tine some consideration, and endeavour to arrive at some understanding as to where the jurisdiction of the quarantine authorities ends and that of the local authority commences. I understand that at the present time the principal medical officer is also an officer under the Federal Quarantine Department—Dr. Lovegrove. Is he not a Federal official?

MR. GREGORY: The Federal officers have not taken it over yet.

MR. N. J. MOORE: Then at the present time it is the principal medical officer?

MR. GREGORY: Yes. Action is taken by the local authority.

MR. N. J. MOORE: I think it is a very important matter, and we all hope that the best measure will be evolved irrespective of any party question of any kind. With regard to the objection of the member for Boulder (Mr. Hopkins) as to the councils having the control, I think that where there are several municipalities in one locality the objection may very well be got over by electing one or two nominees from each municipal council. They would then be elected by the representatives of various municipalities, and I take it they would be elected *pro rata* in proportion to the number of inhabitants in each municipality.

HON. W. C. ANGWIN: That is, if they so desire.

MR. N. J. MOORE: Yes. I think there is a lot in what the hon. member pointed out, that perhaps it would be economical if one system were adopted throughout three or four different municipalities. At the same time there is a great advantage in giving the municipal bodies the local control, as they have at hand the machinery to give expression to what is contained in this Bill, and there is a body properly constituted which has power under the Local Government Act to raise a loan to carry out any sanitary work necessary. I think it would be advisable in cases where the municipalities are isolated that they should have the right to be constituted local boards of health. I think most members have had almost enough of health to-night, more especially as they have had two nights in the train. So I shall not detain members any longer, except that I would like to say I shall support the suggestion of the member for Menzies (Mr. Gregory), that a select committee should go into this matter and see if it is not possible to produce a Bill which will be suitable to all parties.

On motion by the MINISTER FOR WORKS, debate adjourned.

ADJOURNMENT.

The House adjourned at twenty-one minutes past 10 o'clock, until the next Tuesday afternoon.

Legislative Council.

Tuesday, 1st November, 1904.

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

PRAYERS.

PAPERS PRESENTED.

THE MINISTER FOR LANDS laid on the table—1, Report on the working of the Government Railways and the Roebourne-Cossack Tramway for the year ended 30th June, 1904. 2, Statement of account, balance-sheet, and report of the Post Office Savings Bank for the year ended 30th June, 1904. 3, Railways working account, in accordance with Clause 54 of "The Government Railways Act, 1904," quarter ended 30th September, 1904. 4, Western Australian

Government Railways By-law No. 34, *re* loitering on railway premises. 5, Reports in accordance with Section 83 of "The Government Railways Act, 1904," quarter ended 30th September, 1904.

MOTION—PAYMENT TO MEMBERS OF COUNCIL, TO REDUCE.

HON. C. SOMMERS (North-East) moved:

That in the opinion of this House it is desirable to reduce the payment of members of the Legislative Council to £100 per annum.

He said: In advocating the sum of £100 as remuneration for members of the Legislative Council, I do not admit that the members of this House have less ability than have members of another place—far from it; indeed I think this Council will favourably compare with the Councils of any of the other States. In the year 1900, when the Bill for payment of members was discussed, I was in favour of increasing the amount beyond £200 a year, as I then thought that sum insufficient; but since then I have seen reason to alter my opinion, and I now think that payment of members to the extent of £200 a year is a mistake in the case of members of the Council. I contend that it was never intended, when that measure was under discussion, that the sum of £200 a year should be regarded as payment for services rendered by members of this House. It was simply intended as in some degree a recompense to members for loss of time in attending to the duties of this House and generally performing their duties as legislators. I am sure that if, at that time, members of the Council thought the £200 a year was to be the payment for their services, they would not have felt that £200 a year was anything like a proper remuneration for their abilities and the time necessary to be devoted to legislative duties. The payment then agreed to was regarded simply as a compensation for loss of time, and was not considered as a "living wage," as some members of another place are now alleging it should be. I have looked through the reports of debates in both Houses on the question, and I say it was not intended at that time that £200 a year should be regarded as payment for services rendered or as a living wage. It was never contemplated at the time that we should have what may be termed professional politicians in Parliament; but the payment was intended as compensation for the expenses to which members are put, and in some degree for their loss of time, in order that the poorer candidates might be able to seek election to either House, and not have to give the whole of their time without some payment. We see now that certain members in another place are asking for an increase in the amount of payment. My opinion is that this country cannot afford an increase in the payment of members, and it was never intended that the payment passed by Parliament should be a living wage. To those who so regard it, I say that after the four or six months over which the sittings of Parliament extend, members should return to their ordinary avocations, and, if necessary, work for their living. I am told that Mr. John Burns, who is held in high esteem as a member of the House of Commons, when the session of Parliament is over goes back to his ordinary labour. I am told he gets a certain amount of payment from his party for the time he has to spend in Parliament, but that when the sittings are over he goes back to his ordinary work, as I maintain members of this and the other House of Parliament should do. One of the principal reasons for my moving that the amount of £200 should be reduced to £100 for members of this House is that we are elected for six years as compared with three years for the other House, and are in this way put to less expense for elections and other matters; that members of the Council also come less in contact with the people they represent, and are in that way put to less expense. They also represent larger districts, and are not so beholden to one particular section of the community as are members of another place. Also, the time spent by members of this House in legislative duties is not more than one-fourth the time spent by members of another place. Another reason is that members of another place, in dealing with legislation, have to go more into detail than is necessary when measures come before this House; therefore I think that for the amount of time spent in this House and in connection with legislative duties, £100 a year should be a sufficient remuneration. I say again

it was never intended that the payment of £200 a year should be a living wage, but only as compensation for the time actually expended upon legislative duties. Then, as a matter of comparison, if £200 a year is sufficient for members of the Legislative Assembly, as I maintain it is notwithstanding the motion before another place to increase the amount, then I think that £100 a year for members of this House should be sufficient, having regard to my argument that members of the Council have to attend less frequently than have members in another place; so I think £100 a year for members of this House will be a fair proportion in comparison with £200 for members in another place. To show that the opinion of members in another place differs considerably on this subject, I may remind this House that there are two proposals now before another place: one to abolish payment of members altogether, and another to increase salaries to £300. Sir John Forrest, in introducing payment of members in 1900, first of all was opposed to payment for members of the Legislative Council; and in the course of his remarks said that the Council would be stronger and of greater weight if there were no payment of members. The late Colonial Secretary (Hon. W. Kingsmill), speaking in December of 1900, also said that members of the Council should not be paid, or that at any rate if they were paid they should not receive anything approaching the amount paid to the members of the Assembly. The Bill of 1900, when introduced, provided for the payment of £100 a year to members of the Legislative Council; but at that time there was considerable hostility in the Council towards the Forrest Government, and I think an increase to £200 was pressed more as a slap in the face for the Government of the day.

HON. J. W. HACKETT: No, no.

HON. C. SOMMERS: It was not really so much that members desired the increase, as that they thought the dignity of this House was being hurt by the Assembly offering to pay members of the Council nothing at all, or anything less than that proposed for members of another place. It was an attempt to show the strength of the Legislative Council and to insist on its dignity. I think that was the real reason why the amount in the Bill was altered. In South Australia members of the Legislative Council receive £200 a year.

HON. J. W. HACKETT: What does a member of the Legislative Assembly receive in South Australia?

HON. C. SOMMERS: I think it is £200 also. In Tasmania the members of the Legislative Council receive £100, and I believe it is the same for members of the Assembly. In New Zealand members of the Legislative Council receive £150 a year. In Queensland, in New South Wales, and in Victoria there is no payment at all for members of the Legislative Council. Since Federation, the various States cannot afford to go on paying these amounts to members of State Parliaments. The system is rearing up professional politicians. Members now are not content with £200 a year and ask for £300. Later on probably they will be asking for £400 and greater privileges. It would be wise on the part of this House to reduce payment in proportion to the amount paid to members in another place. A salary of £100 would be enough. [HON. J. W. HACKETT: According to intelligence.] It was never intended that the honorarium paid to members should be a living wage. It was intended to recompense members for loss of time—time actually spent in attending at the House; and it was never intended that members should be paid for their calling, and they should live in idleness when the House is not sitting. I did not intend to speak on this motion to-day because I understood it was to be dealt with next week, but my attention was drawn this morning to a leading article in one of our papers. This article carefully criticised the motion, and then said it would not be fair to criticise it until I was heard. My contention is that it would be well for the State generally if salaries of members of the Legislative Council were reduced to £100.

On motion by HON. J. W. HACKETT, debate adjourned.

ASSENT TO BILLS (2).

Metropolitan Waterworks Act Amendment, Tramways Act Amendment, assented to by the Governor.

BILLS—FIRST READING.

TRUCK ACT AMENDMENT, introduced by Hon. W. T. Loton (for Sir E. H. Wittenoom).

STREET CLOSURE (Kanowna), received from the Legislative Assembly.

BILL, THIRD READING.

MINES REGULATION ACT AMENDMENT, read a third time and returned to the Legislative Assembly with an amendment.

NOXIOUS WEEDS BILL.

RECOMMITTAL.

On motion by HON. J. W. HACKETT, Bill recommitted.

Clause 14 amended by inserting the words "routes, grounds, or lands," after "reserves" in line 5.

Bill reported with a farther amendment, and the report adopted.

SUPPLY BILL (No. 3), £250,000.

ALL STAGES.

Received from the Legislative Assembly, and read a first time.

THE MINISTER FOR LANDS (HON. J. M. DREW) moved that the Standing Orders be suspended to enable the Bill to pass through all stages at one sitting. The moneys were required for the temporary carrying on of departmental administration. The previous Government afforded a precedent for such a course. Last year two Supply Bills were brought down; one for a million and the other for half-a-million. In the case of the present Government there was apparently more justification. The Government took office only on the 9th August, and had to gain acquaintance with their new duties, they had to prepare a programme of legislation, and they had to undertake a complete revision of the annual Estimates. He had an assurance that these Estimates would be presented to Parliament not later than next week, so he hoped members would consent to the suspension of the Standing Orders.

HON. G. RANDELL (Metropolitan): Although there were exceptional circumstances in connection with this matter, it was desirable that the House should have a definite promise that the annual Estimates would be produced in a very short time. It was unfortunate that for two years past they had been delayed to a later period than ever, and this was exceedingly unfair to members of the Legislative Council. Some years ago he extracted a promise from Sir John Forrest that in future the Government would try to lay the Estimates before Parliament within a month or six weeks of the assembling of Parliament. Now four months of the year had passed, and this was the third time, if his memory served him aright, on which a special Supply Bill had been introduced. He did not wish to deny there had been extraordinary circumstances this year which would have the effect of keeping the Estimates back from presentation to Parliament, but under ordinary circumstances justification should be given for the Estimates being kept three months before presentation. In consequence of such delay they came to the Legislative Council so late that the Council were absolutely precluded from giving them any investigation at all, and were obliged to pass them *en bloc*. We had to take it for granted that all was right, and he did not think that was as it should be, this Chamber being a House of review. If members found any items or matters in the Estimates which required reconsideration, there should be an opportunity of endeavouring to obtain that reconsideration, and there might be other reasons why the Estimates should come before this House at an earlier date. He understood the Minister to assert that the Estimates would be definitely before the Legislative Council next week.

THE MINISTER said he had a definite assurance.

HON. G. RANDELL was glad to hear that statement. He hoped the Estimates would not be detained too long in another place, but that the Council would have some time to carefully consider them in all their bearings.

Question passed, and the Standing Orders suspended.

Bill passed through the remaining stages without debate.

INSPECTION OF MACHINERY BILL.

SECOND READING.

Debate resumed from the 20th October.

HON. C. E. DEMPSTER (East): It is not my intention to deal very long

with the Bill, because I consider the measure is in a more desirable form than on a previous occasion. At the same time I cannot refrain from expressing the opinion that it is very long-winded and somewhat complicated. It is a Bill which of course affects mining in this State a great deal more than any other industries, and I shall be ready and willing to support any amendment in the interests of mining which mining members may think desirable. There is provision for a chief inspector as well as a number of inspectors. I am much afraid that legislation of this sort will lead to unlimited expense. In my opinion it ought not to be necessary to have a chief inspector, nor ought it be necessary to have a great number of inspectors; because I think two or three might very well do the whole of the inspection necessary. I am very much afraid that the measure will lead to the appointment of a large staff of officers, which will put the country to a great deal of unnecessary expense. I am glad to see that the agriculturist is somewhat more favourably treated under this Bill than formerly; because I think that the original Bill provided for inspection of machinery every six months, whereas the present measure provides that all machinery used only during six months of the year shall be inspected once every two years. Of course this will not be so vexatious as the original proposal. Very often when a farmer wanted to commence cutting his chaff there would be a notice from the inspector that he would be there on a certain date, and that might be just a week after the time when the farmer would be able to start, and he would then have to prepare his machinery. I cannot help thinking, in perusing the Bill, that the fines and penalties are unnecessarily high, and if enforced they may be a great hardship. They may very well be reduced. There is another matter regarding which I would like to ask the leader of the Government how he intends dealing with it; that is in relation to the fencing in of fly wheels of portable engines. Engines might be in a place perhaps a few days or a week, and during that time everyone engaged in cutting chaff with steam plant would have to put a fence round the fly wheel, which would be rather a difficult thing for him to do. Then it seems to me that there is a very great hardship in having to supply the extras named here. It is provided that:—

> Every boiler shall be fitted with the following fittings and mountings:—One steam pressure gauge capable of registering in pounds per square inch up to one and a-half the certified working pressure; one gunmetal feed check-valve, flange-jointed; one stop-valve, flange-jointed, fitted with gunmetal valve and seating, to be fixed between boiler and steam pipe: one gunmetal blow-off cock, flange-jointed; one gauge cock, three-eighths inch Whitworth gas thread, for connecting inspector's standard gauge; a suitable pump or injector, or both, for feeding the boiler; a fusible plug in the crown of the fire-box, or other suitable position when necessary; two safety-valves of ample area and flange-jointed, one of which shall be encased and of locked-up design approved by the Chief Inspector. There shall also be fitted—(a.) One glass water gauge fitted with cocks complete——

HON. J. W. HACKETT: Take it as read.

THE PRESIDENT: I think the hon. member might deal with that clause in Committee.

HON. C. E. DEMPSTER: It strikes me that when these engines are made by the manufacturers, fit and ready for work all over the world, it is unnecessary to require the whole of these extras to be supplied. The inspector may think it necessary, but the fact of their not being provided in these engines manufactured shows to me that it is not always necessary, and I think that owners of boilers and machinery are often put to useless expense. Clause 42 deals with the duration of certificates, and provides that in the case of machinery used solely for threshing, chaff-cutting, or crushing grain, and not worked for more than six months in the year, the certificate shall remain in force for two years. This is certainly an improvement on the preceding Bill, and one which I think very necessary; because it would be a great hardship if those who used their machinery for a few weeks or a few months in the year should have to get the certificates renewed every 12 months. I give credit to whomsoever is responsible for this proviso. The Bill is very long-winded; and it seems to be unnecessary that so many words should be needed, though the Bill is perhaps in some respects desirable. Apparently we altogether overlook the position of the employer.

The Employers' Liability Act already makes the employer responsible for any accidents occurring through faults in his machinery, or any other faults, carelessness, or neglect. Here is a double precaution against the employer, showing that in every instance when we legislate on the subject of machinery the employer is well looked after when it is possible to get at him. I cannot think that this course of treatment is at all calculated to advance the general interests of the country. By Subclause 3 of Clause 50, every owner who neglects to send notice of an accident to the inspector will be liable to a penalty not exceeding £50. That should be seriously considered in Committee; for sometimes it may not be possible to furnish the notice within the required time, and the £50 penalty is very heavy. When the previous Bill was before us I strongly opposed it; and to show that very few boiler accidents had occurred in this State, I asked Mr. Randell, then leader of the Government in this House, how many boiler accidents had occurred up to that time, and he said that there was not a record of a single life lost through the bursting of a boiler. This shows that the fact of a boiler's leaking, or of its not being in good order, is not the formidable thing some people imagine. It does not follow that such a boiler will burst. It is very seldom, except in case of gross neglect, that a boiler does burst. I shall not deal farther with the measure on the second reading, but shall leave its discussion to those who perhaps take a greater interest in the matter than I, as they represent localities where much more machinery and a far larger number of men are employed, and where supervision may perhaps be more necessary.

HON. Z. LANE (Metropolitan-Suburban): This Bill is not so bad as a similar Bill placed before us last session. This has its redeeming features, but has features which are objectionable and very absurd. I am pleased indeed to hear one member from the East supporting the Bill, although his action is very extreme compared with what it was last session; and I am pleased also to see a friend from the West taking so much interest in the subject. I shall be glad to support his amendments. The interpretation clause is very vague; and after defining as machinery almost everything that is possible—every drum, wheel, strap, band or pulley—it concludes, "or machinery run in any other manner by which motive power may be obtained, except by hand, treadle, wind, or animal power." This I take it includes motor cars, all sorts of lifts and all kinds of motors; and the consequence of our passing the definition will to my mind be very serious.

HON. M. L. MOSS: I am providing an amendment.

HON. Z. LANE: I shall be pleased to support you. It would be serious indeed if this were to become law, and every person using power of that sort were compelled to keep a first-class or a second-class certificated engineer to drive the same. Clause 14 bears on the same subject, referring to the second schedule, where "machinery subject to Act" includes—

> All machinery worked by steam, water, electricity, gas, oil, compressed air, or any other machinery (other than machinery driven by hand, treadle, wind, or animal power).

So, according to that schedule, I think it plain that lifts, launches, and motor cars of every kind will come under the definition of "machinery." Clause 16 appeared in the Bill which was rejected by this House last session; and it is a very objectionable clause indeed. The fact that no person under 18 years of age shall be allowed to clean any part of the gearing of any machinery while the same is in motion practically debars young men who leave school at the age of 14 or 15 from being brought up as engine-drivers or mechanics. It is ridiculous to say that a boy of 16 is not capable of cleaning machinery; for the only way to make that boy an engine-driver is to train him as a cleaner. It is ridiculous that a cleaner must be given the same wage as a first-class or a second-class engine-driver. The last clause referred to by Mr. Dempster is certainly exceedingly harsh. As an instance of the difficulty of always fencing machinery, Mr. Dempster mentioned the fencing of the fly-wheel of a portable engine. Clause 22 has attracted my attention. It provides for a stop-valve between two boilers, each of which has already a stop-valve. It is absolutely necessary, without any legislation on the subject, for boiler-owners to have a

properly-fitted steam stop-valve on every boiler; and I cannot see any use in having a third one between two boilers. No matter what happened, that third valve would be of no use; and all stop-valves are thoroughly tested every week or every fortnight to see whether they will shut down when it is intended to shut off one boiler from another. The clause seems very ridiculous; and it will cause no end of trouble and expense. In some of our bigger plants an expenditure of thousands of pounds would be needed to cut up again all the pipes and insert stop-valves between two boilers which have been doing duty for years, and which would continue to do duty without any trouble to the owner or any danger to the employee.

HON. G. RANDELL: Boilers already erected are exempted from the operation of that clause.

HON. Z. LANE: For a certain time only.

HON. G. RANDELL: No; for ever.

HON. Z. LANE: Clause 31 is another absurdity which I pointed out in dealing with the previous Bill. I see certain words in last session's clause have been eliminated. It now reads:

> For the purpose of inspection the owner shall, if required, cause . . . . all furnace bars and bridges to be taken out.

The framers of the Bill have never considered that most of the bridges in our modern boilers are water bridges. The old stone or brick bridge, which could, if necessary, be taken out for the inspector if he wanted to get through the boiler, has been done away with. I cannot see how anyone can take out a water bridge or all the tubes. If tubes are to be taken out whenever an inspector thinks it necessary, the expense will run into hundreds of pounds; and it will be utterly impossible, in the case of old boilers, ever to make them tight again. Every person who has had anything to do with boilers knows that. The inspector has great powers throughout; and certainly if he is competent and thoroughly qualified, he should have power. But power to insist on the removal of tubes and water bridges is simply ridiculous. When in Committee I intend to move to amend that clause. Clause 45 is rather serious to the machinery merchant, for it will keep him pretty busy:—

> Where a person sells or absolutely disposes of a boiler, or such machinery as may be prescribed, to any person, the seller shall, within fourteen days, give notice to the inspector.

If that comes into force, a man who under this Bill sells a drum, strap, band or pulley must inform the inspector; so the machinery-merchant must send to the inspector a daily schedule of sales. I do not see the utility of this clause, either to the State or the owner of machinery, or that it is necessary for the protection of the public.

HON. J. W. HACKETT: It must be in the regulations.

HON. Z. LANE: Clause 53 contains another innovation in reference to the question of a third-class certificate. I am sure that anyone who has had anything to do with machinery, especially in a large way, will know that there is enough trouble with first and second-class certificates without having a third-class certificate, and a third-class engineer can only drive a stationary engine similar to a second-class engine-driver; he could not take hold of a winding engine, and no manager would trust him with it. I shall move to have that clause deleted from the Bill in Committee. Then there is the extra first-class certificate, which is another innovation, and which engine-drivers after five years' experience can obtain. I do not think an engine-driver after 15 years' experience will become an engineer, although he may become what we call a handy man. I do not see why he should get a certificate as an engineer. Clause 64 also contains an innovation, and something will be said about that in Committee. It refers to boiler attendants. I do not know exactly what the clause means. In nearly every instance, men who attend to boilers simply have to shovel coal into fires, and I do not see why a man who does that work should require a certificate, except from a doctor to say he is healthy and strong. It simply is piling up the expense on the mining industry. If a boiler attendant gets a certificate, he will call himself a second-class engineer, and want wages which are now paid to second-class engineers, which would be only quite right if he held a certificate. It is not necessary to have

a man with a certificate to stoke a boiler. I do not know if the Lascars who shovel coal into the fires on the over-sea vessels are required to have certificates. If a mine has only one engine the driver can look after the engine and fire the boiler as well. It is only where there are a lot of boilers that boiler attendants are necessary, and in those cases the engine-driver has to see that the steam and water are all right. I think Clause 79 should be eliminated from the Bill. I am quite sure that everyone will agree with me that the employees are protected quite enough by the Employers' Liability Act and the Workmen's Compensation Act, without getting farther compensation. This clause provides that a man who has been injured shall have a moiety of the fine paid to him as compensation. I do not think that clause is necessary at all. On the whole I think there are only a few amendments to be made in the Bill. I am in favour of the measure as a whole, for the one thing that it is a consolidating measure and we want consolidating Bills. There is a lot of reason in that, for if at the present time one wishes to understand an Act of Parliament, it is necessary to employ a solicitor. We should try to make an Act of Parliament as explicit as possible, and contain as little detail as possible; I am in favour therefore of consolidating Acts. In conclusion, I must say that the penalties are all on one side. The employer has to pay on every occasion for any evasion of the provisions of the Bill, while workers are not penalised in any degree for causing accidents. Several men were killed only the other day through the gross carelessness of an engine-driver. He had men at the top of the shaft and he wanted to knock off like the other men; so he threw both clutches out and the cage went to the bottom of the shaft. I contend that man ought to have been prosecuted. There should be provision so that men who do such things can be prosecuted. Such men should lose their certificates, and not be allowed to go scot-free. The engine-driver referred to got scot-free, and he may go to another mine and kill somebody else. I intend in Committee to try and insert some provision to provide against such gross carelessness, so that engine-drivers' certificates may be taken away or suspended, as is done by a Marine Board. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1, 2, 3—agreed to.

Clause 4—Nonapplication of Act:

HON. M. L. MOSS moved an amendment:

That in Subclause 4 the word "launch" be struck out, and "oil launch or motor car" be inserted in lieu.

THE MINISTER FOR LANDS: There was no objection to this amendment. There would be many exemptions from the clause.

Amendment passed, and the clause as amended agreed to.

Clause 5—agreed to.

Clause 6—Chief Inspector and Inspectors:

HON. J. W. LANGSFORD: Was it intended that the chief inspector should undergo an examination? There was no provision in the clause for an examination of the inspector or the chief inspector.

THE MINISTER: The clause provided for the examination of the chief inspector.

HON. C. E. DEMPSTER: Was there any limit to the number of inspectors required?

THE MINISTER: There was no limit, but there would be about ten inspectors appointed.

HON. Z. LANE suggested that in line 4 after "prosecuted" the words "and after the passing of this Act must be a fully qualified certificated mechanical engineer" should be inserted. The clause would be unjust indeed to the present inspectors, who had in most instances done good work, and were thoroughly straightforward men.

HON. J. W. HACKETT: The inspectors must all be appointed after the passing of the Bill.

HON. Z. LANE desired to exempt the present inspectors. He moved that the clause be postponed.

Motion passed, and the clause postponed.

THE MINISTER: Having already requested members to assist him in dealing with the Bill by giving notice of their amendments, he found it necessary to repeat that request because amendments

were moved or indicated of which he had no knowledge. In technical matters, it was necessary for him to obtain expert advice. His attention had been called only to-day to the case of an amendment made in a Bill last year, which was afterwards found to necessitate the introduction of an amending Bill.

HON. Z. LANE: It had been impossible for members to put their amendments forward until the House met, and this was the earliest time at which they could be placed before the House. If the Bill were postponed for a day or two, notice of intended amendments could be given.

THE MINISTER: It would be necessary to make an amendment in this clause, which could be done later.

Clause put and passed.

Clauses 8 to 13—agreed to.

Clause 14—Machinery to which Act applies:

HON. M. L. MOSS: It would be necessary to amend this clause in consequence of an amendment already made in Clause 4. He moved an amendment that in line two, after "shall" the words "save as is mentioned in Section 4" be inserted.

Amendment put and passed.

HON. M. L. MOSS also moved a farther amendment that in the third line, after "machinery," the words "save as last aforesaid" be inserted.

Amendment passed, and the clause as amended agreed to.

On motion by the Hon. Z. LANE, progress reported and leave given to sit again.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew), in moving the second reading, said: The object of this Bill is to give certain necessary powers which are not contained in the Act of 1892. At present the Governor can, in case of the absence or illness of the president of the Arbitration Court, nominate a Judge of the Supreme Court to act as president during such absence or illness; but under no other circumstances can this power be exercised. The Government are placed in this position, that it is advisable the Arbitration Court should travel and hear cases in districts as near as possible to the centre in which the particular disputes arise. Industrial disputes are occurring from time to time in the distant goldfields, and to bring the parties to Perth will, as must be admitted, be a hardship both to the employer and the employee. There will be the cost of conveying witnesses to Perth from distant places, the cost of their maintenance while in Perth awaiting the case coming on and during its hearing, and also the cost of return fares to the distant places. Mr. Justice Burnside, who is president of the court, is not absent from the State, neither is he suffering from such illness as would preclude him from occupying his seat in the court; but at the same time he is not sufficiently strong to undertake journeys out to the back country. The Bill contemplates the appointment of a deputy president, who will be able to take the position instead of Mr. Justice Burnside, and thus enable the court to travel out of Perth. The method proposed in the Bill is the best that the Government can devise; and I may remind hon. members that if this measure is not passed, all cases of industrial disputes must necessarily be heard in Perth. I would also impress upon members that the Government cannot dictate in this respect to Mr. Justice Burnside, for it rests with him as president of the court to state when and where the court shall hold its sittings. Acting under this power, a *Gazette* notice appeared about the 11th of October, notifying that the Arbitration Court would sit in Perth for the hearing of cases then pending. If this Bill be passed, it will be possible to appoint a deputy president, who will be able to travel and hear cases where the disputes occur. I may point out that the New South Wales Arbitration Act contains this power, and permits the Governor at the request of the president of the court to appoint a Supreme Court Judge to preside during the president's absence, to take certain cases and deal with other matters coming before the court. The part of the Bill providing this power is Clause 3, which provides that every industrial dispute shall, as far as practicable, be heard and determined in the district in which the dispute has arisen.

I beg to move that the Bill be now read a second time.

HON. M. L. MOSS (West): I am not rising to oppose the Bill—on the contrary I am prepared to support it; but I would strongly have opposed the measure as originally introduced in another place, by which it was provided that some person other than a Judge of the Supreme Court might be appointed as acting president of the Arbitration Court. I think the right course is that proposed in the Bill, and the only course which can give satisfaction to master and servant throughout the State, namely to appoint a Judge of the Supreme Court, because that is the principle on which the success of the Arbitration Court depends. I think Parliament affirmed the principle strongly when the first Arbitration Bill was going through, that a Judge of the Supreme Court should be the president of the Arbitraion Court, to act with two assessors in dealing with cases. What strikes me as being not very much in keeping with the measure before the House is whether the strength of the Supreme Court bench is sufficient to carry out the duties which the original Act imposes on the Arbitration Court, besides attending duly to all the other business which comes before Judges in the Supreme Court of the State. We know that for a period of two years—and in making these remarks I do not wish to cast blame particularly on the present Government, because the preceding Government were equally to blame — a thoroughly unconstitutional course has been adopted by the appointment for such a lengthened period as has been the case in connection with Mr. Roe as a Commissioner of the Supreme Court. I wish it to be distinctly understood that I have no desire to cast any reflection on that gentleman; for I am personally very friendly with him, and I think he has carried out his duties as Commissioner with great credit to himself and benefit to the country, and has filled a position which, had he not been able to take up, would have left litigation in this State in a condition of complete chaos. I take the opportunity of expressing my opinion on the constitutional aspect of the matter, that a gentleman appointed temporarily to perform the duties of a Judge of the Supreme Court has held that position during the pleasure of the Governor, and has continued to hold the position temporarily and not in the way that Judges of the Supreme Court throughout the Empire are appointed to do. The position of a Judge of the Supreme Court is one enabling him to hold that office during good behaviour; and it is absolutely necessary that in cases where the interests of the Government are at stake, as well as when the liberty of the subject is at stake, a person holding the position of Judge should be able to exercise his functions and discharge his duties without being fettered by the opinion that his position is at all liable to be dispensed with by the Government of the day, whoever that Government may be. I am the last one to suggest that Mr. Commissioner Roe has done any other than what was perfectly honourable and creditable while acting as a Commissioner of the Supreme Court; but I merely deal with the question now on high constitutional grounds, that a Judge of a superior court of this State should not hold his position and be liable to be put out of it at the will of the Government of the day, against whom he might have to give a judgment at any time. I am aware that in many parts of Australia it has been customary to appoint an acting Judge of the Supreme Court; but I do not think there are instances of a Judge acting temporarily for a period of two years, and being kept in it so long under circumstances which, we must allow, do not admit of the business of the country being carried on satisfactorily nor for the convenience of suitors. It would be impossible for the business of the Supreme Court to go on satisfactorily under the conditions we have lately witnessed. The Government are now dealing with the question of conciliation and arbitration, and they see that it is impossible for Mr. Justice Burnside to travel to hear cases in the outlying districts of the State. I am sure we are all agreed that these disputes should be settled in the localities where they arise and with as much speed as possible, because while they are pending it is a matter of great importance to the community that they should be settled quickly and judgment given speedily by this independent tribunal, so as to enable the worker and the employer to get to work again on the industries

they are developing. We find, however, that there is a difficulty. The Judge cannot go to the localities, and it becomes necessary to send another Judge of the Supreme Court to distant parts of the State; but while it is necessary to have a Judge to carry out these duties, we shall weaken the strength of the Supreme Court Bench so that it will be impossible to cope with the business that is waiting for the Judges to undertake in Perth. As it is intended that a Judge should go and perform arbitration work in various parts of the State—a perfectly proper course—is it not time for the country to avail itself of the services of this Judge for the purpose of carrying on what Parliament has urged upon various Governments—the establishment of Circuit Courts in country districts? I say, without any reflection on the stipendiary magistrates, that I am opposed to magisterial courts dealing with criminal trials at Albany, Northam, Bunbury, and Kalgoorlie, for instance. It is just as essential that persons charged with crime at these places should be tried by a professional Judge, well versed in the principles of evidence, and it is just as essential that these persons so charged should have the benefit of a Judge presiding over the court. With the railway facilities we have in this State, it is high time that proper Circuit Courts, presided over by professional Judges, should sit at Northam and Albany, and certainly on the Eastern Goldfields, also at Geraldton and Cue.

HON. J. D. CONNOLLY: They have been sitting on the Eastern Goldfields.

HON. M. L. MOSS: Such has been the case, but what is the fact? Mr. Commissioner Roe has been sitting there, and whilst I cast no reflection on that gentleman, I believe it is the duty of the Government to see that a Judge should be properly appointed, holding a proper commission; not a commission during the favour of the Ministry in power, but a good-behaviour commission, so that trials in the Supreme Court can be carried out by a person thoroughly independent of the Government. The only way to deal satisfactorily with this matter is to make provision for the appointment of another Supreme Court Judge.

HON. J. W. HACKETT: The necessity is owing to the granting of leave of absence.

HON. M. L. MOSS: That is bound to happen from time to time. Judges want leave of absence like all civil servants after a certain number of years of service, and they are perfectly justified in asking for it. The present Chief Justice, I believe, has pointed out—if he did not I will point it out myself—that there is no court of intermediate jurisdiction in this State similar to the District Court of New South Wales or the County Court of Victoria. We have the Local Court and the Supreme Court; and it is altogether unfair to compare the strength of the Supreme Court Bench here with that of the Supreme Court Benches of other States where the Judges carry out far greater duties than the Judges here. It will be pointed out by the Minister that there is a Local Courts Bill before Parliament to increase the power of magistrates; but I do not think this is the way out of the difficulty. I think magistrates' jurisdiction in these matters is quite sufficient at the present time; and I would not be prepared to increase it. The Government should take into consideration the necessity that exists at present, if this Act is to be carried out and if it be the intention of the Government to give these people in the country districts justice at their own doors, of having another Judge to carry out this work.

THE MINISTER FOR LANDS (in reply): In reference to the appointment of another Judge, I may state that circumstances at present indicate that there is no necessity for such appointment. I shall read a note I have received from the Minister for Justice. It says:—

> The Minister for Justice is assured by the Acting Chief Justice that there is every prospect of all the *nisi prius* cases being cleared off the list before Christmas, that is assuming that the same number of cases be entered during the month of November, which was much heavier than in previous years. All the cases before the Full Court—appeals from wardens' and magistrates' decisions, and Local Courts—in which two Judges can sit, will be finished before Christmas. The other cases of appeals from a single Judge's decision, in which three Judges must sit, will be pushed on as much as possible; but some will in all probability be held over till next year. Mr. Justice Burnside expects that all the arbitration cases now pending will be disposed of by the end of this week. The Chief Justice, now absent in England, will return before the end of the year, and resume his duties.

That is the opinion of the Acting Chief Justice, who should know the actual position of affairs.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 72:

HON. J. W. HACKETT: What was meant by the word "district"? Was it a geographical term, or did it refer to industrial districts?

THE MINISTER FOR LANDS: It referred, he thought, to industrial districts.

HON. J. W. HACKETT: The words "industrial district" were used in the principal Act. We should insert the word "industrial." He moved an amendment:

That the word "industrial" be inserted before "district."

HON. M. L. MOSS: In was intended that disputes should be heard in localities. Industrial districts extended over hundreds of miles.

HON. J. W. HACKETT: The principal Act provided that the Governor might fix industrial districts. We had better use the words "industrial district," and an alteration could be effected if geographical districts were meant.

THE MINISTER FOR LANDS: This clause was not in the Bill as brought in by the Government. The amendment would be accepted.

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

Clause 4—agreed to.

Preamble, Title—agreed to.

Bill reported with an amendment, and the report adopted.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

ASSEMBLY'S MESSAGE.

The Assembly having disagreed to two amendments made by the Council, the Assembly's reasons were now considered in Committee.

1—Clause 2, Subclause (*z*), line 4, strike out "twenty-five" and insert "one hundred":

2—Clause 2, Subclause (*z*), line 5, strike out "fifteen" and insert "fifty":

THE MINISTER FOR LANDS moved that the Council's first amendment be not insisted on.

HON. W. KINGSMILL regretted that he was unable to agree with the motion, principally for reasons already given by him; farthermore, for the reason that since the amendment had been before the public the member for the Boulder in another place had received a letter—he did not know whether any other members had received letters or not—showing that on the goldfields at all events the proposed limitation of £25 did not meet with the approval of friendly societies. Apparently the limiting of the maximum to £25 would decrease competition. As to the argument that increasing the amount to £100 would be likely to cut into the business of life insurance societies, he did not think there was any force in it, because he never heard of anybody effecting a life insurance for so small a sum as anything under £100.

HON. M. L. MOSS: The reasons given by the Legislative Assembly were exactly the reasons anticipated in the Council. We should do all we could to widen the scope of friendly societies, which encouraged thrift in the community; and it was absurd to suppose that friendly societies were in any way competing with great life insurance companies doing business in the State. The amount mentioned in Mr. Kingsmill's amendment was only half that fixed by the Imperial legislation; and a weekly contribution of 1s., 1s. 6d., or 2s. in this country was more easily paid by a member of a friendly society than by one in the old country. He did not want to impute any motive, but there seemed to be some underlying reason why the amount was limited to £25 in the Bill.

THE MINISTER: None whatever.

HON. M. L. MOSS: What he had heard outside Parliament he would not repeat without reasonably satisfying himself of the fact, but he was not altogether satisfied as to the *bona fides* of the amount being fixed at £25. It might be that the Bill was to limit the amount in order to prevent the formation of societies which would give a greater benefit and thereby take away advantage from some of the existing societies. Providing the Registrar of Friendly Societies was vested with sufficient authority to refuse to register a society whose rules did not make sufficient provision to keep an institution solvent and to pay its way, Parliament had done

its duty well by the people. Nothing had been shown to justify the House in altering the resolution carried by such a majority two or three weeks ago.

THE MINISTER: Under the present law, 10 persons having certain objects of mutual help in view could, by depositing two guineas with the Registrar, obtain registration as a friendly society and commence business straight away, and if they were allowed to collect contributions on the basis of payment of £100 after death, the door would at once be open to a good deal of fraud, and we should convert societies into life assurance societies on a small scale without providing the safeguards which existed in connection with the life assurance societies. Any life assurance society that started business now in Western Australia must put up £10,000 as security that it would conduct its business honestly. These people put up nothing. [MEMBER: Where did they invest their money?] It did not matter where. [MEMBER: Yes.] In Victoria there was no limit at all in the case of friendly societies at one time, the result being that a large number of friendly societies started. Some of them swindled the public, and the members left the State. A Royal Commission sat and recommended a limit of £20, which was adopted. The friendly societies now existing were not life assurance societies. The Council should give consideration to this matter and not encourage people to start friendly societies whose object would be to swindle the people.

HON. M. L. MOSS was greatly surprised at the Minister's remarks that the members of friendly societies were liable to be robbed, and that there was no protection for them. Before persons could form a friendly society, proper rules had to be submitted to the Registrar, and the Registrar had to be satisfied that the contributions were sufficiently large to keep the society solvent. The Act contained ample provision for an efficient audit and an annual balance-sheet, and we knew that the money was invested locally. There had certainly been one instance in Fremantle where a man was convicted of robbery, but that kind of thing was liable to occur in a bank, life assurance company, or any other business. He was a strong believer in trying to make these friendly societies strong, and would do all he could to popularise them. A friendly society was better than a life assurance society. Why was there necessity for us to follow in this country what had been done in Victoria? The Committee would do well to fix the maximum amount at half the Imperial limit, and insist on the amendment the Council had made.

THE MINISTER intended no reflection on friendly societies, nor did he think his words would indicate that he did. What he contended was that if the Bill were passed with the amendment of the Council, such societies would not be friendly societies but small life assurance societies, and the result would be that a different class of individual would belong to such societies.

HON. W. KINGSMILL: There had been a motion on the part of people on the goldfields that the maximum should be increased, and there was no evidence of a desire by these people that the maximum should be £25. Members of friendly societies were, he maintained, sufficiently safeguarded by the parent Act, of which this was an amendment. If not, it was the fault of the responsible officers who had administered the Act.

THE MINISTER: Such societies were very little safeguarded.

HON. W. KINGSMILL: Then the parent Act had been misread by him.

THE MINISTER: There had not, he was informed, been an application for a higher amount than £25.

HON. W. PATRICK: In America the amount ran up to £200.

Question put and negatived.

On motion by the Hon. W. KINGSMILL, resolved that the Council's amendments (1 and 2) be insisted on.

Resolution reported, and the report adopted.

At 6·33, the PRESIDENT left the Chair.
At 7·30, Chair resumed.

A committee consisting of Hon. M. L. Moss, Hon. W. Patrick, and Hon. W. Kingsmill drew up reasons for insisting on the Council's amendments.

Reasons adopted, and a Message accordingly returned with the Bill to the Assembly.

FREMANTLE MUNICIPAL LOANS VALIDATION BILL.

SECOND READING.

HON. M. L. MOSS (West), in moving the second reading, said: This is a small Bill of one clause, and the recital gives the reasons which have actuated me in bringing it forward. It says:—

Whereas certain loans, known as Loans numbers one, five, and six, particulars whereof are set forth in the Schedule hereto, were raised by the Municipality of Fremantle, and the debentures issued therefor were not sealed as required by law in consequence of the said municipality not having, at the time of the raising of the said loans, a common seal, and it is expedient to give validity to the said debentures.

The debentures were issued without the seal of the council being affixed, and some of the debenture holders have now made application to the municipal council to affix the seal; but there is some danger in affixing the seal now, for the debenture holders may think that the debentures without the seal were not genuine. Parliament is asked to declare that the debentures issued are good and valid. The holders of the debentures think that the municipality should now affix the seal to the debentures; but there is a certain amount of danger in doing that, and the municipality have no desire to shirk their responsibilities in paying. It is thought advisable to get Parliament to declare the debentures, which have been issued with the signatures of the mayor and councillors, valid.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

ADJOURNMENT.

The House adjourned at 8 o'clock, until the next day.

Legislative Assembly,

Tuesday, 1st November, 1904.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR RAILWAYS AND LABOUR: 1, Report on the working of the Government railways for 1903-04. 2, Railways working account for quarter ended 30th September, 1904. 3, Report on condition of Government railways for quarter ended 30th September, 1904. 4, By-law No. 34, *re* loitering on railway premises.

QUESTIONS—(1) INCREASE OF PAYMENT TO MEMBERS, (2) REFERENDUM (COUNCIL) BILL.

MR. RASON: I wish to ask the Premier without notice: Is he prepared to fix a date for the discussion of (1) the increase of payment to members, (2) the Referendum (Council) Bill?

THE PREMIER: It is impossible for me to specify a definite date or dates. I am anxious to have these questions discussed on the first opportunity, and shall endeavour to see that they are brought forward early.

MR. FOULKES: May I also ask whether the subject of increased payment to members will be brought forward this session?

THE PREMIER: That question, I may state, has already been brought forward this session.

MR. FOULKES: Will it be brought forward again this session?

THE PREMIER: As far as the Government are concerned, certainly.