section 4 of the amending Act is either amended or repealed.

THE PREMIER: We are not repealing it.

MR. RASON: I wish to point out that this Bill says the Act shall be read as one with the Act of 1896; it does not amend or repeal any of those sections. I have already had the assurance of the Premier that all those sections stand good, plus these clauses. If that be so, it is clear the board must consist of four persons; but it is still clearer that the Minister for Works cannot possibly control this board, or be the board, for the simple reason that it is expressly laid down in Section 4 of the parent Act that no member of Parliament shall be appointed by the Governor to be a member of the board. I hope we are not going to be deprived of the presence of the Minister for Works in this House in order that he may undertake control of this board. Infinitely would I prefer to wait not only two months but 12 months for that comprehensive measure rather than such a loss as that should be inflicted upon us. But even that way would not get us out of the difficulty; because if he ceases to be a member of Parliament he can hardly be Minister for Works, and therefore seeing that the board is to be controlled by and to consist of the Minister for Works, it seems to me this Bill is rather complicated. Then in Section 10 of the parent Act it is expressly laid down that the common seal of the board shall not be affixed to any instrument except in the presence of two members of the board. Certainly whatever may happen in regard to the other sections, there is no amendment of Section 10 of the parent Act, nor any reference to it; therefore that distinctly holds good; and how the Minister is going to make himself consist of two persons is a difficulty which presents itself to my mind, but which perhaps the hon gentleman may be able to overcome. Perhaps he will be able to explain to us how he intends to do it. I submit it would be better to wait the two months which the Premier explained to us we would have to wait, rather than introduce such a Bill as this. It is manifestly—I say it with all respect—absurd on the face of it. If it were not so, if it were a good Bill properly drafted and not full of absurdities, yet I should object to it because I I think we will find it the means of postponing that larger measure. Although the people of Perth may want an im-

proved condition of affairs in the management, yet what they want still more is a scheme which will give them a satisfactory water supply and will deal promptly and effectively with sewerage. [MR. MORAN: Hear, hear.] There is nothing in this Bill which will give power to the Minister for Works to deal with either of those great questions. If the Bill should pass in its present shape, it would do nothing more than this: it would get rid of a little complaint which exists as to the management of the present board. In order to get rid of that, is it worth while to adopt expedients such as this, to introduce what is manifestly a hastily considered measure, ill prepared, and which could not possibly become law inasmuch as it conflicts considerably with the parent Act, and does not repeal or amend any of the sections? Let me point out to the member in charge of this Bill, if he will allow me to do so, and will forgive me for having done so, the difference between the Bill we introduced last year and this measure. In the measure introduced last year, wherever other Acts are interfered with in any way the sections are repealed; in fact by the measure introduced last year the whole of the Act is repealed; every section of it. It is absolutely necessary, when introducing a Bill which conflicts with another measure, to either repeal or expressly amend the sections of the other. Certainly the only reference made to the parent Act should not be: "This Act shall be read as one with the Metropolitan Waterworks Act, 1896." I hope the Premier will postpone the debate, or withdraw the Bill with a view to introducing another.

MR. J. C. G. FOULKES (Claremont): I have not heard the whole of the discussion on the Bill, but only the remarks of the last speaker, regarding certain clauses which have been omitted from the draft, and which seem to find a place in the parent Act, particularly Section 10. I must say I think it would be advisable to include that section. We know that the Parliamentary Draftsman has been exceedingly busy of late in preparing measures for this session; and it is just possible that in his haste the particular clause was omitted; but I should like Ministers and the House also to bear in mind that if the Bill is passed we are precluded, for this session at any rate, from passing any farther legislation to deal with the Metropolitan Waterworks Act of 1896. [GOVERNMENT MEMBERS: No.] So I should like to have the opinion of the Speaker as to whether, if we pass this Bill, it would be in order to introduce farther legislation dealing with that Act Judging by decisions given last session by the late Speaker (Sir James Lee Steere), unless all the Standing Orders be rescinded I do not think we shall be able to introduce such a measure; because it is distinctly laid down that only one measure dealing with a given subject can be introduced in a session. We cannot be continually introducing measures to deal with the same subject; and unless we are to take it that this is all the Government propose to do this session with regard to the Metropolitan Waterworks Act, the Government should reconsider their attitude. The Bill is practically a repeal for the purpose of disposing of Mr. Traylen. We cannot avoid the conclusion that the Government wish to appoint the Minister for Works to act in Mr. Traylen's place. So far, I am unable to gather from the Government whether that is all they intend to do in the matter this session. I should like them to bear seriously in mind that if they pass this Bill they cannot introduce this session any other legislation to deal with the same Act.

MR. C. J. MORAN (West Perth): What the citizens of Perth and the metropolitan area decidedly require is, incidentally, better management of the waterworks; but this, I think, is an infinitesimal matter compared with the great question of a complete water supply, and the greatly more important question of sewerage for Perth This seems to be one of those projects of which every Government gets on the fringe and never really tackles in a comprehensive way. There is much in what has been said by the last speaker. This is undoubtedly an amendment of the Waterworks Act, and touches its very essence, the powers of the board; in fact, it affects the whole of the functions of the board. If it be possible to pass this Bill—if it be quite in order—it will deal with the very essence of the Act, power and administration; handing over control from one party to another. We do not need the Speaker's ruling on that. We know that if a

Bill is to be introduced a second time, or disappears from the Notice Paper, there is a proper method of going about the reintroduction or the reinstatement. This is not a case in point. Though we did introduce a Bill twice last session, it was lost by some neglect of the forms of the House. As a member for one part of the metropolitan area, I say that not only to it but to the whole State the question of a comprehensive water supply and sewerage scheme is most urgent. I shall not take up five minutes' time in discussing that point. Everybody knows how it has been discussed in every Parliament for a long time past; how the project has been taken in hand by every Government in power, and how it has been left as we now find it, with only the fringe of it touched. Even yet we do not know officially what kind of water supply will be recommended by the Government. We have no idea, officially, whether it is to be what is by some considered the objectionable artesian supply or a surface catchment supply; nor do we know which of the many sewerage systems is about to be adopted. If we are again precluded from discussing the parent Act this session because of this little bantling, I shall most decidedly vote for waiting two months and having a comprehensive scheme then taken in hand. I know the stumbling-block of that scheme. There will be a wrangling in the House and in the metropolitan area about responsibility for the capital cost of the scheme; and the sooner that difficulty is disposed of the better. That is the point round which the contention will hinge—who shall take the responsibility for what is called £200,000 worth of over capitalisation. We may as well ask, "Are the Government to bear the cost of half a million for the Coolgardie water scheme?" because the whole country is bearing that and more: it is bearing the cost of other schemes also. But we ought not to shirk these matters: they should be taken in hand. The discussion of the parent Act will form a magnificent standing dish for this session, and ought to be disposed of. If the view expressed by the acting leader of the Opposition (Mr. Rason) be correct—and we have not heard it contradicted—I infinitely prefer waiting the two months and dealing with the whole matter in a comprehensive measure providing for the whole of the metropolitan area, sending that measure on to another place, making it law, and starting the work. Employment will thus be given to those who want it; and as I have said, the work ought be done even if we have to import labour to do it.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): I should like to point out, in reply to the member for Guildford (Mr. Rason), that the Bill merely provides that the Minister for Works shall supersede the board. The Minister will take the power and the authority which the board now have; consequently the fact that Clause 3 gives the Minister power to assume the functions of the board makes it unnecessary to repeal those sections of the parent Act which deal with the board. The Bill simply gives the Minister for Works power equal to that which the board now possesses; and there is no need to repeal the section providing that the works shall be under the control of the board, because the Bill will be read in connection with the Act, which provides that the works shall be under the control of the board, and the board after the passing of the Bill will be the Minister for Works.

MR. RASON: Is there no idea of repealing the section which says that no member of Parliament shall be appointed by the Government to be a member of the board?

THE MINISTER FOR WORKS: That is only a quibble. The Bill makes it clear that the Minister for Works shall become the board, and shall have the full power which the board has now. As to the question raised by the member for West Perth (Mr. Moran), it must be recognised that this Bill deals with Perth merely, and not with what may be called the metropolitan area. It must be realised that the water supply of Fremantle and of Claremont is under the control of the Works Department. If we desire to introduce a comprehensive Bill dealing with the water supply of the metropolitan area, we shall have to introduce an altogether distinct Bill, the matter being separate from the water supply of Perth. This Bill is simply for a Perth supply, and has nothing to do with the supply of Fremantle or Claremont.

MR. RASON: But it has with that of Subiaco.

THE MINISTER FOR WORKS: Yes; Subiaco and Leederville are included. But if we wish to deal with the big question of water supply and sewerage for the metropolitan area, we must take in hand the Act of last session and amend it if it needs amendment; therefore the point that it will be impossible to introduce two Bills dealing with general water supply and sewerage cannot be raised, because this Bill deals purely with Perth, and not with the whole metropolitan area.

THE PREMIER (in reply as mover): I should like to make it perfectly clear that the Government are advised that the repeal of the sections mentioned is unnecessary. The Bill proposes simply that the Minister for Works shall, in any interregnum between the deposition of one board and the appointment of another, carry out certain work; and if he carries it out he will do so in his capacity of Minister for Works, just as he now carries out certain works which, according to an Act passed two years ago, were to be entrusted to the goldfields water supply board, that Act having imposed on the Government the duty of appointing a goldfields water supply board of which the Minister for Works was to be chairman.

MR. RASON: It was expressly provided that until the board was appointed the Minister for Works should be the board.

THE PREMIER: Exactly; and this Bill is simply supplementary to the provision in Section 4 of the Metropolitan Waterworks Act 1896 that—

> The Governor may from time to time appoint three persons to be members of the Metropolitan Waterworks Board, and may from time to time remove any of such persons and appoint others in their place.

Following that, the proposal before the House is that the Government may, instead of immediately appointing another board, proceed in accordance with the powers conferred by Section 4 of the original Act, and may supersede the existing board, and it may from time to time authorise the Minister for Works to exercise the functions of the board for such time as the Governor may think fit. If the work under the Minister be unsatisfactory, or if the time should arise when it is expedient that the powers contained in Section 4 of the original Act should again be reverted to—and these powers can remain intact in spite of the passage of this amending measure—the Government can bring them into play in the amendment. In regard to the common seal of the board, that section deals with the way in which the board can carry on the business: it is not a clause governing the actions of the Minister for Works.

MR. RASON: There is an Act which you do not repeal, which says you cannot do certain things.

THE PREMIER: The Act says in regard to the board, "The Governor may from time to time appoint a board," and that "The Governor may remove such persons and appoint others." That power will still remain, but it is purely optional according to the wording of the section. There was no power to administer between the dismissal of one board and the appointment of another, and this short measure is to give power to the Minister for Works to administrate between the cessation of office on the part of one board and until the appointment of another board. I may say that before agreeing to introduce this measure we were very careful indeed to ascertain if its introduction would have the effect of preventing farther legislation this session. Had there been any danger that we would have been debarred from introducing another measure dealing with the whole question of water supply and sewerage for the metropolitan area, this Bill would not have been introduced; but we took the precaution to inquire whether we would be precluded later on from introducing another this session.

MR. MORAN: Did you consult the Speaker?

THE PREMIER: We did not consult the Speaker, but we found that there were precedents which justified us in the belief that so long as the Bill to be introduced later did not cover precisely the ground the present Bill covers, we had full authority to introduce the second measure, although the title would be somewhat similar to that of the present Bill. I assure members that if the measure works satisfactorily, as I believe it will, the Government will have no desire to

delay the consideration of the Metropolitan Water and Sewerage Bill. We are anxious to get such a measure through, because we recognise that after a Bill is passed, no matter how anxious the Government may be to give effect to it, a large measure like one dealing with water and sewerage takes some time to get into working form. Assuming a board is to be appointed, it is not always possible at a moment's notice to find suitable persons to appoint, or, assuming a board is to be elected, there is certain machinery to be got into working order before the election can take place. Therefore we recognise that even if the measure is got through Parliament this session, it still may be some few months after the sesssion closes before the measure can be got into operation.

MR. MORAN: You can get this power coincident with the greater Act.

THE PREMIER: We can get the power in a later Bill.

MR. RASON: It is there.

THE PREMIER: I understand that, and we simply propose to introduce a larger Act. We are really empowered, so far as legality is concerned, to bring last session's Act into operation.

MR. FOULKES: Do you propose to make farther amendments this session to the Metropolitan Waterworks Act of 1896?

THE PREMIER: The legislation to be introduced this session will more likely be an amendment of the Metropolitan Water and Sewerage Act of 1904, which is not in operation, but which repeals, as soon as it comes into operation, the Act at present on the statute-book.

MR. FOULKES: It repeals portions of that Act, and not the whole Act.

THE PREMIER: The Act of 1904 is the Act that we shall be dealing with when the measure on the sewerage question is introduced. The question of sewerage and the desirability of dealing with it are not being lost sight of. At present the work is being carried on, that is the work of preparing plans is being pushed forward as rapidly as can be done. The working plans are in course of preparation, and members will be justified in giving us credit for the fact that we are not losing sight of this important question. As much is being done as if the Act was already passed or the Act of last session was brought formally into operation.

MR. RASON: That much was being done before.

THE PREMIER: I do not wish to detract from the honour and credit that are due to the leader of the Opposition, and which he claims. Perhaps we are pushing on more rapidly with the work than he was doing when he left office. My colleague the Minister for Works points out that the working plans were not commenced when the Government assumed office.

THE MINISTER FOR WORKS: The survey plans only were being dealt with.

MR. RASON: You must have survey plans before you have working plans.

THE PREMIER: I think the House can safely agree to the second reading of the measure.

MR. H. BROWN (in explanation): The old Waterworks Bill is in force still; and could not the present Water and Sewerage Bill be proclaimed so as to make it the Act which it was intended to be? Then the present Bill would become inoperative.

Question put and passed.

Bill read a second time.

COMMITTEE STAGE, MOTION.

THE PREMIER moved that the House do resolve into Committee to consider the Bill.

MR. MORAN: Would it not be well to have the Speaker's consideration of the question raised by the member for Claremont (Mr. Foulkes), before going farther, as to the possibility of this Bill contravening one of the principal laws of parliamentary government, that we cannot amend a law twice during one session. Perhaps we might ask the Speaker's attention to that point; and to allow the Speaker to consider the question, the consideration in Committee might remain over for a day or two.

MR. FOULKES: This matter should not be pressed at the present time. He was still very doubtful if the Government would be able to introduce a farther amendment this session.

THE MINISTER FOR WORKS: There was no desire.

MR. FOULKES: There might be no desire, but the Government would have

to do so. The Government might find themselves in a position that, having introduced a new measure, they would have to repeal or amend the rest of the sections contained in the Metropolitan Waterworks Act of 1896. They would then be in a dangerous position; finding it necessary to repeal the sections of that Act, yet by the rules of the House not able to do so. The Minister for Works might inform members whether he had simply taken general advice on this matter, or whether the question raised had been specifically put to the Parliamentary Draftsman. While one had great respect for the opinions of the Parliamentary Draftsman members would like to know if a definite question had been put to that official on this point. The Government were taking a great responsibility on their shoulders in setting aside the appeal made by the member for West Perth.

THE MINISTER FOR WORKS: If it were the desire of the Government at a later stage of the session to amend the Act of 1896, it would be impossible to do so according to the rules of the House. But in dealing with the metropolitan water and sewerage question, we should be dealing with another matter altogether, and would have the power to amend the Act of last session. The present Bill was not an amendment of the Act of 1896. There was a measure passed in 1896 which the Government were trying to amend at present. Another Act was passed in 1902, but it was separate altogether from the Act of 1896; and if we desired to amend the Act passed last session, we should be amending a different Act altogether, and would not be conflicting with what was being done at the present time.

MR. FOULKES: Could an assurance be given that the Government would not seek to amend the Act of 1896?

THE MINISTER FOR WORKS: We would not be dealing with the Act of 1896, but with the Act of 1902. The question had been raised, and the Parliamentary Draftsman was of opinion that the Bill before the House was the legal method of dealing with the question, and that it was not necessary to amend the Act of 1896 in this session.

MR. RASON: What possible object could the Government have in pressing the Committee stage at the present sitting? The points which had been brought forward were worthy of consideration, and if, after looking into the matter, it was found they had no ground, so much the better. The Committee stage might be put off until to-morrow.

THE PREMIER: There was no desire to press the motion. The whole Act of 1896 was repealed by a section of the unproclaimed Act of January, 1904.

MR. MORAN: If it were repealed, how could we amend it?

THE PREMIER: Because the Act of 1904 had not yet been proclaimed. Immediately the Act of 1904 was proclaimed, the Act of 1896 and this measure would cease to exist. He was willing, in deference to the members for Claremont and West Perth, to postpone the Committee stage, and with permission would withdraw the present motion.

Motion by leave withdrawn.

Committee stage of the Bill made an order for next day.

INSPECTION OF MACHINERY BILL.

SECOND READING.

THE MINISTER FOR MINES AND JUSTICE (Hon. R. Hastie), in moving the second reading, said: We have had three or four measures before us to-night, and some of them have been represented as of a very dangerous nature, and have been either amended or postponed; but I am happy to say I now have the pleasure to bring forward this measure with the assurance that the criticism will certainly not be of that nature. The Bill is solely a machinery measure, and therefore I may expect it will receive very cordial criticism. It is needless at this time for me to show the necessity of passing an Inspection of Machinery Bill, although in the main such proposal is new in this State. It is true that we have had for many years a Steam Boilers Act, which in many respects has dealt with much of what is contained in this Bill. An Act similar to the Bill now before the House has been in force in New Zealand since 1882, and in Tasmania since 1889; and I understand that the States of New South Wales and Queensland are preparing similar measures to that now before this House.

Outside Australia such Acts have been for many years in use to a much greater extent than they are here. They have been in existence in the Transvaal, in France, in Germany, and in many of the States of America, and in all those places the inspection of machinery is compulsory. Then in England to a very large extent there has been a very severe inspection of machinery. We know that in most respectable places in Great Britain where people are careful of machinery and also of the lives of those who have to work machinery, practically all that machinery is insured. There is a large number of insurance companies in England, such as the National Boiler and Engine Insurance Company and the Manchester Steam Users' Association. All these companies deal solely with machinery of various kinds. In addition to those I have mentioned, a dozen or two others exist, and all these insurance companies have inspectors whose duty it is to see that the machinery is kept in good order and repair. In all of the insurance policies there is a clause relieving the company of any risk if the owners do not submit their machinery to the very severe inspection laws which are in force there. Then besides that, we have had in England for a long time a Factories Act—the same can be said of New Zealand and of various States in Australia—whereby there have been very severe inspections of machinery. All those places have recognised the need for inspection of machinery, and I do not suppose for a moment any sensible member of this House will doubt the utility of this measure. Besides that, in West Australia, and I may say in all parts of Australia, it is the invariable custom for employers to insure their employees against accident, that is against any action which may be brought against them by their employees at common law or under the Employers' Liability Act. We have some system of inspection in use in this State, such as the inspection of boilers and the inspection of mines. There is a clause in all those insurance policies providing that the insurance company is not liable under any circumstances unless every requirement of the inspector of boilers and the inspector of mines has been carried out by those in charge. So we cannot be represented as making a new departure in asking the House to agree to this scheme. This measure will also be useful for one very good reason. It provides that our inspectors of boilers shall be experienced certificated engineers; and that in addition to inspecting boilers they shall without any additional charge also inspect machinery. It farther provides that the inspections may be taken at any time by those professional inspectors. At present, as members are aware, when an inspector of boilers wishes to visit places he has to give about a week's notice, so that everything may be closed down and he may be able to inspect the boilers when they are not in use. This Bill will empower those inspectors to visit the places at a time when the boilers are at work, and when his visit will not have been announced. This also is done in England at the present time by the inspectors of all insurance companies.

MR. FRANK WILSON: Have they an Act in England?

THE MINISTER: I am saying it is the rule in England in all places that I know of that are insured.

MR. GREGORY: There is no Act at all.

THE MINISTER: There certainly are many people in England who cannot afford to pay the insurance charges, and who deliberately object to insure because they know the insurance company would not be liable if the requirements of the company's inspectors were not carried out. If the inspection of machinery is useful in England, it is far more useful here. Those who are acquainted with boilers tell us that the water in England is usually very good. The water in Australia, and more especially in West Australia, is invariably bad.

MR. FRANK WILSON: We have all sorts of water.

THE MINISTER: We have all sorts of water, but those who use anything else than rain water always find a difficulty with their boilers. The age of the boiler is very considerably reduced, and so it is necessary we should have inspection here. No doubt we shall hear from the eloquent member for Sussex (Mr. Frank Wilson) that by this Bill we shall be driving away capital; that the English people will not think for a moment of spending a shilling in Western

Australia immediately he and his friends write to England and tell them we are introducing this Machinery Bill. But the English people are doing the same thing in their factories, and the insurance companies make even more rigid inspections than this measure requires. However, I suppose the hon. member and his friends have got so used to this argument that it is hardly possible for them to forego the use of it on this particular occasion.

MR. FRANK WILSON: Why not quote the law in England?

THE MINISTER: I was speaking of the custom in England. The hon. member can maintain his point that it is not law in England at the present time. I do not know that it is altogether, except so far as factory legislation is concerned. The law with reference to factories and inspection of machinery in connection with factories in England is at least as stringent as this Bill will make our law.

MR. FRANK WILSON: It is easy to make assertions.

THE MINISTER: I have made the statement, and the hon. member will have an opportunity of showing that I am wrong in this respect. But I do not think we need seriously consider that question, because practically those in all parts of Western Australia are convinced it is time we had inspection of machinery in this State, as well as inspection of boilers. It will be alleged in this House that we have very few accidents. That is admitted, and largely because practically all our machinery is new, and we know that new machinery will last for a very considerable time. But times are changing. We are rapidly coming to a period when people will use parts of machinery. Many people will take different parts of different machines and use them. This Bill is for the protection of life and property. As I have said, it has been the law in New Zealand for several years. It has also been the law in Tasmania, and no man ever dreams of repealing it; and if we once get into the custom of looking upon such legislation as a necessity here, every one of us will be satisfied it is a good thing. Then I should remind this House that last year we passed a Factories Act, and that Act will come into operation before the end of this year. All the inspection of machinery provided for in this Bill is in no sense more severe than that provided for in the Factories Act. My recollection of all the discussion of that Bill last year is that no member of the House seriously took objection to those inspections, and I do not anticipate any real opposition to an Inspection of Machinery Bill in this House, except from a few of the parties unaccustomed to any inspection of machinery of the kind indicated. Members will recollect that during last session we had a measure introduced and carried very ably by the late Minister for Mines, the member for Menzies (Mr. Gregory). After we had full discussion on that measure, it was passed here and then sent up to the Legislative Council. I wonder if any members of this House have read what took place in the Legislative Council then. If they have not, I should strongly advise them to seize the opportunity to do so. Suffice it to say that the Bill was thrown out on the second reading, to the surprise of everyone; and I was not astonished to find that almost every member of the other place I met shortly after expressed to me great regret that the Bill had been thrown out, while those who opposed the measure in this Chamber also declared that it was a great pity the Bill had been thrown out. We required that measure. Most of the members of the other place recognised that they had never read the measure through.

THE SPEAKER: The hon. member is not in order in reflecting on the members of another Chamber.

THE MINISTER: Not even last session?

THE SPEAKER: No.

THE MINISTER: It is no reflection on the members of another place to say that when they recognised what the measure really meant, they expressed regret for not having passed it. This is as great a compliment as can be paid to anyone. Last year the idea was promulgated in this House to some extent and throughout portions of the country that this measure would lead to great expense for agriculturists, and that in many instances people would be charged fees of £10, £15, and £20. However, that idea did not continue in this House, from the fact that we had many discussions on this business, and no man had the

courage, before the end of the discussions, to make the statement because it was known there was nothing in it. It was not proposed last year, and it is not this year, to in any way increase the fees of those who have to pay for boiler inspections; and it is not proposed to make any charge for the inspection of machinery so long as that machinery is driven by steam. I recollect that another reason was brought forward, not particularly in this Chamber but in other places. It was declared that if this measure became law, it would cost the State between £5,000 and £6,000. I think I am right in saying that one of those very wise gentlemen we often see wrote a letter to the newspapers and made the statement as to £5,000 or £6,000; and this statement was taken up by many hon. gentlemen. It was stated over and over again, and those hon. gentlemen got to believe it. This, I believe, had as much effect as anything in the measure not becoming law last year. I make this statement now, that if the measure is passed there will be far more inspection, but the cost to the State for the inspection of machinery will be less than it has been in the past. I hope that if any member doubt my statement he will ask for particulars, for I shall be very glad to give them; but I can say positively that in no way whatever will this measure increase the cost of inspection of boilers and machinery, either to the owners of machinery or to the State.

MR. F. WILSON: Give us particulars.

THE MINISTER: This Bill has also the effect of repealing the present Steam Boilers Act. By that Act boilers are to be examined every six months. By this Bill they are to be examined every twelve months. I believe there are some complaints, although I have not heard them myself, that boilers are examined too often. People who think that boilers are examined too often will welcome a measure of this kind ensuring that they will not be troubled except once in every twelve months.

MR. GREGORY: You retain the power to examine every time the inspector thinks fit?

THE MINISTER: Undoubtedly. That power must always be retained, it stands to reason. An inspector will not, in every case, be able to give a twelve months' certificate. Boilers may stand three or six months, and the inspector has the right to give a certificate for a certain time. I need not point out that this measure will not deal harshly with any good men. Good men for the most part do not require it. The Bill is not for the good men. Men in scattered farming districts who have expensive machinery look after their boilers and machinery in such a way as practically to cause no danger; but we know that there is a large number of people who are not good men in that respect; and it is for them we require State inspection. They are the people who have caused nearly every country to make provision so that they may do nothing dangerous to the community. It is the careless and indifferent man we wish to watch. I hope the House will agree to the second reading of the Bill. No doubt there will be some members wishing, in a slight way, to alter some of the provisions; but that can be considered in Committee. Let us as soon as possible agree to the second reading of the Bill. The measure, I may point out, is almost the same as the measure that was passed through the House last year with a few modifications. One or two of these modifications have been put in for the purpose of meeting the criticism that has been offered by various parties in this House and also in the other place. I have gone very carefully over this draft, and I am bound to admit to the House that, as it is really a technical measure, I am not prepared on the spot, when we are discussing questions in Committee, to accept any amendment however plausible. I would ask members, if they have any amendments to make, to put their amendments on the Notice Paper so that we can consider them in conjunction with those who have particular knowledge of machinery, and so that when they come up we see how we are able to treat them. If these amendments are not put on the Notice Paper I shall be forced, in some cases at any rate, to ask the House to agree to the part of the Bill concerned as it is printed. I should now like to deal with a few of the details that will be found in this measure. Since the Bill was thrown out by the Legislative Council last session the clauses have to some extent been recast and modified.

There are only three additional clauses, the meaning of which I shall explain as we go along. The Bill provides for the inspection and regulation of boilers and machinery erected in the proclaimed districts, and also on any steamer, barge, or vessel within the meaning of the Boat Licensing Act of 1878; but does not apply to any boilers or machinery on Government railways under the control of the Commissioner of Railways or on any ocean-going steamship, or on any steamship engaged in making any coasting voyage within the meaning of the Colonial Passengers Ordinance Act.

MR. F. WILSON: Why should not the Commissioner come under it?

THE MINISTER: If the hon. member can show any particular good that is likely to be done, I am perfectly willing to discuss the question. The Commissioner of Railways has been exempt for some considerable time, and the present system of exemption has proved a good thing, both for the railways and also for the State. If the member for Sussex feels in such a radical mood that he insists upon a change, he should give us some good reason for making a change. The Bill is divided into twelve different parts: Administration, Machinery subject to Act, Employment of Young Persons, etc. I need not mention all the different divisions, as I have no doubt those members who take any interest in the matter will have the Bill and examine it for themselves. Practically all the provisions of the Bill are based on other Acts. We have hardly anything on its own. It will be seen that it is a measure for the protection particularly of life and property. Its provisions are largely based on the New Zealand Inspection of Machinery Act which superseded an old Act which has been in operation in that colony since 1882, and also upon similar Acts in Tasmania. I have been careful to explain that the fees upon the whole are not increased. The fees to be charged for boiler inspection are practically the same as those charged under the existing Steam Boilers Act of 1897, and it is anticipated that the revenue to be derived from the inspection of machinery driven other than by steam, and of boilers, and the fees received from engine-drivers' examinations, will equal the expenditure in the administration of the Act, so that it will not be a burden on the State. For the inspection of machinery driven by oil, gas, water, or electricity a small fee will be charged once a year for inspection; but no charge will be made for machinery driven by steam, as it will be covered by the boiler fee.

MR. GREGORY: Are these fees the same as agreed to last year?

THE MINISTER: They are practically the same. I believe there was a slight alteration of a shilling or two; but that is reinstated. Members who took part in the discussion last year will be perfectly familiar with the clauses I have been speaking about. We propose, with reference to the qualification and duties of inspectors, that only qualified mechanical engineers of undoubted experience, capable of carrying out the provisions of the Act relating to both machinery and boilers, shall supervise the examination for engine-drivers' certificates, both for stationary engines and machinery throughout the State.

MR. F. WILSON: What clause is that?

THE MINISTER: It will be found under the duties of inspectors relating to examinations. These inspectors will be assisted by inspectors of mines so far as the goldfields and coalfields applications are concerned; and all will be under the control of a central board consisting of three persons, the Chief Inspector of Machinery who will be chairman, and two other qualified persons of large engineering experience, conversant with the working parts and designs of various types of engines and boilers. This system will combine both economy and efficiency. I may explain to the member for Menzies (Mr. Gregory) that last year the Bill provided that the State Mining Engineer should be on the chief board of examiners. That provision is left out this year—[MR. GREGORY: A good job too]—largely for the reason that the State Mining Engineer has not the time. That officer, I may remind the House, so far as I know has more work to do than any other servant of this State. He has frequently to visit various parts of the country, he has to consider many matters in his office, and has also to make very important inspections; therefore it is utterly impossible for him to form one of the board. Hence the Bill provides that the Governor shall, in addition to the

Chief Inspector of Machinery and Boilers, appoint two other qualified engineers; and they will be specially selected on account of their knowledge of engines, boilers, and all other kinds of machinery, and will be able to arrange for the examination of engine-drivers. Last year the House discussed, and will no doubt debate this year, the question of the alterations in boards of examination for engine-drivers. We have in this State a large number of such boards, 18 in all, each composed of at least three members; one board I should say has four. The boards examine applicants for engine-drivers' certificates; and if the successful candidates are approved by the Chief Inspector of Boilers, who is nominally at all events the head of all the boards, the certificates are issued. It is not proposed to continue that system.

LABOUR MEMBER: The chief inspector is not asked his opinion of the examination.

THE MINISTER: Perhaps not on the Murchison. I am speaking from my knowledge of the Eastern Goldfields, but I am glad to hear that the boards on the Murchison are so wise that they need no assistance. The boards have been found very expensive and in many instances inefficient. It is found that in Victoria a travelling board works very well; because Victoria is a very small country, and it is easy for the board to visit every district. Here district boards were appointed; but in addition to being very expensive they have become very inefficient; and it has been found advisable to revert to the practice of New Zealand, Queensland, New South Wales, and other countries, by appointing one central board to hold on the spot examinations by the Inspector of Mines and the Inspector of Machinery of applicants for engine-drivers' certificates. These examinations will be held in the districts where the applicants work; and all the papers, together with the reports from the local inspectors, will be sent on to the board in Perth. This system works well in other parts of Australia, and will I believe work well in this State. By the Bill it will be compulsory for all engine-drivers in factori s as well as in mines to be holders of certificates of service and competency; but boiler attendants' certificates are not compulsory. It is proposed, however, by Clause 69—a new clause introduced this year—to empower the chief inspector to insist that, where necessary, certificated boiler attendants shall be placed in charge of boilers. There are hundreds of cases where this is not necessary, the engine-driver himself being competent to attend to the boiler as well as to the engine. The member for North Fremantle (Mr. Bolton) interjects; but I do not suppose he would wish thus to duplicate labour. We do not want in any way to prevent the owner of a small business from working machinery.

MR. BOLTON: What is to prevent the engine-driver having a certificate of competency as a boiler assistant?

THE MINISTER: I believe all engine-drivers are competent to manage boilers. I never yet met an engine-driver who was not ready to assure me that he knew all worth knowing about a boiler. I think the examination drivers have to pass shows that they have some experience of boiler management. However, that matter will be discussed in Committee. In some cases, on the goldfields at all events and surely in the vast majority of cases on the coast, the engine-driver can do all that need be done to a boiler. It is only in large works that an expert boiler attendant is necessary; and we cannot really prescribe in this measure, even if we wished, the circumstances in which certificated boiler attendants must be employed; because the Bill if passed will come into force at the beginning of next year, and prior to that time boiler attendants will have no opportunity of passing examinations. Therefore I think we have taken the best course in remitting to the Chief Inspector of Machinery the power to say when it is advisable that a certificated boiler attendant shall be employed; and Clause 69 gives him the necessary power.

MR. FRANK WILSON: Is that taken from New Zealand?

THE MINISTER: No; that is Western Australian, like this. Clause 70 provides that the Chief Inspector of Machinery shall have power to decide whether one engine-driver is looking after too many machines, and whether another certificated man should be employed to assist him. The chief inspector can do that when the matter is brought before him by his

ordinary inspector; and I feel certain that if the member for Sussex (Mr. F. Wilson) had visited as many places where a lot of machinery is used as I have visited, he would be the first to agree with me that the clause is necessary. While speaking of engine-drivers' certificates I may say we intend to follow almost exactly the course followed last year, by enacting that there shall be issued to engine-drivers extra first-class certificates of competency, the holders of which are to be then deemed engineers, and that there is also to be an ordinary first-class certificate. [MEMBER: What is the extra first-class?] The extra first-class certificate will show that all engine-drivers are not absolutely on the same level, and will give some men an opportunity of proving their superior efficiency. Members familiar with mining, especially on big mines, know that many ordinary engine-drivers become machinery experts. Having favourable opportunities of learning the values of different parts of the machinery, they can make and fit those parts. These drivers have not served ordinary apprenticeships in engineering shops; but it is proposed that when they convince the board that they have all the superior knowledge that an engineer needs, in addition to all the knowledge that an engine-driver possesses, they shall be given extra first-class certificates. I may say it is intended by the department that on the first opportunity one of the men who get first-class certificates shall be appointed a member of the board.

MR. E. E. HEITMANN: A man may hold a first-class certificate, put in five years as a fitter's labourer in a shop, and be entitled to an engineer's certificate?

THE MINISTER: There is no such proposal in the Bill. Nobody dreams of giving such a certificate to a labourer; and those acquainted with work on a big mine will never for a moment think that the candidate would be acting as a labourer.

MR. HEITMANN: Many foremen fitters on the fields have first-class certificates, though they have never driven an engine in their lives.

THE MINISTER: True; and that is a strong argument in favour of the extra first-class certificate, to allow men who have been apprenticed as engine-drivers merely to occupy higher positions if qualified. The extra first-class certificates and the ordinary first-class certificates are for men who, in addition to being able to work all ordinary machinery, can be trusted to work winding machinery.

THE SPEAKER: The hon. member is not in order in dealing so fully with details, on the second reading. Detailed explanation should be left till the Committee stage. His procedure will only duplicate the whole discussion.

THE MINISTER: I shall follow that advice as closely as possible.

THE SPEAKER: The principles of the Bill should be discussed on the second reading; the details in Committee.

THE MINISTER: I wished merely to explain that there will be in addition a certificate for locomotive and traction engine-drivers, for marine engine-drivers, and for boiler attendants. Farther on the Bill proposes that when it comes into force, especially on the coast, where men have had few opportunities of getting certificates, drivers will be able, for some time at all events, to get service certificates on satisfying the board that they have been driving engines for a considerable time.

MR. HEITMANN: You are practically giving them certificates for offending against the existing Act.

THE MINISTER: I do not think so. In many cases on the coast the men are not now bound to have certificates, and the same applies to the goldfields. For instance, on the goldfields a man must have a certificate to drive an engine on any machinery area or any mining lease; but there is a large number of shafts with water-rights, and a man though uncertificated may, without breaking the law, drive on such a shaft the biggest pump on the goldfields. The Bill changes that, and declares that all men shall be treated alike. Clauses 50 and 51 provide for inquiries in cases of accident, and are similar to the provisions obtaining in New Zealand, and largely similar to the provisions of our Steam Boilers Act. I have not yet mentioned any of the new principles which find a place in the Bill, but shall now refer to two of them. Last year one section of the House cried out loudly that a similar Bill would be most oppressive to the farmer; that he could not afford to have his machinery, even if it were of

an extensive character, driven by a certificated man; and it was promised at that time by the Minister that if the Bill was passed, regulations would be framed exempting farmers if the machinery on the farm was not used continuously. Some members objected to this being done by regulation, preferring that the exemption should be contained in the Act. We have placed these provisions in the Bill. Clause 53 provides for practically all machinery being driven by certificated engine-drivers, but at the end of the clause it says:—

> This section shall not apply to any steam engines owned or hired by any *bona fide* agriculturist and used on any farm for agricultural or dairy purposes and not worked for more than six months in any year.

I am assured by those who ought to know that this provision will practically cover all the engines that farmers use. So much for having to engage certificated drivers. Under the clause there will be found the following:—

> This section shall not apply to any steam pump erected on any mine or premises and not capable of pumping more than 6,000 gallons per hour.

It has been represented to us for a considerable time that if a small pump which is capable of lifting 500 or even 1,000 gallons of water per hour was situated on a mining lease or machinery area, a certificated driver would have to be employed; while on the other hand if an employer had one of the largest pumps on a goldfield situated outside a mining lease, or water area, or a machinery area, no certificated driver would be necessary. It is proposed to compromise the matter and make it compulsory upon every person who has a pump capable of lifting more than 6,000 gallons per hour to employ a certificated engine-driver, and those who only have a small pump at work will be exempt.

MR. HEITMANN: Supposing a person has two or three 6,000-gallon pumps?

THE MINISTER: If those pumps were erected close together I should say that would be against the spirit of the Bill; but if the member thinks for a moment that we should insert some provision to protect ourselves against such an evasion, I shall be pleased to assist him in that direction. I think I have dealt with the principles of the Bill very fully, and as we are promised that in Committee we shall have a great deal of criticism from various sections of the House I will not deal much farther with the Bill. I may be permitted to point out the difference between this Bill and that before Parliament last year. The Bill previously before Parliament was strongly opposed by some members. There were those who were inclined to make the Bill apply to everyone but themselves. There was another class of critics who wanted to make the Bill more stringent. The first class of critics I have mentioned will not oppose the measure this year; and the second class of critics will no doubt be ready to compromise as the clauses come under discussion. I will conclude my remarks by saying that if members believe that no inspection of machinery is necessary I hope they will vote against the Bill; but if members believe it is necessary to have machinery inspected I hope they will join in passing the second reading. Whatever amendments are put upon the Notice Paper I promise to discuss with my professional advisers, and those who know more about mechanical things than I do. I promise in every way to try and meet the critics of the Bill; but I have gone carefully over the whole ground and have made several modifications to meet the views of those who were critics of the former measure. I cannot be expected to agree to every amendment proposed, for I believe the measure is as perfect as any in existence. I am anxious to make a start with this legislation this session, and we shall soon see then if it is perfect. Experience will tell us what modifications are needed, and once it is found they are needed there will be no difficulty in getting them placed upon the statute book. I believe the House will agree to pass this measure and make it a good and workable one, so as to protect the lives of those who work with machinery, also to protect the property of employers, and to bring this State into line with the most progressive portions of the outside world.

At 6·24, the SPEAKER left the Chair.
At 7·30, Chair resumed.

MR. FRANK WILSON (Sussex): I desire to move the adjournment of the debate. This Bill requires consideration,

and I have not had time to read it through.

Motion (adjournment) put, and division taken with the following result:—

Ayes	...	...	9
Noes	...	...	20
Majority against	...		11

Ayes.	Noes.
Mr. Brown	Mr. Angwin
Mr. Hayward	Mr. Bath
Mr. Isdell	Mr. Bolton
Mr. Layman	Mr. Connor
Mr. N. J. Moore	Mr. Daglish
Mr. Quinlan	Mr. Ellis
Mr. Rason	Mr. Gregory
Mr. Frank Wilson	Mr. Hastie
Mr. Diamond (*Teller*).	Mr. Henshaw
	Mr. Holman
	Mr. Johnson
	Mr. Keyser
	Mr. Lynch
	Mr. Needham
	Mr. Scaddan
	Mr. Taylor
	Mr. Troy
	Mr. Watts
	Mr. A. J. Wilson
	Mr. Gill (*Teller*).

Motion thus negatived.

MR. P. J. LYNCH (Mt. Leonora): I am slightly at a loss, coming after the Minister for Mines, in speaking on a measure of this kind, because in the main I agree with the remarks of the hon. gentleman; and I am also at a disadvantage in not having something to criticise in the shape of argument by Opposition members or by any member who is opposed to the views of the Minister. I must not forget to give the past Government every credit for the efforts made to get such a measure passed into law, although it was not quite so favourable as we expected it would be to the people on the fields as well as to employees employed around machinery. That fault lies at the door of the past Government. The present effort made to consolidate the many sections relating to the inspection of machinery and boilers is in my opinion very wise. Of all the tantalising features connected with law and its administration, there is hardly anything more likely to make a person think law has a whole lot of disadvantages and to give expression to what the famous Bumble has said, than to find that so many industries are regulated by so many different Acts; therefore the effort by the present Government, following I admit largely in the footsteps of the past Government, to consolidate these many sections in the one Act, is a good one, so that the employees, no matter what industries they may be engaged in or what form of machinery is employed, will have to refer to only one Act to find whether they are in the right or in the wrong. I am glad the present Government in that regard are following in the footsteps of the last Government, although I do not altogether agree with the present measure as outlined by the Minister for Mines, and I hope that before it quits this Chamber it will be altered materially in detail to meet the wishes of so many of those employees I have the honor to represent, as well as many of the machinery owners who are also concerned. The fundamental purpose of the Bill is the safety of the public, with which purpose I feel every member of this House will unqualifiedly agree. It is not a question in which any party spirit should be manifested. In this part of Australia, in common with other parts, we have not been inundated with any large influx of population. Even during the most prosperous times, when most glowing accounts were spread abroad and when many inducements were offered, we were not very successful in attracting to these shores a large proportion of immigrants; so that with the population we have in hand here it is right and commendable we should take every reasonable precaution to ensure its safety and health, especially in the matter of the inspection of boilers and machinery and more particularly those whose motor power is that from which most danger is to be expected; and it is well that this element of motor power finds a prominent feature in the present measure. The Government are to be commended for having extended to other portions of the State the operation of the Bill that has been, in the past, largely confined to the mineral area. In some quarters it has been very much of a query why restrictions in the matter of boilers and machinery and the certificated control thereof were only applicable to the mineral area; and I rejoice that the time has at length come when the measure is to be made so broad in its application as to bring under the jurisdiction of those who administer it a wider area, and other industries besides gold-mining, and other localities besides gold-mining localities. At the same time, I do not agree with the proposal that is made to exempt

entirely from competent control those boilers and engines used in connection with the agricultural industry. In this regard I find that most countries, or rather some countries, that have taken preventive measures such as these, in the shape of inspection of machinery and competent supervision over it, have always had a kind of special regard for the exemption of agriculturists. To my mind it seems somewhat anomalous that a man engaged in agricultural pursuits and upon whom fortune may have smiled to the extent of his being able to purchase machinery for the pursuance of his calling, should be exempt, while perhaps a struggling manufacturer and (for that part) a struggling party of prospectors are obliged, under penalties, to bring their machinery under the jurisdiction of the Act. It seems altogether a lop-sided arrangement that agriculturists should be exempt to the very large extent they are in this measure.

MR. HAYWARD: They are not.

MR. LYNCH: They are not exempt so far as the inspection of machinery is concerned; but where an agriculturist, from any cause, has secured sufficient substance to enable him to purchase machinery in the pursuance of his calling, he should be put on precisely the same level as the struggling investor in another industry or locality. I am altogether at a loss to know why, not only in this country but in other countries where measures of this kind are finding places on statute-books, agriculturists are an object of special solicitude in such measures; but I, for one, would not offer very serious objection, even in the present instance, to the exemption of agriculturists.

MR. GREGORY: You know the difficulties the farmer would have in getting certificated engine-drivers.

MR. LYNCH: I presume there are competent employees in the agricultural districts as in other parts of the country.

MR. HAYWARD: For three months of the year?

MR. LYNCH: Take the case of a threshing machine. It is employed for the greater part of the year.

MR. HAYWARD: No; only for three months.

MR. LYNCH: All machinery of a class that is employed to any extent necessarily implies the employment of large numbers around it, even though the employees in charge of it are not continuously employed, and the employees should certainly not be exempt from the necessity of showing they are competent to control machinery that has so many dangerous elements in it. I am not going to be a party to any serious opposition to the measure in this regard; but, at the same time, I am hopeful that some of the farmers' friends on the corner benches will rise to the occasion and show us some means whereby their constituents may be placed on the same level as the struggling investors in other walks of life. I am waiting for the agricultural members to place themselves on the same plane as the members for the goldfields who are willing to have restrictions on the industry they represent. I hope that this expectation of mine will not be in vain. We may have some of these farmers' representatives getting up and telling us that they do not want special exemption for the agricultural industry. In regard to the application of the principal Act to the mineral area and the mines, we find that it is a little out of date at present, in common with the shortcoming that has been found existing in regard to the application of the Mines Regulation Act, it having been found necessary to introduce a Bill last week for the amendment of that Act. So I hope to find special provision in the measure that will bring it abreast of the times or, in other words, up to date in regard to the running of machinery and boilers on the goldfields. There are a few points that commend themselves specially to me, and which I regard as excellent points—an improvement, in my opinion, upon the measure that was introduced by the late Government. The first is Clause 19, providing for the inspection of all machinery by competent inspectors, in order that there may be no possible chance of that machinery falling into such a state of disrepair as to occasion risk to life or, for that matter, property.

MR. GREGORY: I think it was the same in the Bill last year.

MR. LYNCH: This is a little more explicit, I think. In this particular clause I am glad that such a provision exists, because it is a matter of common knowledge on the oldfields that

machinery handled by large numbers of men often gets into such a state of disrepair as to be absolutely dangerous for the purpose for which it is employed. This feature of the measure commends itself especially to me.

MR. GREGORY: Where is it different from the Bill of last year?

MR. LYNCH: I have not got a copy of last year's Bill with me, but if it was in last year's Bill, which I have read often enough, I do not want to crave any special credit for the present Government in this regard. In fact, I will give credit to them for following in the hon. member's footsteps. I was not here when the Minister was going through the Bill; but I have reason to believe that it is the intention of the Minister for Mines to make sailing ships' equipments a special subject for investigation whenever vessels reach these shores. I am very glad the Minister has awakened to the necessity for instituting inquiries dealing with owners of these deadly equipments alongside our wharves. That there is necessity for this supervision was exemplified by the accident which lately happened at Bunbury on a Norwegian barque whose boiler had not been inspected for upwards of four years, and which was suddenly called into requisition, and put under the care of a man who did not know anything about his work. The man started to work the boiler without a safety-valve, and plugged up the aperture with a bolt, with the natural consequence that the boiler was "unburstable." The unfortunate sequence was that a man lost his life. I am pleased that the Minister has improved on the Bill of the last Ministry.

MR. GREGORY: I do not think you can show me where the Minister has the power in this Bill.

MR. LYNCH: I think he has the power. If it is not in the Bill, it is the duty of Parliament to empower the Minister to take action. I have had a little experience in international matters in this regard. So far as the American laws are concerned, any steamer touching at an American port is not only amenable to the laws of that country in regard to employing safety appliances; also with regard to showing that the boilers will stand a sufficient test I shall tell a story. In the port of San Francisco, on a steamer on which I was engaged, and which I thought a very up-to-date greyhound, the Monowai, it was found that the ship's boilers were subject to a test of 300lbs. more than they had to undergo in Australia. All the other equipment of the ship had to undergo the same severe test under the American law. It is a question of fact, so far as the administration of the law in America is concerned, and I am unable to understand why any obstacle should stand in the way of this Government, the State being able to exercise sovereignty within her own limits, exercising the same limits as I bumped against in the State of California. Some members of this Chamber might think that they are not so exacting through all the States of America as in California; but I happen to know that in some of the mining States in the West the machinery is subject to the same rigid supervision and inspection, as well as being under the same competent control, and that even in the State of Massachusetts so jealous are they in that populous State on the east fringe of the great Union to preserve the lives and health of the population that every boiler, high or low pressure, as well as every engine, within certain prescribed limits is subject to most rigid inspection and also to certificated control. I do not wish to raise the question already dealt with by the Minister when he referred to colonial experience in Tasmania and New Zealand. I do not know when the Massachusetts Act was passed, but this is one of its provisions in Section 78. It is unlawful for any unlicensed person either to operate or to have charge of any steam boiler or engine, except boilers and engines upon locomotives and motor road vehicles, boilers in private residences, in apartment houses of less than five flats, boilers under the jurisdiction of the United States, boilers used for agricultural purposes—the agriculturist is favoured under the American law also—and boilers of less than eight horse-power. So, if this Bill be opposed on the ground of its imposing unnecessary restrictions, I say that the people of this State have no ground for complaint until they overtake in general prosperity that very important, populous, and progressive State of the Union, Massachusetts, whose system of

inspection and supervision is an improvement on our own, and provides for periodical licenses issued to men called engineers—not engine-drivers as they are commonly miscalled in this State—and firemen. I was afraid that in dealing with this subject I might be asked by the member for Sussex (Mr. Frank Wilson) to give chapter and verse for my assertions, and I anticipated him by giving them. There are in this measure some points which I regard as shortcomings. I will not say they are actual blots, but they are of such a nature that I hope the Minister will, in view of the assurance he has given us, adopt any reasonable and workable suggestions that can be made in regard to them. Firstly, there are altogether too many grades of certificates, leading one to believe that the framers of the Bill have followed fatally in the footsteps of the last Ministry, by bringing in fanciful legislation. The Bill provides for no less than six grades of certificates to be issued to engineers and firemen; and I consider six to be far too many, and that the number should be not more than two or three.

THE MINISTER FOR MINES: Would you lower the standard of examination?

MR. LYNCH: Not necessarily. I do not think it need be lowered. I believe that three grades of certificates—one for firemen, one for second-class engine-drivers or engineers, and a third for first-class engine-drivers or engineers—would suffice for all purposes; and the Bill would thus be simplified, and would not impose an additional tax on those compelled to live by that class of labour. Another provision is what I may call the validation of the practice of those now engaged on boilers and engines in the districts to which the Act will apply. I think that in giving such men a standing before the examining board, the Bill goes somewhat too far, and will give rise to a rather contradictory state of affairs.

THE MINISTER FOR MINES: The same is done on the fields.

MR. LYNCH: The fields are somewhat differently situated; for to them there is a rush of competent men from the East, who in a great measure have proved themselves capable of doing the responsible work they have to perform. The Bill proposes to take for granted that those now in charge of boilers and engines are competent in every detail. If that be so, one is almost tempted to ask, What need for a Bill if we are satisfied that the men already in charge of boilers and engines are competent? When the time comes I purpose by amendments to subject those men to a test which will prove their right to fill their present billets.

MR. H. GREGORY: Will you apply that to all certificates of service?

MR. LYNCH: The positions are not analogous; because Subclause 1 refers to any person holding a certificate before the Act of 1895, and that is so far back, and the prospect so remote of an inrush of men who need to be tested, that it should not materially affect the present position. But I do say that those in charge of the larger number of motor powers may reasonably be subjected to some test to show whether they should continue to fill their positions. My amendment will not to any extent prejudice those men, but will give them a chance of proving their competence before a tribunal able to judge. The fee for inspecting boilers I regard as already too high. I think it could be dispensed with. We may again refer to Yankee precedent, though I am somewhat opposed to borrowing a precedent from any country unless that precedent be really beneficial. At the same time, the law in Massachusetts imposes a fee of only two dollars for inspecting a boiler. That is a reasonable charge, compared with which the charge in the Bill is excessive. We are to have a board for examining candidates for engine-drivers' and boiler-attendants' certificates; and I hope the Minister will agree to my proposal that the board shall travel from one large centre to another, for that would be much more advantageous than its being a fixed institution in Perth. The Bill proposes to exempt from its jurisdiction all electrical hoists that may be used on the goldfields; and judging from present indications this is likely to become a popular sort of hoist. I think they are proposed to be exempted.

MR. GREGORY: Do you mean winding machinery in a mine?

MR. LYNCH: Yes; electrical hoists. Pumping machinery is also exempted, and the term often means an isolated pumping plant, with a boiler, feed pump,

and a large-size engine. It seems to me that both pumping plants and air compressors are exempt.

THE MINISTER: Pumping plants are exempt now, unless on a mining lease or mineral area.

MR. LYNCH: No.

THE MINISTER: Yes.

MR. LYNCH: Only two classes of machinery are now exempt, sinking pumps and boring machines; and rightly so, because nobody is foolish enough to insist that a small pump put down a shaft should have three men standing looking at it. But we should insist that whenever a pumping station is found, as it often is, in an isolated situation, it shall be put on precisely the same level as a battery plant used in the reduction of ore. The danger is just the same, and the responsibility exactly on all-fours. Air compressors also appear to be exempt, and on this point I hope later on to have a word with the Minister. On the whole, I welcome this measure, which I feel will do no injustice to those employed about machinery on the goldfields. I hope that my reading is wrong with regard to the two or three propositions I have mentioned. If it is wrong, then employees and machinery owners on the fields will have little to complain of. The effort now being made to extend the provisions of the Bill to industries other than gold-mining is laudable, and such as would naturally be expected from a liberal and a Labour Government; and I hope, as I said at the outset, that some of our farmers' representatives over the way (Opposition side) will make a proposal which will put the rich farmer on precisely the same level—and this is not much to ask—as poor men striving to work a show, who have procured some hoisting plant and are to be placed under all the restrictions of the Bill, whereas the man who has so much of this world's substance as to employ machinery for his maize grinding and his threshing and for farm work generally, is now the subject of so much solicitude in this Chamber. I hope that as the Bill goes through Committee the Minister will be amenable to reason on the several points I have mentioned, and on several I may have forgotten; and when it passes it is very necessary that it should apply to manufacturers. We have many old boilers in use here; and judging by the goods imported from the East, this country is rapidly passing from a State of comparative unproductiveness to one of comparative production. I am glad that such an era is approaching; and when we see the State in such a transition stage, it is necessary that preventive measures be instituted to ensure the safety of the public. I hope the Bill will be but slightly delayed by the cross-benches over the way, and not at all by the direct Opposition.

MR. H. GREGORY (Menzies): It is pleasing to me to hear from the Government side such favourable criticisms of this Bill; especially pleasing when I note in *Hansard* of last year how the present Minister for Labour (Hon. J. B. Holman), the present Colonial Secretary (Hon. G. Taylor), and other members of the Labour party voted so promptly against my Bill in the division of last session. Now almost exactly the same Bill is brought in; and I am pleased that the Minister has introduced it, because there is a strong possibility that it will now become law. It is in most instances, I think, a perfectly good Bill, and one that is going to have full support from me. When we get into Committee an effort will no doubt be made to make some amendment in regard to one or two matters, but I hope the Minister for Mines and those on the front Government bench will stick to their Bill. One thing I may say of the Government, that when a Bill is brought forward they will do their best to pass it into law. I hope no effort will be spared by the Minister to make the Bill law and not to give away certain things to certain sections of the community. I have noticed in many cases, where certain sections of the community are being dealt with, they wish to obtain everything they can for themselves; but when dealing with a measure such as this, we do not wish it to make a conservative body of the Engine-drivers' Association. This Bill is not brought in to assist any such body, but for the protection of life and property. I hope the Minister will not give way to a certain section and make the Bill an oppression to an industry.

MR. LYNCH: Did that body approach you?

MR. GREGORY: On many occasions they approached me. They came to me

and wanted certain things done in connection with the Bill which I introduced, and I refused, and on many occasions it has given me pleasure to refuse the requests of that body. We know that anomalies do exist. When a small air-winch is used for raising tailings it is found that an engine-driver must be in charge. This Bill gets away from that. I hope every care will be taken by the Minister to protect the lives of individuals. The member for Leonora was speaking of electric hoists, and I suppose he had in his mind the possibility of some mines using electric winding plants. Underground air-winches are used, but there is no provision made for a certificated engine-driver being in charge of air-winches. Provision no doubt will be made by the Minister in the Mines Regulation Bill for that. Where lives are in danger, certificated men should be engaged, no matter what machinery is employed. Where we think the lives of workmen are in danger, we are justified in insisting that a certificated man should be employed. I object to a body of men insisting on the Minister's compelling mine owners to employ certificated engine-drivers when it is not necessary for the protection of workmen. That is a principle which we should look to, and every assistance should be given by members on this side to protect the lives of men working about mines. Some mention has been made to-night in regard to Acts which are in force at the present time in England, but the circumstances are not at all the same there as in a country like this. Some time ago a special Commission was appointed in England to inquire into the question of inspection of machinery and the granting of certificates to engine-drivers; but the owners pointed out that such a system was not required, for the engines were under the care of men who had been engaged with machinery all their lives. The danger does not exist in England like it does in this country, therefore the necessity arises for a law in Western Australia. I hope the Bill will not be made oppressive to the mining industry. The Minister for Mines has inserted a special clause in the Bill setting forth that the provision relating to certificated engine-drivers should not apply to the agricultural and dairying industries. I had that provision in the Bill which I brought forward. There was power in that Bill to make regulations in regard to those industries, but the Minister for Mines has gone farther and placed the provision in this Bill with a view of letting the agriculturists know that no matter what Government are in power, the clause shall not be enforced on them, and I think that is right. The agriculturist may only want an engineer for a month or six weeks in the year, and it may not be possible to get a certificated engine-driver at the time; and if an agriculturist employed a man without a certificate, he would render himself liable under the Bill if it were not for this clause. There is one point to which I wish to draw the special attention of the Minister. I wish members to look at Clauses 19 and 32. Clause 19 says that if machinery appears to an inspector to be faulty or defective, the inspector has power to compel the owner to wholly desist from working or using such machinery, or any appliance or contrivance used or connected therewith. Then Clause 32 gives the inspector power to absolutely condemn machinery and compel the owner to desist from working a boiler that might have cost £500 or £600. I ask the Minister, does he believe in giving the inspector such a power?

THE MINISTER: Has he not the power now?

MR. GREGORY: Under the Bill I want to know if the Minister approves of giving such power. This Bill not only deals with boilers but machinery. It is something new to me if the Bill only applies to the goldfields. I want to ask the Minister whether he believes in giving power to an inspector to stop machinery?

THE MINISTER: If a machine was owned for eight years and never used, you could not compel him.

MR. GREGORY: I want to know if the Minister believes in giving the inspector the power contained in the Bill? The member for Leonora thinks the Minister should have that power.

MR. SCADDAN: Decidedly. Why stop a stope if dangerous, if you do not stop machinery?

MR. GREGORY: The hon. member the other day, speaking in reference to the new Mines Regulation Bill, suggested that an inspector of mines should not have power to close down a certain

section of the mine, but that when it was found certain things were wrong in a mine the matter should go to arbitration.

MR. SCADDAN: I did not say anything of the kind.

MR. GREGORY: The hon. member strongly supported the Mines Regulation Bill which was before the House the other night. I pointed out that instead of giving the Minister that power, which I believed he had, of closing down machinery if it was thought dangerous, power should be given in this Bill to close down machinery. The member for Ivanhoe thought these matters should be referred to arbitration.

MR. SCADDAN: I believe in that entirely.

MR. GREGORY: There is no question of arbitration in this Bill.

MR. SCADDAN: No; but there should be.

MR. GREGORY: I cannot really follow the hon. member, because he told me just now that he did approve of the power, yet now he approves of a system of arbitration.

MR. SCADDAN: If the owner is not favourable to the closing down of the machinery, and can show some justifiable reason.

MR. GREGORY: I am sure the hon. member does not know his own mind. I pointed out the other night that I thought the Mines Regulation Bill and this Bill would clash, and I asked the Minister to withdraw the small Mines Regulation Bill, because I could not see how we could have the two measures. Clause 19 says that an inspector has the power, if a machine is unsafe, to compel the owner to desist from using it. The Mines Regulation Bill, which was brought in the other night and which is still before the House, says that in any case where an inspector finds any mine, machinery, or plant, whether it has cost thousands of pounds, in a dangerous state, he can serve notice and then there is a provision for arbitration. I want to know which of the two Bills is going to apply to the goldfields, the one that enables the mine owner to go to arbitration in the event of an inspector saying that a machine is dangerous, or the other one that says an inspector can condemn a machine straight away? I want the Minister to let me know this.

MR. LYNCH: There is a point reached in the life of every boiler when it should be condemned.

MR. GREGORY: These two Bills will clash.

MR. LYNCH: Did anyone ever think of arbitrating on an unsafe boiler!

MR. GREGORY: That is the power which exists in the Act. It did exist in the New Zealand Act and it exists in the present Tasmanian Act. Last year when I was studying the Inspection of Machinery Bill I considered whether it would be advisable to place such a power in the Bill, but I believed in throwing the responsibility on the inspector, and I can assure members that when a machine is condemned the owner of that machine, if he thinks it any good, is not going to throw it away on the rubbish heap unless he has satisfied himself that it is of no use. If we found an inspector condemning useful machinery I think the inspector would not long enjoy his position. I am certain the Minister would not allow any inspector to improperly condemn any machine; I think the onus should rest on the inspector. I do not want any Bill to clash in connection with the mining industry. I know there are some people who do not care how many laws there are in existence so long as it is not unfair to them. The member for Leonora objects to the Minister granting certificates of service to engine-drivers in the metropolitan or agricultural areas, although the drivers have been in charge of engines for twelve months prior to the Bill coming into operation. When asked if the Minister would make the provision apply to all certificates that had been granted he said he would do nothing of the sort. When the Mines Regulation Act was passed it gave three classes of certificates of service, and any person who for 12 months prior to the passing of the 1895 Act had been in charge of any machinery for 12 months received a certificate of service under the Act, and under that certificate of service these men have been working as engine-drivers ever since. The hon. member for Leonora, who has been secretary for some years of the Engine-drivers' Association, will not give any concession to those who are likely to compete with the members of his association in the future. Is that fair? Is it honest?

THE SPEAKER: The hon. member must not impute that a member is dishonest.

MR. GREGORY: I had no intention of imputing anything wrong. I only want to point out that such a thing would not be fair. If we did give to these engine-drivers in 1895 those certificates of service, why should we not grant the same certificates to engine-drivers to whom the Act did not apply? The 1895 Act only applied to the goldfields and not to the metropolitan areas. Why should we not grant the engine-driver who has been practising his profession for years, probably longer than any of those practising it on the goldfields, the same rights under the Machinery Bill as we gave to those on the goldfields by the Act of 1895? I hope we shall pass a clause giving those rights. If we do not, I hope the House will insist upon all these certificates of service being made void. If we do not give to the people down here that which we originally gave to the people on the goldfields, it will be most decidedly unfair. The only other thing I desire to do is to again draw the attention of the Minister to the necessity this year of bringing in a Mines Regulation Bill. Under this Bill we are repealing certain sections of the Mines Regulation Act; we are repealing all those sections dealing with the certificates of engine-drivers upon the goldfields. If we do not have an amending Mines Regulation Bill this session any person may be able to be employed on an air winch, on an electric winding plant, or perhaps some equally dangerous machinery, without being the holder of a certificate. To my mind that would be wrong, because, as I said before, where men's lives are at stake we are justified in insisting on those provisions. Therefore I sincerely hope that the Bill brought in the other night dealing with the Mines Regulation Act will be withdrawn, so that as speedily as possible—assuming this Bill will be passed into law—we shall have a Mines Regulation Bill which will embrace the point I have referred to—the necessity for making provision for certificated men on machinery other than steam engines, when those men are employed in or about dangerous parts of a mine. That was the reason why I asked the Minister the other night to delay the passage of this small Bill.

THE MINISTER: What difference will that make?

MR. GREGORY: The Minister is confounding the two things I pointed out in reference to machinery. We have two Bills dealing entirely with machinery on a mine. We have the Inspector of Mines here, and if he condemns any machinery the owner has power to go to arbitration in connection with it. Then we have an Inspection of Machinery Bill which gives power to the inspector to condemn machinery. I want to congratulate the Minister on the Bill. There are certain amendments on the measure of last session and some of them are very good. Of course the discussion of last year would show where the Bill could be amended. I am pleased indeed with the alteration the Minister has made with regard to the board. I think it is a wise alteration and one which I should have endeavoured to carry out myself this year, if I were in office. I feel quite satisfied the State Mining Engineer has not the time to spare to attend to engine-drivers' certificates. I promise the Minister that I will give him all the help I can to try and get the Bill carried into law.

MR. E. NEEDHAM (Fremantle): I am somewhat surprised as a new member that an attempt should be made to adjourn the debate, and throw on new members like myself the onus of carrying on the debate in connection with the Bill, particularly as the Bill to all intents and purposes was discussed in the last Parliament. I was also somewhat surprised on listening to the speech of the member for Menzies (Mr. Gregory), who was evidently well acquainted with the provisions of the measure, yet had an excuse for moving the adjournment of the debate.

MR. GREGORY: I rise to a point of order. The hon. member has made a mistake.

MR. NEEDHAM: I withdraw. I do not intend, in discussing the Bill, to speak for any particular section of the community. I welcome the Bill as a necessity, in all parts of the community, for the protection of life. Whilst I shall vote for the second reading, I think one or two clauses could be amended, which

I shall have an opportunity of discussing in Committee. I fail for the life of me to see, so far as Clause 4 is concerned, why all boilers and machinery under the control of the Commissioner of Railways on the Government railways should be exempt from this Bill. If we desire to legislate for the protection of life, why not legislate regarding the Government railways as well as any other portion of the State? Again, in Clause 6 there is no specification as to the qualifications of the inspector. It says here that any person may be appointed as an inspector. I think an inspector ought to be able to produce some qualifications. If a man is going to inspect a boiler or machinery, we should at least expect him to know what he is doing, and I think this Bill in its present condition gives too much scope to one man to appoint anybody he may choose, with or without qualifications.

THE MINISTER: What do you suggest?

MR. NEEDHAM: I will suggest it in Committee. Again, in reference to Clause 19 the question arises whether an inspector should have the power to at once condemn the boiler or the machinery. If he is in a position at all to judge the question, he should have the power to condemn. And it does not say here that he shall serve a notice upon the person owning the machinery or the boiler. If he finds that the boiler or machinery is defective and dangerous, is it reasonable that he should wait for a certain specified time, say a day or two, until notice is served? The machinery should be stopped or fenced or the boiler condemned if, in the interim, loss of life may be occasioned. If a man is able to inspect a boiler or machinery and qualified to do so, he ought to take upon himself the responsibility of at once condemning and stopping it in case of need, and thereby prevent if possible any accident that might otherwise occur. I ask the Minister for Mines why he should exempt from the provisions of this measure any machinery or boilers on the Government railways, and I do so for the reason that I have there seen machinery not protected and people working in close proximity to that machinery in actual danger of injury. I hope the Minister will see his way to amend that clause and provide that the Government railways shall come within the scope of the Bill. If he does not, I will try to get the Committee to agree with me on the point. If we are going to pass such a Bill as this—and I sincerely hope the measure this time will become law with a few amendments—and aim at the protection of life and property, we ought not to single out one portion of this State, but to make the scope of the Bill as wide as we possibly can.

MR. E. E. HEITMANN (Cue): I think there is little to say at present on this Bill, but as one who has had a little experience of machinery and boilers, I welcome the introduction of the measure. I think it absolutely necessary there should be a better system of inspection of machinery and boilers than now exists. I believe this Bill is nearly the same as that which was introduced in the Assembly last session. There are certain modifications and exemptions. In this Bill the agriculturists are exempt. They are not forced to employ certificated engine-drivers, and I heartily agree with this clause. I think their machinery and boilers should be inspected, but I do not consider it right that those people should be forced to employ for a few weeks in the year certificated engine-drivers. In fact I do not think that if the law required them to do this, it would be possible for them to obtain certificated engine-drivers, therefore I agree with the Minister in exempting the agriculturists from the operation of the Bill. I would like to say a word or two on the Regulations here for the granting of certificates for engine-drivers. Clause 60 says:—"The board may at any time within two years of the commencement of this Act, grant certificates of service, without examination, to any person of good repute on the following conditions." Then there are certain conditions. On the goldfields certificated drivers have been in vogue since 1895. The regulations regarding certificates of service were that any person who had had charge of machinery or boilers for a certain time prior to 1895 was entitled to a certificate of service. We have been working on the goldfields under this Act. Now we find under this new Machinery Bill that a first-class (what I call factory) certificate is the equivalent of a second-class mining certificate. When this becomes

law we grant to a factory engine-driver a certificate of service, which will entitle him to drive a second-class engine on the goldfields. We also prevent this certificate of service being granted to any person who has previously gone before a board of examiners and failed. I consider that a man who goes for examination and fails is all the better off. I think we can give him credit for knowing a little bit more than the man who has not the pluck to go up for examination. Then there is the extra first-class certificate which is designated "engineer's certificate." An engineer is one who erects or makes machinery, and one might follow this occupation for 50 years and then know absolutely nothing about the driving of a winding engine. A winding engine-driver may drive for years and know nothing about the erection of machinery. So I consider that this extra first-class certificate is not necessary. I cannot see the advantage to be gained either to the State or the individual. For instance, there are many men on the goldfields who have been granted first-class certificates of competency. Many of these men have never handled a winding engine in their lives. The certificates were granted in the early days, when almost anybody could get a certificate. They are fitters. These men would not take a winding engine; they refuse to drive them; they prefer to work at their benches in the shop to working a winding engine. Yet by this Bill a man with no service on a winding engine may have been granted a certificate, perhaps in the early days. He is a fitter or engineer and has had his service in the shop; but he can obtain an engineer's certificate, while a driver who may follow his occupation for years and know nothing about either the fitting or the erection of machinery has no chance of obtaining this extra first-class certificate—an engineer's certificate. I will endeavour, when this Bill is in Committee, to wipe at least this clause out. A little has been said with regard to the board of examiners. I welcome a change in the constitution of these boards. I have been on a board for some time, and if the members of this House knew what I know in connection with boards of examiners I believe they would also welcome a change. However, I cannot see that the change we shall have, if this Bill be passed as printed, will do the country any good. At the present time candidates are examined upon questions that touch in no way upon machinery. They are given questions that in 50 years' experience they would never meet. I believe myself in an oral examination, and also in a practical one by taking a man to an engine and seeing exactly what he knows. From what I can make out from this Bill the questions will come from the central board.

THE MINISTER FOR MINES: No; only certain questions.

MR. HEITMANN: You have the oral examination locally, and the papers come from Perth.

THE MINISTER: Certain questions are on the papers, and there is an oral examination as well.

MR. HEITMANN: I have had a little experience in regard to the papers. I have seen papers that came from the board of examiners in Perth, and I guarantee there is not one engineer, leave alone driver, in fifty that would pass the examination. Out of 40 candidates at Cue I believe only one passed. What does the central board of examiners know about a winding engine? What does the State Mining Engineer, as far as he is concerned, know about a winding engine? What does the Chief Inspector of Boilers know about a winding engine?

MR. NELSON: What does the Minister for Mines know?

MR. HEITMANN: He might know less. I intend, when the Bill is in Committee, not to follow the advice of the Minister for Mines in giving notice of amendments. I think myself it would be impossible.

MR. DIAMOND: Too many of them.

MR. HEITMANN: There will be a good many of them, I can assure you. I intend to do my best to bring this Bill to what I think would be beneficial to the whole of the State. Members who listened to one of the previous speakers would think that we represented one class only; but I am not speaking as representing one class only. I believe in the Bill because I think it will be beneficial to the proprietors of machinery as well as to the workers and the public in general. There-

fore, when the Bill is in Committee I intend to do my best to make it the best possible Act we can have. I should like to draw the attention of the Minister again to the injustice done by this Bill to certain portions of the community. There are certain parties who have been working under the old Mines Regulation Act for a considerable number of years. They have not been able to obtain service certificates unless they had them before 1895, yet this Bill will allow persons to obtain certificates who have been driving since 1895. The Minister practically states that, as far as the goldfields are concerned, he will grant a certificate to a person who has offended against the Act. The Act at the present time states that any person in charge of machinery, not being the holder of a certificate, is offending against the Act; and yet this Bill states that any person found in charge of machinery shall be granted a certificate of service. Putting all these trifling matters aside, I can assure the Minister for Mines that I will do my best to pass this Bill, which I believe will not only be for the benefit of the workers, but for the benefit of the mine owners, machinery owners, and factory owners, and in fact for the benefit of the whole State.

MR. N. J. MOORE (Bunbury): I had no intention of speaking on the measure at this stage, because I should have liked an opportunity of perusing it; for we have not had very much time or notice of the Bill, and many of us would like to go through it. I should like to congratulate the Minister on including a clause with reference to the supervision and inspection of boilers in oversea ships. Quite recently an accident happened at Bunbury, and I acted as coroner at the inquiry. It came out in evidence that a Norwegian vessel, the "Antigua," had been working a boiler up to 60lbs. pressure, and we had the expert evidence of Mr. Ramage and another expert that it should not have been worked at a pressure exceeding 10lbs. I believe that Lloyd's now provides for the inspection of sailing vessels; and I think some clause might be included in the present Bill which would allow that a vessel possessing a certificate for boilers and machinery from Lloyds should be able to dispense with such inspection at the port. I think an exception should be made in that regard, because I notice that a fee for inspection of ships' boilers is £3, which seems a stiff charge for the inspection of a donkey-engine boiler. I think that any vessel having a Lloyd's machinery certificate, which carries for 12 months, should be able to dispense with our inspection. It came out in evidence that this vessel had had no safety valve on the boiler for some four years, the reason being assigned by the skipper that it would cost £5. I believe he inquired the cost of putting in a valve at some three ports of the world—Fremantle, San Francisco, and the Cape, and that the price ranged up from £5. The lives of people working on the ship are not alone in jeopardy, but the lives of men engaged on the wharf. We have a regulation at the present time providing that any donkey engine loaned to any of these ships must be thoroughly inspected; so that it seems rather absurd, while we insist upon the inspection of locally-owned boilers put on board sailing vessels, that there should be no provision to have the boilers owned by vessels inspected. I do not know whether the exemptions in Clause 4 provide for what I have mentioned; but later on I should like to have the assurance of the Minister that it is provided for in the exemptions. With regard to drivers' examinations, as pointed out by the member for Cue, I think it is only reasonable that men who have been engaged as engine-drivers for some years, and who have proved themselves practical men, should have a certificate granted to them. We have a precedent in almost all the professions and trades. For instance, up till 10 or 12 years ago men practising as surveyors were granted licenses, whereas other men who have come along since have had to pass a stiff examination. Men in business as chemists two or three years before the passing of the Act were granted licenses to carry on their profession; and I think the same principle might apply to engine-drivers. I think it is very hard indeed for a practical man who has been in charge of machinery, perhaps for years, to have to go up for an examination which, as pointed out by a practical man, is very largely a theoretical examination, and be plucked. The hon. member says that the examinations are very stiff indeed; and

I think that exemptions might be made on behalf of those men who are practical and who have practical experience. The exemption of farming machinery is necessary, for the simple reason that the machinery on a farm is used probably only one month in the year; and as all farmers would need to use their machinery at the same time, they would have great difficulty in obtaining the services of certificated engine-drivers. I think that a wise exemption. I need not say more. Not knowing very much about the subject, I can probably speak more freely than experts. However, I hope we shall have an opportunity of making one or two amendments in Committee.

MR. A. J. H. WATTS (Northam): We should have an assurance that the inspectors appointed will be practical men. Clause 53 refers to drivers using engines or boilers on farms; and I think it highly necessary that the Minister should make some different provision as to exemptions. I quite agree that farmers working boilers on their own farms should be exempt, because one thousand farmers in this State may within the next few years need to use their boilers at the same time; but we have travelling chaff-cutters and travelling threshing-machines; and the chaff-cutters are working the whole year round, and the threshing machines the best part of the year. By the Bill the owners of these machines are exempt. [MR. N. J. MOORE: For six months only.] Usually a *bona fide* farmer is the owner of the chaff-cutting plant; and he can travel around amongst his neighbours with that plant and cut up their chaff without holding a certificate. When a man travels round the country for a living, or to add to his income, as many farmers do, with a chaff-cutting plant, he should be required to have a certificated man in charge of the engine.

THE MINISTER FOR MINES: For how many months does he travel?

MR. WATTS: The times vary from six months to the whole year, off and on; and it would be easy to override the Bill, because we do not know whether such men work their engines for six or for twelve months at a time. They may work for a month and knock off next month: they work intermittently. Certainly that provision needs alteration. Again, we should have some regular sitting of the board to examine applicants for certificates. Hardship and perhaps great loss will be entailed on men requiring certificates in the agricultural districts unless they can be granted quickly; and there should be some guarantee that when a man needs a certificate he shall be examined within a reasonable time. I understand that in the past the inspectors have consulted their own convenience in examining candidates, and that notification of the day of examination is sent out; but this may prove detrimental to the interest of those who need certificates at short notice. The difficulty can be met by holding examinations at regular stated intervals. I should like to calm the mind of the member for Mt. Leonora (Mr. P. J. Lynch), whom I do not see present, and who talks of the rich farmer. Many people have an idea that our farmers generally are a rich class, that they should have few privileges, and that they are much wealthier than men working such enterprises as prospecting shows. But I should like to assure the Minister and other members that frequently the man prospecting a gold-mining show makes a larger profit than a man prospecting a farming show, and that the provision for exempting farmers, during the short time they will need to use the machinery on their farms, is essential. I think the fees should be reduced; certainly they are too high for the examination of boilers not used for any considerable time during the year.

THE MINISTER: They are less than the present fees.

MR. WATTS: They will still be too high. As to a certificate of service being equivalent to a certificate of competency, I fail to see the need of granting certificates to those who have been in charge of boilers for a given time and cannot pass an examination. I say any man in charge of boilers for that time ought to be able to pass an examination; and if not, he should not be given a certificate equivalent to a certificate of competency. I strongly object to the inspector being permitted to issue such certificates.

MR. J. SCADDAN (Ivanhoe): After my experience when I last addressed the House, I am rather nervous. The Minister, referring to my speech on that

occasion, said that as there were no more mining experts to speak, he would speak in reply. I am afraid that if I speak on this Bill I shall be designated a machinery expert, whereas I am not a machinery expert. After that experience I feel somewhat afraid, for the reason that the member for Menzies, formerly Minister for Mines, may come down on me as he did in that debate. Probably if I state that the necessity for this Bill is as great as for the short Bill on which I formerly spoke, the Minister will not contradict me. The number of accidents occurring through dangerous machinery and machinery not properly fenced, especially on the goldfields, certainly warrants such a measure. To one or two of these clauses some slight exception should be taken; but personally I do not wish to endanger the Bill. I consider our amendments should be as mild as possible, because we shall have difficulty in passing the Bill through another place; so I do not intend to be too severe in my criticisms. The member for Menzies strongly condemned the clause giving power to an inspector to serve notice to wholly desist from using or from repairing any machinery or boiler; but in our Steam Boilers Act now in force an inspector has exactly the same power. Though he does not go on a mine and order that a boiler be not worked, still he has the power to cancel a certificate; and any owner who works the boiler after that cancellation is liable to a penalty not exceeding £50. That exactly corresponds with Clause 19 of the Bill, giving power to the inspector to serve notice to stop working or altering any machinery or boiler. No complaints have been received of the working of that section in the Steam Boilers Act; nor do I think there will be any complaints against the working of Clause 19. Clause 22 mentions what fittings are required on every boiler to comply with the Bill. One item has been lost sight of, namely guards on water-gauges. Many engine-drivers and firemen have been injured by the bursting of gauge glasses; and it is very easy to protect water gauges by putting guards over them such as are now provided on many boilers. The eyesight is sometimes injured by the bursting of the glasses; and on one occasion I got a gash on my face through the same cause. Firemen frequently complain of this danger, and the use of a guard should be compulsory. Clause 30 states:—

> Inspection of boilers may be made at any time in the day time at all reasonable hours, but an inspector shall give the owner at least seven days' notice, in writing, of the date on which such inspection will be made. If the inspector does not attend on the date appointed, the inspection can be made by any competent person, together with a first-class certificated engine-driver.

I think we should give the owners a little more consideration in this regard. We frequently find a nest of boilers, of which one is continually being cleaned; and we should allow the owner to give, say, seven days' notice to the inspector of the date on which one particular boiler will be open to inspection. It is very inconvenient to the owner if the inspector gives him seven days' notice and compels him to put the boiler under steam. We should allow the owner also to give seven days' notice to the inspector, so that the inspector may attend at a date convenient to the owner.

Mr. Gregory: Suppose two owners give notice for the same day, and there is only one inspector.

Mr. SCADDAN: Then the inspector should have power to appoint an agent; or, if the inspector cannot attend, a mine manager or other competent person, with a first-class certificated engine-driver, should make the inspection. This alteration would not endanger the workmen, and would remove a considerable disability from the owners. Clause 35 is exceedingly welcome:—

> Every person who by any means knowingly does anything to increase or that tends to increase the pressure in a boiler beyond that stated in the certificate granted by an inspector and then in force, or in any notice served under Section 32, and every person who aids or abets in increasing the pressure as aforesaid . . . . . is liable to a penalty.

The Steam Boilers Act provides a penalty for increasing the pressure mentioned in the certificate. I know that in some cases the pressure has been increased almost at a moment's notice when the pressure the inspector has certified to is not sufficient for all purposes; because, after all, the higher the pressure the more efficient the engine and the less the expense; hence owners are always anxious

to work to the highest possible pressure, and the workmen, so as not to jeopardise their positions, cannot refuse. The clause will place a certain responsibility on the workmen's shoulders should they evade the law by increasing the prescribed pressure. I believe the clause will therefore do good, by placing responsibility on workmen as well as owners. There are other matters of detail in the Bill which I do not think necessary to go into on the second reading. There will be considerable discussion in Committee, especially by the member for Cue, and there will be a considerable number of amendments proposed. In Committee I shall, so far as my expert knowledge goes, place my views before members.

THE MINISTER FOR MINES AND JUSTICE (in reply): I am glad there has been such a small discussion on this important measure. Most members no doubt will be content to discuss the various clauses in Committee. With reference to what has been said by Mr. Gregory—who made the most important criticism of the Bill—that if we pass the measure as it stands and also the Mines Regulation Bill, the two measures will clash, that inspectors of mines and inspectors of machinery will practically have the same power, I may point out that we hope the amendment of the Mines Regulation Act will pass and become law next week. Between next week and the end of the year the inspectors of mines will have power to stop all dangerous workings. If the amending measure comes into force, and I do not anticipate its becoming law before the end of the year, there will be no clashing this year. If there is any attempt at clashing I shall do my best to prevent it. I am not in favour of keeping back this measure for the larger amendment of the Mines Act, but I shall do my utmost to push it through the House at the earliest opportunity. It would be wrong for us to leave this measure until the full amendment Bill is before the House. That amendment Bill will contain, probably, 150 clauses. It is being framed now, and it will take a considerable time before we can agree to it. Meanwhile this measure will become law at the very earliest opportunity. I thank both the late Minister for Mines and other members for what they have said. I am glad they agree with so many of the details of the Bill, although there are some points on which they differ from me. If members will put their amendments on the Notice Paper I can promise that the amendments will be fairly considered. With reference to one or two of the points mentioned, I would like to say a word. I protest against leaving out of the Bill the examination of members of railway bodies. It has been the law of the State for five or six years to hold examinations, and it is the law of every State in Australia. So far as I know the law is acting very well, and until I have evidence that the present arrangement is unsatisfactory, I do not see why I should make a change. I do not want to ask the House to make a change for the fun of the thing. If members can persuade the House that the present system is unsatisfactory, I will try and take means to remove it. With reference to the question of engine-drivers' certificates, no doubt we shall have a long discussion in Committee, especially on the question of an extra first-class certificate. My opinion is strongly in favour of the proposal. I do not think the fears, as expressed by some members, in regard to men getting service certificates, are justified. In some cases probably the Bill will act unsatisfactorily, but in the majority of cases only expert drivers will obtain those certificates. The inspectors who really grant certificates will take every means to see that certificates are granted to satisfactory persons, those men who have driven engines. It is laid down in the law that the inspectors shall be mechanical engineers.

MEMBER: The present inspectors?

THE MINISTER: No; they shall be mechanical engineers. I presume they will have to pass an examination in the same way as inspectors of mines at the present time have to do. Every inspector of mines appointed in the State has to pass a stiff examination as to general fitness. Then if we appoint boiler inspectors or machinery inspectors, they will have to pass examinations; but it is impossible to prescribe the exact examination the inspectors will have to pass. That is a matter that can safely be left to the authorities. I can assure members that every possible means

will be taken to provide that these men have every qualification. Then it is alleged that the fees to be charged are too high. I suppose that if the fees, instead of being £1, had been five shillings, it would have been proposed that they be reduced to half-a-crown. The fees charged under the Bill are similar to those charged in the other States, and they are practically the same as those charged at present. Now we have an examination every twelve months. There might be an examination every six months, which would mean doubling the fees. By making an examination every twelve months, is that not reducing the fees 50 per cent.? We could easily make the fees as low as five shillings, but who would have to pay the difference. Is it fair the State should pay all? The State pays a great deal, and every country has to pay a great deal. In those countries where there is no law on the subject, practically all the boilers are insured, and the owners have to pay insurance fees, and they pay every six months, not every 12 months as is proposed by the Bill. If members propose that the fees be reduced, perhaps those members will tell us where the money is to come from, and perhaps they will get the consent of the Treasurer to the reduction.

MR. HEITMANN: It would be worth £1 to the Government to see some of the boilers.

THE MINISTER: The Government can see the boilers and get the pound as well. I will not say any more on the matter, but I hope that we shall be able to go on with the Committee stage of Bill at the earliest possible moment. I hope to go on with it, say, on Thursday. I know the Bill has not been in the hands of members very long—I think it was only printed on Friday. Members of the last Parliament are familiar with the Bill brought forward during last session, and if members were not in the House they used to read the newspapers, and are conversant with the details of the measure, as well as those who were present. I hope we will pass the second reading of the Bill now.

Question put and passed.

Bill read the second time.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

SECOND READING.

HON. W. C. ANGWIN (Minister), in moving the second reading, said: I think I can claim the indulgence of members, seeing that this is the first time I have moved the second reading of a Bill in this House. The measure, of which every member has received a copy, contains almost all the alterations which have been proposed by the various Municipal Conferences during the last seven or eight years. Members no doubt are aware that in 1900 there was a proposed alteration or rather a consolidation of the Municipal Institutions Act. At that time the measure was introduced into the Legislative Council; from there, very late in the session, it was transferred to the Assembly. The time being required for other purposes, and the Bill having been agreed to with certain amendments in the Legislative Council, members in the Assembly did not give the measure that consideration which the various municipalities throughout the State desired they should give to it. Many amendments to the Act of 1895 which were laid before Parliament in 1900 were not agreed to by Parliament, therefore the consolidation Act of 1900 did not give that satisfaction to the various municipal councils throughout the State which was expected. I am safe in saying that with the exception of a discussion as to whether ministers of religion and ladies should become members of municipal councils, no other point was debated in the Assembly. The measure of which I have the honour of moving the second reading to-night deals with various provisions which, if agreed to, will be the means of placing the municipal law in a far better state and to be more easily understood by various municipal councils than the Act in force at the present time. There are only one or two amendments in the Bill beyond those agreed to at Municipal Conferences. Seeing the lateness of the hour, it is not my intention to take up much time, and I will merely refer to the various clauses of the measure. The Act provides in regard to annexation or any division of a municipality, that the ratepayers shall present a petition to the Governor before such annexation or division takes place; but this Bill pro-

vides that owners only shall have opportunity of signing such a petition. The Bill farther provides that not only shall such petition be presented to the Governor, but that copies shall be sent to the various municipal councils or roads boards affected. At present the Governor, as an act of courtesy, sends such petition to the various municipal councils or roads boards affected. The Municipal Act makes it compulsory that before any person can become a candidate for the office of mayor or councillor he shall either occupy or own property of the annual value of £10. It is proposed by this amending Bill that the £10 qualification shall be removed; and it also provides that before any person can become a candidate for the mayoralty of a municipality he shall have served at least 12 months in the capacity of mayor or councillor in some part of the State. That is an innovation which Municipal Conferences have considered for some time, and which they wish Parliament to adopt. The Bill also contains an alteration in regard to qualification of auditors, and one which I think many members who represent country constituencies will regard as beneficial to small municipalities inland. The present Act provides the same qualification for an auditor as for a mayor or councillor; but the Bill proposes that any person who has qualifications of such a nature as to render him suitable to be elected may, if the ratepayers so decide, be chosen to fill the position. In some of our towns, bank clerks and others who are fit to act as auditors to the various municipalities are not qualified under the Act because they are not ratepayers. These are persons mostly fitted for the position; and the various councils throughout the State have asked—I think the House will agree with them—to have opportunity for electing such persons as auditors, if so desired. There is one change proposed in the amending Bill which I think has never been clearly looked at as far as the municipalities are concerned throughout the State. The present Act provides that if a mayor or councillor be absent from four ordinary meetings, he loses his qualification and ceases to be mayor or councillor. The Act does not state whether these shall be four consecutive meetings or merely four meetings throughout the year; so it is proposed by the Bill to make this more clear. In fact, the provision that if a member is absent from four ordinary meetings during the year his seat shall become vacant has never been carried into effect. The amending Bill provides that absence from three consecutive meetings shall disqualify.

MR. N. J. MOORE: Three consecutive meetings without leave?

HON. W. C. ANGWIN: Without leave, of course. The next proposition to which I draw attention has not been before any Municipal Conference. The Act provides that in case a mayor or councillor takes part in any council meeting after losing his qualification, he is liable to a penalty of £50; and any person has the opportunity, as an informer, of suing him in the Supreme Court for the amount of the penalty. In my opinion this opens the way to unscrupulous persons. Only a day or two since such a case came up for trial in Perth, and I believe a penalty was sued for. It was proved that if the councillor then brought before the Court acted illegally the penalties would have exceeded £400. We propose that any mayor or councillor who takes part in the proceedings of a council after having become disqualified shall bear only the penalty prescribed for the breaking of any portion of the municipal Act; which means the penalty he would have to bear would be £20. No inducement should be offered to any person to become an informer. One of the most important changes provided in the present Bill deals with the qualification of electors. The present Act provides that any person who is in possession of land, and has paid all rates and assessments due on the 1st September, shall be entitled to have his name on the electoral list. But all those who have taken any active part in municipal matters, especially if they have at any time filled the position of returning officer at municipal elections, know well that this section has caused more heartburning and annoyance than any other in the Act. Moreover, it has been noticed that through the electoral lists being drawn up in this manner very many people have lost their parliamentary franchise, as the electoral registrars have to prepare their rolls for the election of parliamentary

candidates from the rolls sent in by the various town clerks. It is proposed by the new Bill that every person in possession as occupier or owner of any piece of land in any municipality shall have his name on the electoral list whether he has paid his rates or not; but this does not qualify him to vote. One of the principal things dealt with as far as municipalities are concerned is finance, and it is very difficult in many instances to collect the rates due. It is provided that the payment of rates shall be the qualification for voting; that before a person can become a voter, though his name be on the electoral list, he shall pay the whole of the rates chargeable on or before the 31st of October. This is a small alteration of what has been proposed by the Municipal Conference. The Municipal Conference suggested that a ratepayer should pay his rates seven clear days before any election took place. We propose to allow him to pay on or before the 31st October, which would be three or four weeks before the ordinary municipal elections. The Municipal Act provides, in regard to firms, that some person must have his name forwarded before it can be placed on the electoral list. The new Bill provides that the word "firm" shall be struck out throughout the Act, and "joint stock company" inserted in its place. It also provides that in case the name of no person has been forwarded to enable the town clerk to register him on the electoral list to vote on behalf of that firm, the town clerk shall be empowered to insert the manager's or secretary's name. The Municipal Conference suggested, in regard to joint owners not a corporation, that if the owners were more than one and not more than two, equal voting should be given to both owners; but in this instance we have not adopted the suggestion of the conference, and we allow the section in the Municipal Act to remain as at present. So it is necessary in the case of joint owners that they shall send to the town clerk the name to be inserted as that of a voter. The next alteration is one that will perhaps affect the system of elections more than anything in the Municipal Act. It is proposed to adopt the system in use almost throughout the world with the exception of Australia (though I am pleased to say it is adopted in some of the States of Australasia), that every person shall have one vote, and one vote only, for municipal elections. In looking into this matter we find that in New Zealand the Municipal Act provides that every elector shall have one vote, and one vote only; while in South Australia every elector has one vote in regard to the election of mayor or auditor and one vote also in every ward in which he is the owner of any property. We intend in the Bill that is laid before members to adopt the South Australian system so far as this point is concerned; but we also intend to protect the property owners in regard to municipal matters. There is not the slightest doubt that, as has been claimed in many instances, municipal management is purely a property qualification. We provide that no person, unless he is the owner of property or a leaseholder with five years' lease to run, shall have the right to vote on the raising of any loan proposed to be raised for municipal works. That is quite sufficient to protect property owners in any municipality; and I think members will agree with me that, as far as municipal loans are concerned, as it is the property that has to be mortgaged for the loans, it is only fair the people who have their property mortgaged shall have the sole right to vote on the raising of municipal loans. This House has already adopted the system of one vote and one vote only for the election of its members, and has also adopted the system of one vote for the Legislative Council; and as I said previously, there is no part of the world except Australia, so far as I know, where more than one vote is allowed for municipal elections, either for loans or otherwise. Therefore I can honestly ask the House to adopt the system in Western Australia. The Sydney Corporation Act of 1902 also provides for one vote with regard to elections. I might state that it goes a little farther than we propose to go here, for it also provides for lodgers voting, though I must admit there must be a qualification as to the amount lodgers pay during the year in respect of their lodgings. Seeing that this is a matter that is dealt with in almost all parliamentary institutions and adopted for the election of almost all Parliaments,

I think I can safely ask the House to adopt the principle for municipal elections. It has been pointed out to me to-night that the Municipal Conference dealt with this matter and decided against it. I wish to give this a denial. The conference was asked to decide as to whether we should have universal adult suffrage for elections; and the conference disagreed with it and made no alteration whatever in the qualification as provided in the present Act. This amending Bill provides, in the manner I have indicated, that throughout all municipal elections only one vote shall be allowed. The present Act does not provide for the alteration or adjustment of electoral lists in the case of any area outside a municipality being annexed to a municipality. It also does not provide that, when such portion is annexed to a municipality, any rates which have been levied during the year shall be levied on the property so annexed. The new Bill laid before members provides for this deficiency. There is also a provision, and one which was not discussed at the Municipal Conference, providing that no candidate for municipal honours can withdraw once he has placed his nomination in. It has been recognised that, immediately a nomination has been laid for any office or municipal honour, councils go to a certain amount of expense in preparing ballot papers; and it is thought that it is not fair that the candidate should, within 48 hours after nomination and after expense has been incurred, withdraw his nomination and his deposit. It is provided that, in the case of a candidate dying and the candidates remaining being only the number required, the returning officer can declare the remaining candidates elected without sending them before the electors. In such a case the deposit made with the nomination shall be returned to the deceased's representatives. Another important part of the Bill, much discussed in conferences of municipalities since 1897, refers to voting in absence. Before 1900 there used to be a system of what is called proxy voting. It was pointed out then that at some elections proxy votes had been issued when the ink was not dry on the notice. At that time it was thought to get over the difficulty by allowing a person to vote in absence; and the Act at present confers that opportunity on any person who resides, I believe, 10 miles away from the polling booth; but it does not confer the opportunity on any person who goes away for a day or two's holiday. It has also been proved fully to the satisfaction of the various delegates in connection with municipal matters that voting in absence in the past has been a failure and a detriment to the various districts concerned, and that this voting by post had been very much abused. In this Bill we propose to abolish all sections relating to voting in absence. It is thought that every person wishing to take part in a municipal election should do so in person. If he cannot, then he must abstain from taking any part at all. I sincerely hope members, in looking through this question which has been debated for so many years and upon which I know a number of gentlemen disagree with me, will think with me that the amendment will be beneficial not only to the various municipalities concerned, but to the representatives of a large number of ratepayers who carry on the work of municipal councils.

MR. MORAN: Is your objection that the machinery was not perfect, or do you object to men voting away from the polling booth?

HON. W. C. ANGWIN: The machinery has been abused. A man must reside 10 miles away from a polling booth; but there is no provision for a man who is away for a day. A new system is also proposed in regard to the time that an auditor shall remain in office. In the past it has been the custom for two auditors to be elected each year; but it has been suggested in this House, and provided for in this amending Bill, that in the case of the first two auditors elected after the passing of this Bill, the one who receives the smaller number of votes shall retire at the end of the year, while the other shall remain on for twelve months afterwards.

MR. N. J. MOORE: Why do you not make one a Government auditor?

HON. W. C. ANGWIN: I may tell the President of the Municipal Conference (Mr. N. J. Moore) that this is a proposition which comes from the Municipal Association. It is also provided that, in the case of two auditors receiving

the same number of votes, the one who is to remain in office for two years shall be decided by lot. It is thought that this will get over a difficulty felt by auditors, because one auditor will always know the manner in which the accounts were kept in the previous year, which will be of great assistance to the new auditor elected. One matter, which may seem trivial to a number of members but which is very important so far as municipal councils are concerned, relates to the passing of any resolution or motion by a council. The present Act provides that if it is thought advisable at an early date to rescind a resolution that has been carried at a meeting, there must be a two-thirds majority before such resolution can be rescinded. Sometimes this proves very difficult. It is proposed by the municipalities that this should be altered, that the resolution shall remain only for the current year, so that it will not be necessary after the municipal year passes away to have a two-thirds majority to rescind a resolution.

MR. F. F. WILSON: Would you rescind it by an ordinary majority?

HON. W. C. ANGWIN: Yes; after the end of the municipal year. Another slight alteration, if agreed to, will bring a section of the present Act back to the same position as in the Municipal Act of 1895. It deals with the position of the chairmen of committees. No doubt some members are aware that, when the alteration took place in regard to the chairmen of committees, it was owing to a little objection that was raised at the time in the city of Perth. It was suggested then that to provide that the mayor should be the chairman of all committees would prove unworkable. As a matter of fact, no mayor can attend to the work of all committees if he has his business to attend to as well; and it is very necessary, for the beneficial working of any municipality, that each committee should be allowed to appoint its own chairman to remain in office during the whole of the current year. This was the law under the Act of 1895, and it is proposed in this amending Bill to reintroduce this section with the proviso that the mayor shall be an *ex officio* member of all committees. We are also asked to give power to alter by-laws, more particularly for the regulation of brothels. I believe it has been ruled on the goldfields that a house in the occupation of only one person cannot be considered a brothel: that defect is remedied by the Bill. This is not a savoury subject: members will find the provision in Clause 167. By the same clause, councillors are given extended power for the licensing of vehicles. Only passenger vehicles are now subject to license; but the Bill empowers councils to license vehicles used for goods and merchandise also. The existing Act provides that no street or thoroughfare shall be dedicated to the public unless it has a width of at least 66 feet. In some municipalities narrow streets have been laid out, and land is available for their continuation, which would be beneficial if the width of the existing portion were preserved in the new; and the Bill provides that in such cases the council may permit such streets to be lengthened without increase of width. Moreover, the owner occasionally reserves a small strip of land of about four or five links, perhaps with a view to obtaining large compensation, or to enable him to prevent others from using the street. In such cases the Bill will empower the council to take over and dedicate the streets to the public, and also to resume the few links which have been reserved. In many instances such strips of land have been detrimental to the municipality, and have prevented the streets from being taken over and dedicated to the public. Suppose the owner subdivides his land into blocks, which are sold to various persons, the vendor thus loses all interest in the subdivided property, except in the small strip reserved along a street or at the back of a right-of-way, and thus has power to prevent the dedication of the street to the public in virtue of his ownership of this strip of practically valueless land. The council will be empowered to take this strip; and if it is occupied by a wall the council shall pay compensation. As to corner allotments, the Bill provides that owners shall, before building, give due notice to the surveyor, so that the corner peg shall be reserved or measurements recording its position made and forwarded to the Commissioner of Titles. Some members have doubtless experienced the difficulty of surveying corner allotments when the pegs have been removed and no record

kept of their true position. This provision is made at the request of the municipalities; but I have provided also that the cost of such survey shall be borne by the owner of the block. In the past much difficulty has been found in enforcing the law as to compulsory fencing. As soon as the order to fence land is issued, the owner frequently sells to someone else, and another order must then be served on the purchaser, the Act being often thus evaded. By the Bill, as soon as the council decide to have any block fenced in, they shall, before proceeding with the work, lodge a *caveat* against the land with the Commissioner of Titles. The lateness of the hour prevents my dealing with many minor details. I was much surprised to-night, when looking through the minutes of the Municipal Conference, to find a suggestion made by one municipality but wisely struck out by the conference. There are some honest municipal councils in the State. A section of the existing Act permits the revenue of municipalities to be swollen by police court fees. I do not think the Minister for Justice approves of that provision; and the Bill proposes to abolish it. Seeing that the State pays for the police and for courts of justice, members will doubtless agree that the State should receive the fines imposed by the courts, except fines imposed for municipal purposes. Last year, one municipality received over £1,000 from this source alone.

MR. A. F. WILSON: Do not municipalities provide the justices?

HON. W. C. ANGWIN: I do not think so. Most members know that the councils may use annually three per cent. of their general revenue for any purposes considered advantageous to the municipality. I should not like to say that the money is always advantageously expended; but some councils consider the allowance very small, and propose that the Government subsidy shall be added to the general revenue so as to increase the three per cents. We have wisely omitted that proposition from the Bill. The next part of the measure deals with rating, and makes in the existing law an extensive alteration which in 1900. was submitted to the Legislative Council and was, I regret to say, struck out by that House. The Bill provides for rating on the unimproved capital value and also for rating on the annual value as in the existing Act. For many years municipalities have passed resolutions approving of unimproved capital value rating; and the matter has been so often discussed, and members are so well acquainted with the proposal in the Bill, that I do not think it necessary to dwell on it. We must admit that the present system of rating is most unfair; in fact, it is a tax on industry. The more a man spends on his municipal property, the more heavily is he rated; whereas an increase of expenditure should mean a reduction of rating. Surely we should give every encouragement to the expenditure of money. The Bill proposes that the valuation shall be made not only on the annual value, but on the unimproved capital value; that the rate shall remain as at present on the annual value, and shall be 4d. in the £ on the unimproved capital value. The municipalities are to have the option of adopting the new system or of retaining the old; hence if it is proved clearly to a municipality that it cannot carry on under the unimproved capital value, it can retain the existing system; but if it rates on the unimproved capital value it must continue that system for three years, during which period it will have ample opportunity of ascertaining whether the new system is a success. I have been informed that in some municipalities very little money is received from rates during the first year, as great difficulty is experienced in obtaining payment of rates on vacant land. The Act provides that two years must elapse before any municipality can take steps to enforce the payment of rates on vacant land, therefore it takes three years to prove if the system in force is successful or not. If it takes two years before a municipality can move the court, the third year would be entered upon before any action could be taken to prove whether the system adopted would turn out a success. I hope—though this portion of the Bill was not agreed to in the last Parliament—the Assembly will agree to the alteration of the rating provisions. This system has already been adopted in the Roads Act, it is also also in force in New Zealand and Queensland, and as far as Queensland is concerned there is no option whatever,

as the rate must be on the unimproved capital value. Seeing the law works well in Queensland there is no reason why it should not work well here. I hope the members will carry the clause into law. The next two pages of the Bill deal with the rules to be adopted in regard to rating. There are a few amendments dealing with the system of rating on the annual value. There will be found new clauses for rating on the unimproved value for the guidance of valuers. Then there is another alteration which is proposed in regard to appeals on the valuation which has been made by the valuators and adopted by a municipality. The Act at present provides that before an appeal can be lodged in regard to the rates that have been struck the person must deposit with the town clerk the whole of the rates which are due. I may state that the schedule provides that the ratepayer shall deposit only the amount which he considers due, but as the Act overrides the schedule it is necessary that the ratepayer shall deposit the whole of the rates before the council can take into consideration any appeal which has been made. This Bill provides that the ratepayer shall only deposit half a year's rates. If the appeal to the council is not satisfactory then the ratepayer can appeal to the Local Court. There is a farther proviso whereby if the Local Court decision is not satisfactory the party dissatisfied, whether the council or the ratepayer, can appeal to the Supreme Court if the annual value is £100, or if the unimproved capital value is £500. This I hope will meet with the approval of members. I know instances in which appeals have been made to the Local Court and have proved far from satisfactory. I can instance a case in which some land had been sold at the rate of £350 per acre, and the resident magistrate, who had to say whether the ratable value placed on the land was fair or not, decided that the adjoining land to that sold at £350 per acre was fairly rated at £80. It is only just that in such cases there should be power to appeal to the Supreme Court to have justice meted out. At present any person who is not in possession as owner or occupier of property at the time of striking a rate can have an action brought against him for the recovery of rates. It is proposed to amend the Act so that the rate shall still remain on the property, and where a person comes into possession after the striking of the rate he shall be liable for the rates on that property. I believe there are instances in which municipalities have failed to recover rates because the owner of the property was not the owner at the time of the striking of the rate. Then we go farther and provide a rating clause dealing with lands, and it is suggested that 4d. in the £ should be inserted as the ratable value so as to bring the amount into line with the general rating law. There is a very important matter dealing with the statement of the expenditure and receipts presented annually. According to the present Act it is not necessary to show to the ratepayers the exact position a municipality is in; it is only necessary to prepare a statement of receipts and expenditure; and in many cases ratepayers who have attended meetings with a view of ascertaining the financial position of a municipality have come away as wise as they were before attending the meeting. It is proposed in the Bill that the statement shall not only show the amount of receipts and expenditure, but all the liabilities and assets belonging to a municipality. This is a question which concerns the ratepayers deeply. I have known instances in which municipalities have shown a credit balance of hundreds of pounds in the bank while their liabilities to contractors and others amounted to thousands of pounds; therefore it is necessary that the true position of the municipality should be presented to the ratepayers at the annual meeting. There are two new proposals contained in the Bill brought forward for the first time in Western Australia, and they are copied from the Queensland Municipal Institutions Act. One clause relates to the rating on tramways and the other to the rating of gas and electric mains. Seeing that various municipalities are having tramway schemes carried out by companies, it is only fair that the companies reaping benefits from the municipalities should contribute to the upkeep of those municipalities. It is proposed to enable the various municipalities to levy rates on such properties. The system of rating is to be, as far as tramways are concerned, £3 per cent. on

the gross takings of the tramways. This is provided for in the case of the roads throughout the municipalities, and no extra rating can be charged on buildings or other lands used for the purposes of the tramways; but if the tramway companies possess other land not used for tramway purposes, the municipality has power to charge the usual rates. The Bill also provides for charging rates on gas and electric mains. The company must show the amount of revenue required so as to enable the rating in connection with gas mains, and also the length of mains provided for gas and electric lighting. I think I have explained as far as possible the various portions of the Bill. I thought I would have been able to deal with matters in detail, and if I had known that it was not the custom of the House to deal with the various clauses of the Bill in detail, I should have come better prepared to explain the measure to the House. No doubt in the future I shall be able to explain better the various clauses of a Bill. There is one little matter that I think the House should be made acquainted with, and it is in reference to sinking funds. At present it is necessary for a municipality, in raising loans, to strike a rate to provide for interest and sinking fund, and it is proposed by the Bill that the sinking fund shall be deposited in the name of the Colonial Treasurer and the municipality in approved Government securities.

MR. MORAN: That will give the Government the use of the money.

HON. W. C. ANGWIN: It will give the Government the use of the money, but it will also provide for the sinking fund being protected so that the loans can be repaid when they become due. It is also proposed in the Bill that in the case of a municipality obtaining loans for reproductive works, the only amount to be raised for interest and sinking fund shall be the amount that the profits do not provide for. At the present time the Act provides that no matter what undertaking is put in hand, the municipality must strike a rate for the interest and sinking fund. I believe members will agree that is not necessary.

MR. MORAN: They may have a profit one year and a loss another year.

HON. W. C. ANGWIN: If there is a loss the Act provides that the municipality shall strike a rate for interest and sinking fund. This is a question seriously affecting a number of municipalities in dealing with reproductive works. I do not think any member will agree that a municipality should obtain more rates than is necessary for the carrying on of the municipality.

MR. N. J. MOORE: Why not insist upon a rate for sinking fund and not interest?

HON. W. C. ANGWIN: As long as any reproductive work is provided for out of loan funds the municipality must pay the interest and sinking fund. It is not necessary to provide a farther rate for interest and sinking fund alone. My experience as far as municipalities are concerned is that if they get any rates they never pay the money back; that they spend all they obtain and a little more sometimes. I have never known a case in which the amount of the rate raised in one year to provide interest and sinking fund has been reduced in the following year. Where a municipality has reproductive works, and the proceeds are sufficient for the payment of interest and sinking fund in addition to working expenses, the council should not be compelled to strike a rate for such interest and sinking fund. A small municipality I am connected with at the present time found it necessary the other day to raise a small loan, and it was known that the undertakings could have paid interest and sinking fund, but the Act compelled the council to strike a rate, which was unnecessary. To get out of the difficulty they had to reduce the charges. Every undertaking should stand "on its own," and it would be more satisfactory to the ratepayers to know such undertaking was paying for itself instead of being paid for out of the municipal rates. It has been urged repeatedly that such public undertakings are not of a payable character, and that ratepayers as a whole do not have a true statement laid before them as to whether works will pay or not. If it be shown to be necessary to strike a rate for the purpose of raising interest and sinking fund on account of any work of a reproductive character, that demonstrates to the public that the work is not paying as it should do. Only by that

means can the ratepayers as a whole form any opinion. I hope members will give the Bill every consideration, and I may state that the measure is not introduced as a Government Bill. Almost every clause has been considered for years by various conferences, which have been attended by representatives from almost every part of the State. I certainly think members will do justice to those gentlemen who spend so much time in dealing with municipal matters and come such long distances to place their views before one another, and if possible ascertain what is best for the working of the municipalities throughout the whole State, and who have framed such a Bill as that laid before the House to-night. There are one or two provisions which the Municipal Conference has not dealt with, and which I personally think are improvements. I hope members will think them so. It has been suggested that the measure was considered by only one conference attended by representatives of various municipalities, who sat together for two days and framed a Bill containing a large number of clauses which have not had due consideration. I assert, however, that many of these clauses have been under consideration by various Municipal Conferences since 1897, and though, as I stated at the commencement, the Bill for consolidating the Act of 1900 included many valuable provisions, it did not receive that consideration which was expected, and the Act was not so perfect as we hope this Bill will make it. I hope I have not wearied the House in dealing with the measure, but I ask members to pass the second reading, and if there is anything that does not meet with their satisfaction we can consider it in Committee.

On motion by Mr. N. J. MOORE, debate adjourned.

ADJOURNMENT.

The House adjourned at 10·36 o'clock, until the next afternoon.

Legislative Council,

Wednesday, 21st September, 1904.

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

PRAYERS.

PAPERS PRESENTED.

THE MINISTER FOR LANDS laid on the table—Goldfields Water Supply Administration (*a.*) Statements of accounts and payments for half-year ending 30th June, 1904; (*b.*) Supplementary by-laws for general purposes.

QUESTION—RAILWAYS, FLOWER TRAINS.

HON. J. W. LANGSFORD asked: Will the Railway Department institute the running of flower excursion trains on Wednesdays or Saturdays, or both days, and provide an opportunity of visiting the flower districts to those who cannot go on Sundays?

THE MINISTER FOR LANDS replied: The best possible will be done with the rolling stock at the command of the Department, but the Commissioner cannot at present say what he can do.

QUESTION—PARLIAMENT HOUSE DRAIN.

HON. G. BELLINGHAM asked: 1, Has the attention of the Government been called to a nuisance caused by an open drain running from Parliament House to Hay Street? 2, Do they intend to abate the nuisance?

THE MINISTER FOR LANDS replied: 1 and 2, Pending completion of the sceptic tank filter beds, now being constructed, there was a temporary overflow of the effluent into Hay Street. This was at once rectified, and there will not be a recurrence of any objectionable discharge.