

used it, controlled by the Harbours and Rivers Department.

MR. F. REID: Under what control would it be in the future?

THE MINISTER FOR WORKS: Under legal control.

MR. BUTCHER: Evidently the Government has been illegally imposing a tax for the last few years.

Clause put and passed.

Clause 3—agreed to.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

#### ADJOURNMENT.

The House adjourned at 10:55 o'clock, until the next Tuesday.

## Legislative Council,

Tuesday, 22nd October, 1901.

Motion (without notice): Midland Railway Inquiry, to appear before Joint Committee—Question: Harbour Dues for Mail Steamers, Differential—First readings: 1, Bread Bill; 2, Gaols, Prisons, and Houses of Correction Amendment Bill—Motion: Railway Crossing, Spencer's Brook—Motion: Resident Magistrates, Residence at Northam (with-drawn)—Roads Act Amendment Bill, third reading—Sales by Mortgagees Bill, third reading—Roman Catholic Church Lands Amendment Bill, in Committee, reported—Probate and Administration Amendment Bill, recomittal, reported—Trade Unions Bill, in Committee to Clause 4, progress—Dog Act Amendment Bill, in Committee, resumed, progress—Friendly Societies Amendment Bill, second reading, in Committee, progress—First readings: 1, Excess Bill (1900-1); 2, Carnarvon-Babbage Island Tramway Bill; 3, Early Closing Act Amendment Bill; 4, Fourth Judge Appointment Bill—Adjournment.

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

PRAYERS.

MOTION—MIDLAND RAILWAY INQUIRY, TO APPEAR BEFORE COMMITTEE.

HON. M. L. MOSS (West) moved that the Standing Orders be suspended, in

order that he might move the following motion without notice:

That the receiver and manager of the Midland Railway Co. be at liberty to appear before the joint select committee appointed to inquire and report upon the affairs of the company.

HON. H. BRIGGS (West) seconded.

THE MINISTER FOR LANDS (Hon. C. Sommers): Reasons should be advanced for the suspension of the Standing Orders. Why had not notice been given?

THE PRESIDENT: By Standing Order 88, if any member objected to such motion, notice must be given.

HON. M. L. MOSS: Might notice be given now?

THE PRESIDENT: Yes.

Motion passed.

QUESTION—HARBOUR DUES FOR MAIL STEAMERS, DIFFERENTIAL.

HON. M. L. MOSS asked the Minister for Lands: 1, Why are differential rates of harbour dues charged to the North German Lloyd Company and the German Australian Company. 2, If it is the intention of the Government to place both companies on the same basis in the matter of harbour dues.

THE MINISTER FOR LANDS replied: 1, The North German Lloyd, together with the P. & O. Orient, and Messageries Maritime Mail Steamers, was allowed to enter the harbour at Albany on payment of £30 per annum in satisfaction of all harbour dues, and, as the North German Lloyd Company was the pioneer company to call at Fremantle, a continuation of the privilege was sanctioned. 2, The German Australian Company is on the same footing as all other cargo steamers which enter the port of Fremantle, and pays the regulation rates, and it is not intended to make any alteration in regard to those rates.

#### BREAD BILL.

Introduced by HON. A. JAMESON (Minister), and read a first time.

GAOLS, PRISONS, AND HOUSES OF CORRECTION AMENDMENT BILL.

Introduced by HON. A. JAMESON, and read a first time.

**MOTION—RAILWAY CROSSING,  
SPENCER'S BROOK.**

**HON. C. E. DEMPSTER (East)** moved :

That this House desires to draw the attention of the Government to the advisability of providing either a bridge or causeway across the Avon River, at the Spencer's Brook Crossing.

The work referred to required immediate attention. It was necessary to take a course like an "S" at the place indicated, and when the water was high crossing was always attended with great danger and risk. He hoped the House would approve of the work being taken in hand as soon as possible.

Question put and passed.

**MOTION—RESIDENT MAGISTRATE,  
RESIDENCE AT NORTHAM.**

**HON. C. E. DEMPSTER (East)** moved :

That this House desires to draw the attention of the Government to the advisability of providing a house for the resident magistrate at Northam.

Northam was one of the most important towns perhaps in the State, and up to the present time no residence had been provided for the resident magistrate. Undoubtedly a resident magistrate would have to be kept there, as Northam occupied a most central position in the Eastern districts. There was a general opinion now that one resident magistrate would have to do the work of the whole of these districts; and Northam would be and ought to be the seat of residence for that official. At present the magistrate was obliged to live at a hotel the whole of his time, and that must make a considerable inroad into his income. He (Hon. C. E. Dempster) believed there was scarcely a town in this State where a house was not provided for the resident magistrate, and he was surprised that up to the present time Northam had not one.

**THE MINISTER FOR LANDS (Hon. C. Sommers)**: The Government had under consideration the question of curtailing the number of magistrates in the Eastern districts, and the probability was that a house would be built in which ever was deemed to be the best centre for the resident magistrate, who would have the control perhaps of two or three districts now controlled by individual magistrates. There was also the question

of a fourth Judge being appointed, which would remove the necessity for so many magistrates. Redistribution was contemplated. The arguments brought forward by the hon. member would have the attention of the Government, and no doubt without this motion a residence of some sort would be built at one of the towns, probably at Northam; but on the whole it would be well for the hon. member to drop the motion, and be satisfied with having brought it forward.

**HON. M. L. MOSS (West)**: Northam being the most central locality in the Eastern districts, doubtless the motion of the hon. member deserved support; but at the present time he was not inclined to vote for it, because he thought the question dealing with the whole of these districts was one to which the Government might well give their very early attention. He was pleased the Government did anticipate taking this matter into serious consideration. He had already obtained a resolution on his own proposal that a return should be furnished showing the number of cases tried in the various centres in the Eastern districts. He did that with the object of being able to discuss this matter when Mr. Dempster's motion was before the House. There was no doubt a proper residence should be supplied for the Government resident magistrate, but so far as he could see the whole of those districts, now having railway communication, could be well served by one officer. He thought the magistrate at Northam was a professional gentleman, and he was sure that this gentleman would have plenty of leisure on his hands and still be able to perform all the duties at Beverley, York, Northam, and Newcastle. It was with the object of ascertaining the amount of work the magistrates of these districts would have to perform that this return was called for. He had no desire to oppose what the hon. member had in view, but he could not at the present time vote for the motion, and in his opinion the hon. member would be wise now if he were to withdraw it; and later on he (Hon. M. L. Moss) would be pleased to give him his cordial support, if it could be proved after this return was furnished, that Northam was the most suitable of the four or five towns in the Eastern districts.

HON. C. E. DEMPSTER: With the assurance of the Minister for Lands on the part of the Government that this matter would receive attention later, he was willing to withdraw the motion.

Motion by leave withdrawn.

**ROADS ACT AMENDMENT BILL.**

Read a third time, on motion by the MINISTER FOR LANDS, and transmitted to the Legislative Assembly.

**SALE BY MORTGAGEES BILL.**

Read a third time, on motion by the MINISTER FOR LANDS, and transmitted to the Legislative Assembly.

**ROMAN CATHOLIC CHURCH LANDS AMENDMENT BILL (PRIVATE).**

**IN COMMITTEE.**

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

**PROBATE AND ADMINISTRATION AMENDMENT BILL.**

**RECOMMITTAL.**

Resumed from 16th October.

Clause 25—Bond to be executed:

HON. R. S. HAYNES moved that in Sub-clause 2, all the words after "Majesty," in line 3, be struck out, and the following be inserted in lieu: "The court may dispense with a bond where the applicant for administration is a duly incorporated company, formed for the purpose of (amongst other things) administering the estates of deceased persons." This would meet the whole object of the Bill, and would protect the West Australian Trustee Company from any loss. His only objection to the clause had been to the defective drafting involved in allowing the name of this company to appear in an Act of Parliament. To the particular company in question he had no objection, for at present no company was entitled to more respect, and probably there were few who had in a small way contributed more business to that company than he. But it was improper to place the name of a private company in an Act which might endure for ever.

HON. G. BELLINGHAM: It was an advertisement.

HON. R. S. HAYNES: Yes. And if the company wound up and another were

formed, the section in the Act would be a useless eyesore. Instead of making a hard-and-fast rule that the court should grant administration to a certain company without bond, let the court decide. The amendment met with the approval of the secretary of the trustee company.

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

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

**TRADE UNIONS BILL.**

**IN COMMITTEE.**

Clauses 1 to 3, inclusive—agreed to.

Clause 4—Registration of industrial unions:

HON. A. JAMESON (Minister) moved that progress be reported. The Hon. M. L. Moss was preparing a large number of amendments.

HON. J. M. SPEED: The Bill had already been postponed for that reason. The amendments in question should have been brought forward without a farther adjournment.

Motion put and passed.

Progress reported, and leave given to sit again.

**DOG ACT AMENDMENT BILL.**

**IN COMMITTEE.**

Resumed from 16th October.

THE MINISTER FOR LANDS: A promised amendment was not yet ready. He moved that progress be reported.

Progress reported, and leave given to sit again.

**FRIENDLY SOCIETIES AMENDMENT BILL.**

**SECOND READING.**

HON. A. JAMESON (Minister), in moving the second reading, said: This is a Bill to enact that those bodies, companies, or incorporated societies which are providing certain benefits—practically medical benefits—should be registered under the Friendly Societies Act. By Clause 3—

No society, club, or other body of persons shall, nor shall any branch thereof—

(a.) Provide or contract to provide any one or more of the benefits enumerated or included in Sub-sections 1, 2, and 3 of Section 7 of the principal Act.

Sub-section 1 of Section 7 of the principal Act provides for the relief and maintenance of members, their husbands, wives, parents, etcetera, in sickness or other infirmity. Sub-section 2 provides for medical attendance, and 3 for defraying the expenses of the burial of such persons, subject to certain restrictions. So this Bill is principally to provide for the registration of the various companies which are giving these benefits to those in their employment. And it will be seen by Sub-clause (b.) of Clause 3 of the Bill that no such company shall—

By the subscriptions or payments of or by levies upon any persons, or by any deduction from the wages of any person, raise or form in whole or in part a fund for the purpose of providing any one or more of the said benefits or for the purpose of providing hospital accommodation or nursing for any such person, unless the body so doing is registered under the principal Act.

By Clause 4, any company or corporation incorporated under any Act is brought within the scope of the Bill. To make this clear, Clause 4 has been introduced, and provides that the Bill refers not merely to an employer or a friendly society, but that any company or corporation providing such benefits must register under the Friendly Societies Act. Clause 5 provides a penalty. Regarding Clause 6, hon. members will recollect that in passing the Truck Act of last year, we provided that, by proclamation, certain bodies might have the privilege of levying a rate upon their employees; and this is done, I believe, in one or two places in the State—for instance, at Denmark. In the Truck Act, it was provided that where a friendly society does not exist, the supply of medicine or medical attendance by the employer can always be permitted by proclamation of the Governor; so by Clause 6 this Bill is very well guarded, and any hardship it might otherwise cause will thus be prevented. Clause 7 provides that Clauses 3 and 4 of the Bill shall not apply to any institution or union registered under the Life Assurance Companies Act, 1889, the Industrial Conciliation and Arbitration Act, 1901, or any Act for the regulation of trade unions. These clauses, 1 to 7 inclusive, embody the principal object of the Bill. By Clauses 8, 9, 10, and 11, provision is made for certain slight amendments, which are necessary.

These are of a purely formal character, and do not really affect the principle of the Bill; and therefore I think they may well be considered in Committee. I understand the necessity for this Bill has been well considered by the friendly societies; and it is at their request that the Government have brought it in. It seems to meet a want felt throughout the whole of the country; it is nearly in line with the Friendly Societies Acts of the Eastern States; and I hope hon. members will not find any difficulty in subscribing to its principle.

HON. J. M. SPEED (Metropolitan-Suburban): I have been consulted by several members of friendly societies with regard to this Bill, and they have one or two complaints. First, with respect to the amount of fees they have to pay for registration, I understand they have to pay two guineas, and if they go upstairs to see the Registrar of Friendly Societies they have to pay each time another 2s. 6d. The friendly societies require all their funds for the purposes for which the societies are formed, and I think it is hardly fair or right for the Government, when they are going to make this jurisdiction compulsory, to charge the large fees they are charging at present. In my opinion, the Government should, if possible, see their way to reduce these fees to a nominal amount. We do not want industrial associations of this sort to be a means of revenue to the Government, as used to be the case in the olden days in Western Australia before they had responsible government. At that time, whether it was a question of a gaol, titles office, or resident magistrate, unless the department could pay for itself, the Government did not think it worth running. We do not require legislation of that character. In regard to Clause 6, the friendly societies oppose it and say it practically nullifies the whole of the Bill. That is the feeling on the fields, and also the feeling here. With regard to the amendment of the Truck Act they say they are quite satisfied with the amendment, but there are no means provided for carrying out the provisions of the Act, which practically remains a dead letter, because if a case be taken to the Supreme Court, the burden of prosecuting is laid upon the friendly societies, and the friendly societies are not in a

position to incur the expense. Under the Early Closing Act a policeman, or official, steps in and can prosecute in the police court; but in regard to the Truck Act, companies consisting perhaps of large bodies of men, are taking money wrongfully—I do not say they are doing it dishonestly—from their employees, and there is no provision unless some private person comes forward. I intend to move that it shall be the duty of the registrar to take these proceedings, and he shall act much the same as inspectors do under the Early Closing Act. By that method there will be some means of getting the Act put into force. It is of very little use to get Acts passed and put upon the statute book if no effort be made to carry them into effect. I heard in the Queen's Hall some time ago a very eloquent speech by the Premier, who told us he was going to administer the laws of this country and see them carried out; but so far as the amendment of the Truck Act is concerned the Government have taken no action to have the measure carried into effect. I believe that as to this there is a great deal of dissatisfaction, because the Government have not taken any steps in the matter. If the amendment I shall seek to have placed in the Bill be passed, it will, I think, meet the case. At present the societies object to Clause 6 in the Bill, and when we reach that clause in Committee I shall move that it be struck out.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Incorporation with principal Act:

HON. J. D. CONNOLLY: Apparently we were getting through the business rather too quickly. This was rather an important Bill, and members had not had much time to look into it, therefore would it not be better to take the Committee stage a few days later? The measure had just been read a second time.

HON. A. JAMESON: If there were any debatable questions they could be held over. We should be having very much work to do presently.

HON. J. D. CONNOLLY: The Bill had not been read by him, and he thought

others were in the same position as himself. It was hardly fair to read the Bill a second time and put it through Committee the same evening.

HON. B. C. O'BRIEN said that he had not read the Bill. He would second the amendment.

THE CHAIRMAN: Did the hon. member (Mr. Connolly) make a motion?

HON. J. D. CONNOLLY: It was a suggestion; but he now moved that progress be reported, and leave asked to sit again.

THE MINISTER FOR LANDS: As there was not very much to do, members might sit to-morrow, and if they did so the House might refrain from sitting on Thursday.

HON. J. D. CONNOLLY: Business would then be coming down.

THE MINISTER FOR LANDS: The idea was to get the business forward as much as possible, to be prepared for the legislation that came along. The Hon. J. M. Speed had urged that Clause 6 needed amendment. The Committee stage should be taken to-morrow.

HON. J. D. CONNOLLY: There was no objection on his part to have the Committee stage taken to-morrow. This measure had been a burning question for a long time in the province he represented, in regard to mines making a levy on their workmen.

THE MINISTER FOR LANDS: That was provided for in the Bill.

HON. J. D. CONNOLLY: One would like to look into it. To-morrow would suit.

Motion put and passed.

Progress reported, and leave given to sit again.

#### EXCESS BILL (1900-1).

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

#### CARNARVON-BABBAGE ISLAND TRAMWAY BILL.

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

#### EARLY CLOSING ACT AMENDMENT BILL.

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

## FOURTH JUDGE APPOINTMENT BILL.

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

## ADJOURNMENT.

The House adjourned at 29 minutes past 5 o'clock, until the next day.

## Legislative Assembly.

Tuesday, 22nd October, 1901.

Papers presented—Question: Railway Wagons, Oregon Timber Imported—Question: Goomalling Railway, as to Completion—Leave of Absence—Motion (without notice): Midland Railway Inquiry, Representation by Counsel—Personal Explanation (Mr. W. J. George)—Appropriation Message: Public Works Committee Bill—Message: Supply Bill, first reading—Carnarvon-Babbage Island Tramway Bill, third reading—Midland Railway (motion), Order discharged—Annual Estimates: Debate on Financial Policy, third day—Roads Act Amendment Bill, first reading—Sale by Mortgagees Bill, first reading—Adjournment.

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

## PRAYERS.

## PAPERS PRESENTED.

By the PREMIER: Railway employees in South-West District, as to reinstatement after the strike.

By the COLONIAL TREASURER; 1, copy of *The Golden Gate of Australia*, and copy of the *Review of Reviews* for March, 1901, also papers in connection therewith (moved for by Mr. Taylor); 2, Agricultural Bank, interim report; 3, Fremantle Public Hospital, report for 1900-1.

By the COMMISSIONER OF RAILWAYS: 1, Return (moved for by Mr. Hutchinson) showing cost of providing water for railway purposes at Geraldton during 1900; 2, Return (moved for by Hon. F. H. Piessé) showing passenger traffic between Albany and Beverley on Tuesday and Wednesday nights.

Ordered to lie on the table.

## QUESTION — RAILWAY WAGONS, OREGON TIMBER IMPORTED.

MR. F. McDONALD asked the Commissioner of Railways: 1. Whether it was a fact that the Locomotive Department was importing from England Oregon timber, worked and prepared, for the lining of trucks. 2. If so, by whom ordered. 3. For how many trucks, or in what quantity originally ordered. 4. What quantity had arrived at the loco. shops. 5. Whether this timber could not be procured from the contractors at contract rates and prepared locally cheaper than by importing it through London. 6. If so, whether it would not be advisable, in the interests of the State, to cancel the balance of orders. 7. What quantity of teak was in stock at the Loco. Workshops. 8. From whom it was bought, and at what price. 9. By whom it was ordered, and when. 10. At present rate of consumption, how long it would last. 11. If the contractors were compelled to supply as required at contract rates, why they were not asked to do so.

THE COMMISSIONER OF RAILWAYS replied: 1, No. It may be well to explain that indents were sent home for 250 bogie trucks and 500 four-wheel highside trucks, the trucks to be complete except the karri timber, which was procured in the State. The sides and ends of the trucks are Oregon, and this timber is being sent out with the trucks. The timber is sent out planed ready for fitting to trucks. 2, Ordered by the late Government through the Agent General to specifications prepared by the Chief Mechanical Engineer. 3, 250 bogie trucks and 500 four-wheel trucks. 4, 70 four-wheel trucks, and 40 now being discharged ex s.s. "Midura." 5, Cannot say, as it is not known what the contractors allowed for the timber in the contract price for the trucks. 6, The contracts for the trucks have all been let, and it would not be advisable to cancel them. 7, About 15,000 super. feet. 8, About 1,800 feet were purchased from contractors at £4 and £4 5s. per 100 feet super., and the balance from Guthrie and Company at £2 17s. 6d. per 100 feet super. in log. 9, Guthrie's lot, by Chief Mechanical Engineer, July, 1900. 10, Cannot say. Depends upon the amount of work that comes in