

Legislative Assembly,

Friday, 14th December, 1906.

	PAGE
otion: Suspension of Sitting	3853
estions: Audit Criticisms on Officers	3855
Mining Accidents	3855
Prisoners, how removed	3856
Returns not supplied	3856
estion Postponed, an Explanation	3855
ilers Inspection at Collie	3856
ills: Fremantle Harbour Trust Act Amendment	3856
riminal Code Amendment, as to Amendments	3857
Mines Regulation, as to Amendments	3858
ngulatory Remarks, Close of Session	3859
rogation	3861

THE SPEAKER took the Chair at 12 o'clock noon.

PRAYERS.

MOTION—SUSPENSION OF SITTING.

THE PREMIER (Hon. N. J. Moore) moved—"That the House at one o'clock do suspend its sitting until 2.45," as it was proposed to entertain the ex-Agent General, Mr. Walter James, at one o'clock. The motion was advisable because in the event of a debate being in progress at one o'clock the sitting could be suspended.

Question passed.

QUESTION—AUDIT CRITICISMS ON OFFICERS.

MR. BATH (without notice) asked the Treasurer: What action has been taken with respect to officers of various departments whose conduct has been adversely criticised in past reports of the Auditor General?

THE TREASURER replied: I regret that I am not in a position to give the hon. member an answer.

MR. BATH: Has any action been taken?

THE TREASURER: I think not.

QUESTION—MINING ACCIDENTS.

MR. HOLMAN asked the Minister for Mines: What accidents have occurred in the mines of the State as reported to the Mines Department since the 31st August 1906—(a) Fatal accidents; (b) Accidents other than fatal; (c) Total number of accidents fatal and otherwise, reported for the year 1906?

THE MINISTER FOR MINES replied: (a) Fatal accidents six; (b) Serious accidents 68, minor accidents 78; (c) Fatal accidents 32, serious accidents 336, minor accidents 494. Total, 862.

QUESTION POSTPONED, AN EXPLANATION.

THE MINISTER FOR MINES: Referring again to the matter complained of yesterday by the member for Murchison, as to a question asked and the answer published in the Press when not given in the House, the facts are these. On Wednesday there was a great number of questions for me to answer, and I was exceedingly busy with the Colonial Secretary explaining provisions of the Mines Regulation Bill. This caused me to be late for the House, and when proceeding here by tram I went through my papers for the purpose of giving some answers to a member of the Legislative Council for the Colonial Secretary's use in that Chamber. The reply asked for by the member for Murchison must have been mislaid or lost, and I had to ask him to defer the question till the next day. I forgot the matter yesterday, and as the department had previously supplied the answer the officers took no farther action; so when the question was asked in the House, I had to again ask for an adjournment. The printing of the reply by the *Daily News* was due to our method of having typed copies prepared for the Press, a copy of this reply being supplied to the *Daily News* as usual. I have instructed that in future this course must not be followed. No discourtesy was intended to the hon. member, the delay being simply due to the high pressure of work during the week; nor had I any desire to delay the answer, otherwise I would not have approved the replies, and without my approval they would not have been prepared for the House, nor would copies have been supplied to the Press.

MR. J. B. HOLMAN: I am perfectly satisfied with the explanation of the Minister. I would not have taken notice of the matter that appeared in the Press on Wednesday evening had I not been asked to hold the question over yesterday. I am fully satisfied after the explanation that the Minister meant no discourtesy

to me, and that it was not his fault that the answers were not given.

BOILERS INSPECTION AT COLLIE.

MR. J. SCADDAN: I rise on a matter of privilege. On Wednesday the Minister for Mines laid on the table certain papers, with a report by the Acting Chief Inspector of Machinery, in regard to a matter connected with a boiler at Collie which I brought before the House a fortnight ago. I desire to say that I have not had time to do anything in the direction of making an explanation or having the matter threshed out, but I take strong exception to the concluding paragraph of the report, and give notice now that when the House meets in February next I will move for a select committee to inquire into the whole of this matter. The concluding paragraph of the report says, "I find on careful examination of this case that Mr. Scaddan's remarks were absolutely incorrect." If that is so I will make ample apology, but I am satisfied it is not by any means. I only regret I have not an opportunity of proving it.

MR. J. EWING: I may make an explanation in connection with that. I spoke on the occasion the hon. member brought up the matter of the Scottish Collieries boilers, and I made a statement that was wrong, that the inspection at Collie was lax. Since then I find that the boiler in question was out of commission altogether for two years.

QUESTION—PRISONERS, HOW REMOVED.

MR. BATH asked the Attorney General: Has the attention of the Attorney General been directed to a letter appearing in the *West Australian* of the 8th December under the heading "Prison Administration," relative to the removal of certain prisoners from East Fremantle station? If so, will he cause inquiries to be made into the statements contained therein?

THE ATTORNEY GENERAL replied: I have not been able to attend my office this morning, but as this is the last day of the session, I can inform the hon. member that my attention has not been directed to this matter. I can

assure him I will cause inquiries to be made into the statements.

QUESTION—RETURNS NOT SUPPLIED.

MR. H. BROWN (without notice) asked the Premier: 1, Will the returns with reference to the sale of rails by the Commissioner of Railways be made available during the recess? 2, Will the papers with reference to the Jandakot Railway that I asked for be made available?

THE PREMIER replied: 1, The information with reference to the sale of rails will be made public. 2, The file dealing with the Owen's Anchorage Jandakot Railway was brought down to the House. I was looking for it this morning to place it on the table, but could not find it. However it will be made available for hon. members' perusal.

BILL—FREMANTLE HARBOUR TRUST ACT AMENDMENT.

COUNCIL'S AMENDMENT.

One amendment made by the Legislative Council now considered in Committee.

Clause 3—In the proviso at the end of the clause, after the word "undertaking" insert "by the Commissioners":

THE MINISTER FOR WORKS: That amendment could be accepted. When the Bill was before this Committee, it was amended so that none of the works carried out by the Harbour Trust should exceed £2,000 in value, but as the Bill left the Committee it was ambiguous, and might be read to mean that no work could be undertaken by the Government costing more than £2,000. The Council's amendment was to insert the words "the Commissioners" and to get rid of the ambiguity. He moved "That the amendment be agreed to."

MR. BATH: It was provided at the commencement of the clause that the Commissioners might with the approval of the Government do these works. This seemed sufficiently clear.

THE MINISTER: There was ambiguity about the matter, and the amendment made it absolutely clear, while leaving

beyond doubt that the Government could carry out works to any extent necessary.

MR. ANGWIN: The intention of the clause was that no work undertaken by the Harbour Trust Commissioners should exceed in cost £2,000.

Question put and passed.

Resolution reported, the report adopted, and a message accordingly returned to the Council.

BILL—CRIMINAL CODE AMENDMENT.

COUNCIL'S AMENDMENTS.

Schedule of amendments made by the Legislative Council now considered in Committee.

No. 1—Add a new clause to stand as No. 4 as follows:—"The fourth paragraph of Section 187 of the Code is repealed"—agreed to.

No. 2—Poisoning Waterholes: Insert the following new clause to stand as No. 5:—

A new section is inserted in the Code as follows:—

207. Any person who—(a.) Without lawful justification or excuse places in any waterhole or other place containing water of which he is the owner or lawful occupier; or (b.) Without the leave of the Minister for Lands first had and obtained, places in any waterhole or other place containing water situated on unoccupied Crown land; or (c.) Places in any waterhole or other place containing water on any private land of which such person is not the owner or lawful occupier—any poisonous or noxious matter in any quantity sufficient to render such water unfit for human consumption, or unfit for consumption by cattle, horses, camels, sheep, or other animals, is guilty of a misdemeanour and liable to imprisonment with hard labour for two years; or he may be summarily convicted before two justices, in which case he is liable to imprisonment with hard labour for six months. On any prosecution under this section the onus lies on the accused person to prove all averments of fact negatived in the complaint or indictment.

THE ATTORNEY GENERAL moved that the Council's amendment be agreed to. The reason for the inclusion of this clause was that exceptional circumstances had arisen in connection with kangaroo hunting. The police had reported that kangaroo hunters with a view to more easily obtaining kangaroos had bought cyanide and poisoned waterholes in the

northern district. They had only to go out in the morning and pick up the kangaroos poisoned. If that system were adopted generally it would be a terrible disaster to the country, because people travelling in the bush depended on the waterholes for their living and for the lives of the horses and cattle they used. Through some extraordinary hiatus the existing law did not deal with an offence of this character. Provision was made for it in the Eastern States, but not here. The exigency of the matter warranted the Government's introducing it in another place, the information having arrived only at the last moment. The offence was most dangerous. In regard to using poisoned water for the destruction of rabbits, any necessity to adopt a course of that character was fully provided for. The term "lawful excuse" would meet a case of the kind.

MR. BATH had no objection to the first part of the clause, but the proviso which placed the onus of disproof on the accused was a dangerous one and altogether unusual in matters of this kind, because after all it would be a criminal prosecution. He moved that the clause be amended by striking out the last paragraph.

THE ATTORNEY GENERAL: The hon. member was mistaken in his view. When it was proved that a person had put noxious matter into the water, it would then devolve on that person to show he had not put in a sufficient quantity to render the water dangerous or unfit for human consumption, otherwise there might be a conflict of testimony between experts which would almost render the provision nugatory.

MR. SCADDAN: That would arise in any case.

THE ATTORNEY GENERAL: Any offence of this character called for the most severe method of treatment. [Interjection by Mr. WALKER.] The fact that a particular person put the poison into the waterhole would have to be proved in the ordinary way, and then that person would have to show that the quantity was insufficient to make the water dangerous to human life.

MR. HEITMANN: If the water was fit for human consumption it would not be noxious.

THE ATTORNEY GENERAL: The term "fit for human consumption" could be extended to any degree, or contracted. In the bush, people had swallowed water dangerous to health, but they could not say it was unfit for human consumption.

MR. HEITMANN: One would have to prove water unfit for human consumption before a person was prosecuted.

MR. ANGWIN: Supposing a man put poison into the water and another person came along afterwards and put an additional quantity in, the first man might say that the quantity he put in was not sufficient to make the water unfit for human consumption.

MR. FOULKES: Did not the hon. member think that both persons could be punished?

MR. ANGWIN: Perhaps only one of the persons could be found.

THE ATTORNEY GENERAL: If a person put poisonous matter into a water-hole he should not be able to invent some theory that somebody else came along afterwards and put in additional poisonous matter. If the hon. member could prove it, then let him prove it; but that duty was cast on him.

MR. SCADDAN: The Attorney General and the Government as a whole took up the position that it was desirable to allow persons to put poison in country water-holes. If the poison was insufficient to kill animals it ought not to be placed in the water at all. Indeed, it should be made an offence to place poison in a waterhole used for public purposes.

MR. UNDERWOOD agreed with the last speaker. The offence was a most serious one and should carry a severe penalty.

THE ATTORNEY GENERAL: Poison was often placed in water for the purpose of killing animal life in the water. A traveller coming to stagnant water and having in his possession chemicals capable of destroying animal life would use those chemicals, and the water, so far from doing harm, would be improved. The practice was a common one, and there was no offence in it.

MR. HOLMAN agreed with the Council's amendment. He wished to know from the Attorney General whether mining companies allowing cyanide solutions to run into public drains with possible danger to human and animal life would be liable to prosecution under this clause.

THE ATTORNEY GENERAL: To allow cyanide solutions to run into a public waterhole was undoubtedly an offence. If, however, the matter was simply drainage from the mine running into a drainage channel, there would be no offence.

MR. SCADDAN: It ought to be an offence. What about the danger to travelling stock?

Question passed, the Council's amendment agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Council.

BILL—MINES REGULATION.

COUNCIL'S AMENDMENTS.

Two amendments insisted on by the Legislative Council were now farther considered, in Committee.

No. 1—Clause 14, strike out the words "or their representative, who may be the secretary of the Miners' Union":

THE MINISTER FOR MINES moved that the Council's amendment be agreed to. The effect of it was to delete secretaries of unions from the list of persons entitled to inspect the record book. We now had no option but either to accept the amendment or lose the Bill.

MR. HOLMAN strongly objected to the acceptance of the amendment, which represented purely and simply a hit at the unions. The amendment would never have been forced by another place were it not for the action of Mr. Moore, the secretary of the Kalgoorlie Chamber of Mines. It was a disgrace that better provision was not made for the safety of our miners. Later in the clause the Minister for Mines was empowered to authorise anyone to inspect the record book. Would the Minister for Mines make a distinct promise that if on any occasion a request should be made by any

miners' union that a representative of the union inspect the record book, he would give the necessary permission? If so, the matter might go for the time being. This slipshod legislation was altogether objectionable.

THE MINISTER FOR MINES would not give such a promise, and considered that he ought not be asked to make such a promise. Records were kept at the offices of inspectors of mines, and were open to the public. The necessity for inspection was not nearly so wide as the hon. member (Mr. Holman) had suggested.

MR. SCADDAN expressed regret at the Council's insistence on this amendment, but in view of the fact that the Council had not insisted on certain other amendments he would accept this one.

Question passed, the Council's amendment agreed to.

No. 2—Clause 16, strike out all the words from the commencement to the word "cost," in line four, and insert "the majority of persons employed in any mine may, at their own cost, once in every month, or oftener if they think fit, appoint two of their number or any two practical working miners, not being mining engineers, to inspect the mine":

THE MINISTER FOR MINES: This amendment dealt with the appointment of working miners to inspect workings. The Council had insisted on this amendment for the reason that it was the duty of the Government to appoint sufficient inspectors to carry out efficiently all the work of inspecting mines.

MR. SCADDAN: That was an instruction to the Minister to appoint additional inspectors.

THE MINISTER FOR MINES: It might be taken that way, and he was seriously thinking of making farther appointments. He moved that the Council's amendment be agreed to.

MR. HOLMAN strongly objected to the manner in which the Minister for Mines was accepting the amendments of another place. This measure could have been brought down months ago by the Minister for Mines, instead of being left to this late stage. We were allowed two minutes to

consider a question affecting the lives and limbs of 15,000 workers.

THE MINISTER: Months of discussion could not alter the case. The amendment had been returned to the Council twice.

MR. HOLMAN: It was curious how Mr. Moore, the secretary of the Kalgoolie Chamber of Mines, knew the progress of this Bill better than any man in the State. When the measure came before the Council that gentleman appeared like a kite after carrion. With the Council's amendment the Bill would not be nearly so good as existing legislation.

Question passed, the Council's amendment agreed to.

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

At 1 o'clock, sitting suspended.

At 2:45, Chair resumed.

CONGRATULATORY REMARKS, CLOSE OF SESSION.

THE PREMIER (Hon. N. J. Moore): As the time for proroguing is close at hand, before we part I would like, on behalf of members of this Assembly, to express to you, Mr. Speaker, our gratification at the unfailing courtesy which has distinguished the time you have occupied the position of Speaker in this Chamber. The greatest courtesy and consideration have been extended to members, and although sometimes in the heat of debate we have said things we are sorry for afterwards, we realise that very often, owing to your tact, what otherwise might have been an unpleasant incident has been averted. To the Chairman of Committees and his deputies we are indeed indebted for the manner in which they carried out their very arduous duties, sometimes lasting as they did not only through the day but through the night. [MR. HOLMAN: And the next day.] We are indebted to them for the way in which they carried out their duties. I feel sure all the members of the Chamber appreciate the valuable services rendered to one and all of us by the Clerks of the Assembly, who have always shown unfailing courtesy not only to the Leaders of both sides but

to every member of the House, and their advice has always been valuable; while the officers of the House generally have carried out their work in a way to secure the commendation of us all. I feel sure hon. members are glad to be relieved of their duties. Personally I am very pleased. In conclusion, I can only hope that members on both sides of the House will have a very merry Christmas and a very prosperous New Year.

Mr. T. H. BATH: I desire to endorse the sentiments uttered by the Premier. During the session we have had some very strenuous debates and what may be termed some very strenuous times; and I am very pleased indeed to have the opportunity of expressing my appreciation of the patience which you, Mr. Speaker, have displayed in presiding over the deliberations of this Assembly. I also desire to express the appreciation of hon. members on the Opposition side, and I may add the appreciation of hon. members in the Assembly generally, at the very courteous manner in which the Chairman of Committees and the officers of the House have attended to the requests of members on both sides. I hope, sir, that you will have a very happy Christmas, and that during the forthcoming year the experience Ministers have had will lead them to be less exacting on the good wishes and patience of members on this side, and in that respect less exacting on you as Speaker of this Assembly. I make every possible allowance for inexperience and youthfulness of Ministers. There is not the slightest doubt that experience teaches, and I believe that the experience which Ministers have had during the past session will lead them to be more diplomatic and more tactful in their conduct during the forthcoming session. I wish to say that, so far as the Premier is concerned as Leader of the House, members on the Opposition side highly appreciate the courtesy and good feeling which have been displayed by that hon. gentleman; and, although the illness was very brief, I wish to say that members on this side were very sorry indeed at the accident which happened to the Premier, and are very pleased indeed to see him again enjoying his usual

good health. We hope that during the forthcoming session the experience he has had as a Premier new to the office will give him an opportunity of showing not only in good temper, courtesy, and tactfulness, but also in experience and knowledge of the rules of this House what he has gained; and we hope too that he will prove more considerate of the feelings of members on both sides of the House. I conclude by wishing you, sir, a very merry Christmas and a prosperous New Year; and I trust also that Ministers and members generally will have a very happy Christmas and a very fortunate New Year. I hope that whatever feeling may have been engendered by debates which have taken place will be forgotten in the general good will that is characteristic of the Christmas season.

MR. SPEAKER said: Mr. Premier. Mr. Bath, and fellow members, I desire to thank you sincerely for the kindly manner in which the chief speakers have referred to my discharge of the duties of my honourable but onerous position. I have endeavoured at all times to do what I believed to be strict justice to every member of the House; and though perhaps a little feeling has been created at times, I beg to assure hon. members that so far as I am concerned I have nothing against any party or any member of the House. If you will pardon me for saying so, I believe such a thing is not characteristic of me. Even if I had any reason at all for a feeling against any party or member in particular, I cannot occupy the position of Speaker and fail to remember that you are one and all entitled to no less than strict justice at my hands. It is true that I have made mistakes, to which human nature is liable; but I may say that in my opinion a man who cannot make a mistake cannot make much else. I realise, too, that hon. members make mistakes at times. I join heartily in the hope that the past friction at any rate will be forgotten, and that we shall all unite once more in good fellowship to meet, as I hope we shall do, in the next session on the very best of terms. I desire also to express my appreciation of the kind references which have been made to the chief officials, and indeed

to all connected with the House. that is to say the Clerks, and Mr. Kidson, and his deputy Mr. Simpson. I also thank these officers for their kind attention and for the assistance they have given to hon. members and myself. I desire farther to thank you for the reference to the Chairman of Committees and his deputies. Probably the Chairman himself may say a few words. I thank you once more most heartily, and I hope that good feeling will exist throughout my occupancy of this position.

THE CHAIRMAN OF COMMITTEES (Mr. F. Illingworth) : This I believe is the first occasion on which the services of Chairman of Committees have been recognised, and I regard it as a great honour to myself that this has been done. I join most heartily in the sentiments which have been expressed. As Chairman of Committees I have tried to do my duty impartially, and with the desire to give every member of the House his just due and his just rights. The position of Chairman of Committees is to see that the rights of the House are maintained on the part of every member. I have tried to do that with the strictest

impartiality. Where I have failed I ask hon. members to bear with me. I am only human, and perhaps during the last session all of us were more human than usual, owing to reasons it is not necessary to mention. However, I thank you most heartily for the kindly expressions which have been uttered, on my behalf and on behalf of those who assisted me, to whom I owe a great deal. I thank them for the assistance they have given me this session. Finally I wish all members a very merry Christmas and a successful and prosperous New Year.

PROROGATION.

BLACK ROD appeared at the Bar at three minutes past 3 o'clock, and summoned members of the Legislative Assembly to attend His Excellency the Governor in the Legislative Council Chamber. **MR. SPEAKER** and hon. members proceeded accordingly to the Council Chamber, where his Excellency was pleased to give assent to Bills of the session. His Excellency also delivered an address, proroguing Parliament to Friday the 1st February, 1907. [*Vide Council proceedings, ante.*]

The session then closed.