

Département, and he charitably assumed the contradictions were the result of error on the part of the printer; but, in any case, it was a serious matter, considering that a capitalist who desired to invest money in the colony would be given absolutely contradictory information. If the Minister of Mines desired to make this country responsible for statements, he should see that those statements were reasonably correct; and if his department were not to blame, and the printer was, it was time the latter official was interviewed in a severe manner.

MR. WOOD: The wages of the men in the Government Printing Office ought to be brought up to the level of those employed in private offices. He saw that the permanent hands were paid for every day except Sundays, and that for extra labour there was voted last year £10,000, and £12,750 was spent, while only £10,000 was asked for this year. He understood the reduction was brought about by the fact that several men had been moved from the temporary staff to the permanent staff. He did not see why temporary employees in the Government Printing Office should be paid less than employees in private offices.

THE PREMIER: It seemed strange that printers were very desirous of getting into the Government service.

MR. VOSPER: The Typographical Society had been complaining for years about the wages paid in the Government Printing Office.

Item, Extra labour:

MR. GEORGE: The £10,000 for extra labour represented the wages of about 80 men, and as every man put on the permanent staff would be entitled to a pension, some future Premier would have the pleasure of having to face an elongated pension list.

THE PREMIER: Those on the permanent staff came under the Superannuation Act.

MR. GEORGE: The only idea of putting 15 or 16 men on the permanent staff was to get them on the pension list. It was strange that in connection with a huge spending department like that of the Colonial Secretary, there should be no Minister in the House who knew enough to explain, the Premier being in the deplorable condition of having

to manufacture explanations for items of which he knew nothing. It would be a pity to pass the vote under the circumstances, and he moved that progress be reported.

Motion put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 11 o'clock until the next Thursday.

Legislative Council,

Wednesday, 15th November, 1899.

Commercial and Business Holidays Bill, second reading
—Bank Holidays Amendment Bill, second reading
—Pharmacy and Poisons Act Amendment Bill, second reading, in Committee, reported—Statutory Declarations Amendment Bill, second reading, in Committee, reported Excess Bill, in Committee, reported Petition of Federal League, motion to approve, adjourned—Cottesloe Lighting and Power Bill (private), second reading, in Committee, reported—Adjournment.

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

PRAYERS.

COMMERCIAL AND BUSINESS HOLIDAYS BILL.

SECOND READING.

HON. A. B. KIDSON (West), in moving the second reading, said: This Bill is one which I hope will commend itself to hon. members. The introduction of the measure has been entrusted to me, first by the Chamber of Commerce of Fremantle, and, through them, practically by the whole of the Chambers of Commerce throughout Western Australia. The object of the Bill is to provide that there shall be uniformity in regard to commercial and business holidays throughout the colony upon certain days fixed in

the schedule, so that all business houses of the class mentioned in the Bill will hold their holidays on these particular days. I think this fact will commend itself to the House, because at present it has been found by the business houses interested that there has not been uniformity in connection with the matter. Some business houses have thought fit to hold their holidays on one day, other business houses have not thought fit to hold any holidays at all; and, again, other business houses have thought fit to hold their holidays on another day. The whole question is at sixes and sevens; there is no uniformity, which has operated detrimentally to the business men. I should like to impress on the House this is not the outcome of my idea, but the ideas of all the business houses not only in Fremantle, but practically throughout the colony. They have come to the conclusion that it is advisable, and almost necessary, that this measure should be introduced. The matter was referred to a committee of the Chamber of Commerce at Fremantle, and they reported on a certain basis on which the Bill was drafted. The basis of the Bill was reported to the Chambers of Commerce and adopted and submitted to the other Chambers of Commerce throughout the colony, approved by them, and returned to the Chamber at Fremantle, who requested me to draft a Bill on the basis of the report, and this Bill is practically the outcome of it. I do not think it requires many words from me to commend the principle in the measure to hon. members. This Bill will secure uniformity in the matter of holidays in business houses, and that in itself will commend the Bill to hon. members. I think hon. members can see the objection to having holidays at sixes and sevens, as at present, and that it is necessary to have uniformity in regard to holidays. The holidays it is proposed to fix in the Bill are the Birthday of the Sovereign, the Birthday of the Prince of Wales, the Anniversary of the Settlement of Australia (26th day of January), Anniversary of the Foundation of the Colony (1st June), New Year's Day, Good Friday, Easter Monday, Proclamation Day (21st October), Christmas Day, and Boxing Day. These are the days fixed for the holding of holidays, and, if this Bill is passed into law,

the effect will be that all business houses of the colony will have to hold their holidays on the days mentioned. The business houses will be compelled to hold their holidays on those days, and will not be allowed to remain open to the detriment of other business houses. There is a technical term used in connection with business houses; it is "shop," which means "any building or buildings, or portion of a building or buildings, in which goods are sold or exposed or offered for sale, and shall include store, tent, vehicle, and boat." Therefore the measure refers particularly to the houses dealing with the sale of goods; and a shopkeeper means any person who carries on a business of this particular class. The Bill does not apply to that class of business mentioned in the second schedule, because it was thought necessary by the Chambers of Commerce to exclude these particular businesses from the operation of the Bill, owing to the nature of the trade carried on by them. The businesses excluded from the operation of the Bill are chemists' and druggists' shops, tea and coffee and refreshment shops or stalls, fish and oyster shops, confectioners' shops, tobacconists' shops, restaurants, news agents, stationers and booksellers, undertakers, florists and seedsmen, butchers, bakers, shops or premises respecting which a publican's general, wine and beer, way-side house, packet, or hotel license within the meaning of the Wines, Beer, and Spirit Sale Act, 1880, or any Act in amendment or substitution thereof, has been granted. These are excluded from the operation of the Bill, and all other classes of shops dealing with business are included in the operation of the measure.

HON. J. E. RICHARDSON: You mentioned boats: what about excursion boats?

HON. A. B. KIDSON: They are excluded: they have a packet license.

HON. J. E. RICHARDSON: What about ferry boats?

HON. A. B. KIDSON: They have a packet license also.

HON. F. M. STONE: No.

HON. A. B. KIDSON: Ferry boats do not sell goods: I fancy they simply carry passengers across in the ferry; but if the hon. member thinks it advisable to include them in the Bill, it can be done by

mentioning them in the schedule, though at present I do not think it necessary to include them. Under Clause 5, the Governor may, from time to time, by proclamation, declare any day to be observed as a commercial and business holiday throughout the colony, or any part thereof. That is a very necessary provision, as we never know what circumstances may arise which may require it. Under Clause 6, the Governor may, by proclamation, declare that any commercial and business holiday appointed by the Bill shall not be a commercial and business holiday, and may, in like manner, appoint some other day to be a commercial and business holiday. The Governor may change the day, and proclaim another day in lieu thereof. Clause 7 provides that all shops shall be closed on and during a commercial and business holiday. Clause 8 provides a penalty, if any shopkeeper shall fail to close and keep closed his shop, he shall be liable, on conviction for any offence, to a penalty not exceeding twenty pounds. It is necessary, as hon. members will perceive, to have a penalty in connection with this measure, because if there was no penalty the Bill would become a dead-letter if it became law, and it is, therefore, necessary to have some penalty in order to compel shopkeepers to carry out the intention of the measure. That practically comprises the whole of the clauses of the Bill. There is one point it is necessary for me to draw attention to. Under another Bill, which I propose moving the second reading of subsequently—a Bill to fix certain Bank holidays—there is a provision that if any of the holidays mentioned in the Bill falls upon any other day than a Monday, then the Monday following shall be kept up as the holiday. It may be thought advisable to insert a similar clause in this Bill. I have no doubt in my mind on the matter, but on consideration it may be advisable to insert the clause in the Bill to avoid any doubt on the subject. Then the effect of it with regard to those days which are fixed in this Bill as commercial business holidays would be that if any of those days fell on any other day than a Monday, the holiday would be held on the following Monday, and I think that is a matter which will commend itself strongly to this House, because it

has been in force in Adelaide for a considerable time, and has worked splendidly. The effect of it is practically to give those persons who would enjoy the benefit of the holiday three days instead of one. Supposing a holiday came on the Wednesday, instead of having it on the Wednesday a person would have it on the following Monday, thus getting Saturday, Sunday, and Monday, and being able to go away from town. That is the object of the measure. It has, I repeat, worked splendidly in South Australia, and I think it will commend itself to hon. members. There is now no uniformity in this colony, and the business houses have found that the absence of it acts very detrimentally to them. They require that there shall be uniformity, so that when holidays occur we shall not find some business houses open and others closed. I have much pleasure in moving that the Bill be read a second time.

HON. R. G. BURGESS (East) : I suppose this Bill will refer to all business places in the colony ?

HON. A. B. KIDSON : Yes, as it stands now.

HON. R. G. BURGESS : I think that if the measure is made to apply to every shop or business place in the colony, it will act very harshly in country places. We must remember that we do not all live in towns.

HON. A. B. KIDSON : That can be altered in Committee: there will be no objection.

HON. R. G. BURGESS : The hon. member says we can alter this in Committee, but is he going to give us time to do so ?

HON. A. B. KIDSON : Certainly.

HON. R. G. BURGESS : I do not think this Bill would act satisfactorily in country places if passed as it now stands. Sometimes people have to go thirty or forty miles to obtain something, and, under this Bill, if the occupiers of business premises open their establishments on days when they are supposed to be closed, those occupiers will be liable to heavy penalties.

HON. F. M. STONE (North) : Although I approve of the Bill, I think it will want considerable amendment. For instance, the Bill says that "shop" shall include stall, tent, vehicle, and boat; therefore those employed on ferry boats would have to have a holiday, and the

boats would be prevented from running. And supposing there were a bazaar or fair on one of these holidays, the holders of the stalls could not sell the goods on them, but would have to close up. I repeat that the Bill will want considerable amendment when we go into Committee. Does the hon. member (Mr. Kidson) propose to go into Committee at once?

HON. A. B. KIDSON: No; to-morrow.

HON. W. T. LOTON: We shall not sit to-morrow.

HON. F. M. STONE: I am afraid it does not give us much time. I hope the hon. member will not go into Committee to-morrow.

Question put and passed.

Bill read a second time.

Committee stage made an order for the next Tuesday.

BANK HOLIDAYS AMENDMENT BILL.

SECOND READING.

HON. A. B. KIDSON (West): I move the second reading of this Bill, which is an exceedingly simple one, and consists of only five clauses. The Bill has for its object, firstly the addition of three days to the bank holidays existing in this colony according to the statute; and the other object is to cause all the bank holidays (not only the three included in the first schedule, but also those in the Bank Holidays Act), if they fall on any other day than on Monday, to be kept on the following Monday, so as to give an extra day to those persons who gain the benefit of the holidays, and would thus have Saturday, Sunday, and Monday consecutively. I think the principle is a good one, and I cannot see anything against it. The idea is excellent, and as I mentioned before, the system has been in force in South Australia for a considerable time, and has worked splendidly there. This Bill, like the previous one, has received not only the sanction but the support of every Chamber of Commerce in the colony, and there is a strong desire that it shall be brought into operation. I hope hon. members will allow it to go through. The days which will be affected by the holidays falling on any other day than a Monday are Birthday of the Sovereign, Anniversary of the Accession of the Sovereign, Birthday of the Prince of Wales, Anniversary of the Foundation of

the Colony (1st June), Anniversary of the Settlement of Australia (26th January), Proclamation Day (21st October).

HON. F. T. CROWDER: Cannot you add a few more days and make a month of it?

HON. A. B. KIDSON: Perhaps the hon. member may be ready to do that in Committee. He is very ready to move amendments. I shall be glad to consider any amendments he proposes.

HON. F. T. CROWDER: The longer the banks are shut the better.

HON. A. B. KIDSON: I have no doubt it would suit the hon. member. I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

PHARMACY AND POISONS ACT AMENDMENT BILL.

SECOND READING.

HON. F. M. STONE (North): I beg to move the second reading of this Bill, to amend the Pharmacy and Poisons Act of 1894. The object is to enlarge the provisions of the Sale of Poisons Act of 1879, and to make the Act more favourable to the public. For instance, under one clause of the Act, no person can obtain a license to sell poison within twenty miles of a town where a pharmaceutical chemist is carrying on business. This Bill alters that distance to five miles, so that any person may obtain a license to sell poison, if he resides beyond five miles from where a pharmaceutical chemist is carrying on business. Hon. members are well aware that, at many stations in the country, poisons are kept for numerous purposes, and under the present Act persons cannot get a license to sell those poisons if they are within 20 miles of where a chemist carries on business. Take York, for instance; you cannot sell poisons within 20 miles of York if a chemist is carrying on business there. Twenty miles is a long distance, and a person may wish to go to a station where these poisons are kept for the destruction of native dogs or something of that kind. Provision is made in the Bill to prevent poisons from getting about. Under the Bill a person who has a license to sell poisons must keep those poisons under lock and key, and he is also to have a book containing the name of the person to whom the poison is sold,

and stating the purpose for which it is sold. Clause 2 deals with strychnine and arsenic. I believe that many accidents have occurred through persons mistaking strychnine for salts, and arsenic for flour, and it is now proposed that some colouring substance shall be added to strychnine and arsenic before they are sold. In regard to arsenic, the section mentions some black substance, and in the case of strychnine Armenian bole, or some other red colouring matter, so that the poison could not be mistaken for salts, as it has been in the past. I believe that the medical profession wished this clause inserted in the Bill. It is in the Queensland Act, and I believe in that of some of the other colonies, owing to the number of accidents which have happened. It is proposed, further, that if strychnine is required for any purpose that this colouring may affect, it may be purchased for that purpose without such colouring. Under Clause 3 it is proposed to enlarge the principal Act in relation to paragraph e of Section 21. Under that section, if a person has for four years served as an apprentice in the business of chemist and druggist or pharmaceutical chemist in Western Australia, he can apply to the Board to be licensed. It is proposed to further extend that by striking out the words "Western Australia," and making the provision apply to the whole continent. I do not think there can be any objection to that. Then, as I pointed out, it is proposed in regard to mileage to strike out the word "twenty" in Section 27 and insert "five." There are certain poisons mentioned in the Poisons Act, 1894, and it is proposed to add a considerable number to the list. Hon. members will see that in the schedule there are two different kinds of poisons mentioned. It is proposed that a book shall be kept in regard to the sale of poisons mentioned in Part I., and that the purchaser's name must be entered in that book, as must also particulars of the purpose for which the poison is required. As to the preparations in Part 2 of the schedule, there is no necessity to keep this book, but no person can sell these poisons unless he is a licensed pharmaceutical chemist, or a person outside the distance of five miles, also licensed by the Board; and if a person sells poisons without a license he is liable to a penalty. It will

be seen that due provision is made for the protection of the public. In a particular and somewhat dangerous class of poisons the purchaser's name has to be entered in a book before sale, and in another class of poison no person can sell without having a license.

HON. H. BRIGGS: What about opium?

HON. F. M. STONE: Opium comes within the definition of "poison" in Part I. of the schedule.

HON. F. T. CROWDER: And as to soothing powders?

HON. F. M. STONE: No person but those licensed can sell soothing powders or soothing syrups, which are full of opium. A chemist may sell these powders in a town, and in the country the vendor must be licensed. Under Clause 4 it is proposed that no chemist's business shall be carried on unless conducted under the personal supervision of the proprietor, or of an assistant who is a pharmaceutical chemist, or a legally qualified medical practitioner. This clause is for the protection of the public; and it is further provided that chemists cannot, as has been done and is being done at present, carry on three or four shops. I know of an instance in Perth where Chinamen have been allowed to sell opium under the name of a chemist who had a shop in another street, it being found impossible under the present Act to prevent that sort of arrangement.

HON. F. T. CROWDER: Cannot a chemist keep a dozen shops?

HON. F. M. STONE: A chemist may keep twenty shops if he likes, but one must be under his personal supervision, and each of the others be conducted by a pharmaceutical chemist licensed by the board, or legally qualified medical practitioner. Under Clause 5 every chemist is bound to produce the book I have mentioned, at any time to any person authorised by the board: and Clause 6 reads:—

In any prosecution under section thirty-eight of the principal Act, or section five hereof, the fact that any person is apparently employed or engaged in any shop, house, or premises where drugs are kept or stored for sale, or acts in the capacity of a salesman therein, shall be *prima facie* proof that such person carries on business as a pharmaceutical chemist in such shop, house, or premises, and personally conducts and supervises the business carried on therein.

I believe certain persons have carried on business as chemists here for a considerable time; and it is proposed that if these persons apply within three months after the passing of the Bill, they may be licensed.

HON. H. BRIGGS: Without examination?

HON. F. M. STONE: Such persons may be licensed without examination, provided they are "possessed of any qualification legally recognised in any of the Australian colonies." These are the provisions of the Bill which I submit with confidence to the House.

THE COLONIAL SECRETARY: Are there any provisions regarding Paris-green and other insecticides used in orchards?

HON. F. M. STONE: Paris-green is not mentioned in the Bill.

THE COLONIAL SECRETARY: It is a preparation of arsenic.

HON. H. BRIGGS: It will come under "arsenic and its preparations."

THE COLONIAL SECRETARY: At present Paris-green need not be purchased from a chemist.

HON. H. LUKIN (East): I have much pleasure in supporting the Bill, which will help people in the country districts in a matter that has been pressing rather hardly on settlers. In the country there is a considerable amount of poison used in some seasons of the year, and under the present Act it is very often necessary to go a long way in order to make a purchase, and I have no doubt that some of the country storekeepers will take out licenses, and thus confer a great benefit on persons engaged in up-country industries. There is, however, one clause I cannot agree with, and that is the clause providing that arsenic or strychnine shall be coloured before it is sold. Strychnine, which is dangerous, has to be trusted to many station hands who are perfectly used to the poison in its present crystal and white form. If the poison be coloured, that will of course alter the appearance of it, and I am afraid there will be more accidents than if a colouring were not used. Arsenic very closely resembles flour, and is very often bought in bulk in the country for certain uses; and I believe it would be a great safeguard to have that poison coloured, but it ought to be a thoroughly well-known colour readily

recognised. As to strychnine, when in Committee I shall propose an amendment to the effect that, so far as country districts are concerned, it shall be left uncoloured.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Arsenic and strychnine must be coloured:

HON. J. E. RICHARDSON: A great deal of what had been said by Mr. Lukin on the second reading as to the colouring of strychnine would meet with the approval of people in the country districts who had to use this highly dangerous poison. If the terms of Sub-clause 2 were read as to the use of the poison in agricultural and pastoral pursuits, it would be seen that an amendment was desirable.

HON. F. M. STONE: It was as easy to mistake strychnine for salts in the country as anywhere else, and for the last 10 years a similar provision had been in force in Queensland, where it was necessary to use a lot of this poison. After all, it was only a matter of getting used to the colour, and to agree to such an amendment as had been suggested by Mr. Lukin in the debate on the second reading would destroy the very object of the clause. Under the circumstances, it was to be hoped the amendment would not be moved.

HON. H. BRIGGS: It was well-known that most of the mistakes occurred through the unskilful use of the poison by assistants and not by the purchasers themselves, and it would not be desirable to adopt the amendment suggested.

HON. H. LUKIN: If it were the wish of the Committee he would not move the amendment which he had suggested; but he again pointed out that station and country employees, and the purchasers themselves, had always been used to seeing strychnine in its present form, and more readily recognised it thus. If colouring matter were used, it would be necessary to have a fresh education, and he was afraid many accidents would occur. Further, it was essential that the strychnine should be pure when required for the purpose of poisoning dogs and other vermin, and if colouring matt

were allowed, it was possible the purchaser would find himself getting two ounces of colouring matter to one ounce of strychnine. He moved that in line 2 the word "strychnine" be struck out.

HON. F. M. STONE: The mover of the amendment seemed to think any quantity of colouring matter could be added to these poisons; but the Bill provided for one ounce of colouring matter to one pound of arsenic or strychnine.

HON. R. G. BURGESS: How could that be proved?

HON. F. M. STONE: A chemist selling an article which was not what it purported to be could be prosecuted for fraud.

HON. H. LUKIN: But this adulteration would be legal.

HON. F. M. STONE: Only to the specified extent. Strychnine was often mistaken for salts, and by its being coloured the public would be protected. The clause might at first work some hardship in the country districts, but people would gradually become accustomed to the new practice. The amendment might well be withdrawn.

THE COLONIAL SECRETARY hoped the amendment would not be pressed. He had carefully read the debates on the Bill in another place, where several hon. members who were well acquainted with the subject had given the clause most exhaustive and careful consideration. It had there been stated by one hon. member that if this clause had been in operation recently, one life would have been saved, in a case where the vendor of poison mistook strychnine for a harmless powder, mixed it in a prescription, and caused the death of a patient. The only object of the clause was to protect life, and anyone requiring unadulterated arsenic or strychnine could obtain it under Sub-clause 2. The amendment would not go far enough, as it involved other amendments in the clause. No inconvenience could arise to settlers using these poisons for such a purpose as the destruction of wild dogs. The practice of colouring poisons which strongly resembled certain harmless medicines was in vogue in other countries, and was highly desirable; for a little carelessness might at any time lead to loss of life.

HON. W. T. LOTON: The clause could hardly prevent such mistakes as those mentioned. Many cases of strychnine

poisoning had been caused by the dispenser, not after the drug had been sold, but when compounding it; and the clause did not provide for the colouring of arsenic and strychnine before their use by the chemist. The public were only protected after the sale had taken place. To prevent strychnine being mistaken for salts, the colouring must take place as soon as the poisons reached the chemist's shop. There was some force in the argument of Mr. Lukin. Few instances could be quoted of people in country districts mistaking strychnine for salts. Settlers and their servants easily recognised strychnine; but if the poisons were coloured, there would probably be more accidents to the outside public than in the past. Mistakes were made mainly by the dispensers, and occasionally by medical men. Sub-clause 2 provided for the sale of the poison minus the colouring matter, if the purchaser stated they were not required for pastoral or agricultural use, or for the destruction of vermin. If the word "not" were struck out the object of the mover of the amendment would be attained, because the poisons could then be sold for such purposes uncoloured.

HON. H. LUKIN: The clause specified "Armenian bole or other red colouring matter." It would be dangerous to have more than one distinct colour. In deference to the leader of the House, he asked leave to withdraw the amendment.

HON. F. M. STONE: How could the precise shade of colour be fixed?

HON. H. LUKIN: By specifying one drug only.

HON. F. M. STONE: Then if the vendor had not that drug, he could not sell the strychnine. The Act from which this Bill was taken had been in force for a number of years, and if found to work disadvantageously would have been amended. The Bill had been introduced at the instance of chemists and doctors, who knew more about the subject than hon. members. However, with regard to altering the clause, he was in the hands of the Committee.

Amendment by leave withdrawn.

Clause put and passed.

Clause 3—Amendment of 58 Vict., 35:

HON. R. G. BURGESS moved that in Sub-clause 2 the word "five" be struck out and "ten" inserted.

HON. F. M. STONE: Five miles, he thought, met with the approval of hon. members. It would be a great hardship if a man had to ride 10 miles to obtain poison, and then 10 miles back.

HON. W. T. LORON: A person could borrow it.

HON. F. M. STONE: People licensed under this Bill would have to keep a book: they were placed under the same conditions as a chemist.

HON. R. G. BURGESS: It was not desirable that people all over the place should sell poisons.

HON. F. M. STONE: The board would not grant licenses broadcast to everyone.

Amendment put and negatived, and the clause passed.

Clauses 4 to 7, inclusive—agreed to.

Schedule—agreed to.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

STATUTORY DECLARATIONS AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This is a short Bill, brought in for the purpose of increasing the number of persons who are able to act under the statute to facilitate the administration of justice and the taking of statutory declarations, which was passed in 1896; and the amendment is in the second clause. When amended, the clause in the section of the Act will read:—The Registrar of the Department of Mines and every clerk of petty sessions, clerk of a Local Court, mining registrar of a mineral district, and mining registrar of a goldfield or goldfield district, shall have the same authority to administer oaths, and take affirmations in lieu thereof, and statutory declarations, in accordance with the Act of the eighteenth year of Her present Majesty, numbered twelve, as a justice of the peace now has; and oaths administered and affirmations and statutory declarations made in pursuance of this section shall have the same force and effect as if administered or taken before a justice of the peace. It has been found necessary to make the amendment for increasing the number of persons holding responsible positions such as mining registrars, before whom statu-

tory declarations can be made. I take it there is no objection to this Bill, as it increases the facilities afforded by the Act of 1896.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

EXCESS BILL (1898-9).

IN COMMITTEE.

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

PETITION OF FEDERAL LEAGUE.

MOTION TO APPROVE.

HON. A. P. MATHESON (North-East): I think the time has now arrived when it will be convenient for the House to deal with this petition. Therefore, to put myself in order, at the end of the few words I intend to say I shall move that the prayer of the petitioners be granted. I do not propose, in discussing this question, to enter into it at length or to debate federation in the abstract. I want, if possible, to confine the attention of the House to the petition alone; and in order that the wording of the petition and the contention of the petitioners may be fresh in the minds of hon. members, I propose to read the short petition which has been printed. It is as follows:—

1. The Draft Commonwealth Bill, as approved in February last at the Conference of Premiers held in Melbourne, has now been accepted by the people of New South Wales, Victoria, South Australia, Tasmania, and Queensland. 2. Your petitioners are deeply interested in the question of the Federation of Australia. 3. They are in favour of the introduction of the necessary enabling legislation for referring to the people the said Bill, without further amendment, in time to allow of Western Australia joining the union as an original State.

The point of the petition is contained in the third paragraph. The petitioners pray that the Bill may be submitted to the people without further amendment, and in time to admit of Western Australia joining the union as an original State, if the country so desire it. The position that Western Australia is in to-day is

this. We have the Commonwealth Bill providing a Federal Constitution for the whole of Australia, or rather for the colonies in Australia which choose to accept it, and that Bill has been adopted by all the colonies in Australia with the exception of Western Australia. Hon. members will notice that any mention of Queensland is omitted from the petition; but since the date of the petition, Queensland has adopted the Constitution. We are therefore face to face with a federated Australia with the exception of ourselves, and an absolutely accepted Constitution for these federal States. What the petitioners ask is a very reasonable thing to my mind. They simply ask that they shall be given the same privileges which have been given to the people of the rest of Australia. They can see no reason why they alone should be shut out from the privilege of voting on this question; and it equally follows they are perfectly prepared to abide by the decision of the majority of the electors of this colony. They are perfectly prepared, if a majority of the electors of the colony think the time is not ripe for federation, to accept that decision loyally; but they claim, and claim most strongly, that the whole of the electors should have an opportunity of expressing their views on the question; and hon. members will see in that way the question is narrowed down to a very small limit. The question before the House is not whether federation is good or bad, but the right of the people to express their views.

HON. R. G. BURGESS: Of what use is Parliament?

HON. A. P. MATHESON: The hon. gentleman asks what is the use of Parliament. The House has no mandate whatever on the question of federation. The federal question had not come to the front, in any sense, at the time members were elected to this Parliament.

HON. R. G. BURGESS: Some of us.

HON. A. P. MATHESON: Very few, if any; and as a matter of fact this House represents a minute minority of the vote of the colony.

HON. T. CROWDER: Of course you represent them all.

HON. A. P. MATHESON: I represent exactly the number that returned me to this House, and I do not claim in any way to represent Western Australia; but

I claim that every voter should have an opportunity of expressing his opinion, because I have not been put in a position to express the opinions of my constituents; and that is the position, I claim, of every hon. member in this House. They are absolutely unauthorised to express anything more than their personal opinions on the question.

HON. R. G. BURGESS: Some of us have been elected since.

HON. A. P. MATHESON: As that question has been raised, I will call the attention of hon. members to the fact that when the members of this House were elected there were only 7,000 voters on the roll. This House may be taken to represent the maximum number of voters who are to-day on the roll of the Upper House; and that number is less than 10,000. Hon. members were actually returned by 7,000 voters, and to-day they represent under 10,000; and as against that we have this petition, signed throughout the whole length and breadth of the colony by 23,000 people.

HON. A. B. KIDSON: Some people signed six times.

HON. A. P. MATHESON: That is a mere assertion and cannot be proved.

HON. F. T. CROWDER: How many of them have votes?

HON. A. P. MATHESON: I am unable to say how many have votes, but nearly all are entitled to have votes, and would have votes but for the insuperable difficulties of obtaining votes in the colony, difficulties to which I called attention only yesterday, and of which hon. members are aware. I have heard it said outside that this House intends to follow the example of another place and reject this petition. I sincerely trust that will not be the case. Are hon. members prepared to face the tempest, the storm that will arise?

HON. R. G. BURGESS: Yes.

HON. A. P. MATHESON: Not upon the question of federation or nonfederation, because that is not the question in this petition, but on the question of a little oligarchy like this, consisting of twenty-four members, daring to say that electors who have formed their opinions on this question, who have studied the subject, and whose individual opinions are just as much entitled to respect as

the individual opinions of the members of this House, shall not have the Bill referred to them.

HON. A. B. KIDSON: We are not delegates.

HON. A. P. MATHESON: No doubt you are not delegates; but, as I said before, are the members of this House prepared to face the storm that will arise if they reject the petition?

HON. R. G. BURGESS: Yes.

HON. D. M. MCKAY: Three parts of them are cosmopolitan.

HON. A. P. MATHESON: The hon. member says three-parts of them are cosmopolitan; but why should any person say that a man who has not been here 15 or 20 years is not a Western Australian?

HON. F. T. CROWDER: Some who have been here six months know more about the colony than those who have been here all their lives.

HON. A. P. MATHESON: That is possible. I do not know how long the hon. member has been in the colony, but I can imagine a person who has been in Western Australia only six months knowing more about it than does that hon. member. As I said, no member of the House has been sent here to say whether this Bill should be referred to the people or not referred to them; and I submit to hon. members that the only thing they can do, under those circumstances, is to face the position, and allow those who have considered the matter just as much as they have themselves to exercise their vote on the question. If, under the circumstances, members intend to decline to grant the petition, why is it? It is because they are satisfied that the majority of the voters in the colony are in favour of the petition.

HON. F. T. CROWDER: Are you a mind reader?

HON. A. P. MATHESON: They are satisfied that the majority of the voters of the colony are in favour of federation, and the reason they decline to allow the Bill to go before the people is that they evidently have made up their minds that federation is not desirable.

HON. R. G. BURGESS: Federation is not in the best interests of the country.

HON. A. P. MATHESON: As evidence that they have made up their minds in that direction, they intend to prevent all

their co-citizens from exercising their voting power on this question. It is because they are afraid.

HON. R. G. BURGESS: It can go before them at the next election. This referendum is something new.

HON. A. P. MATHESON: The hon. member says the question of the referendum is new. It may be new to him and to this colony, but members must not forget that the principle of the referendum in this connection has been accepted by the whole of the rest of Australia; and who are we, as I said before—twenty-four individuals sitting in this House—that we should say that the whole of the rest of Australia is wrong, that the principle is wrong, and that the privilege is to be denied to a number of Australians living in this colony simply because they happen to have come more recently into Western Australia than others, and have therefore failed to secure that influence in the House which the constituents of other hon. members have secured? It is not as if the Council had a majority behind them. The Council are perfectly aware that they have not a majority of the colony behind them in this matter, and I point this out to hon. members. It is all very well for them to think that they can depend in the future on their old and tested constituents. Members have to recollect that education is spreading, and a younger generation is growing up in the colony; a generation that has been taught to think for itself, and not to be led by the nose.

HON. R. G. BURGESS: Oh!

HON. A. P. MATHESON: These are the men who, in the very near future, will exercise the franchise in the country districts. These are the men whom hon. members will have to meet on the hustings before very long.

HON. A. B. KIDSON: Are you trying to frighten them?

HON. A. P. MATHESON: I am not trying to frighten any hon. member, but I wish to put the position clearly and distinctly before the House.

HON. F. WHITCOMBE: Recollect I only met my constituents the other day on this issue.

HON. A. P. MATHESON: Quite right. The hon. member and myself are probably the only members in the

House who have had any mandate on the question.

HON. R. G. BURGESS: I say I had, too.

HON. A. P. MATHESON: I am glad to hear it, and I hope you will vote in favour of granting the petition.

HON. R. G. BURGESS: No; I will not.

HON. A. P. MATHESON: Three-fourths of the people are in favour of federation—[A MEMBER: Question?]-or at any rate in favour of the Bill being referred to them for their decision. The voters of the colony claim to be allowed to exercise the right which every other citizen of Australia has been permitted to exercise; and unless they get free and unimpeded opportunity of exercising that right, they will ask the reason why.

HON. F. T. CROWDER: They will separate, of course?

HON. A. P. MATHESON: The hon. member says they will separate. The time to discuss the question of separation will be when the Bill has been thrown out. As I said before, I do not propose to enter into the abstract question of whether federation is the right thing or whether nonfederation is the right thing. That is not the question.

HON. A. B. KIDSON: Yes, it is.

HON. A. P. MATHESON: That is not the issue before the House on this occasion.

HON. A. B. KIDSON: Certainly it is. Show us that federation will be a good thing for the people.

HON. A. P. MATHESON: The petition simply asks that this House shall allow each individual voter in the colony to express his views on the Bill. I formally beg to move that the prayer of the petitioners be granted.

HON. H. BRIGGS (West): I rise to support the motion, or to second it if seconding is necessary. An opportunity may arise next week, on a message from the other House, to discuss the draft Commonwealth Bill and the Joint Committee's amendments, therefore I shall not now occupy time, especially as I consider that the principle of federation is in a lethal Chamber where it has little chance of success. I shall simply speak generally on the right of petition. The right of petitioning Parliament, which has been acknowledged by all authorities, has been a fundamental principle of the British Constitution, on which our own

Constitution is based, and it is too powerful an instrument to be disregarded or dismissed with slight consideration. All constitutional writers, such as Todd, Hearne, Erskine, May and others have treated the subject with fulness and gravity; and when we remember the powerful influence the right of petition has had in the settlement of great questions from the time of the petition of rights in 1628 to the more comparatively modern questions of anti-slavery, the Reform Bill, and the repeal of the corn laws, it behoves the House, simply from high and dry political reasons alone, to see that this important branch of the tree of political freedom receives no injury, and suffers no mutilation at our hands. The importance of the petition before us, considered apart from its form and substance, and looking only at the number of signatures, excites astonishment and deserves respect. When we see a petition signed by more than 23,000 males out of a population of about 170,000 men, women, and children, even if we do allow a few duplications and some fabrications, it proportionately exceeds in magnitude and number any petition ever presented to the Parliament of the mother country. When Feargus O'Connor presented the Chartists' petition in 1848 it had six million signatures, but those were afterwards reduced by strict scrutiny to about two millions.

HON. F. T. CROWDER: What would this be reduced to?

HON. H. BRIGGS: No doubt it would be reduced considerably. We have to admit that there are imperfections.

HON. R. G. BURGESS: You spoil it now.

HON. H. BRIGGS: An hon. member in another place stated that he signed twice; but, admitting that there are a few fabrications, yet the percentage compared with the population ought to make us give the matter calm and deliberate consideration. For the two reasons I have instanced—and I am not going to waste words about it—firstly on constitutional grounds and secondly the number of signatures to the petition, I think the House ought to see in the prayer of the petition an expressed desire of widely-spread popular opinion. One other remark on the question is that when we consider that a large portion of the

present taxpayers of the colony are nearly as much political ciphers as are the Uitlanders in the Transvaal, for whose political rights we sent men to shed their blood—

HON. R. G. BURGESS: Nonsense!

HON. H. BRIGGS: They are.

HON. R. G. BURGESS: Five years.

HON. H. BRIGGS: They are with this exception, that the Government of this colony, by introducing a new Electoral Bill and a Constitution Bill, have admitted the disability and are prepared to grant the people the franchise, and fuller representation.

HON. R. G. BURGESS: They have not to stop five years here before they get a vote. The comparison is unjust and absurd.

HON. H. BRIGGS: The people I am referring to in this colony have no franchise at all, and they will have to wait a considerable period before the Constitution Bill gets the sanction of the Home Government.

HON. F. T. CROWDER: Quite right, too.

HON. H. BRIGGS: What the petition asks for, and what I support, is that in the interim, seeing that this the most momentous question ever dealt with by the Legislature and the people in our history has been decided by the rest of Australia, the Council shall not earn an unenviable notoriety by stifling the voice of the people, and branding all the disfranchised people as helots, unworthy of expressing an opinion in a matter which ought to immediately concern every Australian. Parliament is a deliberative assembly in which local prejudices ought to give way to the common good.

HON. F. T. CROWDER: Sentiment!

HON. R. G. BURGESS: Where is the common good in federation?

HON. H. BRIGGS: The discussion on the whole question of federation will come on at a later date. At present I am speaking as to the right of petition and representation.

HON. W. T. LUTON: Are none of the petitioners franchised at the present time?

HON. H. BRIGGS: Some of them are.

HON. R. G. BURGESS: Ours is the most liberal constitution in Australia.

HON. H. BRIGGS: That a large number of people are disfranchised at present is shown by the introduction of the Electoral Bill and the Constitution Amendment Bill.

HON. F. T. CROWDER: A number of such people are here to-day and gone to-morrow.

HON. H. BRIGGS: To use a commercial expression, the people may be described as principals in a firm, and Parliament as their agents, and when every other person on the continent has had a voice on the question of federation we, as agents, ought to refer the matter back to our principals. I trust the Chamber will not treat the matter lightly, but will regard the petition as expressing a humble, respectful, and reasonable request. I hope that the Council will pause a long time before they disregard the wishes of a large section of the community, who at the present time have no other means than this petition, to give voice to their desires, and that the prayer of the petition will be granted.

HON. D. MCKAY: We have to consider all the colony, not one part of it.

HON. A. P. MATHESON: Then let them all have a vote.

On motion by HON. F. T. CROWDER, debate adjourned until the next sitting.

COTTESLOE LIGHTING AND POWER BILL (PRIVATE).

SECOND READING.

HON. A. B. KIDSON, in moving the second reading, said: This is a private Bill, the object of which is to enable certain persons to engage in the construction of works, and in the distribution and supplying of gas and electricity to the residents of Cottesloe and Peppermint Grove. Wonderful progress has been made in both these suburbs during recent years, and the class of residences which are being erected there fully justify the introduction of this legislation. The Bill does not confer any monopoly, because any other persons who desire to engage in a concern of a similar nature have the same opportunities as the persons on whose behalf this proposal is now submitted to hon. members. The works when completed will confer a very great boon on the residents, and I feel sure that hon. members will allow the Bill to go through in order that an early start may be made with the construction of the works. Clause 4 gives power to the undertakers to construct the works, and provides for a penalty on their failure to supply gas or

electricity, while under Clause 5 the undertakers are given power to break up roads and streets, and to open any sewers or drains on giving notice to the local authorities, who are thoroughly protected by the Bill, Clause 7 providing that streets and drains are not to be broken up except under their superintendence.

HON. A. P. MATHESON: Are the local authorities a party to this Bill?

HON. A. B. KIDSON: Yes.

HON. A. P. MATHESON: Is it a concession?

HON. A. B. KIDSON: No, it is not a concession, the Bill only seeking legal authority to enable the undertakers to construct these works. By Clause 8 all streets broken up are to be reinstated without delay, and Clause 9 inflicts a penalty for breaking up thoroughfares without notice, or any delay in reinstating them. Clause 11 binds the undertakers to make compensation for any damage they may cause to the residents by any of their works, and Clause 12 gives power to the local authorities to alter the situation of mains and so forth. By Sub-clause 2 of Clause 12 the local authorities may require the mains to be placed underground; and that is a very proper provision. Clause 13 provides that the price to private consumers is to be uniform, that is to say, gas and electricity must be supplied to all residents at the same price. According to Clause 14, the price to the local authority is to be 10 per cent. less than that to the private consumer, and therefore, the local authorities are thoroughly well protected in this respect. By Clause 16 it is provided that the charge for supplying gas and electricity is to be 15s. per 1,000 cubic feet, and 1s. per unit, respectively. That is the maximum price, and no doubt the price will be reduced to any sum which becomes requisite under the circumstances, as by Sub-clause 2 of Clause 16 the price can be altered by agreement or by arbitration. The rent of meters is regulated by Sub-clause 3, and shall not exceed 15 per cent. of the cost price in Cottesloe, and there is a penalty on the undertakers if they charge more than the maximum price fixed in the Bill for gas or electricity or for meter rent. Clause 17 provides that the gas is to be of the best quality, under a penalty, and under Clause 18, residents are pro-

tected, inasmuch as an incoming tenant is not to be responsible for any charges which an outgoing tenant has failed to pay. By Clause 19 the local authorities are given power to appoint inspectors of meters, to see that all are in a safe condition, and under Clause 24 a penalty is provided in case of wilful damage being done to the pipes or mains. Clause 25 provides that damages may be recovered for careless or accidental injury done to the property of the undertakers; and under Clause 28 the undertakers are liable, under penalty, not to allow any water connected with their works to become foul, while by Clause 31 there is a daily penalty during the escape of gas on the property of the undertakers after notice has been given. Under Clause 37 plumbers and engineers have to be licensed by the undertakers, and Clause 38 provides that the undertakers may be indicted for any nuisance they may inflict. Under Clause 39 the local authorities have power to purchase the works of the undertakers on the terms mentioned. Clause 42 sets out that half of any penalty recovered under the Bill goes to the informer, while appeal is provided for in Clause 46. Under Clause 47 "the undertakers shall, within nine months from the 1st of January, 1900, commence and shall before the expiration of eighteen months from such commencement, unless prevented by the act of God or some other unforeseen or unavoidable act or event, have completely laid down all mains shown on the plan deposited." Every possible safeguard in a measure of this nature has been inserted, and I ask that the Bill be allowed to become law, thus conferring on the residents of Cottesloe and Peppermint Grove a boon for which they otherwise will have to wait a considerable time.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Interpretation:

HON. A. B. KIDSON moved that in the last line of Sub-clause c the words "of the association" be struck out, as unnecessary.

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

Clauses 3 to 18, inclusive—agreed to.

Clause 19—Power for local authority to appoint inspector of meters :

THE COLONIAL SECRETARY : This clause appeared to be a new departure in Bills of this nature, but it was a provision distinctly in the interests of the community. Were the inhabitants of Cottesloe and Peppermint Grove in favour of the Bill ?

HON. A. B. KIDSON : When moving the second reading he had omitted to say the Bill had been referred to a Select Committee, who conferred with the local authority on the matter ; and the outcome of these deliberations was this measure, of which the inhabitants in the districts affected thoroughly approved.

Clause put and passed.

Clauses 20 to 38, inclusive—agreed to.

Clause 39—Power to compulsorily purchase the works of the undertakers :

THE COLONIAL SECRETARY : Would this clause be effective ? In Acts of this kind, making arbitration compulsory, there was generally a reference to the Arbitration Act, and a provision that the award of the arbitrator could be made a rule of the Supreme Court.

HON. A. B. KIDSON : The Bill would be perfectly effective in that respect.

Clause put and passed.

Clauses 40 and 41—agreed to.

Clause 42 Application of other penalties :

HON. J. E. RICHARDSON : Was the provision for informers necessary ? Did it not open the door to blackmailing ?

HON. A. B. KIDSON : No. The clause would operate against the undertakers themselves, who were perfectly agreeable to the provision.

Clause put and passed.

Clauses 43 to 47, inclusive—agreed to. Schedule—agreed to.

Preamble and title—agreed to.

Bill reported with an amendment, and the report adopted.

ADJOURNMENT.

THE COLONIAL SECRETARY moved that the House at its rising do adjourn till Tuesday next.

Question put and passed.

The House adjourned at 20 minutes past 6 o'clock until the next Tuesday.

Legislative Assembly,

Thursday, 16th November, 1899.

Paper presented : Land Act Amendment Bill (private), third reading—Annual Estimates, in Committee of Supply, Colonial Secretary's Department (resumed) completed ; progress—Adjournment.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the PREMIER : Cookernup Cemetery Board balance-sheet.

Ordered to lie on the table.

LAND ACT AMENDMENT BILL (PRIVATE).

THIRD READING.

MR. JAMES moved that the Bill be read a third time.

MR. VOSPER : Was this Bill designed to hand over to the Salvation West ? certain blocks of land in the South- Army

MR. JAMES : Yes.

MR. VOSPER : As freeholds ?

MR. JAMES : No ; under the conditional purchase provisions of the Land Act. The Bill simply gave the present leaseholders power to amalgamate the whole of the leases under one authority, and the only exception as to conditions was that instead of an external fence being required round each lease, the leases when amalgamated would be regarded as one for this purpose.

Question put and passed.

Bill read a third time, and transmitted to the Legislative Council.

ANNUAL ESTIMATES.

IN COMMITTEE OF SUPPLY.

Consideration resumed from 14th November, at page 104.

COLONIAL SECRETARY'S DEPARTMENT (Hon G. Randell).

Printing, £29,661 (vote further considered) :

Remaining items passed, and the vote put and passed.

Registry, £4,885 ; Friendly Societies, £865 ; Charitable Institutions, £21,959 11s. ; Government Gardens and Government House Domain, £1,184 15s. ; Central Board of Health, £700 ; votes passed.