

Paragraph passed.

Paragraph 40—Section 422 (amendment):

MR. H. BROWN: Another amendment (in his name) to the previous proposal had been overlooked.

THE CHAIRMAN: It was impossible to go back. The hon. member would have a farther opportunity of dealing with the proposal on recommitment. A new clause could be moved later on.

MR. RASON: It was the duty of the Government to keep a quorum in the House. If someone had called attention to the state of the House during the evening, the Government would not have had a quorum present. Members who accused the Opposition of obstruction should bear this in mind.

Paragraph agreed to.

Paragraph 41—Eighth Schedule (amendment to strike out):

On motion by the Premier, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 9 minutes past 10 o'clock, until the next afternoon.

Legislative Council,

Thursday, 13th October, 1904.

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

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Return under Section 60 of the Life Assurance Companies Act 1889.

PAPERS ORDERED.

ALBANY-DENMARK RAILWAY, PURCHASE.

HON. W. MALEY (South-East): moved:

That there be laid on the table all papers in connection with negotiations made between the Government and Millar Brothers for the purchase of the Albany-Denmark Railway.

The object in moving was that a public meeting was arranged to be held at Albany, and it was desirable that members for the province and district should be in possession of all information which the Minister was in a position to place before them. Not wishing to cause inconvenience, it might be sufficient if the papers were made available to members for inspection.

THE MINISTER FOR LANDS (HON. J. M. DREW): The Government had no objection to lay the papers on the table, except that the papers were in the Premier's office and were being considered in connection with certain negotiations. As it would be inconvenient to lay the papers on the table of the House to remain here for a period, he moved an amendment that "the Premier be requested to submit to the inspection of any member the papers" relating to the subject.

Amendment passed, and the motion amended agreed to.

BILL, THIRD READING.

Friendly Societies Act Amendment returned a third time, and returned to the Legislative Council with two amendments.

NOXIOUS WEEDS BILL.

IN COMMITTEE.

Resumed from the previous day.

Clause 8—Penalty for neglect to clear after notice:

Amendment had been moved at the last sitting to enable justices to extend the time allowed for clearing land, being satisfied that reasonable effort had been and was being used.

HON. G. RANDELL asked leave to withdraw his amendment, and to move

in lieu that the following be added at the end of Subclause 2:

Provided also that if the land is cleared within the time fixed by the justices, no penalty shall be inflicted.

Amendment withdrawn; new amendment moved and passed.

Clause as amended agreed to.

Clauses 9 to 12—agreed to.

Clause 13—Local authority to clear land under its control:

HON. J. W. LANGSFORD: Local authorities alone were to be compelled to do this work. By Clause 7 the inspector might issue a notice; and with regard to private owners, everything depended on whether he issued such notice. If not, the private owner need not exterminate weeds. Nor was there any compulsion on the Government to clear their land. If in case of the Government the Bill was permissive and optional, it should be optional with local authorities.

THE MINISTER FOR LANDS: Clause 12 of last year's Bill provided that owners should not only clear their land, but should clear one-half of any road on which their land abutted. The House strongly objected to this, and urged unanimously that the clearing of roads should be a charge on the local authority; and out of respect to that opinion this clause was inserted. It was a proper clause, because the discretion rested with the Minister. He need not instruct the municipality or roads board to clear certain streets or roads of weeds, unless he felt compelled to do so by a sense of duty.

HON. G. RANDELL: If the local body must exterminate weeds, without notice from the inspector, a difference was made between such body and a private owner, who need not move till he received notice. Apparently the local body must find out and exterminate weeds on their lands. It was but fair that local bodies should be notified by the inspector, and notified similarly to private owners; though it was quite right that these bodies should be made to do their duty, for they were great sinners in this respect.

THE MINISTER: An amendment of the kind suggested would be accepted.

HON. G. RANDELL moved an amendment:

That the words "on notice from the inspector" be inserted after "shall," in line 1.

HON. J. W. HACKETT opposed the amendment. If it were carried, much of the Bill must be recast. Why should the clause be altered? It was the duty of municipalities to keep their roads, streets, and reserves free from noxious weeds. They should not need notice from the department. For the inspector to patrol every road, street, or reserve would be impossible; and his notice would have to indicate what portions of the municipality were overrun with weeds. The clause would be a dead letter. In the past, municipal councils and the Government had been the principal offenders.

HON. R. LAURIE: Apparently the clause was an instruction as to how the clearing should be paid for. It provided that the expense must be defrayed out of general revenue.

HON. J. A. THOMSON agreed that the local body should be notified by the inspector. Dr. Hackett's contention was right as to municipalities; but many roads boards with large districts were unable to employ inspectors.

HON. J. W. HACKETT: Then the hon. member ought to move to withdraw the Bill. If roads boards were to be allowed to let weeds flourish unchecked on roads, simply because roads board districts were large, the Bill would be a dead letter. Last year, he (Dr. Hackett) protested that the object of the previous Bill seemed to be to burden the small occupier of land, and let the big offender go free because the latter happened to be a governmental or semi-governmental body. If roads boards were to be excluded, he would, with all respect to the Minister, move the Chairman out of the Chair.

HON. M. L. MOSS: As to paying out of roads board revenues for clearing, the Bill was very defective. The clause provided that the local authority should provide the funds out of general revenue. According to the rule of construction, this could mean only "out of revenue raised for the purpose." Hence, unless provision were made for striking a special rate, and provision that if the local body did not strike a rate the Minister might strike and collect it, the

Bill would be practically useless. The Minister could not compel the local body to act unless the local body, having funds for the purpose, failed to use those funds. The clause would probably be useless.

SIR E. H. WITTENOOM: This appeared to be an important matter. The roads were about a chain wide, occasionally two chains, therefore it was not a large area of land to clear, and the length would not be great because noxious weeds only grew near cultivated lands. Those people whose cultivated land was contiguous to the roads and who were trying to clear their land of noxious weeds would report the appearance of noxious weeds on the roads to the local bodies, who would be bound to clear them. When notice had been given that noxious weeds existed on certain roads the local bodies would have to clear the roads of these weeds as far as they could and pay for the work out of the general revenue, and if the revenue became exhausted then the local authority could not do more. The clause might well be left as it stood. Unless it was absolutely necessary, we should not interfere with the clauses because they might bear on others preceding them. The provision seemed to meet the case, the only drawback being that the amount of revenue would not allow the local bodies to do as much as they would like.

THE MINISTER: The clause was inserted in order to meet the wishes of members, and after the discussion he thought it had better be allowed to remain.

HON. G. RANDELL: Having elicited valuable information he was not sorry he had raised the point. If local bodies found noxious weeds growing on land they would have to strike a special rate in order to clear the land. If the interpretation put upon the clause by Captain Laurie was correct, then the amendment was not necessary. Dr. Hackett had entirely gone astray. He asked leave to withdraw the amendment.

Amendment by leave withdrawn, and the clause agreed to.

Clause 14—Clearing of Crown lands:

HON. W. KINGSMILL: A great deal of the value of the Bill would be lost if it were made optional for the Government to clear Crown lands. It was too much to expect the Government to clear all

Crown lands, but they should clear the more dangerous Crown lands, those adjacent to cultivated paddocks. He moved:—

That the words "unoccupied Crown lands adjacent to any freehold or leasehold land" be struck out, and that the words "Government railway reserves, stock routes, or camping grounds" be inserted in lieu.

It would be necessary to have a farther amendment in the last line, striking out "may" and inserting "shall" in lieu.

HON. M. L. MOSS: That would necessitate the expenditure of money. Was such an amendment in order?

HON. W. KINGSMILL: It was no more out of order than Clause 22, which provided that all expenditure incurred in the administration of the Act should be paid out of moneys appropriated by Parliament.

HON. W. MALEY: It was to be hoped the words would not be struck out. There were a large number of reserves within surveyed agricultural areas which were a great nuisance. Small owners left their stock out to worry neighbours. The reserves would prove a greater nuisance if they were allowed to become the nursery beds for noxious weeds. There would be no finality in dealing with noxious weeds until the Government cleared all reserves in the vicinity of selected land. Farmers had quite enough to contend with in eradicating weeds from their lands, without going on the reserves in the vicinity, which they had no right to do. The question of clearing roads of noxious weeds had properly been fixed on local bodies, and if these local authorities did clear the roads it was only right the Government should clear reserves; at least those adjacent to freehold and leasehold land.

HON. J. W. HACKETT: The crux of the Bill had been reached. This was the point at which the Bill broke down last session; and the point at which the Bill had broken down in the country, as it was found to be of no value whatever. It served to penalise those who were anxious to get their land clear, the small farmers, while the large farmers were allowed to go free. When this matter was brought before the Committee last session, Mr. Kingsmill, on behalf of the Government, agreed to an amendment of

n important character, and the proposal of the Government to-day, combined with the proposal of Mr. Kingsmill, had not carried the Committee any way so far as the proposal in the previous Bill went when the measure was dropped. He was entirely in favour of keeping the clause as it stood, and dealing with reserves, railway lands, camping grounds and other places of that character by a new clause. It was exceedingly desirable that unoccupied Crown lands adjoining freehold and leasehold land should be subject to the Bill; but it would be noticed that all the clause purported to do was to make it permissive for the Minister to clear rown lands. It was left to his discretion whether he should act on the report of the municipal council or the roads board or advisory board of the Department of Agriculture. The clause would be allowed to remain, and the more important question of the reserves, stock routes, and railway lands should be dealt with differently from the position obtaining last year. The amendment now before the Committee spoke only of Government railway reserves, stock routes and camping grounds. That was not the idea at all as accepted last year. He did not see the object of picking out a few reserves and saying they must be kept clean, whilst not a quarter of a mile away from them there might be a dozen other reserves infested with these noxious weeds. In this clause the word "may" appeared, whereas in the clause last year the duty was made compulsory.

HON. W. KINGSMILL: The general effect of the proposition last year was the same as that of the amendment he now proposed. He had stated that he proposed to strike out the word "may" in the latter part of the clause, with the object of inserting "shall." As to the responsibility imposed by the clause upon the Minister for Lands in the one case and the Commissioner of Railways in the other, he was of opinion that the whole of this expense should be borne by the Lands Department. It was purely a matter put forward in the interests of the agriculturists.

HON. J. W. HACKETT: Would the Lands Department accept the responsibility of keeping the railway reserves clear?

THE MINISTER: Certainly not.

HON. W. KINGSMILL: There was always a tendency to shift responsibility from one department to another. The State paid in the end. The Railway Department was different from any other State department, being the only one conducted on strictly and purely commercial lines; or it should be. For the last two or three years the railways of this State had been conducted on more commercial lines than ever before. As to the selection of Government railway reserves, stock routes, and camping grounds agreed to by him last year, those three classes of reserves constituted a great source of danger to the agriculturists. He was willing to accept any amendment that would have the same effect as his own, and which did not go very much farther, because he thought that this was about as far as the Government should go.

THE MINISTER: The amendment would, if adopted, entail the expenditure of something like £20,000 a year, because all railway reserves, all camping grounds, and all stock routes within a noxious weeds district would have to be cleared by the Government. The Government would have no discretion whatever. At present he thought we had £3,000 on the Estimates, and the Government intended to expend that amount with a great deal of discretion. What was the use of expending money where there were no freehold lands or conditional purchase lands? He would be prepared to accept the directions of Parliament.

SIR E. H. WITTENOOM: The efforts of the Government should be limited to within one mile of cultivated land, and he would move an amendment to that effect. It would be absurd to expect a man to clear his land of weeds, if the same weeds were flourishing on the other side of his fence.

HON. W. KINGSMILL was willing to withdraw his amendment in favour of one by Sir E. H. Wittenoom.

HON. C. SOMMERS: The Minister was needlessly alarmed as to the amount of money likely to be required on the railway lines. These lines were controlled by gangers and line repairers, and the weeds could be eradicated with very little extra work. One of the main items was the eradication of weeds on small school

reserves; but the amount at the disposal of the department would be adequate.

HON. J. W. HACKETT: It would not be more costly for the Commissioner of Railways to clear reserves than for the Minister for Lands, since the Commissioner of Railways had fettlers' gangs constantly employed along the railway lines.

HON. W. MALEY: The method adopted by the Railway Department in preventing the spread of fires was very expensive, and one which no farmer with experience would adopt. The weeds were cleared by hand labour, but if a plough were employed, it would be very easy to make adequate fire breaks in a fourth or fifth of the time now occupied. At present the railway reserves were a mass of noxious weeds, from wild oats to stinkwort.

HON. G. RANDELL: Were wild oats a noxious weed?

HON. W. MALEY: Yes; to the wheat-grower.

HON. W. KINGSMILL: The analogy drawn between fire spreading from railway reserves and the spread of noxious weeds must fall to the ground. It would be correct if noxious weeds went up through the smoke-stack of an engine; but they came on to the railway reserves from adjoining land. It should not be a charge on the Railway Department to clear the reserves, unless special funds were provided by the Bill. He was quite willing to accept the amendment moved by Sir E. H. Wittenoom.

Amendment (Mr. Kingsmill's) withdrawn.

SIR E. H. WITTENOOM moved an amendment:

That the words "unoccupied Crown land adjacent to any freehold or leasehold land" be struck out and the following inserted in lieu:—"Government railway reserve, stock route, or camping ground, or unoccupied Crown lands within one mile of cultivated land."

HON. W. KINGSMILL: It would be a mistake to leave the clause as it stood last year, as it would have no significance. We desired to impose a duty on the Government to clear certain grounds which might be dangerous to other persons, and this duty was imposed by the amendment.

HON. J. W. HACKETT: The words "the Commissioner of Railways" should be inserted in the clause. We would have more efficient work done by the Railway Department. The Lands Department could not carry out all the work because of the great cost, and if the Commissioner of Railways was exempt, a considerable amount of clearing would necessarily be performed.

THE MINISTER: The Commissioner of Railways should bear the expense of clearing railway reserves; but as the Commissioner was the occupier of railway lands he would come under the clause. In any event the Lands Department should not be compelled to bear the expense of clearing railway reserves.

HON. W. MALEY: Noxious weeds were brought on railway reserves through straw in which goods were packed, by the cattle and horses which, in the ordinary course of traffic, went upon railway reserves.

Amendment put and passed.

HON. J. W. HACKETT moved an amendment:

That the words "Minister may clear Crown land" be struck out and the following inserted in lieu:—"And all such reserves shall from time to time be cleared by the Minister for Lands and the Commissioner of Railways respectively."

Amendment passed, and the clause amended agreed to.

Clause 15—agreed to.

Clause 16—If owner absent, agent liable:

HON. G. RANDELL moved an amendment:

That the words "or fixed as provided in Section 15, paragraph (d), be inserted after "owner," in line 4.

This would provide that a notice would be properly served if the owner or agent could not be reached. Though this method of serving notice was provided in a previous clause, there was no harm in repeating the provision.

THE MINISTER: The provision made in the previous clause was sufficient.

HON. G. RANDELL: There might be no owner or agent to be found.

HON. M. L. MOSS: This clause was an additional precaution for the benefit of the owner of the land.

Amendment negatived, and the clause passed.

Cluses 17 to 23—agreed to.

Schedule—agreed to.

New clause—Inspector must produce authority:

HON. G. RANDELL moved that the following be added:—

Every inspector shall be furnished in writing under the hand of the Minister with a certificate of his appointment, and upon his entering on any premises for the purposes of this Act he shall, if required, produce such certificate to the owner or occupier.

This was a reasonable provision, similar to one which he found in the *Inspection of Machinery Bill*.

Question passed, and the clause added to the Bill.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

INSPECTION OF MACHINERY BILL.

SECOND READING (MOVED).

THE MINISTER FOR LANDS, in moving the second reading, said: I would point out that the measure is a consolidating one, and is very essential in the interests of life and property. Since a Bill of this kind was thrown out by the Council last session, the measure has been recast and modified to an extent which I hope will make it more acceptable to this Chamber. The Bill provides for the inspection and regulation of boilers and machinery erected in the proclaimed districts, also on board of any steamboat, barge, or vessel not exempted from the operation of this measure; but does not include any boiler or engine used on the Government railways under the control of the Commissioner of Railways, nor on any ocean-going steamship or steamer engaged in making coastal voyages within the meaning of the Colonial Passengers Ordinance. The Bill consists of twelve parts, as follow:—Interpretation etc., administration, machinery subject to Act, fencing of machinery, defective machinery, provisions affecting boilers, fees for inspection, certificates of inspection, duties and liabilities of owners of boilers and machinery, inquiries as to accidents, examination and certificates of engine-drivers, miscellaneous. It will therefore be seen that this is a measure specially conceived for the protection of life and property. Its provisions are

largely based on the New Zealand Inspection of Machinery Act 1902, which superseded the old Act and the amendments thereof which had been in operation in that colony since 1882. The Bill is also partly based on a similar Act which has been in force in Tasmania since 1889. Some provisions of the present Steam Boilers Act are included in the measure, and anything that has been done under that Act remains unaffected by this Bill. The fees to be charged for boiler inspection are practically the same as those charged under the existing Steam Boilers Act; and it is anticipated that the revenue derived from the operation of this measure will make it self-supporting so far as its administration is concerned. For the inspection of machinery driven by oil, gas, water, or electricity a small fee will be charged, and the inspection will take place only once a year. For machinery driven by steam no fee will be charged, but simply a fee for inspection of the boiler, and not for the machinery driven by the boiler. It is intended that the inspectors who will be appointed after the Bill passes shall be highly qualified mechanical engineers of undoubted experience, capable of carrying out the provisions of the Bill, and also of dealing both with machinery and boilers, in addition to supervising engine-drivers' examinations, both stationary and marine throughout the State. There will be a board of three persons, namely, a chief inspector of machinery and boilers, who will be chairman, and two other qualified persons having a large engineering experience. These persons must also be conversant with the working parts of the machinery with which they have to deal. Under this system it is thought we shall be able to obtain both efficiency and economy. Existing examination boards are to be abolished, and it is proposed that the granting of engine-drivers' certificates under the Mines Regulation Act and amendments, also under the Coal Mines Regulation Act of 1902, shall be made by one board of examiners; and so far as engine-drivers' examinations are concerned there will be the abolition of no less than 18 boards, thus effecting a considerable saving. Under the Bill it will be compulsory for all engine-drivers in factories as well as on mines to be holders of a certificate of service as well

as of competency; but it is not necessary in the case of a boiler attendant to have a certificate. Section 69 has been included, giving power to the chief inspector to compel, where necessary, a certificated boiler attendant to be placed in charge of a boiler or boilers where this is warranted. Provision is made to compel the owner of any boiler under the charge of a certificated engine-driver to employ a boiler attendant if the chief inspector is satisfied that the engine-driver cannot properly attend to both boiler and engine. Where loss of life or serious bodily injury has resulted from a boiler or machinery accident, the owner is at once required to report the same to the inspector of machinery for the district, who shall immediately cause inquiries to be made into the cause. This provision is considered necessary; and I think it desirable that accidents should be investigated by practical mechanical engineers. Another important object is the thorough inspection of winding engines. Only recently a serious accident happened at the Great Boulder mine through the non-inspection of such a machine. A similar measure introduced here last year met with considerable opposition; and so far as I recollect, the principal ground for the opposition was that the measure would unduly harass the farmer. But the Government have given this matter careful consideration, and have inserted a clause rendering it unnecessary for farmers who do not work their engines more than six months in the year to have certificated engine-drivers in charge of those machines. In justice to myself, as I have many duties to perform and my time is fully occupied, I would ask members to give notice of any amendments they may wish to propose in this Bill, in order that I may be able to submit them to my expert advisers. I move that the Bill be now read a second time.

On motion by HON. G. RANDELL, debate adjourned.

MINES REGULATION ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew): In moving the second reading of this Bill, I would urge hon.

members to give the measure serious consideration, as its primary object is the protection of human life. Clause 2 provides that where an inspector finds any mine or any part thereof, or any machine, to be so defective or dangerous as in his opinion to threaten or endanger or lead to the bodily injury of any person, the inspector may in writing demand that the defect shall be remedied. Such a provision will not, I think, meet with captious criticism from members. I think its necessity will be admitted. But it is further provided that on receipt of any requisition, the mine manager shall forthwith comply with such requisition; or if he objects, he can have recourse to arbitration. Meanwhile, however, he must withdraw all his men from the dangers indicated by the inspector. At the same time, it rests with the Minister charged with the administration of the Act to allow the work to proceed under such stipulations as he may make. If the mine manager refuses to comply with the requisition, he can have the matter determined by arbitration; and should he fail to comply with the requisition or with the award made on arbitration, he commits an offence, and is subject to certain penalties. The court, however, is permitted, in the event of proceedings being taken against the owner, to adjourn the proceedings; and if the owner takes steps within a reasonable time to carry out the wishes of the inspector, no penalty shall be insisted on. In the event of arbitration, the arbitrators may determine which party shall pay the costs. Clause 3 provides for a bi-monthly payment of wages if the Governor so directs. I think this provision very necessary, both in the interests of workers and of business people. In many cases workmen are employed by companies whose solvency is extremely doubtful; and on the other hand there are sometimes dishonest workmen who get into debt with storekeepers and restaurant keepers, and at the end of the month go away without paying. I am sure that if this clause is passed it will be a great safeguard both to workers and business people. In my own constituency I have been approached by the business people of the Murchison Goldfield, one and all of whom ask that some such provision be made law. I

have much pleasure in moving the second reading.

HON. G. RANDELL (Metropolitan) : Though I cannot claim to have any profound knowledge of this subject, I have had some experience of machinery, and therefore think I may congratulate the Government on their bringing in one of the fairest Bills, both to employers and to employees, that has ever been introduced to Parliament. I do not know who were its authors, but I think it a good and sound measure, which in every case recognises not only the responsibilities but the rights of employers. I was pleased to see a clause which I utilised when dealing with the Noxious Weeds Bill. We have had previous legislation which heavily penalised employers of labour; and I am glad to give my strongest support to this Bill, although I think Clause 3 is foreign to its object, and should have found a place in another measure. Still, I think no one objects to the principle of bi-monthly payments, although mine owners, perhaps, will not particularly appreciate the innovation. I understand also that some of the workers are not very anxious for it, as the monthly payments, for certain reasons, sometimes operate to their advantage. It is understood, however, that bi-monthly pays possibly may prevent loafing and malingering, and spending the whole of the money at the end of the month. My own opinion is that the worker should be paid every week, not later than Friday. I believe that method is best for employer and employee alike. I refer to the ordinary worker. Civil servants, of course, expect to be paid once a month, though many would like to be paid oftener; but that I think hardly necessary. In paying twice a month, owners of large mines will probably have to secure additional clerical assistance. I am not sure of this, but have been led to believe it. I do not quite understand one expression in Subclause 1 of Clause 2—"by requisition in writing addressed in general terms to the mining manager." Subsequently the defects and dangers to which the requisition refers are specified; and I do not think there is any need for those words. The general and the specific do not seem to agree well together. I have pleasure in supporting the second reading of the Bill, and congratulate the Minister on its introduction,

because I believe it is a good, sound Bill in all its parts.

On motion by HON. W. KINGSMILL, debate adjourned.

ADJOURNMENT.

THE MINISTER FOR LANDS moved:

That the House at its rising do adjourn till Thursday, the 20th October, at 7.30 p.m.

The Royal Agricultural Show would be open on Tuesday and Wednesday next.

DR. HACKETT: Thursday next would be the most important show day.

THE MINISTER: It was necessary to meet on Thursday, as some messages from another place were expected. During the following week he must visit Geraldton to attend the mammoth show, and hoped members could conveniently adjourn over that week.

Question put and passed.

The House accordingly adjourned at 14 minutes past 6 o'clock, until the next Thursday at 7.30.

Legislative Assembly,

Thursday, 13th October, 1904.

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THE SPEAKER took the Chair at 3.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Returns under Section 60 of Life Assurance Act. Report