

so in the future in many cases—they have adopted what appears high-handed conduct. For instance, they may condemn as totally unfit some building which appears to them to be not quite fit for habitation; whereas by a very small expenditure it could be made very well fitted for habitation. I should like to see some court of appeal provided where a person feeling aggrieved at an order by a district board of that kind may be able to obtain redress. I do not propose at this stage to discuss the Bill farther. I hope it will be referred to a select committee, and that the members of that committee will be men who will take a deep interest in their subject; that recognising that the welfare, the health, and even the morality of the people of Western Australia depend to a very great extent upon their sanitary surroundings, the committee will realise the importance of the questions with which they are dealing, and will bring to their consideration the utmost energy and the utmost desire to obtain a Bill which will give satisfaction to the people of Western Australia, and at the same time promote the health of the people of Western Australia.

On motion by MR. BATH, debate adjourned.

ADJOURNMENT.

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

Legislative Council,

Wednesday, 2nd November, 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: Upper Capel Roads Board By-laws for heavy traffic.

BILLS, THIRD READING.

NOXIOUS WEEDS, read a third time and transmitted to the Legislative Assembly.

FREMANTLE MUNICIPAL LOANS VALIDATION, read a third time and transmitted to the Legislative Assembly.

ABORIGINES PROTECTION BILL.

SECOND READING.

Debate resumed from the 12th October.

HON. G. RANDELL (Metropolitan): My object in moving on the last occasion that the second reading of the Bill be deferred for three weeks was to enable two other members of the Council to deal with it. As I now understand that a motion will be made to refer the Bill to a select committee, it will not be necessary for me to say more than a few words. I believe that some of the clauses will work oppressively, particularly those relating to agreements. I understand there are no agreements entered into with natives in the North, but that the natives are free to go and come as they like, this being the practice on most of the large stations; and I believe the system has worked satisfactorily for years past. In view of the motion that is about to be made, I think we may accept the second reading, and the Bill can be dealt with by a select committee in a much better way than in the whole House.

Question put and passed.
Bill read a second time.

SELECT COMMITTEE.

HON. E. M. CLARKE (South-West) moved that the Bill be referred to a select committee of five members.

Question passed, and a committee appointed consisting of Hon. J. M. Drew, Hon. W. Kingsmill, Hon. R. F. Sholl, and Sir E. H. Wittenoom, with Hon. E. M. Clarke as mover, to report on the 16th November.

STREET CLOSURE (KANOWNA) BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew), in moving the second reading, said: This Bill is introduced with the object of relieving the municipality of Kanowna and at the same time the Government of a little difficulty. It appears that some time ago the municipality of Kanowna erected a large water tank in one of the public streets, Larkin Street, for the purposes of the fire brigade. The council thought they had full power to do this, and they were allowed to use the tank until a recent date—in fact, the use of the tank has never been questioned; but recently the Coolgardie Water Scheme administration took over the reticulation of the town, and approached the council for the purchase of the watertank and stand. Negotiations went on, and on the matter being referred to the Crown Law Department it was discovered that the municipality had no power to sell the watertank, because it was erected on a public street. The Government wish to buy, the council wish to sell; and the object of the Bill is to enable the sale to take place, and to vest this small portion of Larkin Street in the Crown.

HON. W. KINGSMILL (Metropolitan-Suburban): I presume this is not the only Roads and Streets Closure Bill we are to have this session. I know there was a number of street closure proposals which the previous Administration intended to bring forward for legislation.

THE MINISTER: I have no information on the point of other Bills. There may be others.

HON. R. F. SHOLL (North): Has notice been given to the people who may

have land abutting on this particular street? Will it affect their property in any way? I think that due publicity should be given to people whose interests may be affected by the closure of streets, so that they may protest or give reasons why the closure should not take place. If contiguous property is affected, steps should be taken so that the people interested may have proper notice of the Bill.

THE MINISTER: Only a small portion of the street on which the tank is erected is to be closed. The municipality have agreed to it, and there is no public protest against the closure at all. The tank has been erected for some time, and there is no opposition to its sale.

HON. R. D. MCKENZIE (North-East): I have an intimate knowledge of the circumstances. Larkin Street is a very wide street; and the portion which it is proposed to close is in the centre of the street, and has been used for the accommodation of this large watertank for many years. There is no difficulty at all. As a matter of fact, the people of Kanowna are unanimous in requesting that the Bill should go through. It will not affect the values of property in any shape or form whatever. Therefore I trust members will pass the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

INSPECTION OF MACHINERY BILL.

IN COMMITTEE.

Resumed from the previous day; the MINISTER FOR LANDS in charge of the Bill.

Clause 16—Young persons to be employed in certain cases:

HON. E. M. CLARKE suggested an amendment—

That Subclauses 2 and 3 be struck out.

THE MINISTER FOR LANDS: This was exactly in line with the Factories Act.

HON. E. M. CLARKE: Two wrongs would not constitute a right. As to

Subclause 3, it was patent this was not carried out in Perth, inasmuch as many of the boys managing lifts were under 18 years of age. When a young fellow left school, he should begin to learn some trade or profession. Apparently under this clause no one but an adult person should start to do anything.

HON. W. KINGSMILL supported the hon. member regarding Subclause 3, but could not see his way to support him as to Subclause 2, which ought to remain in the Bill.

THE CHAIRMAN suggested that the amendment be separated into two.

HON. E. M. CLARKE suggested that paragraph (a) be struck out.

Amendment put and negatived.

HON. E. M. CLARKE moved that paragraph (b) be struck out.

HON. J. W. WRIGHT: If paragraph (b) were passed, there would be no lads growing up to understand machinery. In many instances surely a boy of 15 or 16 could pull a rope and run a lift or an oil engine. Everywhere he had been boys had been engaged in this work.

Amendment put and passed.

HON. E. M. CLARKE suggested that Subclause 3 be struck out.

HON. M. L. MOSS: Unless Mr. Clarke could throw some light on the matter, he would vote against the amendment. It seemed a wrong thing to allow a person under 18 to be in charge of a boiler or machinery.

HON. Z. LANÉ: If insisted on, this clause would stop all apprentices under 18, no matter where they were, from working on any machinery. The four years which followed when a youth of 14 left school ought to be filled up somewhere. We ought to be allowed to educate boys to become cleaners or to handle machinery. He believed the object of the clause was to compel persons to pay anyone over 18 years of age the full rate of wages, which was ridiculous.

HON. M. L. MOSS: The subclause did not assert what Mr. Lane had stated. There was nothing in the words to preclude a person from working under the superintendence of someone else.

HON. W. KINGSMILL: The clause should not remain, at all events in its present form, because it said that no boy

should at any time be left in control or charge.

HON. J. A. THOMSON: The clause ought to remain. No person could become efficient in regard to machinery unless he had a competent man to train him.

HON. R. LAURIE: One could easily understand that a boiler should not be left in charge of a lad. There were two many lads in charge. But according to his interpretation no lad could go to any machinery if this subclause were passed in its present form, because a man would be in charge of a turning lathe, drilling machine, slotting machine or any other machine used in a shed. Unless he heard an explanation he would move to strike out words after "boiler."

HON. J. W. WRIGHT: A foreman in a shed would not stand over a lad all day or more than a few minutes at a time, but went from one shed to another, and a lad was left in charge of a drilling machine, planing machine, shearing machine, or whatever it might be.

HON. C. A. PLESSE: The best way was to reduce the age to 16, or something like that. After two years' experience, most lads got a good idea of the work, and could be trusted with the charge of a boiler or machinery.

HON. R. LAURIE moved an amendment:

That the words "or machinery," in Subclause 3, be struck out.

HON. F. M. STONE: If the words "or machinery" were retained, no woman could work a sewing machine driven by electricity. He had seen women working electric lifts.

HON. J. A. THOMSON: Certainly the clause as it stood seemed objectionable. There were some simple machines of which young people might be left in charge. But the Bill sought mainly to protect the public against dangerous machinery. How could this be done if young people were allowed to be in charge of machinery in motion, perhaps more dangerous to life than a steam boiler?

HON. R. LAURIE: The clause would prevent a boy of 16 being left in charge of any machinery, though the average apprentice of that age should have a fair knowledge of his work; and in view of the Employers Liability Act, the common law, and the Workmen's Compensation

Act, no employer would be likely to leave an incompetent boy in charge of dangerous machinery.

THE MINISTER opposed the amendment. The Government intended to exempt various classes of machinery. The desire was to prevent boys under 18 from being in charge of boilers, or of dangerous machinery worked by steam. Full power to exempt was reserved under Clause 14. Surely no Government would act arbitrarily without considering the interests of the community. Mr. Clarke's proposal would mean that any boy of 14 might be employed at a boiler.

MEMBERS: No.

HON. W. KINGSMILL: Certain machines used in boot and other factories were absolutely automatic and needed only feeding. This was a fit occupation for boys, and the clause as printed would too greatly restrict the employment of the youths to whom we must look for our future generation of skilled workmen.

HON. M. L. MOSS supported the amendment, and warned the House against placing too much reliance on the promise of the Government to exempt machinery by regulation. The present Government might do that, and the next Government might revoke those regulations by Order-in-Council. Parliament should not delegate to any Government the opportunity of inflicting hardship on machinery-owners. Both Houses should see that our industries were not unduly interfered with. Though a boy should not be allowed to take charge of a steam boiler, the discussion showed the need for persons under 18 being allowed to work many other machines. The safeguard was that if the employer placed an incompetent person in charge and injury resulted, juries always cast the employer in heavy damages, their sympathies being with the plaintiff. We must be sure that in protecting employees we were not placing our machinery-users at a great disadvantage as compared with those in other parts of Australia.

HON. R. LAURIE: In local engineering shops no boy was admitted under the age of 16. The apprentice served five years; and the clause would prevent him for two years from working any "machine," which was defined as "every machine, gearing, or contrivance." If the apprentice were not allowed to work

a lathe, he would turn out a very inefficient tradesman. As the Minister did not state whether a lad would be allowed an opportunity of properly learning his trade, the amendment must be pressed.

HON. J. A. THOMSON was as anxious as anybody to see that machinery-owners were protected; but the Bill was in the interest of the public at large, to protect them against dangerous machinery left in charge of incompetent people. True the injured person might obtain damages; but if the Bill provided that a person under 18 might be so employed, would the injured person still have a remedy?

HON. M. L. MOSS: Yes.

HON. J. A. THOMSON: What remedy would he have if killed? The machinery to be exempted should be specified in the Bill. It was as needful to protect people against dangerous machinery as against boilers.

HON. M. L. MOSS: We had agreed that a person under 18 should not clean any machinery in motion. If the preceding speaker had a list of all kinds of machines which required nought but feeding, and which were not dangerous though in motion, by all means put that in the Bill. The objection was to allowing certain machines to be exempted by regulation which could at any time be revoked. While anxious to protect life and limb, he (Mr. Moss) was not prepared to increase the cost of local production so that our manufacturers could not compete with importers bringing goods duty free from South Australia and Victoria, where industries were not impeded as the Bill proposed. We could not expect to make this a measure for perfectly protecting the public. We had prohibited persons under 18 from taking charge of boilers. As to other machines, the public were protected by the common law, the Employers Liability Act, and the Workmen's Compensation Act, which cast on the employer the responsibility even for negligence.

Amendment put and passed.

HON. C. A. PIESSE moved an amendment:—

That the word "eighteen," in line 3 of Sub-clause 3, be struck out and "sixteen" inserted in lieu.

A lad was permitted to be apprenticed at 14; and surely, after two years' experience,

he could be left in charge of a boiler for a few minutes at all events, when the journeyman was absent.

THE MINISTER: A very drastic amendment had already been made in the Bill, and to alter the age from eighteen to sixteen would be ridiculous. According to the clause no person should have the control of a boiler if under the age of eighteen. Most extreme concessions had been made to the agricultural industry and only in the agricultural industry could boys be employed. He asked the member not to press the amendment.

HON. C. A. PIESSE: As the amendment was not likely to be agreed to, he would withdraw it.

Amendment withdrawn, and the clause as previously amended agreed to.

Clauses 17 to 21—agreed to.

Clause 22—Boilers to be fitted with certain fittings:

HON. Z. LANE moved an amendment:

That Subclause (b) and the first and second provisos be struck out.

THE MINISTER: This was a necessary precaution, and was required by the British Board of Trade. It was included in Machinery Acts in other States. It was necessary for men cleaning boilers and also for inspectors when testing by hydraulic pressure. A third stop-valve was provided in most boilers on mines and in other industries. The provision would only refer to boilers erected after the commencement of the Act. When there was only one valve there was danger of leakage or accident which should be minimised as much as possible. The inclusion of the provision in the Bill was also necessary for the information of manufacturers.

HON. Z. LANE: Could the Minister give a single instance in which a third stop-valve was to be found on any boiler in the State. The stop-valves were tested weekly or fortnightly, as the case might be, and there was absolutely no danger. To put a third stop-valve on the boiler would mean the expenditure of a large amount of money, and companies and individuals should not be compelled to go to this expense.

HON. G. RANDELL: One of the two provisos would have to be excised, as at present they were contradictory.

THE MINISTER: The provision was necessary in the interests of attendance when cleaning boilers.

HON. R. LAURIE: If the proviso did not apply to boilers now in existence then the argument as to expense did not apply. The expense of an additional stop-valve would not be very great. Boilers now in existence were exempted.

HON. Z. LANE: No; for only three months.

HON. R. LAURIE: The Minister has said that the provision would not apply to boilers now in existence; only to those erected after the commencement of the Act. The cost of an extra stop-valve would not be great, and it would be a good thing to have them.

HON. V. HAMERSLEY: The first proviso referred to the whole clause while the second proviso only referred to Subclause (b).

HON. Z. LANE withdrew his amendment, and moved—

That paragraph (b) be struck out.

Amendment put and negatived.

HON. M. L. MOSS moved an amendment:—

That between the words "section" and "and," in the first proviso, the words "save and except those contained in Subsection (b) hereof" be inserted.

HON. G. RANDELL: The operation of the proviso should be confined to Subclause (b). He suggested that the words "save and except as provided in the next proviso" be inserted.

Amendment (Mr. Moss's) put and negatived.

Question (that the first proviso stand as printed) put, and a division taken with the following result:—

Ayes	15
Noes	6

Majority for 9

AYES.		NOES.	
Hon. G. Bellingham		Hon. C. E. Dempster	
Hon. E. M. Clarke		Hon. Z. Lane	
Hon. J. D. Connolly		Hon. W. T. Loton	
Hon. J. M. Drew		Hon. W. Oats	
Hon. S. J. Haynes		Hon. G. Randell	
Hon. W. Kingsmill		Hon. R. F. Sholl (Teller)	
Hon. J. W. Langsford			
Hon. R. Laurie			
Hon. E. D. McKenzie			
Hon. M. L. Moss			
Hon. W. Patrick			
Hon. C. A. Piessé			
Hon. J. A. Thomson			
Hon. J. W. Wright			
Hon. V. Hamersley			

(Teller).

Amendment (Mr. Lane's prior proposal to strike out) thus negatived, and the clause passed as printed.

Clause 23—Boilers not to be erected unless fitted with two safety valves:

HON. W. OATS moved an amendment in paragraph 1, that the following words be added:—

Such safety valves may be on one boiler seat.

While recognising the advisability of having two stop-valves to a boiler for the safety of life and limb, he hoped the Committee would agree that all such valves should be placed on one boiler.

THE MINISTER accepted the amendment, as it was in accordance with the existing practice.

Amendment passed, and the clause as amended agreed to.

Clauses 24 to 30—agreed to.

Clause 31—Age to be given by owner for the purpose of inspection:

HON. R. D. MCKENZIE moved an amendment in line 17:—

That the words "brick or stone" be inserted before "bridges."

The reason for moving the amendment was that most of the boilers used on the goldfields, and particularly those used by himself, had what were called "water bridges," and it would be an unnecessary expense for owners of boilers to be required to have the water bridges removed for the purpose of making inspection.

THE MINISTER would accept the amendment if it were confined to "brick" but not to include "stone."

HON. Z. LANE: About 75 per cent. of them were stone.

Amendment passed, and the words inserted.

HON. R. D. MCKENZIE farther moved an amendment in line 21:—

That the words "and all tubes shall be taken out" be struck out.

Tubular boilers were in general use on the goldfields, and it would cost thousands of pounds annually if owners were to be compelled to have the tubes taken out every time a boiler was inspected. There was really no necessity.

THE MINISTER: The clause was necessary in the opinion of experts. In the case of locomotive, portable, and other multitubular boilers it was necessary that tubes should be removed at least once every seven years for inspection.

The clause was only framed in accordance with existing practice.

HON. Z. LANE did not believe in taking out tubes from boilers. The Minister apparently did not know much about boilers. It should not be in the power of an inspector to order tubes to be taken out of boilers. By water pressure the inspector could easily see if tubes were leaking, and could give notice to the owner that the tube leaking should be replaced.

HON. C. E. DEMPSTER: This was a matter which seriously affected the mining interest. It would be a great undertaking and expense to take out tubes for inspection, and we should not put the owners of boilers to unnecessary expense.

HON. W. KINGSMILL: The next clause, which provided that the owner should render every assistance to the inspector, would meet the case.

HON. R. LAURIE: The provision in the next clause would meet the case; but the water test applied to a boiler was a harder test than a steam test, and would naturally show any defects in a boiler. However, the clause only referred to such tubes as were necessary for inspection, and not to all the tubes of a boiler. The clause might easily have been qualified by stating "tubes to be taken out where necessary." It might sometimes be necessary to have a tube taken out to be tested, and this should be provided for.

Amendment passed, and the clause as amended agreed to.

Clauses 32 to 44—agreed to.

Clause 45—Notice of sale etc. of boiler or machinery:

HON. E. M. CLARKE: This clause should be struck out. The more one read the Bill, the more it was bristling with difficulties and troublesome clauses to the honest dealer. Clause 15 provided that a merchant importing a piece of machinery should give notice to the inspector that he had the machinery in stock. By this clause the merchant was required to give notice of the buyer of the machinery, and the buyer was also required to give notice of his purchase. If all these things were to be carried out to the letter the merchant would leave machinery alone and would let some other person import it. The draftsman of the Bill must have been considering the person working machinery, and was

endeavouring to provide that the person using machinery should notify any sale. The effect of the clause would be that if a person let out a machine he would have to give notice of its movements day by day, and before all the notices would reach the inspector the machine might be back at home again. Clause 15 would meet all the requirements of the department.

THE MINISTER: The clause did not apply to all machinery, but simply to machinery defined under prescribed regulations. It was highly desirable that boilers should be kept in view by inspectors. They might be showing signs of deterioration at an inspection, though still fit for use, and the inspector should be informed when they changed hands. It was not much trouble for the vendor to notify the inspector of the sale of a boiler.

HON. E. M. CLARKE: That was amply provided for in Clause 15.

HON. M. L. MOSS: Was this clause brought down by the Government in another place?

THE MINISTER: The clause was inserted since the Bill was introduced, but by whom he did not know.

HON. M. L. MOSS: The clause was unnecessary, for Clause 15 would be sufficient. Subclause 2 specified all machinery. Since this clause was put in the Bill by a private member we should delete it.

HON. R. LAURIE: The clause, so far as boilers were concerned, was exactly the same as a section of the present Act. Mr. Clarke should have moved to amend the clause by striking out all application to machinery. So far as boilers were concerned the clause was a wise one. The inspector of boilers always took precautions to know what became of a boiler when it was landed at Fremantle, and there were many boilers of a character that could be shifted all round the country. It was only a proper thing that an inspector should have an opportunity of seeing a boiler which had been sold, and which might be defective.

HON. S. J. HAYNES: It might be well to erase all the words except those pertaining to boilers. Year after year we passed measures similar to this on other matters with such restricted provisions as had been referred to, but were they ever

carried out? No attention was paid to them in many instances, or in some instances certain persons were harassed whilst others went scot-free. He would be pleased to support the amendment moved by Captain Laurie.

HON. Z. LANE: Under Clause 15 and other clauses, notice had to be given to the inspector by the person who received the boiler or machinery, as the case might be.

HON. D. MCKENZIE: Within three months.

HON. Z. LANE: We had hundreds of sellers of machinery in the State, and this would necessitate their having another set of clerks. They would have to send the inspector their daily returns of sales made, and it would be a very difficult and arduous thing to do in isolated parts of the goldfields. Persons might borrow or lend a boiler and it might be back again in a few days. Small mines borrowed machinery from large ones. He was inclined to support the striking out of the whole clause. The person who received a boiler had to notify the inspector; he had to give its number and the date of the last test, and everything had to be duly stamped by the inspector.

THE MINISTER: A short time ago he stated that the clause was not introduced by the Government in another place; but he had now found that it was. There was simply an amendment made; otherwise the clause was the same as when introduced. Clauses 15 and 45 were not exactly the same. Clause 15 cast the duty of reporting on the person who became the owner of the machinery, whilst Clause 45 cast the onus on the person who sold.

HON. R. LAURIE: Clause 15 dealt with machinery, and the interpretation clause defined what machinery was. There was no mention of boilers either in the interpretation clause or in Clause 15. He suggested that the word "machinery" be struck out. Clause 15 made it imperative on the owner who received the machinery to notify the inspector that he had it, and this should be quite sufficient. That anyone should be asked to notify the sale of a machine as described in the clause was ridiculous. As to boilers, they should be subject to inspection.

HON. E. M. CLARKE: Would "machinery" in this definition include boilers?

THE MINISTER: It referred to all machinery prescribed by the regulations.

HON. E. M. CLARKE: Then it would include a boiler.

HON. M. L. MOSS moved an amendment:—

That the words "or such machinery as may be prescribed," in line 2, be struck out.

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

ADJOURNMENT.

The House adjourned at 6:26 o'clock, until the next day.

Legislative Assembly, Wednesday, 2nd November, 1904.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: Additional By-laws for regulating heavy traffic passed by the Upper Capel Roads Board.

QUESTION—ELECTORAL REGISTRATION, HOUSE-TO-HOUSE INQUIRY.

MR. F. F. WILSON asked the Colonial Secretary: 1, Who appointed the persons

who made the house-to-house canvass of the city and the suburban electoral districts in July last? 2, Is it on the evidence furnished by those canvassers that the Electoral Department have issued summonses to electors to show cause why they should not be struck off the rolls? 3, Were those canvassers paid an extra sum at the end of their engagements as a bonus for having discharged their duties to the satisfaction of the Chief Electoral Officer? 4, What has been the cost in connection with this matter from the commencement of the house-to-house canvass to the present time in each of the electorates mentioned? 5, What was the total cost?

THE COLONIAL SECRETARY replied: 1, The persons so employed were engaged by the Chief Electoral Officer. 2, Yes. 3, Yes, according to agreement when engaged. The men wanted a higher rate of pay, to which the Chief Electoral Officer would not agree, and the bonus was a compromise. 4, Perth, £74 18s. 5d.; East Perth, £89 7s. 6d.; North Perth, £94 10s.; West Perth, £91 0s. 10d.; Balkatta, £78 2s. 5, Total, £427 18s. 9d.

QUESTION—LOCOMOTIVE DRIVING, MUNDARING TO WEIR.

MR. BOLTON asked the Minister for Works: 1, Is he aware that there is but one man employed on the locomotive engaged in running passengers between Mundaring and the Weir? 2, Will he take immediate action to put a stop to this dangerous practice? 3, What are the wages and conditions of employment of the man engaged on the locomotive?

THE MINISTER FOR WORKS replied: 1 and 2, In addition to the driver a fireman is employed on the engine of this tramway. In a few instances, where exceptionally heavy traffic was experienced, the fireman left the engine temporarily to assist the conductor in the collection of tickets, but this practice has been stopped. 3, The driver receives 10s. a day and quarters; the fireman receives 9s. a day and quarters. During the major portion of the week both are required to load and unload firewood for the pumping stations, this being the primary object of their employment.