

until Parliament had an opportunity of considering it. There are provisions in the Act to which exception has been taken. The Act needs amending, but in the meantime we want power to deal with sewerage and drainage.

*Mr. Scaddan:* In view of past events, do you consider you have a man in the department capable of taking charge of this work?

The **MINISTER FOR WORKS:** The hon. member knows very well that if I did not think our officers were capable of carrying on the construction I should have reported it to the Government long ago.

*Mr. Scaddan:* But do you not propose to get an officer here from the Eastern States?

The **MINISTER FOR WORKS:** We have plenty on the staff capable of carrying on this work to a satisfactory conclusion, and we have no intention of going to the East or anywhere else for further assistance. I submit the Bill to the House, and in Committee I shall be prepared to deal with any of the clauses hon. members may see fit to call attention to. This is a temporary measure pure and simple, and I trust members will recognise that it is only operative until the 31st December, 1909.

On motion by *Mr. Walker*, debate adjourned.

*House adjourned at 11.16 p.m.*

## Legislative Council,

Wednesday, 2nd December, 1908.

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The **PRESIDENT** took the Chair at 4.30 p.m., and read prayers.

### PAPERS PRESENTED.

*By the Colonial Secretary:* 1. Report of the Surveyor General for the year ended 30th June, 1908. 2. Plan of the proposed Dock at Fremantle (referred to in Sir Whately Elliot's Report laid on the Table 23rd July, 1908. 3. Report of the Zoological Gardens and Acclimatisation Committee.

### QUESTION—RAILWAYS. SECTIONAL RETURNS.

Hon. J. W. **KIRWAN** asked the Colonial Secretary,—Have the Government any objection to the system existing in most other countries of making sectional returns of receipts and expenditure on the various sections of the Government railways being again followed here? If not, will they recommend the Railway Commissioner to provide such returns in his annual report?

The **COLONIAL SECRETARY** replied: If sectional returns can be compiled with accuracy and without undue expense, the Commissioner of Railways will be recommended to give the matter consideration.

### BILL—HEALTH ACT AMENDMENT (No. 2).

Introduced by *the Colonial Secretary*, and read a first time.

### BILL—PERMANENT RESERVES (SUBIACO) REDEDICATION.

*In Committee.*

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

## BILL—SUPPLY, £365,579.

*Second reading.*

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said:—It is not usual to speak at any length in moving the second reading of a Supply Bill in this House. As members know, such a Bill has to be brought down from time to time in order to provide sufficient means for carrying on the Government of the country. The Estimates are not yet passed; therefore there is no money available to pay the current salaries and for works in progress. Parliament has been somewhat late in assembling this year for reasons well known to members, and which, therefore, I need not go into. Two Supply Bills have been brought down this year, the first—which covered some four months of expenditure—having been introduced during the recent short session. This further Bill is with the object of carrying us on to Christmas, thus making a total of five months' supply. The Bill also provides for a certain amount to be paid from General Loan Fund, as well as a sum from Consolidated Revenue. The money from Loan Fund will be used for works in progress, which have already been approved of by this House. The sum will be spent almost entirely on the various railways passed by Parliament, and now in progress; namely the Preston-Donnybrook railway, the Norseman railway, and Pinjarra-Marrinup railway. There are also certain other lines and works for which the money is needed. I move—

*That the Bill be now read a second time.*

Question put and passed.

Bill read a second time.

*In Committee.*

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

## BILL—MIDLAND JUNCTION BOUNDARIES.

*Second reading.*

The COLONIAL SECRETARY : (Hon. J. D. Connolly) in moving the second reading said:—The reasons for

bringing this Bill before the House are briefly as follow. Under the Municipal Corporations Act, 1906, if a majority petition of the ratepayers living in a particular district desire that a certain portion of land in that district should be annexed to the existing municipality, such annexation can take place. At the present time in the municipality of Midland Junction there is a small portion of ground owned by the Midland Railway Company. I understand that in the past the company had their workshops erected on this particular piece of land. The property is situated in about the centre of the municipality, and streets are made all round it. It is, however, not under the control of the Midland Municipal Council, but is governed by the Swan roads board. The Midland Company did not object to it being annexed; still they were not prepared to petition to be annexed, and therefore the only thing to be done was to bring in a small Bill to enable the annexation to be made. The attorney for the Midland Company writes as follows:—

“Adverting to your letter of the 5th January last in reference to a request for annexation to the municipality of Midland Junction of certain property owned by the Midland Railway Company at Midland Junction, now within the jurisdiction of the Swan Roads Board, I beg to inform you that the matter was considered at a meeting of the railway committee held yesterday, when I was requested to inform you that if the annexation is authorised by law, the company does not propose to offer any objection thereto.”

In other words while they would not move themselves in the matter, they expressed their intention at that time of not offering any objections. Seeing that the company does not offer any objection and that it is very desirable from a municipal point of view that this land should be annexed to the municipality, on the representation of the member for the district, the Government promised to bring in a small Bill to legalise the annexation. I move—

*That the Bill be now read a second time.*

Hon. E. M. Clarke: What was the date of that letter?

The Colonial Secretary: The 31st January, 1908.

Hon. M. L. MOSS (West): I do not rise to oppose this Bill, but merely with the object of drawing attention to Clause 2 Subclause 2. It appears that this portion of land is now included in the municipality, or will be when the Bill passes, and will be part of the municipality of Midland Junction. But the Swan Roads Board will have received all the rates levied for the year ended 30th June, 1909. Under this Clause 2 Subclause 2 it will then become the duty of the roads board to pay a proportionate part of these rates to the municipality, which the municipality shall apply as if it were a rate struck on municipal property for the financial year commencing on November 1, 1908. In connection with the collection of these rates, it is no uncommon occurrence for an authoritative body to be put to a considerable amount of expense, and it might turn out that the Swan Roads Board in the collection of these rates will incur such expense. Yet the municipality for the unexpired portion of the year, from the date of the passing of this Bill, will be entitled to a full proportionate part of the rates levied and collected for the year. I am merely mentioning this for the benefit of the hon. member who has Midland Junction in his province, and I ask, is it a fair thing that the Swan Roads Board should have the cost of this collection and yet return to the Midland Junction municipality a full proportion of the rates collected?

The Colonial Secretary: I do not think it will matter much after all.

Hon. M. L. MOSS: The Swan Roads Board levy the rate and will go on to collect it, but for the proportionate part of the year the Midland Junction Municipal Council will receive a proportionate part of the rate. There may be expense incurred by the roads board in collecting that rate, and it is an unfair thing to give the Midland Junction Council a full proportionate part of the rate

and not call upon them to pay any part of the cost of collection thereof.

The COLONIAL SECRETARY (in reply): I do not think the point raised is likely to be a very serious one. This particular bit of land belongs to the Midland Railway Company, and therefore there is only one payment to be made for the whole amount, and being a company, the only expense to be incurred will be that of writing out the rate notices, after which they will merely have to wait for the amount to come in. I do not think therefore it is worthy of consideration.

Hon. V. HAMERSLEY (East): What will be the position if the company does not send in that cheque when it is asked for? The Swan Roads Board will have lost that property and will not be able to seize. It will have become part of the property of the municipality and the Swan Roads Board will have nothing to claim upon. Will they be able to come upon the municipality for the amount?

Question put and passed.

Bill read a second time.

#### In Committee.

Clause 1—Alteration of boundaries of Midland Junction Municipal District:

Hon. G. RANDELL: It was questionable whether this was a happy phrase. It was understood that this piece of land was in the centre of the municipality and not on the boundary at all. Consequently the proposed alteration could not affect any alteration in boundaries.

The COLONIAL SECRETARY: The putting of a patch of land in the middle of an area might fairly be held to be an alteration of boundary. In any case, it was only a matter of altering the marginal note.

Hon. G. Randell: Unfortunately, it was in the Title as well.

Hon. M. L. Moss: "Annexation of area" would be a better marginal note.

The CHAIRMAN: Any alteration in the marginal note could be made by the Clerk.

Clause passed.

Clause 2—agreed to.

Schedule, Title—agreed to.  
Bill reported without amendment.

**BILL—EARLY CLOSING ACT  
AMENDMENT.**

*Second Reading.*

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: I am afraid it will be necessary for me to speak at some length in order to explain this small and apparently very innocent Bill. In speaking to the Address-in-Reply I explained at some length what had taken place in regard to the Early Closing Act during the past 12 months, and probably it would be better for me to somewhat cover the ground again in introducing this Bill. In Section 4 of the existing Act it is provided that there shall be a half-holiday for shop assistants, or to go further, it provides that shops may be open from 8 o'clock in the morning to 6 o'clock in the afternoon. It further provides that in every week there shall be a half-holiday for the employees and that the half-holiday shall either be on the Wednesday or on the Saturday. Each individual shopkeeper has the right to say whether he will close on Wednesday at one o'clock or on Saturday at one o'clock. Should he close on the Wednesday he is entitled to remain open until 6 o'clock on the Saturday and *vice versa*; or not exactly *vice versa*, but if he closes on the Saturday he is entitled to remain open until 10 o'clock on the Friday. That section leaves the choice entirely to the shopkeeper. Each can elect on which day to give his employees a half-holiday and on which day to close his shop. That was the position. The shopkeeper had to make an application in writing to the department stating on which day he wished to keep open, whether it was to be Wednesday or Saturday. In the event of the shopkeeper not making a choice he was deemed to have chosen the Wednesday for closing and the Saturday for opening. That was the state of affairs from the passing of the Early Closing Act until the latter part

of last year. Section 5 provided that if a majority of shopkeepers in any district—Section 5 it will be noticed provides for a district, while Section 4 provides for the choice of individuals—and Section 5 as we read it until yesterday, provided that if a majority of shopkeepers in any district—I want those members who perhaps do not know as much about this Bill as I do to understand that the State is divided into a number of early closing districts; it is provided in the Act that they follow boundaries of roads boards or of municipalities—Section 5 as I say provided, as we read it, that if a majority of shopkeepers in any given district petitioned the Minister, the Governor-in-Council might issue a proclamation making a given half-holiday for all shopkeepers in that particular district. That took place in regard to the metropolitan area about August, 1907. About that time petitions were presented to me as the Minister administering the Act, praying that the Saturday half-holiday should be universal as far as those districts were concerned. In respect to the metropolitan area at the present moment the districts are defined in the Act, and there are in all some 19 districts comprising all the roads boards and municipal districts within the metropolitan area. In all other parts of the State the boundaries are left to the Governor-in-Council, but for the metropolitan area they are fixed by Statute in the Act of 1904. In accordance with the advice of the Crown Law Department, having satisfied myself that there was a majority of shopkeepers signing each of these memorials from the various districts, we caused a proclamation to be issued making the Saturday half-holiday universal for the whole of the metropolitan area. That proclamation provided that the alteration should come into force on the 1st January, 1907. It is rather a strange thing that at that time, as far as one could gather, there did not seem to be a dissentient voice as to the closing on Saturday. Shopkeepers and shop assistants, as far as one could gather, in the metropolitan area were unanimously

in favour of the Saturday half-holiday. I certainly think I should have heard in my position as the Minister administering the Act if there was any discontent; but no protest reached me against the granting of this half-holiday, and consequently we were rather light-hearted in granting the Saturday half-holiday for the metropolitan area, satisfied that for once we were doing an unusual thing, pleasing everybody. Less than two months of the present year had elapsed when the shopkeepers of the metropolitan area—nearly the whole of them—in Perth and Fremantle—for Fremantle was just as hot at that time as Perth about it—wished to have the half-holiday altered. They waited for the statutory three months, and then presented to me a memorial, saying they had a majority in six or seven of the particular districts. I think, speaking from memory, there were Perth, Fremantle, East Fremantle—I am not certain about North Fremantle—and Subiaco, but I think North Fremantle was in it at that time. There were five or six districts. That was about April or May last. These petitions I had carefully analysed, and after sending around factory inspectors to get the total number of shops in each district, and checking the names off to see if the persons could sign, and to see that they were bona fide shopkeepers, I discovered that in each instance they were slightly in a minority, or the petitions failed by a few—only one or two in some instances—to obtain one half the signatories of the total number of shopkeepers in each of these areas. Consequently, on the advice of the Crown Law Department, we had no choice but to refuse that petition, as the Act said there must be a majority. Later on, the Perth early closing district presented a petition—this was about July last—asking that the shops should close in that particular area on Wednesday and open on Saturday. They had a decided majority; they had something like 477 names: I think some were disallowed, but not a great number, but out of a possible 602 or 612 they had a majority; even taking off those disallowed they still had a de-

ecided majority, consequently the petition was granted. The Act provides that a majority of the shopkeepers shall decide, and it is a very difficult thing under the Act, if members look at the definition of shopkeeper, to say what is a shop and what is not a shop. For instance, it says, "a shop in any place where goods are sold by retail," and the result was we had to take the signatures of such persons as owners of woodyards, and other places, for the Act said that a shop was a place where goods were sold by retail, other than those shops enumerated in the schedule, and members will better understand what they are if I say that they are butchers' shops, chemists' shops, etcetera. It having been decided to be unsatisfactory, I recommended to the Government to bring in an amendment to the Act, leaving it, instead of to the shopkeepers, to the ratepayers to decide on what day the closing should take place. That brings me to the present position. That amending Bill was introduced in the Legislative Assembly. The Bill before the House does not provide for a poll of the ratepayers, but for a poll of the electors on the Legislative Assembly roll. The Bill was amended in the Legislative Assembly from allowing ratepayers the choice to leaving it to the electors, and that is how we find the Bill now before us.

*Hon. J. W. Hackett:* Do you accept it?

**THE COLONIAL SECRETARY:** The Government did not make it a party measure, and the Government considered, and I consider as well, that it would be far better for the ratepayers to decide; but the Legislative Assembly, in their wisdom, decided to allow the decision to rest with the electors. That is the form in which the Bill comes before the House, and the form in which I am asked to present it to members on the present occasion. There is a judgment of his Honour the Chief Justice which was given yesterday, which I will touch upon later, and leaving the judgment of the Chief Justice for a moment, I will deal with the Bill as it stands now. The Bill provides

first of all in Clause 2 that the holiday shall be either on Friday or Saturday. I do not think that at all workable, but the amendment was inserted in another place; I do not know quite with what object, but if I may say so, it is rather a stupid amendment and would be altogether unworkable, and one which I propose to alter, if members will agree to do so. I propose to alter the Friday to Wednesday.

*Hon. M. L. Moss* : What clause is that ?

The COLONIAL SECRETARY : Clause 2. The word "Friday" has been inserted in place of Wednesday, and it is consequential in other parts of the Bill. It is further provided in Clause 3, which is really the kernel of the Bill, that a poll of the electors on the Assembly roll in any district may from time to time be taken under regulations provided for the purpose, asking that the days appointed for the closing of shops, not being shops mentioned in Schedule 1 of the principal Act, at one o'clock and 10 o'clock, may be altered to the days specified on the voting papers recorded by such electors. In other words, in any district where the Early Closing Act applies, if the shopkeepers wish to close on the Friday or on the Wednesday and open on the Saturday, it has to be decided by a poll of the electors. When the Government introduced the Bill they thought it better to leave it to the ratepayers instead of the shopkeepers, for the reasons which I have already mentioned, and also, as property owners had not a voice in the memorial, they would have a voice if ratepayers were allowed to vote. The question of leaving it to the electors had some consideration at the hands of the Government, but it was thought to be cumbersome, and would not serve the purpose, but that all purposes would be served by leaving it to the ratepayers. However, the Legislative Assembly, in their wisdom, have altered it to allow the electors to decide, and it is for this Council to say whether it would be better to leave the choice to a poll of the ratepayers or a poll of the electors, as set forth in Clause 4.

*Hon. J. W. Kirwan* : How would you take the poll when the boundaries are not identical ?

The COLONIAL SECRETARY : I will explain that later on. I propose to move certain amendments to Clause 4. It will be noticed that the Governor may from time to time, by proclamation, unite any two or more districts into one district. That is also an amendment which was inserted at my request in another place, and for this reason. It was thought at the time that the interests of the different districts were identical, and it would be better to have them in one district. In the metropolitan area, for instance, there are 19 districts, therefore it would be better to leave it to the Governor-in-Council to join one or more districts as the Governor may think fit. While the Bill was in the Legislative Assembly a further amendment was made, the Assembly making the district, so far as it relates to Perth, statutory; they joined the whole of the metropolitan area as one district. The metropolitan area contains a number of small electorates to make one district, as set out in the latter part of Clause 4. It is for this House to say whether it is better to have a statutory district, or leave it to the Governor-in-Council to fix the districts from time to time. Possibly, it would serve the purpose very well if the metropolitan area was one district, but I am inclined to think from my experience, that it would be taking rather too much risk to make it a statutory district. In an unsettled country like this circumstances are changing, and while it may be all right for one part of a district, it might not suit another portion of the same district. Take some electorates named in the Bill, Balkatta or South Perth. Balkatta takes in a part of Wanneroo, and while it might suit one part of Balkatta—Leederville—to have the closing on one day, it might not suit the Wanneroo portion, which is contained in the Balkatta electorate. Then take the electorate of South Perth; that not only comprises the municipalities of Victoria Park and South Perth, but takes in a great part of the Canning district, which

is a farming district. The closing on a certain day might suit one particular end of the electorate, but it might not be convenient for the other portion. I do not know if that difficulty does exist at the present, but it is my duty to point it out. Having gained experience in administering the Act and knowing the difficulties which may arise I think it would be better to confine the operation of the Bill to the latter portion of Clause 4, and give the Governor-in-Council power from time to time to join districts as is deemed fit, and alter boundaries from time to time. If we fix the districts by Statute, there must be an amendment of the Act before such districts can be altered. Those are briefly the provisions contained in the Bill, but since the Bill was passed in another place, and since it came here yesterday, a decision has been given by the Chief Justice, which puts an entirely different aspect on the question. The Supreme Court has ruled that Section 5 does not contain the powers that we held it did. I have not seen the judgment except in the newspapers, and as far as I read it, it is this. The Court decided that Section 4 gives the shopkeepers the choice of fixing one of two days, Wednesday or Saturday, and by Section 4, shops must close on one of two days, but the shopkeepers may have the choice upon which day they will close. Section 5 does not contain anything to take away the right of that choice, therefore, any power contained in Section 5 is of little value. The holiday may be on Tuesday or Thursday, but that is all the power the memorialists can pray for, asking the Governor in Council to name two days. The section does not take away the right contained in Section 4; that is, the right of the shopkeepers to have the choice as to whether they will close on one day or on another. In other words, it cannot be made a fixture. To put it plainly, it seems as if Section 5 were knocked out of the Act it would not do any harm. It is impossible to fix a hard and fast day; shopkeepers can name either Wednesday or Saturday, or any other two days they choose, but

the choice is left to the shopkeepers themselves as to which of the two days they will close on. I would suggest to members that the debate should be adjourned, or we might pass the second reading to-night; but I do not intend to go further, for I wish to have certain amendments appearing on the Notice Paper. These amendments which I will read are necessary on account of the judgment that has been given by the Chief Justice in the Supreme Court. When in Committee I propose to move in Clause 2, paragraph 1, to strike out "Friday" and insert "Wednesday" and to add a proviso as follows:—

*Provided nevertheless that it shall be lawful for any shopkeeper who shall have chosen one o'clock as the closing time on Saturday by a notice sent to the Minister, or to any person authorised by the Minister in that behalf, to substitute "Friday" for "Wednesday" as the day on which the closing time shall be 10 o'clock p.m. in each week.*

That is necessary for this reason. If a shopkeeper elected to close on Saturday afternoon under the present Act, he could not remain open on Friday night, and therefore, that amendment is necessary to give him the right to remain open until 10 o'clock on Friday. A further amendment I will move in Clause 3, line 12, will be, after "district" to insert "Specified in the Second Schedule." This is important, and it is an amendment to which I wish to draw the attention particularly of country members, because those words when inserted in the schedule will have the effect that they will apply only to the districts specified in the schedule. In other parts of the State it will be left to the choice of the shopkeeper whether it will be Wednesday or Saturday. In Clause 3, line 17, I propose to strike out the words "the day specified on the voting papers recorded by such electors" and insert in place thereof "a date to be specified on the voting papers is the date on which such shops shall close at one o'clock p.m. and a date to be specified on the voting papers is the date on which such shops shall close at ten o'clock p.m. without any choice by the

shopkeeper. This is an important amendment, and one that is necessary to put the matter right as defined by the Court. If the Bill were passed in its present form, it would leave matters as they are. That new clause gets over the power given to the shopkeeper as contained in Section 4.

*Hon. M. L. Moss:* Does it say what days will be mentioned on the ballot paper?

The COLONIAL SECRETARY: That will be fixed by regulation under Section 4. A further amendment I will move in Committee will be to insert a new Clause to stand as Clause 2, "Section 3 of the principal Act is repealed"—I would like hon. members to note this particularly—"and a section as follows shall be read in place thereof: (3) The Governor may by proclamation declare any district for the election of a member to the Legislative Assembly to be a district for the purposes of this Act." This is a consequential amendment which is necessary. At the present time outside those districts named in the metropolitan area the boundaries of the early closing district are not coterminous with the boundaries of the electoral district; and it is for that reason that the amendment will be inserted. Those are the provisions to be contained in the Bill, and I trust hon. members have been able to follow me. I have had a great deal of experience during the last six or twelve months in connection with this subject, and if I have not made myself thoroughly clear, I would ask hon. members to adjourn the debate on the second reading until these proposed amendments appear on the Notice Paper. Then hon. members will be able to see for themselves what they are. In its present form the Bill would not be a workable one, and would not be acceptable.

*Hon. G. Randell:* Do you propose that Coolgardie and Boulder shall have a referendum?

The COLONIAL SECRETARY: These amendments will appear on the

Notice Paper then members may pass the second reading, and deal with the Bill in Committee. There has been a good deal of talk on this measure, and there has also been a good deal of feeling exhibited probably on both sides. What I want members to do is this; to look at the thing fairly from both sides. There has been a lot of talk and a number of deputations, and a good deal has been said for instance about the injustice to employees, and the fact that their health will suffer if the Saturday half-holiday is not granted. With regard to the health of the employees I cannot see that this should be used as an argument. It should not make a button of difference to the health, whether the employees have the Saturday or the Wednesday half-holiday. If one argues it from that standpoint, the Wednesday holiday being in the middle of the week, would be better than a late night on Friday and working on Saturday morning at 8.30. I should think that from the health point of view, this does not make any difference whatever. There are not any longer hours imposed on the employees whether they have Saturday afternoon or Wednesday afternoon. I will admit it would probably be nicer for the shop assistants to have their holiday on Saturday afternoon; it would be nicer in this respect, that he could go with his friends to enjoy the half-holiday on the day on which they would have it; but it might not be better for his health or even his pocket. If I were a shop assistant I would like my half-holiday on the Saturday. There are three questions that hon. members will have to consider, and they are these: will they leave the choice to the individual shopkeeper whether he gives his assistants a half-holiday on Wednesday or Saturday, whether they will leave it to a referendum of the ratepayers in each district and whether they are prepared to make a statutory district for the metropolitan area. I would like hon. members to deal with the subject fairly and if they have not been able to fully understand the explanations of the Bill I hope someone will move the adjournment of the debate until to-morrow, by which time the



amendments that I have referred to will appear on the Notice Paper. I move—

*That the Bill be now read a second time.*

Hon. M. L. MOSS (West): I wonder how much of the Minister's time during the last six or eight months has been taken up with this question when he should have been attending to other and more important duties instead of trying to unravel the difficulties that have confronted him in connection with this Act, and the regulations under it. I think in view of the fact that there is all this disagreement on the part of the shopkeepers and assistants, it is desirable there should be some legislation to deal with the matter on such a basis that will give something like uniformity and settle once and for all what the position is to be in regard to the question. I wonder also if every hon. member has read all the literature on this subject that has appeared during the past week. I attempted to read some of it, but there is such a budget of it that it is quite impossible for one to get the views of every section of the people on this question. Speaking for myself I have no particular views of my own as to what the late hour should be for closing, or what the day should be on which the half-holiday should be given. I have endeavoured as far as I could to consult both sides in the West Province on this question so that I might give a vote on it as near as possible in accordance with the views of what I consider to be the bulk of the people I represent. The shopkeepers' organisation at Fremantle and the shop assistants' organisations at Fremantle are, so far as I can see, practically agreed upon two things that should be done. They are firmly of opinion that there should be an appeal to the electors, and that that appeal should be on the Assembly rolls, and they also state that it should not be left to the Government of the day to do as the Minister suggests, unite two or more electoral districts for the purpose of taking the public vote. I quite agree, in fact I feel strongly on that especially as far as regards this metropolitan area, and I include in it all the Assembly districts

from Midland Junction to South Fremantle, that the vote should be as if it were one electorate. I am not satisfied with the amendment to Clause 4 which was inserted in another place as sufficient to enable that to be done, because when we look at Clause 3 it says, "A poll of the electors on the Assembly roll in any district may from time to time be taken under regulations provided for the purpose"; then in Clause 4 power is given to unite any two or more districts into one district. This is deficient in that it does not provide that all Assembly rolls shall be united together as one roll, and it does not provide that persons shall exercise the franchise in the particular district in which they happen to be on the Assembly roll. There should be some machinery provided that a vote shall be taken in the separate districts.

*Member:* It can be done by regulation.

Hon. M. L. MOSS: I think too much is left to regulations. We are confronted with a difficult question: the Government with expert opinions at the back of them have framed regulations which the Supreme Court has held to be *ultra vires*, and we should not play fast and loose in this manner and leave something to regulations in regard to which we find there is no power to regulate. I am strongly in favour of all these districts being united, because I think it would be a wrong state of affairs to have the Saturday opening until 10 o'clock in Perth, and Saturday closing at 1 o'clock at Fremantle, and the late opening on Friday night at Fremantle and the closing at 6 o'clock on Friday night in Perth. This would be very unfair. If it is admitted for a moment that Saturday is the better shopping day of the two, and with the cheap railway fares from Fremantle to Perth, we would have all the Fremantle people coming to Perth to do business. That would be inflicting a hardship on the stores at Fremantle, and *vice versa* the thing would operate to a certain extent against Perth.

*Hon. J. T. Glowrey:* I do not think so.

Hon. M. L. MOSS: If the hon. member's opinion is correct, as a Fremantle

representative I am going to be very strong on this point. I know if the people at Fremantle are to have late opening on Friday and early closing on Saturday and *vice versa* in Perth, it would be my duty to oppose anything like that being brought about. The Minister says he will move an amendment, which I will strongly support, to see that the day is uniform, and that it is not left, as the judgment of the Chief Justice leaves it, optional. It will provide that there shall be no choice given when two days are named for early and late closing, and we will not have one portion of the community taking one day and another portion taking the other. That would not do. It must be distinctly stipulated that the days for late closing shall be uniform throughout the whole district in which the poll takes place. I am not satisfied with the statement of the Minister with regard to the form of these ballot papers. I had the opportunity before the House met of looking at it, and I have heard the Minister read the form in the House, but I am not satisfied that the material on the ballot paper is sufficient. What days are to go on the ballot paper? Is it to be left to the elector to write down on the ballot paper that he desires the shopkeeper to close at one o'clock on Wednesday and to keep open till 10 o'clock on Saturday night, or are the Government going to choose two days on which the closing is to take place?

*The Colonial Secretary:* I think it goes without saying that it is sure to be Wednesday and Saturday; those are the two days.

Hon. M. L. MOSS : Sure to be? I suggest to the hon. member, supposing they put on the ballot paper Monday or Tuesday. Then the poll will be a farce. As we are dealing with this matter let us deal with it specifically and to the point. We know that the whole thing centres round whether the late closing is to be on Friday or Saturday night—that is how I understand it—or whether the early closing is to be on the Wednesday or the Saturday afternoon. I think the Bill as it has come to us from another place is absolutely unworkable. A great deal is left to the regulations, and many of the things

that I have indicated as deficiencies in the measure will land us in difficulty and more litigation. If we leave the Bill in its present form a great deal will be left to regulation and a great deal to the caprice of the Government as to the days on which the late closing shall take place, and I do not think that is right. I support the principle of a poll of the electors on the Assembly roll, and I will strive to have one district extending from Fremantle to Midland Junction. It will probably be argued by a number of members that the Assembly electors are not the constituency to which this question should be referred, and that the decision should lie with the ratepayers on the municipal rolls; but in giving my vote in the direction I do, my desire is to bring myself as near as possible to what I believe to be the views of the majority of my constituents. I maintain that it does not follow that the ratepayers on the municipal roll are the correct constituency to which to refer this question. There are thousands of people in the metropolitan area who are customers of retail shops, and hundreds of them may not be on the municipal roll, yet they all utilise these shops for buying their stores and other requirements. If these people vote for early closing on Saturday, then if they are subjected to inconvenience through not being able to get the commodities they require owing to that early closing, they will suffer from the vote they give. On the other hand, if we limit the constituency to decide this question the position will be that we will enable a comparatively small electorate to legislate on behalf of a large number of people who are affected, and perhaps seriously affected, by the legislation brought about when the result of the poll is known. In the circumstances I believe that the method suggested in Clause 3, that of a full electorate from Midland Junction to Fremantle, is the fairest and most desirable from the point of view of this part of the State. As to the goldfields and country districts I express no opinion, but I am prepared to listen to what hon. members from the goldfields and the agricultural districts have to say, and to give my vote accord-

ing to their desires. For the district I represent I propose to vote in the manner I have already indicated.

Hon. A. G. JENKINS (Metropolitan): As one who has lately faced the electors in what, I suppose, is the largest commercial centre in the State in the matter of trade and business, I think I may claim to speak with some authority as to the views of what I believe to be the large majority of those vitally interested in the proposed change in the present law. My personal inclination was, as the Colonial Secretary put it. If I were a shop assistant I think I would favour the Saturday half-holiday; but I am content to be bound on this occasion by what I consider to be the best interests of my constituency and, I believe, the whole metropolitan area. Those concerned in business see no reason why the law should not remain as at present, namely, that the shopkeeper, and the shopkeeper alone, should have the option whether he elects to close on Wednesday or Saturday. Of course there is a good deal of reasoning in their argument. They say they are the men who have invested thousands of pounds in various businesses in this State, who have erected large buildings, and who naturally have to do the best they can for themselves and to carry on their businesses at a profit; and if they in their wisdom say that Wednesday is the best day on which to keep open, or that Saturday is, then I say, providing they work their employees only the hours mentioned in the Act, they and they alone should have the option of saying on which day they will open or close their shops. Mr. Moss has said that we should leave it to a poll of the electors of the districts. I cannot see what the electors have to do with a matter of this description. What right have the electors, who have perhaps no business interests at all, or have no possible connection with business, to say to a man, "Yes, we are going to compel you to close your shop on a day on which you do not want to close?" That is not a reasonable position to take up. Unfortunately, we know that there is at the present time a great deal of depression in this State, and the members of this House should do nothing to in any way injure

the large business interests of the commercial community. We should weigh well the reasons that these gentlemen have given in numerous letters addressed to us why the Early Closing Act should remain as it is now. If these gentlemen, with the knowledge of years in business, and having had the experience of both Wednesday and Saturday opening, come to us and say that they want to choose themselves the day on which to close or open, then I think the House should give their request the most earnest consideration. I have with me a number of telegrams which most hon. members have already seen in this morning's newspapers. These telegrams were received in reply to a message sent by the representatives of the traders in Perth to the various Colonial Secretaries of the States of Australasia. The telegram despatched was:—

"What is the law in your State *re* weekly half-holiday. Reply paid. Burckett, Secretary Traders' Association."

The first reply I will read is the reply received from the Colonial Secretary of Tasmania. It appears in that State there is no weekly half-holiday, as the Legislature rejected the Bill last session. It appears in Adelaide there is compulsory closing at one o'clock on either Wednesday or Saturday, the same as in our Act. In New South Wales the half-holiday is on Wednesday or Saturday in Sydney and Newcastle and surrounding municipalities, and one half-day in each week fixed by proclamation in regard to the country municipalities. In Victoria, in the metropolitan districts, the shops must close on Wednesday or Saturday at one o'clock at the option of the shopkeeper. In New Zealand the compulsory closing day is fixed by the municipal authorities. In Brisbane the half-holiday is on Saturday at one o'clock. It will be seen from these telegrams that the existing law in this State has been found to work well in other States, and I think that if we strike out Section 5, over which apparently all the trouble has been—that dealing with the memorial—and if we fix the holiday to take place on Wednesday or Saturday, and leave it open to the shop-

keeper, as at present, to choose either day, we can do no great harm. The Early Closing Act has been in force for some time and we heard no great outcry about it. Apparently it worked satisfactorily, but directly people started preparing these memorials the question became a burning one, and we have had nothing but trouble, and the Colonial Secretary, I suppose, as has been said, has had three-quarters of his time taken up in deciding as to the day on which the shops should close or open. I had intended to move an amendment that the Bill as it at present appears should be read this day six months. That was before I heard the amendments that the Colonial Secretary proposes to introduce in the measure. As he has pointed out, Clause 4 gives the Governor power, from time to time, by proclamation, to unite two or more districts in one district, and I think that is a very good power to give. I do not care how the districts are amalgamated, but I say the law should be that the shopkeeper, and the shopkeeper only, should have the right to say whether he will open on the Wednesday or on the Saturday. I do not now propose to move the amendment, but I intend to oppose the greater portion of this Bill, because I see no need for it at present. As I have said, I think the business interests of the whole community should be served by this House, and if some of these gentlemen think—and apparently they do from what we can see—that they should open on the Wednesday, we should let them do so; if others think they should open on the Saturday, we should let them do so. There can be no difficulty in seeing that the provisions of the Act are duly enforced. The measure has apparently worked well. I maintain that the immense interests of the metropolitan constituency demand the fullest consideration from this House, and I hope that hon. members will give the shopkeeper, and the shopkeeper only, the power of saying on which day he elects to close.

Hon. R. W. PENNEFATHER (North): I would like to make a few observations about this Bill, and particularly about one clause which apparently, so far, has received the sup-

port of my learned friends who have just spoken. I speak of the power to unite districts. I think it is within the experience and knowledge of the members in this Chamber that the trade and circumstances of each suburb vary, though not much, to some degree, and a tangible degree; and I do not see myself that any reason has been given to justify this Chamber in forcibly compelling districts to amalgamate whether they like it or not. I take up this position with reference to the Bill. The amalgamation of these districts is to my mind one of the objectionable clauses of the Bill. As the Colonial Secretary very properly pointed out the crux of the Bill is contained in Clause 3, and on that I may say that after carefully weighing the argument both ways, I am in favour of the views urged by Mr. Jenkins. Unfortunately we have had a depression in the City and it is said to have been very much aggravated by the compulsory closing of the shops on Saturday. Whether that be correct or not, I do not know, but the less interference with trade by the Legislature the better for trade. Of course we all agree that there should be a half-holiday given to the assistants every week, but when the Legislature are asked to pass an enactment making it compulsory that, by the vote of a majority of voters on the Assembly roll, a change should be made, it is to my mind stretching to the point of breakage the sense of obedience the trader has to the community at large. The trader wants to make a living to pay his employees and indirectly to build up the trade of this State. If we are to permit the employees to dictate terms to the traders as to the holidays, I am afraid that too great and unreasonable a power would be put into their hands. I know there are arguments both ways, very strong arguments, as to whether the holiday should be on the Wednesday or Saturday, but whichever it is I think, as a matter of principle, this Chamber should support the doctrine that the person who employs should have the right to say on which day his shop should be closed. That being so we are drifting back to the legis-

lation on the subject as it at present exists. This Bill as far as I can see will not in any degree whatever advance the position. If any member is opposed to any portion of Clause 3 of the Bill I fail to see how he can give the measure any countenance whatever. Having that opinion I think it would only be taking up unnecessarily the time of this Chamber if we further discussed or further remodelled this Bill which was brought in for the one purpose of making the holiday compulsory, and that the decision should rest with the majority of the voters on the Legislative Assembly roll. I do not think that is right and therefore, as I consider the Bill is unnecessary, and that it would be labour in vain on the part of this House to attempt to make a good measure of it, and being opposed to the cardinal principle of the Bill, I move as an amendment—

*That the word "now" be struck out and "this day six months" be added.*

Hon. E. M. CLARKE (South-West): I second the amendment.

Hon. J. W. LANGSFORD (Metropolitan-Suburban): In speaking to the amendment I will start by confessing that I am one of those who have given the Colonial Secretary a great deal of worry on this subject during the last twelve months.

*Hon. G. Raudell:* You repent, I hope.

Hon. J. W. LANGSFORD: I have no reason to repent for anything I have done up to the present. Some members have stated that they are trying to gauge, or have gauged, accurately the opinions of the electors in their Provinces. And I may admit at once that my own personal sympathies are in accord with the business interests of the Province I represent. I have a twofold motive in supporting some measure of this kind—perhaps not the measure exactly as it now stands but a measure to deal with the half-holiday question. I cannot say that I have been deluged with literature on the question, and I do not know why some members should have had the honour of receiving this

literature from the different parties to the question.

*Hon. W. Kingsmill:* They look on you as hopeless.

Hon. J. W. LANGSFORD: Many members have said they have received letters and literature dealing with the question, but I have received none.

*Hon. J. W. Hackett:* Would you like a copy?

Hon. J. W. LANGSFORD: Therefore if I fail to appreciate the position of some of the parties, they are responsible for my ignorance on the question. I would like to point out that the whole movement in the Eastern States is in favour of the Saturday half-holiday. Even my friend Mr. Jenkins would not wish to adopt a system in force in Tasmania where there is no holiday provided for.

*Hon. A. G. Jenkins:* I said I am in favour of a weekly half-holiday.

*Hon. W. Maley:* There is a half-holiday every week in Hobart.

Hon. J. W. LANGSFORD: I am relying for my opinion on the telegram which has been read. In Brisbane it is set out by Act of Parliament that the holiday should be on Saturday. I am prepared to admit the argument that there are certain commercial interests at stake in connection with this question, but those arguments which govern the adoption of the Saturday half-holiday principle are distinctly humanitarian in their aspect. If necessary the medical opinions given by the Colonial Secretary in regard to the healthful value of the Wednesday half-holiday could be controverted by equally eminent authorities who would say that the Saturday half-holiday and the Sunday following provide a greater benefit to health than the half-holiday on the Wednesday. The interests of my electors are in the direction of having a Saturday half-holiday. I do not know that any movement has been taken in the direction of altering that. In self-defence one or two petitions had to be presented and I believe one was sent by the Subiaco people, but with that exception no part of the Province has presented a petition to revert to the Wednesday half-holiday. What I want to endeavour to do is to bring

about such a position that the traders in my Province shall have the benefit of the trade of those who live in that Province. The Perth traders rely to a great extent on my electors to keep their trade going, but I want to divert, if possible, the legitimate trade which belongs to the suburban tradesmen, who have at a considerable cost—although possibly not to so great an extent as the City traders—invested their money in their businesses, to the suburbs. I am quite in sympathy with the clause which provides that one district shall operate from Midland Junction to Fremantle. When this change was inaugurated no criticism was offered in opposition. Two or three public meetings were held in favour of the Saturday holiday but no public meeting took place and no petition—simply a few letters to the papers—was received from the traders of Perth. In fact, they signed a majority petition in favour of the Saturday holiday. I maintain that the Saturday holiday has never had a fair chance. Unfortunately for the City the depression operates more there than in the country. There at present exists a depression and for this the Saturday half-holiday is made responsible to a considerable extent. No evidence has been adduced to show that the depression can be attributed to that cause. The question as to whether the decision should be left to the electors or not is one which is fairly debatable, but if the public are the ones to be considered on this question, and without the shopping public the shops may as well close up, why not give them the right to say upon what day they desire to make their purchases? Surely the determination should rest with those people who are most deeply interested. In the present instance they are the shopping public. That being so the electoral roll seems to me to enable the fullest measure of opinion to be obtained on the question and consequently the decision should rest with the electors on the roll. We cannot shut our eyes to the fact that the shops of Perth and the people who have businesses in Perth, have very considerable advantages owing to their being in the capital. These reasons need

not be enumerated, as in fact they are too numerous to mention, but the capital necessarily always attracts business, and from that standpoint alone the traders in Perth are well compensated for having their businesses there. I do not know that it is necessary at this juncture for me to take up the time of the House any further. I sincerely hope the measure will be permitted to get through the second reading and go into Committee, and that Mr. Pennefather will be able to suggest improvements. I do not wish for one moment to say that the Bill is not capable of improvement, but owing to the number of interests involved, those of the shopkeepers, assistants, and the general public, this House should pass the second reading.

Hon. J. M. DREW (Central): I have much pleasure in supporting the principle embodied in the Bill. It supplies a very satisfactory method of overcoming the difficulty. In the measure is a provision that a poll of the Assembly electors may be taken to determine whether the half-holiday shall be on Wednesday or Saturday, and it seems to me that nothing could be fairer. There are three parties concerned in this question, firstly, the shopkeeper, secondly, the employee, and thirdly the customer. In the first place the shopkeeper has a large amount of money invested and there can be no doubt he is entitled to consideration. In the second place it might be asked why was this early closing legislation introduced in the first instance if not for the protection and preservation of the health of the employees; to furnish an opportunity that they might have half-a-day's holiday a week in addition to Sunday. The interests of each of these parties will be fully represented if a referendum be taken. It is the contention, I think, that if the system which has been in existence during the last nine months continue, the trade of the various firms of Perth must be adversely affected. At the same time that question should not be seriously considered in this Chamber. If trade is affected in the City it follows that the trade must be diverted into other legitimate channels in the metropolitan

area. At any rate it seems to me it is not for this Chamber to go into the consideration of whether trade will be diverted from Perth to any of the suburbs. What hon. members have to determine is whether this question should be submitted to a referendum of the electors. And when we come to consider it the three parties concerned are all represented by the electors. There are the shopkeepers, the employees, and the customers. The customers have a right to some consideration in a matter of this kind. They have the right to say whether from their standpoint it is advisable that the shops should close on Saturday, and they certainly should have an opportunity of voting on the question. If the decision were left to the ratepayers, only a small section of the community would be entitled to vote whereas this matter concerns the whole of the community. In connection with referendums there are some questions difficult to submit to the decision of the people at large; but there are no difficulties in connection with this particular question, for every grown-up person in the community can thoroughly understand it and can vote plain "yes" or "no" without qualification. When in Committee I may support the suggestion of the Colonial Secretary in connection with the Wednesday. I think there should be some option as to whether Wednesday or Saturday should be the half-holiday. For the present I simply support the principle which the Bill contains.

The PRESIDENT: An amendment is before the Council.

Hon. R. D. MCKENZIE: I move—

*That the debate be adjourned till Tuesday next.*

Motion put and a division taken, with the following result:—

Ayes	..	..	..	13
Noes	..	..	..	9
—				
Majority for	..	..	..	4

AYES.

Hon. F. Connor	Hon. M. L. Moss
Hon. J. W. Hackett	Hon. W. Oats
Hon. A. G. Jenkins	Hon. G. Randell
Hon. R. Laurie	Hon. S. Stubbs
Hon. W. Malcy	Hon. T. H. Wilding
Hon. R. D. McKenzie	Hon. J. T. Glowrey
Hon. E. McLarty	(Teller).

NOES.

Hon. E. M. Clarke	Hon. B. C. O'Brien
Hon. J. D. Connolly	Hon. R. W. Pennefather
Hon. J. M. Drew	Hon. G. Throssell
Hon. W. Kingsmill	Hon. R. F. Sholl
Hon. J. W. Langsford	(Teller).

Motion thus carried; debate adjourned.

BILL—YORK RESERVE.

*In Committee.*

Clause 1—Change of purpose of Reserve York Town Lot 211:

Hon. T. H. WILDING: The object in moving the adjournment at the preceding sitting had been to see whether it would not be possible to include other reserves in the Bill. However he had discovered that this could not be done; therefore he would support the clause.

Clause passed.

Title agreed to.

Bill reported without amendment; the report adopted.

BILL—EMPLOYMENT BROKERS.

*In Committee.*

Clause 1 agreed to.

Clause 2—Repeal.

Progress reported.

*House adjourned at 6.12 p.m.*

Legislative Assembly,

Wednesday, 2nd December, 1908.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.