

originally known as the mines water supply, at a salary of £636, an engineer for the agricultural areas at the same salary, and an engineer for the metropolitan area at a salary of £600. The classification of the balance of the engineers was now being continued by the Public Service Commissioner, and when that was accomplished we would have the staff well organised and generally speaking everything in good working order.

Vote put and passed.

This completed the Estimates of the Departments of Works, Water Supply, Sewerage and Drainage.

Progress reported.

## BILL — ELECTRIC LIGHT AND POWER AGREEMENT.

*Message.*

Message from the Governor received and read recommending the Bill.

*House adjourned at 12.32 a.m.*

## Legislative Council,

*Thursday, 20th November, 1913.*

	PAGE
Leave of absence .. .. .	2811
Bills: Supply (No. 3), £687,770, 3R. . . . .	2811
Roads Act Amendment, 2R. . . . .	2811
Criminal Code Amendment, Com. . . . .	2814
Mines Regulation, Com. . . . .	2820

The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

### LEAVE OF ABSENCE.

On motion by Hon. Sir J. W. HACKETT leave of absence for six consecutive sittings granted to the Hon. E. McLarty on the ground of ill-health.

BILL—SUPPLY (No. 3), £687,770.

Read a third time and *passed*.

## BILL—ROADS ACT AMENDMENT.

*Second Reading.*

Hon. J. F. CULLEN (South-West) in moving the second reading said: This short Bill of a single clause, if Parliament is good enough to enact it, will have considerable influence in raising the prestige of a great number of our fellow citizens who are administering local government in this State. The system of roads boards practically covers this State; there are something like 115 boards, including over one thousand members, and I would like hon. members to think of the debt that the State owes to these men. Members of Parliament are fortified by the kudos connected with their position, and in a smaller degree by some little allowance, to compensate them for loss of time and money. But the members of roads boards are on honorary duty and they get little thanks and little credit for what they do. Some of these men travel enormous distances, often 50 miles from where they reside; they have to do this great amount of travelling to look after the local governing concerns of the people living around them, so that they deserve well of the Legislature of the country. Therefore, anything that can be done in a legitimate way to encourage them in their work and clothe their positions with some little prestige, I think Parliament should gladly do it. The Bill proposes to confer on these honorary workers titles of courtesy which will be entirely in keeping with the duties they discharge. The Bill proposes that the chairman of a roads board shall be called mayor of his district, and I intend, if the Bill gets into Committee, to follow that with a further proposal that the members of the board shall be called councillors. Hon. members are aware that up to 1911 the local governing legislation offered inducements for the overlapping of powers. The system provided for municipalities and roads boards, but it gave roads boards such limited powers, that as they grew stronger they naturally

became ambitious to have municipal authority on top of their roads board authority. As a result of that, several districts, not content with their roads boards, incorporated their central towns, and thus duplicated local government machinery and greatly increased the cost. I know of one case where a small population of about twelve hundred people had a municipal council for its town, a roads board for its rural district, and a health board as well, so that there were three sets of officials and the management expenses practically consumed the whole of the rates, and the machinery existed mainly to administer Government grants. Hon. members will see that that was an undesirable condition of things. The previous Government were so impressed that they brought in the 1911 Act conferring on the roads boards certain of the powers of the municipalities. That at once removed all excuses for duplicating machinery, and several districts have already taken advantage of those powers and are now exercising them under the roads board. In Katanning where we had a strong movement to form a municipality we have taken advantage of this Act of 1911. We have increased our town representation and differentiated our rating, allowing our town to rate itself to a higher extent for expenditure within the town. This Act of 1911 is a long step in advance, but my Bill goes a step further. The present Act gives the necessary municipal powers to roads boards, but it gives them no titles of designation. The title "Chairman" is only applicable at board meetings. We cannot say "chairman of the district," because he is not chairman of the district, he is simply chairman of the board, and outside the board meeting he has no title of courtesy at all. The Bill proposes to call him mayor, with this limitation, that if there is a municipality within the roads board district, and there are a few such cases, the Bill shall not apply. I have heard certain objections raised and they are such that might naturally occur to hon. members who have not studied the matter closely. For instance, one hon. member has said "but it will be bad in law to apply the term 'mayor' to the chairman

of a roads board." The simple answer to that is that a roads board is just as much a municipality as what we call a municipality. Anyone who doubts that can refer to our Solicitor General, who will not hesitate to remove that doubt. In the Victorian and New South Wales laws there are two systems of local government—boroughs and shires—corresponding to our municipalities and roads boards—I mean corresponding roughly. But these Acts, both in Victoria and in New South Wales, call these two kinds of local government "municipalities." The Victorian Act in its interpretation section says—

Municipalities shall mean the corporation of any borough or any shire. Corresponding, as I have said, to municipalities and roads board districts. It will be objected further that it would be a bit confusing if, where there is a municipality within a roads board district, there were two mayors. The answer is that this Bill excludes such infrequent cases, and most of the few cases in existence will probably merge their municipal form of government in their roads board form of government. It would be greatly to the advantage of their districts if they did so. The main reason why these small towns have been ambitious to incorporate under the Municipalities Act has been that they may have a mayor.

Hon. J. D. Connolly: Do you think this will prevent it?

Hon. J. F. CULLEN: Certainly, because this will give them a mayor just the same under the simple, elastic form of government provided for a roads board. I cannot conceive of any rational objection to the proposed change. I can quite understand hon. members, who have not thought about it, saying "Oh, we have municipalities and roads boards, so why have this?" My reply is that it is undesirable at our early stage of development that small ambitious towns should run into duplicating their system of local government.

Hon. J. D. Connolly: There is no need under the provisions of the existing Roads Act.

Hon. J. F. CULLEN: If the hon. member had listened to me he would know that I have said that there is absolutely no need now under the Act of 1911, except for the title, and this Bill gives the title and so leaves no reason whatever for duplication.

Hon. J. D. Connolly: Would you not give Perth something better?

Hon. J. F. CULLEN: That is a matter dealt with under our municipal law. Undoubtedly it will be but a very short time before the mayor of Perth gets the title of Lord Mayor, and it will not be so many years before Perth will be the second city in Australia. However, that is quite an aside. I want to get hon. members to think about this Bill and not dismiss it and say it is apeing municipal standing. It is nothing of the kind. It is a serious proposition by a member who has thought about it and watched the development of our roads boards. I am sure it is a wise step to take. As soon as the Bill was available I sent a copy of it to the secretary of each roads board, with a memo that the opinion of the board, or of the chairman, would be very valuable in guiding hon. members. The Bill was not available until about a week ago and there has not been time in which to get replies from more than 15 or 16. I have that number of replies and all but two are strongly in favour of the Bill.

Hon. A. Sanderson: Will you put that correspondence on the Table?

Hon. J. F. CULLEN: Yes, when it is complete. All but two are strongly in favour of the Bill.

Hon. W. Kingsmill: Why do the two object?

Hon. J. F. CULLEN: Because they are excluded by the Bill. They have municipalities within their borders.

Hon. J. D. Connolly: How many roads boards will come under this Bill?

Hon. J. F. CULLEN: Over 100.

Hon. J. Cornell: Why does not the hon. member coin a title for those gentlemen whom "mayor" will not cover.

Hon. F. Connor: Such as "shift bosses."

Hon. J. F. CULLEN: I think they will get over it by altering their own

name. It will be asked "Why not adopt the terminology of the local government legislation in Victoria and New South Wales, where they call the chairman of the shire "president" and his fellow members "councillors?" The objection to that is that "president" has no more application outside the board room than has "chairman." One could not call the chairman of a roads board the "president" of his district. He is not. He is the president of his board and not of his district. There would be no advantage whatever in having the title of "president" as against the title of "chairman," except that it is associated in the minds of the people with higher things. But it would be no more applicable to the chairman outside the roads board meeting than would be the title of "chairman." I am quite certain that when hon. members have got over their first superficial thought of the Bill it will be accepted practically with unanimity. This change is bound to come, and I think the attitude of hon. members to-day will be determined largely by their capacity for looking ahead, and for weighing a question that has been suddenly broached to them. The superficial mind will dismiss it straight away, but the hon. member who thinks about it will say there is a good deal in it. As I say, this change is sure to be adopted sooner or later. I hope the House will be far-seeing enough to adopt it at once. In recognition of the splendid services that are being rendered by over 1,000 of our fellow settlers in this new State, I have pleasure in moving—

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

Hon. J. CORNELL (South): I intend to vote against the second reading because I think it can safely be said of the measure that it is puny in the first instance and would be puerile if given effect to. The Bill proposes to change the title of the chairman of a roads board and to call him "mayor." Shakespeare asked "What is in a name?" There is very little in a name unless we go outside and call a man one. It is absurd to endeavour to reward

members of roads boards who are fortunate enough to become chairmen of such bodies, with a title which, after all, is a relic of medievalism, which has come down to us from the Middle Ages; yet the hon. member, per medium of a Bill, proposes to reward these men with a title which is a few centuries out of date. If he had got something new there might be something in the Bill. I think he who has the honour to be elected chairman of a roads board is sufficiently satisfied with the honour, without having a new title foisted upon him. The man who aspires to and gains a public position for the sake of some name which will be bestowed upon him will not last long or be very useful in that office.

Hon. W. Kingsmill: We are all called some name or other.

Hon. J. CORNELL: I take it the object of any institution should be to call the members or officers of that institution some name which will be near to the office they hold, or in keeping with the institution. Hon. members of this Chamber are called "members of the Legislative Council," and you, Sir, are called "the President," while the chairman of a roads board is properly entitled "chairman." I think that is a sufficient title and far more up to date than the title which the hon. member proposes the occupant of the office should be known by in future. I hope the Bill will be thrown out on the second reading. It is the first Bill the second reading of which I have spoken against. I say with all due respect to the mover that, whatever his intentions, I think this has been the most puny effort he has put forward in the House. I hope the House will keep in step in the march of progress and allow the chairman of a roads board to continue to be known by his up to date name, and not by a title constituting a relic of the Middle Ages.

Hon. A. SANDERSON (Metropolitan-Suburban): As chairman of a roads board and as one who takes a very deep interest in roads board matters I would like to say a few words on the Bill. It is a kind of butterfly Bill, and therefore we do not require to bring any heavy

hammer to deal with it. Members of roads boards are clamouring for more money and clamouring for a proper amendment of the Roads Act. Apparently, the Government cannot see their way either to give them more money, or to furnish them with the amendment they desire, so they will have to be satisfied, if the Bill passes, with this somewhat barren title. I hope my hon. friend will not think I wish to depreciate either the efforts of members of roads boards or his own, but I really do not think we should add to the dignity of the roads boards or of ourselves by passing this Bill. I have had correspondence sent to me in connection with this Bill proposing some very important amendments, and I take it the proposer of the measure would be somewhat vexed if any hon. member piled up the Notice Paper with amendments dealing with roads board work. I do not know that it is necessary to trouble the House with those proposed amendments at this stage, because members who have had experience of roads boards matters know the amount of interest that is taken at the present time in the amendment of the Act, and perhaps the even keener interest in this question of financial assistance. Personally, I am going to vote against the Bill, but I might have altered my opinion—I do not know whether I would—if we had seen the whole of the correspondence from the hundred roads boards in the country. It does not seem to be reasonable to introduce a Bill and give the assurance that fifteen roads boards had approved of it. I always give the highest title to any person I am addressing, and if President, Lord Mayor, or even Colonel would please the hon. member I would give it. If we get into Committee I shall have several amendments to propose, but until then it is hardly worth mentioning them.

On motion by Hon. J. D. Connolly debate adjourned.

#### BILL—CRIMINAL CODE AMENDMENT.

*In Committee.*

Resumed from the 18th November; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 9—Restraint of Marriage:

The CHAIRMAN: Clause 9 had been amended by the striking out of Subclause 4, and the question now before the Committee was that the clause as amended stand part of the Bill.

The COLONIAL SECRETARY: When this clause had been last under discussion he had moved to report progress in order to give it special consideration. Speaking now as a private member on a clause that had been inserted by a private member in another place, it seemed to him that paragraph (b) of proposed Subsection 1 was very far reaching, and should be struck out. It was impossible to move that the paragraph be struck out, and the best course to adopt would be to strike out the whole clause and then recommit the Bill to re-insert the clause with the exception of paragraph (b) and proposed Subsection 4, which had been already struck out. Under the clause as it would then appear restraint of marriage would not be a breach of the law unless there was a rule, order, regulation, contract, agreement, or arrangement.

Clause, as previously amended, put and negatived.

Bill again reported with further amendments, and the report adopted.

*Further Recommital.*

On motion by the COLONIAL SECRETARY Bill further recommitment for the purpose of inserting a new clause to stand as Clause 9.

New clause 9—Restraint of marriage: The COLONIAL SECRETARY moved an amendment—

*That the following be added to the Bill to stand as Clause 9:—“The following section is hereby inserted in the Code after Section 340 thereof, that is to say:—340A. (1.) Any person who, either as principal or agent makes or enters into or enforces or seeks to enforce any rule, order, regulation, contract, agreement, or arrangement in restraint or with intent to restrain, prevent, or hinder the marriage of any person who is in his employment or in the employment of his principal and*

*is of the age of twenty-one years or upwards is guilty of an offence, and is liable to imprisonment for three months or to a fine not exceeding five hundred pounds. (2.) The provisions of this section shall apply to corporations, so far as they are capable of being so applied. (3.) Nothing in this section shall affect or apply to the rules, vows, or discipline of any religion or religious order or society, or render the enforcement or observance thereof in any way illegal.*

Hon. A. SANDERSON: It would be desirable to negative the whole clause. The leader of the House had spoken as a private member, and that required some effort on his part and on the part of members. The Minister could not cast aside his responsibility in that light manner. In the first place this clause had never been passed practically without discussion, and when subsequently a proposal had been made to strike the clause out the Minister had said that the Committee had been fully aware of what it was doing and had been satisfied to pass the clause. Then the Committee had struck out proposed Subsection 4 without any protest on the part of the Minister, and now, in the third place, in his capacity as a private member, he agreed that paragraph (b) should be deleted. It would be better to strike the clause out entirely or to report progress in order to allow further consideration. Perhaps if the leader of the House considered it again in his three capacities, as a private member, leader of the House, and a member of the Government, he would come round to the same way of thinking as other hon. members who were entirely against the clause. He asked the Colonial Secretary to consider the clause quietly and ask himself if the objections which the Council had recognised did not apply to that paragraph as well.

Hon. J. F. Cullen: Strike the whole thing out.

Hon. A. SANDERSON: The other day he had accepted advice against his better judgment. This matter should not be rushed through. Supporters of the clause were on the run and he desired to drive them out of the field altogether.

Hon. J. F. Cullen : Finish it now.

Hon. A. SANDERSON: If that was done one would need to begin to count the noses. This clause might affect every householder in the country.

Hon. D. G. GAWLER: The attitude of the leader of the House appeared to him to be reasonable, and he gave the Minister credit for standing by his opinions. If the words in paragraph (a) were struck out it would be practically the same as striking out the whole of the clause.

The CHAIRMAN: It would be quite in order.

The COLONIAL SECRETARY: From the tone of the hon. Mr. Sanderson's remarks and the matter of his speech, it was evident that he did not understand the circumstances in connection with the introduction of the clause. The clause was not inserted by the Government and he was not obliged to support it, but he had supported it, and a large majority of members of this House had supported it after a lengthy discussion, at any rate on the second reading.

Hon. J. F. Cullen: Hardly a large majority.

The COLONIAL SECRETARY: Then the clause was reconsidered; new matter was introduced, forcible arguments were used, and after further consideration he suggested that paragraph (b) be struck out in order that it might be an offence only when a rule, contract, agreement, or arrangement was entered into. Previously it was complained that if the clause was passed everyone in Western Australia would be affected.

Hon. J. W. Kirwan: Does that include the understanding that exists in regard to many of the banks?

The COLONIAL SECRETARY: Yes, it would have the effect of abolishing the existing regulation in this connection.

Hon. J. W. Kirwan: In many cases it is not written; it is merely an understanding.

The COLONIAL SECRETARY: An agreement or arrangement might be verbal so that the clause covered the whole of the ground.

Hon. H. P. COLEBATCH: It was impossible to see how anyone could offer reasonable objection to the clause. All the objections raised by the hon. Mr. Moss had entirely disappeared.

Hon. J. F. Cullen: Certainly not.

Hon. H. P. COLEBATCH: If a man married and was considered to be unfit for his work he could be dismissed. The only thing prohibited was from entering into an arrangement beforehand.

Hon. J. D. Connolly: Is it not better to tell a man beforehand than to dismiss him afterwards?

Hon. H. P. COLEBATCH: An employer had no right to do that. If the clause was passed it would be quite competent for any employer to dismiss a person who married if the fact of his marrying made him unsuitable for his work. The portion of the clause which made it an offence to dismiss a person who married had been struck out. If the penalties were reduced there could be no objection. He moved an amendment—

*That "three months" be struck out and the words "one month" inserted in lieu.*

Hon. Sir E. H. WITTENOOM: The clause would have his opposition because it would interfere with people in managing their own businesses. Employers who chose to engage married or single people had a right to please themselves. If the clause contained the powers which the hon. Mr. Colebatch claimed for it, an employee could be dismissed if he got married and was not in receipt of £200 a year. The clause was most far-reaching, and no one realised the extent to which it would apply. There was no necessity for it. There had been no hardship so far as he knew.

Hon. J. Cornell: It is repulsive all the same.

Hon. Sir E. H. WITTENOOM: So far as he knew it had not prevented anyone from getting married. If a man had been employed in a bank for 15 or 20 years and could not earn £3 10s. or £4 a week he was not fit to have a wife and family. He was referring to banking and other institutions, and not to farms where people had no appearances to keep up and were not called upon to spend much.

There was a difference between having to wear a starched collar every day, and working in a mine where men wore little more than trousers. It was monstrous to give any magistrate the right to imprison a man for such an offence without the option of a fine. Let the penalty be made £50 or £100 with imprisonment in default of payment, but the option should not be left with the magistrate.

The Colonial Secretary: The option is always with the magistrate.

Hon. Sir E. H. WITTENOOM: In many cases it was, but the magistrate should not be able to order imprisonment without the option of a fine under a clause of this description. The clause had been inserted at the instance of a private member who perhaps had some wonderful ideals. He rather admired men with ideals, but he was afraid the hon. member in question was a little ahead of the times. There was no instance of such a regulation having prevented anyone who desired from marrying.

Hon. F. Davis: Men have been discharged because they married.

Hon. Sir E. H. WITTENOOM: Did the hon. member know anyone who had been so discharged?

Hon. F. Davis: Yes.

Hon. Sir E. H. WITTENOOM: Not one instance had come to his knowledge, and he was connected with a few institutions. Very seldom did men desire to marry on less than £200 a year, especially if they had any sense.

The CHAIRMAN: It would be well for hon. members to discuss the amendment, and to withhold general remarks about the clause until the question, that the clause as amended, if amended, should stand part of the Bill, was put.

Hon. J. F. CULLEN: Mr. Colebatch had urged as the basis of his amendment that it would make the clause quite safe. In practically every household, however, there was a rule that domestic servants should be single and if they married they should leave.

The CHAIRMAN: The hon. member was not speaking to the amendment which was to strike out "three months." It

would save the time of the Committee if hon. members would confine their remarks to the amendment.

Hon. J. F. CULLEN: One must bow to the Chairman's ruling.

Hon. J. W. KIRWAN: One could not really discuss the penalty to be imposed without making some reference to the gravity of the offence. Sir Edward Wittenoom had adopted the attitude that this clause was a very serious interference with the management of businesses. One recognised that the conduct of anyone's business ought not to be interfered with without very good reason, but the clause was only interfering to prevent a far more serious interference, namely, interference with the private or domestic affairs of citizens in this State. It was more serious to interfere with an important matter such as marriage than the private conduct of any business.

The CHAIRMAN: The hon. member was hardly in order. Hon. members would have ample time to discuss the general principles of the clause when the clause was put as a whole, therefore, he asked them to decide first whether or not the words "three months" should be struck out and "one month" inserted. Members would then have ample opportunity to discuss the clause as a whole.

Hon. J. W. KIRWAN: Surely in discussing the nature of the penalty to be imposed one could not very well do so without going into the offence. Of course he bowed to the Chairman's ruling, but wished to advance that aspect of the matter.

Amendment put and passed.

Hon. H. P. COLEBATCH moved a further amendment—

*That the words "five hundred" before "pounds" be struck out and "fifty" inserted in lieu.*

Amendment passed.

Hon. J. F. CULLEN: Mr. Colebatch's reading of this clause was amazing. The very first word would bring it into every household in the country.

Hon. H. P. Colebatch: That is quite inaccurate, there are thousands of households who do not make any rule such as you say.

Hon. J. F. CULLEN: The common rule throughout the households in the country was to employ unmarried domestics. It would be exceedingly inconvenient to have married domestics, but if any employer of a domestic said, "If you want to get married you must leave my employ," that employer would come within the scope of this clause and would be liable to a fine or imprisonment at the option of the magistrate.

Hon. H. P. Colebatch: Magistrates have the same option in every offence, even an ordinary case of drunkenness.

Hon. J. F. CULLEN: The common rule of the households of this country was to have married domestics and that rule brought every employer of domestics within the scope of this clause. For that reason the clause was absurd and should be wiped out.

The COLONIAL SECRETARY: The attitude taken up by Mr. Cullen and some other members was surprising. Mr. Cullen attempted to justify the rule which he said existed throughout this country against marriage. If there was any such rule in existence it was a bad advertisement for the State. We had had it proved that banks had such a regulation, and this clause as it stood now, so far as he knew, would simply aim at the banks, unless the rule existed which Mr. Cullen said did exist among settlers to prevent the marrying of their employees. If there was such a rule, that was justification for legislative action. If there was not such a rule then it did not matter. The clause as it stood now would simply abolish regulations in restraint of marriage. Modified as it had been it would do no more and could do no more.

Hon. J. F. CULLEN: In employing domestic servants an employer was quite within his or her right in saying, "For this kind of work I do not want families, I do not want married employees, I want a young girl."

Hon. H. P. Colebatch: This does not prevent an employer doing that.

Hon. J. F. CULLEN: It did. When the time came for the girl to marry, the natural course was for her to go to a home of her own.

Hon. H. P. Colebatch: This will not prevent her from doing that.

Hon. J. F. CULLEN: The clause said decidedly that the common rule that domestic service was for single people was a crime.

Hon. J. W. Kirwan: A girl who gets married does not want to remain in domestic service.

Hon. J. F. CULLEN: The clause was a monstrous one for any legislature to entertain.

Hon. A. SANDERSON: The clause should not be rushed through to-day.

Hon. H. P. Colebatch: We have discussed it altogether for about six hours already.

Hon. A. SANDERSON: One must admit that the argument was a repetition to a certain extent. The fact remained that the Minister told us the other day he had considered the matter carefully and fully and was of opinion that it was a good clause. The Colonial Secretary had thought that when the clause existed as a whole, and he thought it after Sub-clause 4 had been knocked out. Then the Colonial Secretary came down this afternoon and intimated that he was prepared, after further consideration to knock out paragraph (b), and then that he proposed an amendment himself.

The Colonial Secretary: I did not express a definite opinion on it until to-day.

Hon. A. SANDERSON: Hon. members must be left to form their own opinion. His impression was certainly very different from what the Colonial Secretary told us. As the Minister gave that assurance it would be accepted, and if it was the deliberate opinion of the Legislative Council, after having considered the matter that it should be placed on the statute-book, he would not be guilty of stonewalling or attempting to get it defeated by means of any subterfuge. He, however, hoped to receive an assurance that it would not be rushed through.

Hon. D. G. GAWLER: The clause only dealt with persons who were in one's employment. In the case of a domestic servant, if the rule had not been made and



that domestic servant desired to get married the employer would not be guilty. What would be the object of having such a clause if we were never going to find a person guilty under it? The omission of paragraph (b) would be a great improvement but he maintained the same attitude as before, that such a provision had no right to appear in the Criminal Code and it was a legal monstrosity to have it there. The offender would be liable to imprisonment and it would be within the option of the bench to imprison a woman who might be an employer of a domestic servant, yet under the Masters and Servants Act there was a special provision against the imprisonment of women. Apart from anything else that in itself was a blot.

The COLONIAL SECRETARY: If an employer dismissed a servant on the eve of her marriage he would not come within the purview of this clause, and was it likely that an employer would dismiss a servant if he knew of the existence of such a provision in an Act of Parliament? He might be liable to punishment if he dismissed three or four servants, and if it were proved that the rule existed in his establishment.

Hon. J. W. KIRWAN: A good deal of discussion had arisen around the extreme cases of dismissed servants. How many hon. members were aware that domestic servants remained in the employment of their mistresses after they got married? A domestic servant did not get married unless she needed someone to make a home for her, and then after her marriage she invariably went away and started that home of her own. Therefore, to try and shield behind domestic servants a number of banks that were undoubtedly doing something that was contrary to public policy, was not right.

Hon. J. CORNELL: If this provision became law he ventured to say that what was going on now would go on in the future just in the same way, but the fact remained, if it went on and someone was caught, an example could be made of that person. He could be shown up in the eyes

of the public and he could be fined for having committed an offence against a statute. That was why he desired to see the proposal become law. The object of the clause was to prevent something which was absolutely repulsive from being carried into effect. In such cases the law should certainly step in, and it was the duty of the House to make it possible to penalise an individual or corporation who tried to prevent the marriage of its employees.

Hon. Sir E. H. WITTENOOM: The clause was an interference with the carrying out of a man's personal business.

Hon. J. Cornell: It is interfering with the other man's matrimonial business.

Hon. Sir E. H. WITTENOOM: It was not like an instance of having to work long hours. A man could leave his employment any time he liked if he wanted to get married. What he complained of was the penalty. A bench of justices would be allowed to put a man in prison for a week or a fortnight, and that man's name would be stained for the remainder of his life, just because of some little dereliction in connection with the matrimonial proposals of one of his employees. That was absolutely wrong. No one should be subjected to such an indignity. Fancy the leader of the House, who employed some people in Geraldton, having to go to gaol for committing a breach of such a provision as this. What an indignity to subject the Labour Government to.

Hon. C. SOMMERS: The Minister would be well advised to report progress and allow the alteration to appear on the Notice Paper. The House was very thin and if the amendment was capable of all the meanings to which reference had been made, it was certainly worthy of further consideration. There was no urgency for it and the House should not rush it through.

Hon. F. CONNOR: Attention had been drawn to what was described as the excessive penalties. Personally he cared little what the penalties might be, for they were entirely overshadowed by the principle that individuals having reached the age of discretion and desiring to marry

should be allowed to marry. The sanctity of this right should not be interfered with. However, in the circumstances the Minister should allow the consideration of the clause to stand over till Tuesday.

The COLONIAL SECRETARY: If progress were reported it would not be with his consent. This matter had had a lot of consideration and if hon. members were not in attendance in fair numbers to-day it was not his fault. He particularly desired to reach finality on this point as soon as possible.

Hon. J. D. CONNOLLY: While having no sympathy with banks that imposed such restriction on marriage, he did not think the clause would have the least effect. In any case he strongly resented such a provision being inserted in the Criminal Code.

Hon. A. SANDERSON: It was a pity the Colonial Secretary did not see fit to report progress. It was his desire to consult the people most concerned by the clause. An opportunity should be given for that purpose. The clause had not yet been fully discussed in all its bearings. The Colonial Secretary should agree to report progress.

Hon. V. HAMERSLEY moved—

*That progress be reported.*

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

Ayes	..	..	..	11
Noes	..	..	..	8

Majority for 3

**AYES.**

Hon. J. D. Connolly	Hon. A. Sanderson
Hon. F. Connor	Hon. C. Sommers
Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. D. G. Gawler	Hon. Sir E. H. Wittenborn
Hon. V. Hamersley	Hon. W. Patrick
Hon. A. G. Jenkins	(Teller).

**NOES.**

Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. H. P. Colebatch	Hon. B. C. O'Brien
Hon. F. Davis	Hon. J. Corneil
Hon. J. E. Dodd	(Teller).
Hon. J. M. Drew	

Motion thus passed.

Progress reported.

**BILL—MINES REGULATION.**

*In Committee.*

Resumed from the previous day; Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clause 46.—Employment of foreigners:

The CHAIRMAN: Progress had been reported on an amendment moved by Mr. Cullen to strike out Subclause 6.

Hon. J. E. DODD: To meet the convenience of several members it had been agreed to postpone consideration of the Bill, but certainly some consideration should have been shown to Ministers in getting on with the business of the House.

Hon. J. F. Cullen: Two wrongs will not make a right.

Hon. J. E. DODD: In his opinion it was very unfair.

The CHAIRMAN: Progress was reported on Clause 46, to which the hon. J. F. Cullen had moved an amendment that Subclause 6 be struck out.

Hon. J. F. CULLEN: Subclause 4 had been struck out and Subclause 6 would be without meaning. The first part of the subclause was unnecessary. In the margin was the ominous word "new" and wherever that occurred care was necessary as the clause was bound to be one-sided. There had never been a case in which a man had refused to be examined.

Hon. J. E. Dodd: Yes, there has.

Hon. R. G. Ardagh: Men have avoided the examination, anyhow.

Hon. J. F. CULLEN: There was no case on record of a miner having refused to meet the test. Not only was the foreigner to be hounded because he was a foreigner, but he was to be doubly punished—refused employment and then treated as having committed a criminal offence. The latter portion was so remarkable that it would justify the striking out of the whole of the subclause. In effect, it stated that the manager, owner or agent should not be guilty if there was no offence. This was not only novel in the completest sense of the term, but ridiculous. What preposterous nonsense it was to put into an Act of Parliament!

There had never arisen a difficulty when it was sought to apply the test.

Hon. J. Cornell: Who is your authority?

Hon. J. F. CULLEN: A very sound one.

Hon. A. SANDERSON: On the previous night the Honorary Minister had mentioned a reference to *Hansard*, page 900 and he (Mr. Sanderson) intimated that the reference was wrong. He wished to explain that it had been quoted wrongly by him and not having been altered in the proof it had appeared in *Hansard*, but the error would be rectified. He supported the amendment. The Minister should explain what the test and who the examiners would be. It would be easy to plough nine-tenths of the members of the House in English. If the Minister was strongly opposed to the employment of foreigners in any capacity, the test could be made so severe, that without going beyond the letter of the measure, he could do practically what he liked.

Hon. J. E. DODD: In order to keep faith with the hon. Mr. Connolly, he asked that progress be reported.

Progress reported.

*House adjourned at 4.55 p.m.*

**PAPERS PRESENTED.**

By the Premier: Amendments to regulations and schedules under the Workers' Homes Act Amendment Act, 1912.

By the Hon. W. C. Angwin (Honorary Minister): 1, Annual report of the Fremantle Harbour Trust. 2, Reports and papers on Thompson's dairy (ordered on motion by Mr. B. J. Stubbs).

By the Attorney General: Return of names struck off Geraldton electoral roll (ordered on motion by Mr. E. B. Johnston).

**QUESTION—SELECT COMMITTEE, CAPTAIN HARE'S RETIREMENT.**

*Attendance of Assembly members.*

Mr. MONGER (without notice) asked the Premier: In view of the fact that the report of the select committee of the Legislative Council on the retirement of Captain Hare is shortly due, will the Government afford this House an early opportunity of replying to the Message of the Council asking for the attendance of the Hon. W. C. Angwin and Mr. George Taylor to give evidence before such committee.

The PREMIER replied: No, I do not propose to give an early opportunity to deal with it. There is other business of more importance.

**QUESTION—PROPORTIONAL REPRESENTATION.**

Mr. E. B. JOHNSTON asked the Attorney General: Does he intend to lay the latest reports of the Chief Electoral Officer on the subject of proportional representation on the Table of the House, in order that the valuable information contained therein may become available to the public?

The ATTORNEY GENERAL replied: Yes.

**RETURN—ELECTORAL ROLL, GERALDTON DISTRICT.**

On motion by Mr. E. B. JOHNSTON (Williams-Narrogin), ordered: That a

**Legislative Assembly,**

*Thursday, 20th November, 1913.*

	PAGES
Papers presented .. .. .	2821
Questions: Select Committee, Capt. Hare's retirement .. .. .	2821
Proportional Representation .. .. .	2821
Return: Electoral Roll, Geraldton district .. .. .	2821
Bills: Fremantle Improvement, Council's Amendments .. .. .	2822
Esperance Northwards Railway, 2a. .. .. .	2825
Annual Estimates: Votes and Items discussed .. .. .	2863

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