For these reasons I have to rule that the motion of the hon. member for Subiaco is out of order.

ADJOURNMENT.

The next Order of the Day being read by the Clerk,

THE PREMIER moved that the House do now adjourn.

Question passed.

The House adjourned at 8·22 o'clock, until the next day.

Legislative Assembly.

Wednesday, 9th August, 1905.

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

PRAYERS.

QUESTION—PILBARRA RAILWAY TENDERS.

DR. HICKS asked the Minister for Railways: 1, Whether the Government intends calling for tenders for the Port Hedland-Nullagine railway. 2, If so, when. 3, Whether it is the intention of the Government to call for alternative tenders for a railway from Cossack to Nullagine.

THE MINISTER FOR RAILWAYS replied: 1, Yes. 2, Without delay. 3, No.

QUESTION—PERTH SEWERAGE, COST.

MR. H. BROWN asked the Premier: 1, Whether the Government is prepared to guarantee that the cost of installing the sewerage scheme for Perth, parts of North Perth, and Leederville, as outlined in Mr. Davis's report, including main drains and reticulation, shall not exceed £112,641? 2, If not, what will be the cost of carrying out the scheme? 3, Whether, in view of the large amount of expenditure which will be incurred by ratepayers in connecting with two separate drainage schemes, if the septic tank system of final treatment of sewage be adopted, the Government will take into consideration the advisableness of installing a combined scheme for sewage and storm waters, similar to the Adelaide system?

THE PREMIER replied: 1, Yes, for present requirements only, and exclusive of the purchase of land. 2, Answered by 1. 3, The matter has been thoroughly considered and the bacterial system of treatment adopted as the most efficient. This system does not permit of economically combining storm water with sewage. The hon. member is not quite accurate in his statement regarding Adelaide having a combined system. The sewage there is combined only with a moderate quantity of storm water from backyards, and is treated on a sewage farm. The bulk of the storm water is carried by separate storm water drains and discharged into the Torrens.

QUESTION—MIDLAND LANDS, TITLES.

MR. CARSON asked the Premier: Whether, in the event of the Government securing the Midland property, the Government will allow the present occupiers of land selected, but for which no title has been issued, to complete purchase of same at the Government upset price, subject to the Government conditions of improvement being fulfilled?

THE PREMIER replied: The Government is not prepared to determine how the Midland land shall be dealt with until it has been decided that the land should be purchased.

MR. N. J. MOORE (without notice) asked the Premier whether the plans referred to in the Premier's speech of last night in regard to the classification

of the Midland Railway Company's land had been laid on the table.

The PREMIER replied: The plans have not been laid on the table, but they will be.

BILL—FIRST READING.

DEFAMATION.—Introduced by Mr. W. NELSON, and ordered to be printed.

RETURNS ORDERED.

QUARRY LEASE, BOYA.—On motion by MR. H. BROWN: "That there be laid upon the table of the House a return showing,—1, The names of the lessees of the Government Quarry at Boya. 2, Date of lease. 3, Term. 4, Yearly rental. 5, Value of Government plant in quarry used by lessees. 6, Cost of sidings in quarry. 7, Amount paid for blue metal for ballasting railways from 10th August, 1904, to date. 8, Quantity of material ordered by Government from this quarry to date."

ENGINES ON MIDLAND RAILWAY.—On motion by MR. CARSON: "That there be laid upon the table of the House a return showing,—1, The cost to the State of an engine under steam travelling over the Midland Company's line. 2, The cost to the State of an engine being hauled over the Midland Company's line. 3, The total cost to the State for haulage of rolling-stock over the Midland Company's line for purpose of repairs for the last five years."

BILL—WORKMEN'S WAGES ACT AMENDMENT.

SECOND READING.

Debate resumed from the previous day.

MR. FRANK WILSON (Sussex): In connection with this Bill, I want to say that I fail to see any necessity for it. I endorse the remarks that fell from the Leader of the Opposition. It appears to me the Minister, when introducing the measure, failed to give any reasons for the Bill. It seems as though it will embarrass employers to a great extent. I do not see how it is going to protect the workers any farther than they are already protected. We are all at one that a worker should have his wages protected. I do not think any member will object to a measure in reason which will give the worker a lien over the work done for the amount of wages due to him. At the same time we must remember there must be a responsibility on the shoulders of the worker to see that he claims his wages when they are due. I cannot help thinking that Clause 4 takes away the responsibility that ought legitimately to rest on the shoulders of the worker. It seems that the worker can sit back secure. Clause 4 provides that the contractee must receive from the contractor a list of the wages due, and he must make provision for the payment of those wages. Failing that provision he is liable to be sued by the worker for the full amount of the wages to the extent of the money due on the contract. That I think is an undesirable situation; that the worker shall sit back, and because a list of wages has been put in to the contractee signed by the contractor and possibly three workers—and I should like to know how he is going to get three workers to sign—that he shall sit back and leave the responsility on the shoulders of the contractee to see that the wages are paid. If the worker sells his labour, it is his duty to see that he gets paid his wages at the present time. The Workmen's Wages Act of 1897 provides that a workman shall be paid every week. Surely it is reasonable to expect that a workman shall see that he gets his wages every week, and if he does not he should take such steps as are at his disposal to enforce payment of the wages. This Bill appears to aim principally at the building trade, but I would like to point out that it covers every industry of the State. It covers timber getting, mining, sinking of shafts on contract, clearing, when labour is employed by sub-contractors, and it may go so far as to cover the ordinary coal hewers at Collie, hewing coal in parties. There gangs of men composed of four or six workers hew coal under contract with the companies. One man is responsible, and he appears as the contractor. He collects the money and pays his colleagues their proportion of the wages earned. But it would necessitate the getting of a statement from each contractor—some hundreds—showing what money was due to the different men in the gangs, to see that they were paid their wages before any payment could be made to the contractor himself. I am inclined to think it is a

roundabout way of attempting the abolition of contracts right throughout the industries of the State. Many efforts have been made by my friends opposite (Government benches) in the Arbitration Court to have contract work abolished *in toto*. They have not been successful up to the present time, and I hope they never will be successful in abolishing contracts. I think they are desirable. It has been proven over and over again that it is in the interests of the workers and the employers that the contract system should be maintained. If the idea is to abolish contracts I hope the House will throw out the Bill promptly because there is nothing in it; it is not going to benefit the men or the employer. Take Clause 2. We have there that a statement has to be produced by the contractor to the contractee, setting forth all the wages that are due by every man in his employment at the time he is seeking for payment on the contract. That statement has to be signed by three workmen employed, and has to be certified to be true. I think it is unfair to ask that three workmen shall certify to the wages statement of some scores of workmen. What do they know about it? I am sure we shall not find three workers in any industry of the State who know anything about the amount due to their colleagues; and there will be great difficulty in getting men to sign a statement like this. They will think they are signing their death-warrant.

MR. TAYLOR: It would be, so far as the contractor was concerned. The men would be dismissed at once.

MR. FRANK WILSON: Who would dismiss them?

MR. TAYLOR: The gentleman employing them.

MR. FRANK WILSON: I think that is a far-fetched argument. If the contractor is going to dismiss a man in his employ because he will not sign a statement certifying what is due to some other workers, it is absurd.

MR. TAYLOR: You said they did not know what was owing, and that they would have to speak in favour of the contractor.

MR. FRANK WILSON: It is not a question of speaking in favour of the employer; it is a statement that has to be produced in order that the contractee who is responsible shall see that the wages are paid. You will not get three workers in any industry of the State able to sign such a statement and certify to its correctness. What I believe this House ought to know from the Minister is what are the reasons for the introduction of this Bill. Is there any complaint made? [MEMBERS: Yes.] Members say "yes," and I see that the member for Collie (Mr. Henshaw) is ready to bounce out "yes"; but will he give instances? It is seldom or never that we find workers lose their wages under these circumstances, and I speak from a lengthy experience of this State as well as of the other States in Australia. We seldom hear, if a worker takes the ordinary precautions provided under the Act already existing to see that he gets his wages on pay day, which is provided here to be every week, or, if he does not get his wages, takes prompt action to sue for the recovery of them, that he loses any money through any default of the contractor. I think we ought to be careful about this sort of legislation. This is the same vexatious legislation as was introduced last session in this House, legislation that is going to reflect, and reflect seriously, upon the building industry and other industries. We have too much of this harassing legislation already upon our statute-book.

THE PREMIER: Is it harassing to make a man pay his debts?

MR. FRANK WILSON: Of course it is harassing; there is no doubt it is harassing to make an employer provide a statement signed by his workers or have the man employing him as a contractor paying the men's wages. It means that those who are going to build, those who are going to carry out public works, or works of a private nature if one likes, will be very careful, as the Leader of the Opposition pointed out, what contractor they employ. I maintain that the condition of our industries at the present time is such that we ought to leave them alone. Leave them alone. Do not pass any farther legislation that is going to hamper people in their transactions. Surely to goodness we have had sufficient of it. We have all sorts of Acts which are hard upon those investing money in this country and trying to find employment for the workers. Have th

workers asked for this legislation, I should like to know? [MEMBER: Rather.] I have never seen any report of any association of workers who have demanded this legislation; and I have yet to learn that any large body of workers have made heavy losses through contractors leaving them unpaid, as is sought to be implied by the introduction of this measure. I hope members will agree with me, and will also agree with the Leader of the Opposition, that the present law, as it exists upon our statute-book, is sufficient to protect any worker for the due recovery of his wages. The hon. member shakes his head. Why does he not produce proof? Let him get up and produce proof to this House where workers have lost their wages through the insufficiency of the Act. It appears to me that this Act gives every protection the worker requires in order to see that his wages are duly paid; and I repeat that the worker must take the responsibility of seeing that he gets paid for his labour. When we lay down that wages are to be paid every week or every fortnight, the worker who will allow his wages to get into arrear beyond that time is taking an individual risk, which he should carry the same as any other individual citizen of this State. If he will not take the trouble to say to his employer, "My wages are due and I want them paid," and if he will not take the trouble to go farther and sue under the provisions of the law as it now stands, he must be content to take the risk of losing his wages. We must not take the responsibility from the individual with regard to suing and enforcing payment of wages which are justly due.

MR. E. P. HENSHAW (Collie): I would like to say a word or two in connection with this Bill, which in my opinion is a very necessary provision. It is hardly nine months since, from this side of the House, members representing the workers directly urged that some provision should be made for safeguarding them by enabling them to secure their wages after they have earned them. It is characteristic of the member for Sussex (Mr. Frank Wilson) to say that no necessity exists for any provision of this nature. It is well known that the hon. member desires that the employers should have an absolutely free hand to do what they like in connection with wages and hours and the general conditions of the workers. That is recognised right from one end of the State to the other. When the hon. member attacks a provision of this kind it is in my opinion almost conclusive evidence that it is required. The hon. member, who has as full a knowledge of the Collie district as I possess, has asked for an instance of hardship to be named. The hon. member knows full well that only nine months ago in the Collie district a large number of men were deprived of their wages because there was no provision of this nature. A man of straw took a contract from the Collie-Cardiff Company——

MR. GORDON: And offered them extra wages which they never got. They took the risk; that is about it.

MR. HENSHAW: The man took a contract from the Collie-Cardiff Company and drew the whole amount of the money, and there was nothing like sufficient to pay the workmen in his employ. Those workmen took legal advice as to whether they could recover that amount, and found they could not.

MR. FRANK WILSON: What about Section 7 of the existing Act?

MR. HENSHAW: I am not referring to Section 7 now. I say these men took legal advice and found they could not recover their wages through a court of law; and it was then, whilst that incident was red-hot, the member for Leonora (Hon. P. J. Lynch) introduced his motion asking that legislation be provided to give the men the benefit which it is intended to confer by this particular Bill. It may be necessary to make some minor amendments to this Bill, but the general intention of it is right enough; and as to that portion of the measure which the hon. member questions, that is the necessity for several workmen to sign a declaration, in my opinion that is a very necessary provision, because it would prevent collusion between the contractor and the contractee. I hope this Bill will go through, and I say unhesitatingly that if it does it will confer a great benefit on a large number of workers in this State.

THE MINISTER FOR LANDS AND EDUCATION (Hon. T. H. Bath): I have no desire to make any lengthy remarks with reference to this Bill, because so far as the criticisms have gone—that is from

those on the Opposition bench—the hon. members who have made them have adduced nothing which is of a convincing nature in regard to the necessity or otherwise for the measure. So far as the Leader of the Opposition is concerned, one would imagine that during his leisure hours he had been studying for the bar, because of the criticisms he raises against measures in this House. The member for Sussex (Mr. Frank Wilson) asked for instances. I can give a couple of instances that occurred in the Kalgoorlie district. The first was with regard to the erection of a hall, where the money was paid over to the contractor, and the men employed by the contractor have not received their wages up to the present day. The fact remains that they were not in a position under the existing legislation to secure payment, because they could not place a lien over money which had already been paid to the contractor; and therefore the necessity for this measure. That is evidence of the fact that we want some protection for the workmen, so that they will be sure that before the contractee pays over money due to the contractor their wages will be secured. The other instance was in connection with the excavation of a dam at Kalgoorlie, where precisely similar circumstances arose, and where the men did not get the money due to them as wages, simply because the money had been paid over to the contractor, and the men had not been protected.

MR. FRANK WILSON: Did they sue him under the existing Act?

THE MINISTER FOR LANDS: What opportunity was there to sue the contractor after he had secured the money? To sue him would have been throwing good money after bad. The men had Buckley's chance of recovering their wages. I say there was direct necessity in that case to protect the workmen, to ensure that before the amount was paid over to the contractor the workmen's wages should be secured. I say emphatically that such protection is not given by the existing Workmen's Wages Act. The member for Sussex (Mr. Frank Wilson), in his usual style while criticising measures of this kind, referred to their harassing nature, and asked why the Bill was introduced. I should like to point out to him that the Bill is not a new measure in this State; it is merely an amendment of an existing measure which has met with the approval of Parliament. That measure has been proved to be in some particulars ineffective; and therefore the Government have introduced an amendment which will, as far as possible, make it effective and protect workmen employed on contracts. The Leader of the Opposition (Mr. Rason), dealing with some of the clauses, referred to extreme cases, and pointed out what hardships might arise supposing such and such things were done. We can take any legislative enactment on the statute-book, and by citing extreme cases can instance hardships that may possibly arise; but the fact remains that we do not pass legislation in this House, and we should be foolish to attempt to pass legislation, which would apply to every extreme case that might arise. If we deal with the ordinary cases which may arise under a measure of this kind, we are doing well enough. In raising those legal quibbles, the hon. member proved that he had no real, solid objection to the Bill.

MR. RASON: Is it not in extreme cases only that the workman is not paid?

THE MINISTER FOR LANDS: Decidedly not. My experience is that such cases are all too frequent; and the fact that they have been frequent proves the need for this Bill. I say that its provisions will not in any way harass a legitimate employer; and as to the making out of returns, it is absurd to say that this will entail a great deal of work on the employer. In many details of business and industrial activity employers are called upon to make returns for public information, and for the public good. [MR. FRANK WILSON: Far too many.] Certainly not far too many. My experience is that the statistical information of any State cannot be too complete; and in a case of this sort, where we can do an obvious act of justice, the small amount of work entailed by the preparation of the returns will be more than counterbalanced by the good that will accrue owing to that complete protection which this measure will secure.

MR. W. J. BUTCHER (Gascoyne): It was not my intention to speak on this second reading, and I should not speak but for a remark of the member for Sussex (Mr. Frank Wilson), who chal-

lenged a member on this (Government) side to mention any cases which showed that the Bill was necessary because a workman had not been paid or was in danger of not being paid his wages. I should like to say that within the last six months no less than three or four of such cases have come under my notice; and these include contracts in which I have been personally interested. The contractor has exhausted the whole of the contract money, while he was supposed to be paying wages. The contract was at length completed; there was no money left, and I found that the wages were not all paid. In no less than three instances, of which I am prepared to give full details, has that occurred during the last six months. I say, a measure of this sort will do considerable good to the workman, and will undoubtedly secure the payment of his wages without, so far as I can see, unduly harassing or hampering the employer. I do not perceive how it can hamper him in any way. I am an employer, though not perhaps so large an employer as the member for Sussex; but I cannot see that the Bill will hamper me in any shape or form. However, those two or three cases have come to my knowledge. I think there is every necessity for a Bill of this sort; and I shall support it as it stands.

MR. H. BROWN (Perth): In this debate we have heard a great deal with reference to so many workmen losing their money owing to the insufficient protection given by the existing Workmen's Wages Act. If the Government were in earnest in doing good for all, I think they should have amalgamated two measures in one, as a Contractors' and Workmen's Lien Bill. But this Bill is class legislation again. It could have been made a joint Bill, as in some of the other States. Cases have occurred not very long ago in this State, evidencing the need for such a measure. A contractor has spent on a building some £1,500, the property being already mortgaged. The owner failed within a week; the building became the property of the mortgagee; and the contractor came in only as an ordinary creditor. The contractor had to pay wages all along, and received nothing in return. Therefore I think it would be much better in every way if the Government would withdraw this Bill, and bring in a measure protecting the contractor as well as the workman. That would not be so much of a class Bill as is the Bill we are now considering. With reference to workers losing their wages, I may say that during the past six years, or since the existing Act was passed, I have been connected with the erection of probably some hundreds of cottages; and in not one case has the worker had occasion to serve a notice on the owner that the wages were not paid. I contend that the Bill is useless, when we have an adequate provision on the statute-book. How many workers will allow their wages to run practically beyond a week? The existing Act of 1898 provides that—

> Wages due to workmen employed on any contract, work, or undertaking shall, subject to the employer's rights as mentioned in Section 15, be a first and paramount charge on the moneys due to the contractor by the employer.

MR. SCADDAN: Read the remainder of that section.

MR. H. BROWN: It goes on to provide how the money shall be attached. I take it the usual procedure is that at the end of one week, if the contractor does not pay his man, the man gives notice to the employer; and the amount of wages due is retained by the employer till the dispute is settled by the court.

THE MINISTER FOR JUSTICE AND LABOUR: The man must first obtain judgment in the court.

MR. H. BROWN: The existing law is that at the end of one week, if the worker does not receive his wages, he may serve a notice on the employer; and the employer will retain the wages due to that worker until the case is settled in court. [MR. RASON: By Section 7.] Section 7 provides that any workman whose wages remain unpaid for three days after they become payable and have been demanded, may within seven days make a statutory declaration as to the amount of wages due, and serve the same upon the employer, and may serve the employer or his attorney or agent with a notice of attachment. The money is then retained by that employer.

MR. SCADDAN: Read the remainder of the section.

MR. H. BROWN: I am making the section clearer to you than it probably is in the Act. However, it continues:—

> And may serve the employer or his attorney or agent with a notice of attachment in form No. 1 set forth in the schedule hereto, or to the effect thereof, and upon service thereof all moneys due or thereafter to become due and payable to the contractor shall be attached.

MR. SCADDAN: But there is no money due when the contractor has already been paid.

MR. H. BROWN: I am speaking generally of contractors who receive progress payments. You have instanced the goldfields; I am instancing undertakings with which I am daily in touch, namely buildings. Let us suppose a building in course of erection. Take the bricklayers. There is bound to be a considerable sum due to the contractor when the bricklayers have practically finished their work. If they are not paid, all they have to do is to notify the employer that so much is due for wages, and they are paid. When the carpenters have practically finished there is work to be done by the ironworker. We know very well that the contractor can, as a rule, draw only 75 per cent. of his money; and there is in nearly every case a balance to be paid him. [DR. ELLIS: What about the last man?] That provision covers material also, as well as labour; and I say that such Bills as this are only filling up the statute-book with legislation not required. In my humble opinion there is ample provision now for the workman to obtain payment. No one is more desirous than I that he should be protected; but I consider he has already ample protection, and I throw out to the Government the suggestion that they should incorporate in this Bill some protection for the contractor as well as the worker.

THE MINISTER FOR MINES AND RAILWAYS (Hon. W. D. Johnson): In connection with this measure I am afraid members have lost sight of the fact that last session a motion was moved, debated, and passed in this House, calling on the Government to introduce an amendment of the law, on the lines that this Bill follows. The motion read:—

> That in the opinion of this House it is desirable that the Workmen's Wages Act be so amended as to ensure the payment of wages by employers when through the intervention of contractors, from any cause, workmen are defrauded out of their earnings.

That motion was carried unanimously. In the debate on that motion the very points now raised against this Bill were the points raised in favour of a precisely similar measure. Take the case of the member for Katanning (Hon. F. H. Piesse). He, in that debate, raised the point that it was no use making it compulsory for a contractor to submit a statement that he had paid wages due; and the hon. member said that would not be effective; that it was necessary to compel the contractor to make a statutory declaration that the statement was correct, and to provide that the statement should be signed by some of the workmen. Out of consideration for the opinion expressed by the hon. member and supported by the House, this Bill was introduced. During last night's debate we found the member for Guildford (Mr. Rason) instancing possible complications that might arise if the Bill passed. He said that it would interfere with workmen developing into small contractors. I have no hesitation in saying that in many cases it is undesirable to encourage small contractors. For instance, I know myself that in a large number of cases where workmen are defrauded of their earnings it is by the small contractor. I know numerous instances on the goldfields and here on the coast where a man who is working one day as a workman, takes a contract on the morrow; and he can go to the timber yards and assign his contract over, giving the timber merchant first claim upon the amount of the contract. Though he receives his money every fortnight, or weekly, the first claim is placed in the hands of those supplying the material. This small contractor pays wages until the contract is near completion, when the man supplying the material has supplied all that is necessary. The last portion of a contract is put in by labour; but the timber merchant out of the last payments gets his money for the material, while the labourer is not paid. In nine cases out of 10 where the workman is defrauded out of his earnings, it is during the last portion of a contract. When I was working I was always particular in ascertaining how the contractor stood financially; and if I found he had given

a lien to the man supplying the material, I took very great care that I was paid before the work was finished. It is in such a case that we desire to protect the workers against being defrauded out of their earnings. Last session it was realised by members on both sides of the House that protection for the workmen was absolutely necessary. The member for Perth (Mr. H. Brown) raises a point that this is class legislation, and that we are protecting the workmen without having any consideration for the contractor; but I would point out to the hon. member that we are not amending the Workmen's Lien Act, that this is purely a question of wages, and that it is not possible to introduce protection for the contractor in this Bill. If the hon. member could make out a case on the same lines as the case made out last session, the Government would be bound to bow to the decision of the House, and would bring in legislation for the contractor; that is, provided the hon. member proved to the House that it is absolutely necessary the contractor should be protected. I do not think it necessary to say any more on this subject. The matter was fully discussed last session. I did not anticipate any discussion on the measure, since it had already been discussed by members, who had expressed the desire that a Bill should be introduced in the form in which it is now introduced.

HON. F. H. PIESSE (Katanning): When this matter was before the House last session, I spoke upon it because I thought there might be some cases of hardship in connection with the payment of wages to workmen, and I felt that if a Bill could be introduced to protect workmen in the direction indicated, it would be fair to do so. I have not followed this Bill very closely, but I am prepared to agree to the second reading with a view to deal with it in Committee, and I shall look into the measure farther. In justice to the workmen, I feel that if they have performed services there should be protection given to them in regard to payment; but, as already pointed out by some members, it is not well to bring in measures which may be particularly termed class legislation. However, if we can protect the contractors it is our duty to do so, and I feel that we should look into this measure to see how far it does affect the contractor unduly or unfairly, while at the same time we should protect the workmen. In the circumstances I shall support the second reading.

THE MINISTER FOR JUSTICE AND LABOUR (in reply): We have had much discussion on the second reading which I did not anticipate, seeing that we had discussed the subject last year. I thought there would be no repetition of that discussion, but several objections have been raised. I have strongly to complain that members, when they bring forward a case, should read the Acts and not act in such a way as practically to mislead the House. For instance, the Leader of the Opposition (Mr. Rason) and the member for Sussex (Mr. Frank Wilson) declared that workmen were already protected, and that if a workman's wages were behind, all he had to do was to sign a paper to that effect and get paid by the contractee. While one of those gentlemen was speaking, I interjected that before a workman could get his wages he would require a judgment of the court. In fact, all that the objection amounts to is that the contractee must keep a certain sum in hand; but the workman does not get his wages until he brings the case before the court and gets judgment in his favour. That should be fairly stated. Clause 7 provides, as pointed out by the member for Sussex, that the contractee must keep the money in hand; but Clause 10, on the other hand, declares that he has to keep the money in hand until the court tells him that he has to pay it over to the workman. [MR. FRANK WILSON: The workman must prove the debt.] The hon. member seems to be very anxious to make a workman proving a debt go to as much trouble as possible. On the other hand, the Bill is to facilitate a man's getting money due to him. The two hon. members I have mentioned declared that they did not know instances where workmen had not been able to get their wages: but several members have quoted a number of instances to the contrary effect; and last year the member for Leonora (Hon. P. J. Lynch) quoted two very important instances on the goldfields. I feel certain that many members could recall many instances where the workers could not get their wages.

MR. FRANK WILSON: They seldom try to get them in the proper way.

THE MINISTER FOR JUSTICE AND LABOUR: The hon. member tries to persuade the House that workers go without their wages, and seldom try to get them. Is there anything in that?

MR. FRANK WILSON: You are misquoting me.

THE MINISTER FOR JUSTICE AND LABOUR: I have never yet heard of a workman claiming a certain amount of wages to be due to him who did not use his every power to get his wages. The hon. members raised a lot of objection on this ground. They said that progress payments are made on a contract, and that if the workman does not get paid out of the first progress payment, he would very likely get paid out of some of the others; but, as it has been pointed out, the complaint nearly always comes from cases where the work is at an end. The Bill will meet that difficulty. Hon. members claim that the workman is at present protected, but I fail to see how he is really protected. There is nothing to prevent a contractee making the final payment to the contractor. The contractor may then perhaps pay his merchant or put the money into his pocket, and in most instances it is impossible for the worker to get money out of him if he does not wish to pay.

MR. FRANK WILSON: The contractee always keeps something in hand until the workmen are paid. There are instances in which money has been held over for two or three months.

THE MINISTER FOR JUSTICE AND LABOUR: He is not required to do it by law. Where does the hon. member get his information from?

MR. FRANK WILSON: From personal experience.

THE MINISTER FOR JUSTICE AND LABOUR: Whenever a contractor completes his work he endeavours to get his money as soon as possible; and as the contractee is not required by law to keep a certain sum of money back, I cannot assume that he would keep it back any longer than possible.

MR. FRANK WILSON: He does it for his own protection.

THE MINISTER FOR JUSTICE AND LABOUR: The member for Perth claims that if we wish to protect the wages man we ought also to protect the contractor. I quite agree with the hon. member; but at present we are dealing with a Workmen's Wages Bill, and we could not very well introduce a clause in this Bill to protect the contractor as well as the wages man. However, I shall be very happy to join in any protection that can be given to the contractor as well as to the wages man. True, the present Act provides for weekly payments; but on the other hand, custom provides for fortnightly payments in much of the building trade, and in most other instances in this State wages are paid fortnightly; so that the provision is comparatively little protection, especially at the end of a building contract. The member for Sussex suggests that the idea of this Bill is to abolish contracts. That idea is new to me. I have not heard it suggested before; and the hon. gentleman did not seem very sure of his grounds, because he gave no reason whatever for making the suggestion. One very important objection brought forward last night by the member for Guildford, was that the Bill imposed some new and increased liability upon the contractee. I have read the measure through since last night; but I fail to see how that complaint can be made out. The Bill does not provide any fresh liability on the contractee. It is true that in some instances it may impose a little more trouble, and that the contractee may be called upon to pay the money due perhaps in half a dozen different sums instead of in one sum. I suppose that is what the hon. gentleman meant.

MR. RASON: The contractee may be called upon to pay money whether it is due or not.

THE MINISTER FOR JUSTICE AND LABOUR: In no case is it possible for the contractee to be called upon to pay a penny more than is due, and in no case is his liability increased one shilling.

MR. RASON: Then what is the meaning of Clause 5:—"If money is not so appropriated, workmen may sue the contractee?"

THE MINISTER FOR JUSTICE AND LABOUR: The House may be assured that the contractee is not called upon to pay any more than what was originally due. Should there be any

doubt on the subject we can consider the question in Committee, and provide that if the contractee carries out the duty imposed by this Bill he shall not be called upon to make any extra payment. This Bill is word for word with the Workmen's Lien Act which was in force during part of 1887 and part of 1898, with one small exception, and that is that when a statement of the wages is handed by the contractor to the contractee it must be countersigned by three workmen. That is the only addition. I am not quite sure whether it is in the New Zealand Act. Everything else in this Bill, however, is in the New Zealand Act. The suggestion that the workmen should sign a declaration was made during the debate last year, and, so far as I recollect, the member for Menzies first mentioned the matter. The suggestion was made, and it has been received with great favour by those concerned. It will insure, to some extent, the accuracy of the statement submitted. Members say workmen are not in a position to know every shilling owed for wages; but all the workmen are asked to declare is that the statement is true to the best of their belief. This clause may not do all the good that is required, but it seems to me it cannot possibly do any harm. It is a mere detail in the measure, and in Committee we can fully discuss the *pros* and *cons* of it. I do not think even those who object to the measure can seriously think the proposal can do any harm. The only object is that more protection shall be given to the worker to secure his wages. I strongly urge members to pass the second reading, and in Committee we can, if necessary, amend and improve it.

Question put and passed.

Bill read a second time.

BILL—PUBLIC EDUCATION ACT AMENDMENT.

SECOND READING.

Debate resumed from the previous day.

MR. C. H. RASON (Guildford): In regard to this small measure amending the Education Act, I do not intend to offer any opposition to the second reading, but I submit to the Minister in charge that perhaps some of the clauses contained in the Bill deserve a little more consideration than they appear to have received. For instance, Clause 2 provides that in the case of every child of not less than nine nor more than 14 years of age, if there is a Government or efficient school within 12 miles of such child's residence, 10 miles at least of that distance may be travelled by railway on which there is a suitable train service. Opinions differ as to what is or is not a suitable train service. We find in regard to adults, that the Commissioner of Railways will hold that there is a suitable train service between any two given points; but there are any number of adults who are prepared to combat that; and we shall probably find parents of children confronted with the fact that there is a train service, but they will be prepared to dispute that it is a suitable train service by which they may send their children to school. We find that Section 6 of the original Act is amended by inserting after the words "nearest road" in Subsections 1 and 2, the words "or other reasonable means of access." In that section it is provided, where there is an efficient school within two miles of such child's residence, measured by the nearest road, that a child shall be sent to school; and the Bill inserts after "nearest road" the words "or other reasonable means of access." Will the Minister explain what is the meaning of those words. If there is no road to the school, what will constitute "other reasonable means of access"? If there were a baloon service, I suppose that would be held to be a "reasonable means of access." But if there is no road or footpath?

MR. SCADDAN: There might be a camel service.

MR. RASON: Another worthy suggestion is made that there may be a camel service; but I want to know what, in the opinion of the magistrate, could be held to be "other reasonable means of access," if there were no road or footpath? Then I notice a clause that seeks to make compulsory attendance even more compulsory than at present. It provides that if a child constantly or habitually is absent from school, the parent of such child may be summoned to show cause why such child should not be sent to an industrial school. And it is farther provided that the parent or other person for the time being legally liable to maintain the child

shall, if of sufficient ability, contribute for the maintenance of the child in such industrial school a sum not exceeding 10s. per week. That seems to be too large a sum, even as a maximum. To call on some poor person to contribute 10s. weekly towards the maintenance of a child in an industrial school seems to be rather too dangerous a sum, even as a maximum, to pass. My friends will no doubt say that the maximum need not be enforced unless the person is able to pay that amount; but let me remind those hon. members that they have a favourite argument that the minimum is liable to be the maximum. May I put the converse and say, is not the maximum liable to become the minimum? And is it not easily possible that the 10s., although the maximum, may be the minimum? Not too close an inquiry may be made into the ability of the person to pay the sum, but the magistrate may take it for granted that for the support of every child sent to an industrial school, the parent should contribute 10s. per week towards the maintenance. I merely raise these points as suggestions. I would like to see the sum of 10s. considerably reduced, and I should like, in order that there may be no trouble hereafter, for the Minister to state what in his opinion is "a suitable train service" and what is "a reasonable means of access" to a place where there is no road or footpath? I offer no objection to the second reading of the Bill.

MR. E. NEEDHAM (Fremantle): I have always considered that one of the most important matters we as a Parliament can deal with is education. I have always maintained that we ought to do the very best we possibly can to make the condition of those who control the teaching of our young as easy as possible; because, as we all admit, upon our young people and the manner in which they are trained depends in a large measure the future of the State. As far as this Bill is concerned, I can see that its main purpose is in regard to the attendance of children at school. I do not see any provision in the Bill or in the parent Act dealing with teachers who may be for the time being the cause of preventing the continual and necessary attendance of children at school. While we find in the parent Act of 1899, and also in this amending Bill, that a parent is liable to a penalty if he does not see that his child attends school regularly, and also that the child is liable to a certain penalty, we find no provision at all dealing with the teacher. I dare say it has come under the notice of members—it has come under my notice that teachers may be very severe in their treatment of children, which consequently will debar children from attending school; but the parent is compelled to make the child put in the necessary number of attendances. Quite recently in this State, not very far from here, it has come under my notice that the treatment meted out to children in a certain school was so severe that in one instance when a child was asked to go to school, that child practically fainted. I do not think this is a desirable state of affairs. The child had been guilty of talking during school hours—the child was a female—and for this very heinous offence of talking in school hours the teacher, the master of the school, not only severely punished the child with a cane, but also tied an imitation tongue round the child's neck. Members say, "Shocking!"

MR. FRANK WILSON: Did you report it?

MR. NEEDHAM: I report it now, and I say that if the member for Sussex has any children and those children were subjected to such treatment as I have described, he would be the first to rebel against such treatment. It is not human. There are other methods of keeping children in the proper groove; and if we are passing laws to compel children to attend school, and if we pass a law to penalise parents who neglect to comply with the law, we should also penalise the teacher who departs from the humane system of treatment in the correction of those children.

MR. RASON: Where do you find that in this Bill?

MR. NEEDHAM: I do not find it in the Bill, but I would like to point out to the Minister the necessity for introducing something in this direction to prevent the inhuman treatment of children which takes place in the schools of this State. [MR. BURGES: That is already provided for in the parent Act.] I can say this, that the teachers do escape. I think it is known that I have held a brief for

teachers in this House so far as their conditions of employment are concerned; but at the same time I consider the law is not sufficiently stringent in connection with those teachers who depart from a humane system of correction. Another matter I wish to point out to the Minister in charge of the measure is that we might fix a minimum number of days for the attendance of children at schools. In the South Australian Act the minimum fixed is, I think, 35 days. I think that is rather small. We may be able to increase that here. A great many things may occur, such as the illness of the parent or the children, and unless that child, if ill, can present a certificate from a certain officer it is punished, or the parent is punished. We very often find that the parent of a child is not in a position to get a certificate for many reasons; monetary reasons in the first place, and reasons of distance in the other. [Interjection by the MINISTER.] It is clear proof that I am not mad. Evidently the Minister is mad; and if not, I do not think he has given this matter the study he should have devoted to it. I would suggest that in this amending Bill when in Committee we might fix a minimum number of days for attendance, and we might also try to introduce some specific clause whereby any teacher guilty of unduly, or in some inhuman manner, trying to correct a child ought to be very severely punished.

THE PREMIER (Hon. H. Daglish): I am very much surprised at the attack made on our State school system by the member for Fremantle (Mr. Needham), who used such a strong expression as to refer to the inhuman treatment of children in the schools of the State by teachers. I have no hesitation in saying that any member who uses expressions like that is using them without the slightest justification, that the schools and teachers in our State schools are well conducted and well managed, and that children nowhere throughout the world could receive more consideration than do the children in the Government schools in Western Australia. The teachers in this State are of the best class; and while I am willing to admit that occasionally there are cases where teachers, like other people, do what they ought not to do, those instances are so very exceptional that it is an outrage upon justice for any member, because of one particular case which he may have heard of, and which no doubt has been or will be suitably dealt with upon report, to attempt to frame an indictment against the Education Department or against the teachers as a whole. The teachers are already dealt with in a most complete set of regulations, and the hon. member ought to be aware that it is by regulations made under the parent Act or any amendments of that Act the teachers are properly dealt with. Likewise if they commit any breach of the law, and if in the treatment of the children they use any undue violence, apart from any punishment that may be inflicted upon them by the education regulations, they are liable also to appear in a police court to answer there for any offence against a child. The days of the harsh treatment of children by teachers have long since gone by; and I, speaking as one who for some months had control of the Education Department, can assure this House that, as a body, the teachers in this State deserve, not condemnation for their harshness to the children, but praise for the amount of patience and the amount of consideration they display in handling their various classes. As I said a little earlier, there is always the possibility that persons who are not suited by temperament will become teachers in the Government schools, just as such become teachers in other educational organisations. Only persons with a particularly large amount of patience, with a very great degree of forbearance, can always maintain that equanimity which is necessary in dealing with children, who naturally are at times refractory. If the hon. member knows of any case which has not come under the notice of the department, it is his duty, not to come and make an attack upon the department as a whole, not to come and refer in the scathing terms he has used to the teachers, but to submit a complaint to the Education Department. And I can assure him that when that complaint has been submitted, the regulations of the department will be found ample to mete out punishment to the teacher for any offence that may have been committed. This is all that I think it is necessary to say with regard to the hon. member's

strictures on the department. I would say, however, with reference to his remarks on the desirability of fixing a minimum number of days for attendance per quarter, that in my opinion our Act is a better Act than those that provide for attendance on a certain number of days per quarter; because the trouble is that if you provide for attendance on a certain number of days per quarter, those parents who are not too particular in using the educational advantages their children have available, are liable to make that minimum the maximum, and when the 30 or 35 days per quarter have been fulfilled they are liable to be careless in regard to the question whether they send their children to school or not. We want, as far as we can, to see that the children of this State receive the fullest possible advantage from our educational system; we want to enforce upon parents the necessity of insisting that their children shall take every advantage of the facilities offered to them. And for that reason we very properly refrain from specifying a minimum, leaving the parent, when a charge is brought of not sending a child to school, to justify not sending it. I think that is a better principle than saying at once that after 30 or 35 attendances have been made the parent is for that quarter relieved from all obligation with regard to the attendance of the child at school. I have had personal experience in regard to this limitation of days, and I know by my own observation that in many cases the minimum does become the maximum with a certain number of parents. It is highly undesirable that it should be so; therefore I would not for a minute support the suggestion of the hon. member.

MR. NEEDHAM (in explanation): On a point of personal explanation, I am somewhat surprised at the construction which has been placed upon my remarks by the Premier. I had not the slightest intention of making an attack on the Education Department of this State, or upon the teachers as a whole; nor did I do so. I simply quoted as an instance a certain incident that occurred, which was brought under my notice. And being under the impression that there was nothing in the Act to regulate or prevent such a system, I merely mentioned it. If there is anything in the regulations which has not come under my notice that prevents such a system, then the thing is saved. But I declare here I had not the slightest intention of saying anything against the educational system of this State, or against the teachers, and I think my actions in the past in this House will bear out that statement. I have always done the very best I could for them; and I am, I repeat, somewhat surprised at the construction the Premier has put upon my statements. I simply quoted an instance: if the regulations provide for such cases, then all is well.

MR. DIAMOND: It was only a *lapsus linguae;* it was about the tongue, was it not?

Question put and passed.

Bill read a second time.

BILL—METROPOLITAN WATERWORKS ACT AMENDMENT.

MOUNT LAWLEY RETICULATION.

SECOND READING MOVED.

THE MINISTER FOR MINES AND RAILWAYS (Hon. W. D. Johnson): In moving the second reading of this Bill, I desire to point out to members that it is simply to ratify an agreement that was entered into by me with the Mt. Lawley Estate Company, or Mr. Copley representing the Mt. Lawley Company, to return certain sums of money that were borrowed illegally by the previous Metropolitan Waterworks Board to reticulate the estate of Mt. Lawley. In order clearly to explain the position it will be necesary for me to give the House some particulars in connection with the borrowing of that money, and afterwards the difficulties that arose, when I took over the administration of the board, in the repaying of that amount. It appears that in May, 1901, the board was approached by Mr. Copley, representing the Mt. Lawley Estate, asking that the water main should be extended to the estate to supply water. Negotiations went on for some time, and in March arrangements were completed and a sum of £1,071 was paid over by Mr. Copley to the board to defray the cost of extending the water main through the estate. The money was handed over on the condition that when the water rate amounted to 10 per cent. on the outlay, the board would refund the amount, that is the amount of £1,071. In

October, 1904, the question of a refund cropped up, and at the last meeting of the Board, on the 3rd November, 1904, it was agreed to write to Messrs. Haynes, Robinson, and Cox, representing Mr. Copley, to offer them a sum of £500 on account, and the balance to be paid out of the first money voted to the board by Parliament. On the 10th November the Board was superseded, and the Minister for Works took over the control. Immediately after I took over the control—I think in a day or two after—this matter was brought under my notice, with a request, if my memory serves me aright, that I should sign a cheque for £500 to be paid over to Messrs. Haynes, Robinson, and Cox. Of course I refused this until I had made investigations. I then went into the whole question, and I found that Mr. Traylen, the previous chairman of the Board, had entered into an agreement with Mr. Copley on the lines that I have indicated. It struck me then that it was rather a matter of an agreement between Mr. Traylen personally and Mr. Copley; and knowing that the Act made it compulsory for the Board to borrow its money only through the Colonial Treasurer from the Savings Bank funds, it occurred to me at once that the transaction was illegal. I then stated some questions for the consideration of the solicitors to the Board, Messrs. James and Darbyshire. They replied stating that the money was borrowed illegally, and that I could not pay it back without the consent of Parliament. This was conveyed to Mr. Robinson, and we had numerous interviews on the question. I took up this position: I said, "I will admit that you lent the money, and that the money was spent or expended in laying water mains through the Mt. Lawley Estate; but it appears to me that the arrangement made was not a good business bargain on the part of the Board. Consequently feeling it was not a good proposition, I cannot guarantee or agree to submit a Bill to Parliament to repay that amount of £1,071." The position was then this, that the Mt. Lawley Estate belonged to Messrs. Copley and Co. They cut up the land; and before selling it they knew its value would be increased if water were supplied. They consequently made arrangements that the Board should extend the main. After the main was extended and a supply of water assured to the estate, the proprietors started to sell their land; consequently the value of the land was enhanced by the fact that the main had been extended through it. I said to Mr. Robinson: "As a business man, do you think I should be justified in making such a proposal to Parliament, realising that our main enhanced the value of the land, that the people who bought the land really paid for the main? Is it reasonable that I should turn round and pay you over again from the funds of the Board? I am, however, prepared to split the difference with you. We will go shares in the enhanced value of that land. You have paid us £1,000. If you had cut up your land first and sold it, and application had been made to us for the extension of that main after the land was sold and populated, we in the ordinary course of business would have extended our main; but seeing you got the main through the estate prior to selling, I do not think it a fair proposition to ask me to pay the full amount you lent us. But I am agreeable to go halves with you. I will pay you £500, and will ask Parliament to indorse my action." That is the question now before the House. I suppose some members will argue that as the chairman of the Board entered into this agreement I should have carried it out; but I could not come to the House and make out a case for the repayment of that sum. I clearly explained this to Mr. Robinson, who represented Mr. Copley. I said: "I will take the Bill into Parliament; but I cannot do it willingly. I do not think it is a fair proposition; and it is no use my taking into Parliament a Bill that I do not desire to have passed. I cannot make out a case for the passing of that Bill, and I do not think Parliament would pass it; consequently, there is a risk of the Bill being thrown out, and of your not receiving anything. On the other hand, I believe I can make out a case that will justify my paying you £500, and my asking Parliament to indorse my action." That is the reason for the Bill; to ratify the agreement I have entered into with Mr. Copley. I therefore move the second reading.

MR. H. BROWN (Perth): As to the remarks made by the Minister for Mines,

I think we must admit that his action is practically the repudiation of a very just debt. And I am sorry to note the stand the Government have taken up in repudiating an agreement entered into by the Metropolitan Waterworks Board.

THE MINISTER FOR MINES AND RAILWAYS: You will admit the agreement was illegal, and that the chairman had no right to make it?

MR. H. BROWN: I will admit he had no right to make it; but the Minister did not tell the House that Mr. Copley practically paid for a main of extra size laid through the streets of the city of Perth, from the city boundary along Beaufort Street, for, I think, more than half a-mile. These last few years the whole of the mains of the city of Perth have been absolutely starved, owing to a hand-to-mouth policy. I say, if the same energy was shown in respect of the Metropolitan Waterworks Board by the present Minister as is evidenced in respect of the Coolgardie Water Scheme, Perth would be much better off for water. With the administration of the Coolgardie Water Scheme it is not a question of whether the consumers are on private land. If the goldfields want the water, they get it. As to Mount Lawley, though Mr. Copley was working possibly for himself, no one has done more than he did to people and develop his estate. The roads board in that district have been saved hundreds of pounds by Mr. Copley's constructing roads himself; and beyond the estate a huge population is springing up in and around Maylands. If the Minister would do something to insure that those people get water, he would be taking a step in the right direction. I would remind the Minister that the large main to which I have referred will eventually have to carry the water to the distant suburbs beyond the Mt. Lawley Estate; and I think it is most unfair, after entering into an agreement which was *bona fide* on Mr. Copley's part and on the part of the Waterworks Board at the time——

THE MINISTER FOR MINES AND RAILWAYS: No; it was not.

MR. H. BROWN: It was brought before and approved by the Board; and the present Government have repudiated the action of the Board. I say we are in a bad position when the State begins to repudiate its debts. The full amount should have been refunded to Mr. Copley. He made a generous offer—that he would not ask for repayment until the Board received 10 per cent. on their outlay. That was a very generous offer, considering that as a result of his expenditure water will be supplied to other municipalities through the pipes provided, not by the Waterworks Board, but by him. [DR. ELLIS: What was the enhanced value of the property?] I do not know; but I say that no property-owner in this State has done so much to develop his property as has Mr. Copley; and I say that the expenditure of the £1,500 or £1,600 benefited not only Mr. Copley but residents beyond his estate. I trust that the Minister, instead of repudiating a fair agreement entered into by the Board, will see his way to pay what every Government should pay—20s. in the pound for value received. The Board were so impoverished that they would not ask Parliament for a farther loan to extend the water mains of the city. I say without fear of contradiction that half of the mains reticulating Perth need taking up and enlarging. In respect of water supply Perth has been absolutely starved during the past three or four years, owing to the parsimony not of this but of preceding Governments. I say the sooner the Minister in charge applies for a loan and amplifies the reticulation, not only of the city but of the suburbs, the better-paying water scheme it will be for the country.

DR. ELLIS (Coolgardie): It is somewhat humorous to hear the member for Perth (Mr. H. Brown) championing the cause of poor Mr. Copley and his financial administration. I think we understand that Mr. Copley has a considerable knowledge of finance; and if he by accident wanders into an agreement which is absolutely illegal, which he must have known perfectly well to be absolutely illegal, and under which he had no possible chance of recovering, I do not think he will need so much consideration. If Mr. Copley happened to be a person knowing nothing about finance, knowing nothing of the need for care when money is lent, then we might have some reason for taking on the proposition; but I am credibly informed that there is no more astute, no more capable financier in

Western Australia, than the same Mr. Copley. And if he, with his great astuteness, walks into a proposition which he knows is on the face of it illegal—[MR. H. BROWN: He did not]—I presume he consulted his solicitor; at least, he is not the great financier I take him to be if he did not—presuming he did, he was perfectly cognizant of the fact that the Board had no power to borrow the money; and we may be quite sure that he saw sticking out a direct return for the money lent, or he would not have taken on such a doubtful proposition. Of course, he may have been betting on the Board remaining in office, and counting on getting back from the Board what they had illegally borrowed. But I think the Board would have found themselves in a very awkward position had they attempted to repay that money. Mr. Traylen (the chairman) and the other members of the Board would have been in the awkward position of having to come to Parliament for a Bill, or to pay the money out of their own pockets. To ask me to believe that Mr. Copley was ignorant of such conditions is asking too much. I quite understand that Mr. Copley has been associated with many contracts of all kinds; and in none of them that I know of has it been demonstrated that he is lacking in legal acumen or ability. I think the House can be quite certain that he thoroughly understood that he was doing an illegal act, that he was lending money on an off chance; and I believe he had lent money on an off chance before. I am quite prepared to say now that he has made a very considerable profit out of this transaction. What ordinary business man would lay mains through a desert, through land that had no houses on it? Would any sensible business man, or any company, be expected to do so without some sort of consideration?

MR. H. BROWN: Ten per cent. is surely good interest.

DR. ELLIS: Very good interest: I am not denying that. But even then, would you be inclined to do it without any consideration? Would any business company be willing to go out into the desert and to lay pipes there, in order that somebody else might reap the benefit? If there is one thing more than another that this party (Labour) has come into office for, it is to stop the illegal reaping of benefit by people who have not sown.

MR. H. BROWN: What about your Coolgardie Water Scheme—serving none but private properties?

DR. ELLIS: The Coolgardie Water Scheme undoubtedly belongs to the State; and the State reaps any advantage derived from it. But I contend, if there is one principle that the Labour party advocate, one principle that I think we are justified in upholding, it is that we have some right to our own unearned increment. Now, if there is one case where we can lay our hands on an unearned increment with certainty and satisfaction, it is where we give a public service with public money to enhance the value of private land about to be put up for sale. That is exactly what occurred. Mr. Copley had his land, which would not have been nearly so valuable without reticulation. He says to the Board, "I want water laid on." They had no money, and probably could not have borrowed any. He said, "I will lend you the money." "But," they said, "we cannot legally borrow it."

MR. H. BROWN: They entered into a definite agreement to give him his money back; and you are absolutely refusing to recognise that agreement.

DR. ELLIS: They entered illegally into a definite agreement. They entered into it without any title or right or statutory power behind them; absolutely in defiance of the statutory powers in the case. And then, when Mr. Copley has already reaped the advantage of the unearned increment, he wants to get back his money. I do not blame him.

MR. BOLTON: Could not the Midland Company do the same thing now?

DR. ELLIS: That is what they are doing; exactly the same thing. Mr. Copley knew perfectly well that the transaction was illegal. The Board knew perfectly well that it was illegal. We know that the Board's solicitors said, as soon as they were asked about it, that it was illegal; and are we to imagine that the Board acted without consulting their solicitors? It was not an everyday transaction. They had never done such a thing before. [MR. H. BROWN: They had.] I should like to know whether they borrowed any more money illegally; because that would be a

matter of some interest. If they have borrowed other moneys illegally, I fear Mr. Traylen is in an awkward position.

MR. H. BROWN: No one will trust the Government after this repudiation.

DR. ELLIS: The repudiation is not by the Government. The interesting part is that the Board acted illegally, knowing they were acting illegally, and apparently against the advice of their solicitors; and the Minister, recognising it, makes what seems to me to be a perfectly liberal agreement. He was undoubtedly in a position to repudiate the other agreement when it was entered into against the interests of the State and also against the interests of the Board; and he would be justified in repudiating it. Were the boot on the other foot and Mr. Copley the person holding the position, can we think for one moment that he would do it? We know perfectly well that he would do nothing of the kind. I am sure Mr. Copley would not display such generous treatment to any person who happened to have a highly illegal position. If one chooses to play a gamble and it does not come off, it is a fair thing that we should not trouble him; but if one plays his gamble and gets his gain in the way of unearned increment and also gets £500 back, he has made a good deal. So I did not think much sympathy should be shown to Mr. Copley in the matter. In fact, I think the Minister for Works has been singularly liberal in his treatment of the matter; because the money spent by Mr. Copley has been returned to that gentleman, probably three or fourfold, and will continue to be returned to him. Were Mr. Copley to have the opportunity to-morrow, I have not the slightest doubt but that he would advance money on the same terms to get the return of half; because he must have had a very considerable increase to the value of the land, and would be perfectly satisfied with that increase. Apparently he is quite satisfied, because he has signed the agreement attached to this Bill. Apparently he perfectly well recognised that it was an illegal agreement; and like the wise and sensible man I understand Mr. Copley is, he is quite willing to save £500 out of his illegal £1,000, because he has made quite as much in other ways. I think the Government are to be congratulated in saving £500; and to consider this Bill as repudiation is absurd. Anybody who lends money illegally to the Board knows perfectly well that he is lending the money on the private and personal guarantee of the members.

MR. H. BROWN: Under the seal of the Board.

DR. ELLIS: The seal of the Board is perfectly valueless (and the hon. member knows it) when it is attached to an illegal action. If the Board could borrow money like that, they could borrow as much as they liked and put it in their pockets. What is the good of making laws here if, when it is inconvenient to keep inside the laws, they can wander along and borrow wholesale, putting the Board's seal on the transaction? and how do we know they did not make a private deal out of the transaction? They knew they could only borrow in a certain way; but they went on borrowing in another way, knowing perfectly well that the Board was to be dissolved and that somebody else would have to come along to carry the baby.

MR. H. BROWN: Let the agreement be laid on the table.

DR. ELLIS: The agreement was illegal, and they knew it was illegal.

MR. H. BROWN: Nothing of the kind.

DR. ELLIS: Then I should recommend the parties to change their solicitors. If the latter could not make them cognizant of matters on such a large financial transaction, I am sorry for any other financial transactions they have entered. This is a financial transaction which has been perpetrated; but it is not a transaction that any board should carry out; and I think that the House would be justified in repudiating the action entirely, knowing perfectly well that the amount borrowed had been remunerated to Mr. Copley through the unearned increment, and that Mr. Copley had derived a handsome profit, while well aware that he was acting illegally and that he had no title to the money whatsoever.

MR. RASON: I should like to ask the Minister if he would be good enough to put the papers on the table.

On motion by MR. RASON, debate adjourned.

MOTION—REGULATIONS UNDER WORKERS' COMPENSATION ACT.

TO CONCUR IN DISALLOWING.

The Council had asked the concurrence of the Assembly in the following resolution:—

That an address be presented by Parliament to His Excellency the Governor, praying that the Regulations published in the *Government Gazette* of the 16th June, 1905, under the Workers' Compensation Act 1902, be disallowed.

MR. C. H. RASON (Guildford), in moving that the House do concur, said: The Workers' Compensation Act was passed in the year 1902, providing for certain payments to a worker who was injured, on a certain scale in the case of death to the relatives of the workers, and on another scale in the case of complete or partial incapacity through an accident while in the employ of an employer. In the case of death the limit was fixed at £400, and in the case of partial or total incapacity half wages is allowed after the first fortnight, and the limit is a total of £300. In the Act power was given to the Governor-in-Council to make regulations; but from 1902, when the Act was passed, until the 16th June of this year, none of these regulations to which exception is now taken had been published. The Act had worked very well, and no injustice had been done to the workers during the whole of that interval. [THE MINISTER FOR JUSTICE AND LABOUR: Hear, hear.] Therefore it is fair to assume that there was no real necessity for these regulations to which exception has been taken in another place. [Interjections.] I shall be quite prepared to listen attentively to the reasons to the contrary, and I ask the Minister for Justice and Labour to extend the same courtesy to me. It was thought, for reasons of which I am not aware and with which no doubt the Minister will make me acquainted later on, advisable to make certain regulations that were gazetted on the 16th June of this year, and amongst them it was provided:—

In all regulations and forms under the Act, the term "medical referee" shall mean a medical practitioner appointed by the Governor-in-Council for the purposes of the Act. Every medical referee shall be entitled to act as medical referee in any part of the State. The Local Court in the exercise of its jurisdiction under Section 8 of the Act shall be entitled at any stage of the hearing to require an injured worker to submit himself for examination to a medical referee.

Then it sets out the scale of remuneration. Two guineas can be charged for any examination, and one guinea for each subsequent examination, and one guinea for attendance at court, and 5s. a mile for any distance over two miles that the medical referee has to journey to attend to the injured worker, or to attend at court. The appointment of medical referee is rather an enviable position which most practitioners would desire. The scale of fees is somewhat a liberal one; but, however, that is merely by the way. Section 5 of the Workers' Compensation Act provides:—

Where a worker has given notice of an accident, or is entitled to weekly payments under this Act, he shall, if so required by the employer, or by any person by whom the employer is entitled under this Act to be indemnified, from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer or such person: Provided that if the worker objects to an examination by that medical practitioner, or is dissatisfied with the certificate of such practitioner, as to his condition when communicated to him, he may submit himself for examination to one of the medical practitioners appointed by the Governor for the purposes of this Act, and the certificate of that medical practitioner as to the condition of the worker at the time of the examination shall be given to the employer and worker, and shall be conclusive evidence of that condition.

Undoubtedly the intention was that the medical practitioners appointed under regulations under this Act should be what they are called—referees. It was never intended that an injured worker should be able to go to a gentleman holding the position of referee in the first instance and be examined by him, and get a certificate which is at once conclusive evidence in all courts as to the condition of the man; and still less was it ever intended that a medical practitioner in one part of the State should have complete jurisdiction throughout the State in the case of the Workers' Compensation Act. [MR. A. J. WILSON: Where is that intention expressed?] I am trying to be accurate; and if I am inaccurate the Minister can show where I am inaccurate. The manifest intention to any reasonable man when he reads this

Act is that the referee should be a referee. Now, what is a referee? I thought the Minister was perhaps somewhat ignorant on this point, so I took the trouble to look up what the word "referee" meant in the dictionary.

MR. BOLTON: Did you have to look it up?

MR. RASON: No; but I give it for other people's benefit and not my own. I thought perhaps that members of this House might recognise Webster as being an authority on the meaning of the word "referee." The meaning to the minds of most members is quite apparent; but there are some members who are so sufficiently dull that they do not know what the word means, and for their benefit I intend to give them the dictionary definition. Webster says:—

> A referee is one to whom a thing is referred; one to whom a matter in dispute is referred in order that he may settle it.

Undoubtedly that is the meaning which every member of this House who has any title to claim to be intelligent would place on that word. When, therefore, medical practitioners are appointed by regulation under this Act, it should follow that they are appointed as referees. [MR. A. J. WILSON: So they are.] Then what does the hon. member think of this state of things, that a man can go to one of these gentlemen and obtain a certificate which is conclusive evidence in any court of law as to his condition, and that he can consult one of these gentlemen as private practitioner and obtain that certificate? That certificate is conclusive evidence as to the man's condition. It was intended, or it should have been intended, that where the services of these gentlemen were brought into question, they should be only brought in after a dispute arose as to the man's condition, and brought in by the employer or the employee. I have always taken this position. It was the intention, when these gentlemen were appointed as referees, that they should act as referees only.

MR. A. J. WILSON: Only when appointed.

MR. RASON: They should be appealed to only after a dispute. It should not be possible for an injured workman or an employer who has had a workman injured, to go direct to these gentlemen. It was intended that these gentlemen should be called upon by the employer, the employee, or the court that has to decide the amount of compensation. Let me point out the absurdity that has arisen under the regulations. Two gentlemen, most eminent and responsible practitioners—not one word can be said against either of them—one in Perth and one in Fremantle, have been appointed medical referees with jurisdiction throughout the State.

MR. A. J. WILSON: More than two have been appointed.

MR. RASON: That may be so. These two gentlemen have been appointed with jurisdiction throughout the whole of the State. An accident occurs in Coolgardie, the local medical practitioner for some reason or other is objectionable to the injured man, and he can, under the Act, object to being examined by the local practitioner, and he may under the regulations go to Perth or to Fremantle, and go straight to the person appointed as a medical referee and obtain a certificate from him, which is conclusive evidence. If that is permissible, and I argue that it is, I think that the gentleman who has interjected will see that it is manifestly wrong.

MR. A. J. WILSON: Not necessarily.

MR. RASON: I shall have to go over the ground again. Surely it is an abuse of power if one can utilise the services of a man, whose services ought to be asked for after a dispute, if one can obtain his certificate before any dispute has arisen at all. If a man is injured he should receive the amount of compensation to which he is entitled. The Act provides that the employer can call on an injured man to be examined by a medical practitioner, or the man can go and be examined on his own initiative. If there is a dispute, when the case comes before the court, the court or the employer or the employee can go to the medical referee for the final verdict; but to go straight to the medical referee and obtain a verdict that is conclusive is wrong on the face of it. Let us see what has occurred. There was a case in Fremantle. A man went to one of these medical practitioners, who has since been appointed a medical referee by the Government. That practitioner decided that the man who went to him was malingering, that he very soon would be able to go back to his work. The injured man then went to the other

referee and obtained a certificate—that was conclusive evidence, no one could go behind it—that he was incapacitated.

MR. HOLMAN: He could give the evidence of the first doctor as well.

MR. RASON: Surely that is not right. Whether a hardship was or was not done either to the employer or to the employee does not enter into the argument. Should such a state of things be possible? Surely that which has occurred must be possible, and the condition of affairs that I have described has occurred.

MR. A. J. WILSON: The same condition of affairs could not occur again.

MR. RASON: The condition of affairs I have described has occurred; upon that point ample proof is forthcoming if the statement be challenged. The position I have described must appeal to every man's mind.

THE MINISTER FOR JUSTICE AND LABOUR: If true.

MR. RASON: If it is not true I should not be uttering it here.

DR. ELLIS: Where is the proof?

MR. RASON: I cannot understand the density of some members. The fact is established that certain gentlemen, however few, have been appointed as medical referees. Their services must undoubtedly be used as referees only; that is admitted.

DR. ELLIS: That is fair.

MR. RASON: But they have not been used as referees only, but in the first instance people have gone to them, and people will undoubtedly go more to a referee in order to obtain from the man whose statement is conclusive a certificate as to their state, instead of having to go to one doctor and have perhaps that doctor's statement questioned by another, and afterwards decided by a referee. The tendency must be to go direct to the referee.

HON. W. C. ANGWIN: The case you are stating was carried out that way. The man went to a doctor first.

MR. RASON: The facts are exactly as I have stated. A man went to a medical practitioner who has since been appointed a medical referee. He was not a medical referee at the time. Medical referees were subsequently appointed, and the man who was injured went to one of the medical referees and obtained a certificate that he was incapacitated. The first medical practitioner said the injured man was malingering. Had it not been for the mere fact that the second practitioner the man went to had been appointed a medical referee, the case would have had to be threshed out on its merits. There would have been a subsequent appeal, perhaps, to a referee. The merits of the case could not be gone into in the case I am citing because the certificate was conclusive evidence.

DR. ELLIS: Was not the employer cognizant that the man went?

MR. RASON: Whether hardship has been done to the employer or not, whether right or wrong has been done, my contention is that these regulations should be so altered that the medical referees can only be called in after a dispute. That is not so as the regulations stand at present. The regulations are published under the Act, and the Act says that any man objecting to an examination by one medical man can go to a medical practitioner appointed under the regulations. These regulations, instead of appointing certain medical practitioners, only appoint medical practitioners who act as referees, and injured men can go direct to the referees.

DR. ELLIS: The other side knowing about it.

MR. RASON: Without the other side knowing at all.

DR. ELLIS: Not under the Act.

MR. RASON: The Act provides that an injured man may go to a medical practitioner. Let us be just if we can. Do not evade the question by raising false issues.

MR. HOLMAN: Read the meaning of "medical referee."

MR. RASON: The Act provides that any injured worker may be examined by some medical man when called on by the employer or the association that guarantees the employer against loss. If the workman objects to that practitioner, he can go to a medical practitioner named in the regulations, and so far the medical practitioners appointed under the Act are medical referees, and they have jurisdiction throughout the entire State. First of all, my contention is that if gentlemen are appointed medical referees they should only have jurisdiction within the district in which they reside. It should not be possible for a man to travel

from one end of the State to the other to reach a medical referee, whom (let us say) the injured man thought more sympathetic.

MR. HOLMAN: Supposing a man is brought down for an operation, has he to travel back to his district?

MR. RASON: In any case, it should not be possible for an injured worker to be able to go to one who really holds the position of a judge, to give a decision before any evidence is gone into at all. A medical referee is a judge, and if a man obtains a certificate from that judge, there is an end of the case.

DR. ELLIS: You do not understand what medical referees are, that is all.

MR. RASON: The regulations say "medical referees," and a referee means a judge.

DR. ELLIS: "Referee" means expert evidence.

MR. RASON: That may be the referee within the knowledge of the member for Coolgardie, but the referee under the regulations has to examine a man and give a report, which report is final.

DR. ELLIS: Conclusive evidence.

MR. RASON: Conclusive evidence is final. Really, one would think I had some personal interest in this matter, and that members were trying to inflict some punishment on me, when this should be a serious question. Personally, it matters very little to me whether the regulations are altered or not. To my mind it is absolutely necessary, in the interests of the worker and the employer, that the regulations should be altered. It is necessary in the interests of the employer that he should have a fair deal, that he should have a most complete examination. And it is only fair to my mind, to medical practitioners throughout the State, that no man in his private practice should be given a greater advantage than another. We should bear in mind, if we look at this only from the labour standpoint, that after all, if an employer has to pay compensation that he is not fairly required to pay, it is not so very much out of his pocket; because all cases of this kind are covered by accidental insurance companies, and it is only a matter of premium. If the companies find the calls on them are too heavy, they simply increase the rate of premium. What would be the result of that? That a private person will have to pay more, or the employer of labour will find he will have to employ less labour, because he cannot afford to keep more men, for he has to pay too high a premium. Do not let members think that a labourer, because he gets a bit more compensation than he is justly entitled to, is scoring well, and that his brother workmen are going to score also. It is the very worst thing that could happen to him, and the very worst thing that could happen to his fellow workmen, when he gets more or less than absolute justice. My point is this, if I can impress it upon the Minister who has charge of this Act, that the regulations need to be amended in this direction, that a medical referee's services should be obtainable only after a dispute between the employer and the employee as to the extent of the accident. [MR. HOLMAN: The regulation cannot override the Act.] There are no such regulations here, and the Act says his services are available without any dispute at all. The regulations which provide for the appointment of medical referees could also provide the conditions under which their services could be available. I go farther than that, and say that a medical referee in one district should not have jurisdiction throughout the State, but should have jurisdiction within a reasonable limit of the centre of his district. I say still more, that it would be very advisable indeed if the first examination in cases under the Workmen's Compensation Act were left to medical practitioners in private practice, and if we could, as far as possible, have as medical referees gentlemen not practising on their own account.

THE MINISTER FOR JUSTICE AND LABOUR: Where will you get them?

MR. H. BROWN: District medical officers.

MR. RASON: I have said "as far as possible." Surely the Minister is capable of understanding what that means. [MR. BOLTON: That means nothing.] Is my friend's knowledge so limited that he is not aware that there are some medical men in this State who are not in private practice?

DR. ELLIS: Not in the districts.

MR. A. J. WILSON: If they are out of practice, they get a bit rusty and not up to date.

MR. RASON: There are medical men thoroughly competent and up to date who are not in private practice. They should, I contend, in justice to every medical practitioner and in justice to the public, be engaged as far as possible as medical referees. But above everything, medical referees should not be called upon to give a certificate which is absolutely final, absolutely conclusive, until both sides have had a knowledge to some extent of the nature of the injuries, and have been able to have another examination. I therefore move!

That the resolution of another place be agreed to.

THE MINISTER FOR JUSTICE AND LABOUR (Hon. R. Hastie): I very much regret the change which has come over the hon. member (Mr. Rason). We used to look upon him as being one of those members of the House who, if they took up any matter, looked on both sides of it. We looked upon him as one who, before he attempted to bring a matter before the House, would see that his facts were complete. In this case I cannot compliment him upon being very successful in that direction. The hon. member begins by complaining that it was unnecessary to appoint medical referees. [MR. RASON: No, no. I never mentioned "unnecessary."] It was only fair to assume that he considered they were not necessary. I think that is a very fair statement of the case. I will read again from the section the hon. member referred to. It is No. 5 in the second schedule of the Workers' Compensation Act, and it says:—

Where a worker has given notice of an accident, or is entitled to weekly payments under this Act, he shall, if so required by the employer, or by any person by whom the employer is entitled under this Act to be indemnified, from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer or such person.

MR. RASON: Go on.

THE MINISTER FOR JUSTICE AND LABOUR: Up to this year there were no cases I know of in which an employer required one to submit himself to such examination. Therefore no medical referee was required. When this Act came into force two years ago, there was a proposal put before the then Premier (Mr. James) asking for medical referees to be appointed; but he said it would be unwise to appoint medical referees until it was shown that they really were required. Mr. James's decision was a very wise one, because though the employers had this privilege of nominating a doctor and requiring the injured person to come before him, I can find no case prior to this year where any employer has required an employee to come before a special doctor, therefore no appointment was really needed. But during the course of this year several employers have required the injured persons to go before the doctor nominated by them. When that was done those people wished to take advantage of the Act, and they naturally asked that a medical referee be appointed; and whatever Government was in power it would soon be forced to appoint medical referees within those districts. That is the reason for the new regulation which the hon. member complains about. The hon. member goes farther and explains to the House what the intentions were of the framers of this Act. One of the intentions was, he submitted, that no matter should come before the medical referee until after a dispute had taken place, and that the matter should be referred to the medical referee by the court itself. [MR. RASON: Or both parties.] That was the contention put forward in the other place when the matter was considered; but if this is the case, why was the Act framed as it is here? This Act is word for word the same as the English Act, which has been in force for many years. It is also word for word the same as the New Zealand Act, and also the South Australian Act, and it seems to have worked very well there. It will be very wise in some cases for the court to refer the case to a medical referee; but it has been found that it is not the more convenient method. I am not aware that before such discovery was made by Mr. Moss the other day any one had made the suggestion approved of by the hon. member. The case is simply this. An employer can ask an injured man to go to his doctor, and if that injured man objects, he can instead go to a doctor nominated by the Governor-in-Council. Does not that seem fair? The Act states that shall be done; but the hon. member says that is not the in-

tention of the Act. If so, why did we not hear of this intention before? Until I heard the case argued in the other place I had never heard the slightest suggestion like that brought forward.

MR. SPEAKER: The hon. member cannot refer to what occurred in another place.

THE MINISTER FOR JUSTICE AND LABOUR: The second portion of the clause the hon. member asked me to read is as follows:—

> Provided that if the worker objects to an examination by that medical practitioner, or is dissatisfied with the certificate of such practitioner as to his condition when communicated to him, he may submit himself for examination to one of the medical practitioners appointed by the Governor for the purposes of this Act—

To one of the medical practitioners, and not to any particular man in one locality—

> and the certificate of that medical practitioner as to the condition of the worker at the time of the examination shall be given to the employer and worker, and shall be conclusive evidence of that condition.

I may explain that when it was proposed we should appoint medical practitioners, the chief medical officers of the State were asked their opinion. The Chief Medical Officer and the President of the Central Board of Health were both consulted and asked to recommend how many doctors should be appointed medical referees, and also where those doctors should be; and it was suggested it would be very fair to appoint one or two medical officers for the Metropolitan District, one for the South-Western District at Bunbury, one for the Murchison District at Cue, and one at Kalgoorlie. They were also asked to nominate doctors who lived in those places, and they did that. Their recommendations were considered, and the only alteration made by the Governor-in-Council was in one particular case. That was with reference to the metropolis. The first recommendation was that one doctor, and one doctor alone, should act for the whole of the metropolitan area. It was thought afterwards it would be wise to appoint two doctors, and very largely for this reason. It seemed to us that we could not in the first place get doctors in this city who had no private practice and yet were good and reliable surgeons. The Medical Officer impressed upon us this fact, that we should appoint to the position absolutely the best surgeon whose services were available within the district. That being so, it was thought wise to appoint one of the best surgeons we could get in the Perth district and also one of the best surgeons resident in Fremantle. I should not use the word "district," because the Metropolitan District was treated as a whole. The hon. member tells us how the first cases which came before these medical gentlemen have got on. He has, I have no doubt unintentionally, to a very large extent misled the House. The position was this. There was a person named Lang hurt in Fremantle, in August or September last, and that person came under the provisions of the Act. He was drawing 30s. per week. That man was attended by Dr. Anderson, in Fremantle, and Dr. Anderson continued to attend him up to the 11th May last. I here have his evidence given in the court. He says the last time he examined him was on the 11th May last, and his words are these, and this is all the evidence available:—

> I know Lang. I have had him under my care for six weeks. He was last under me on the 11th May. I examined him. I then said he would be able to work on the 1st June.

That is absolutely every scrap of evidence; yet based upon that evidence the hon. member assures the House that the doctor declared that when he examined him on the 11th May, this man was malingering. It was not said by anyone in court that he was malingering.

MR. RASON: I mentioned no name.

THE MINISTER FOR JUSTICE AND LABOUR: The hon. member said a doctor who had since been appointed a medical referee. Those are the words the doctor gives in evidence, and it is not alleged in evidence that the doctor said he was malingering at all. But he said on that occasion that within a comparatively short time the patient would be able to resume work.

MR. RASON: What did the other doctor say?

THE MINISTER FOR JUSTICE AND LABOUR: There were no doctors appointed at that time. The doctors were gazetted on the 23rd June; and on a subsequent date, the 27th or 28th June, this man wished to take his case to a medical referee; and, quite properly, he

did not go to the doctor who was attending him, but to another doctor who lived outside the district; and that other doctor examined him, reported on his case, and upon his report the court decided. I wonder if there is anything wrong with that procedure. The hon. member addresses the House very much as a lawyer might be expected to do when engaged to plead for one side.

MR. RASON: I want a referee to act as a referee only.

THE MINISTER: Does the hon. member assume that Dr. Haynes did not act as a referee?

MR. RASON: I say that under those regulations any doctor can; and that should not be so.

THE MINISTER: Oh, then he acted as a referee?

MR. RASON: I did not say so.

THE MINISTER: Well, what does the hon. member mean? This man's case was sent to probably one of the ablest surgeons in Western Australia. The patient claimed that he was absolutely incapacitated from working. The other side at that time thought he was thoroughly able to work. Dr. Haynes said: "Both are wrong. I find that he is partially disabled, but is able to do light work;" and the doctor gave a certificate accordingly. Well, the Leader of the Opposition finds fault with that and declares that somehow or other some person did not get justice. I wish the hon. member would be as specific on this point as he is when giving inaccurate information. But with reference to the publication of these regulations, I would point out that, as the hon. member has apparently admitted, they are, as they are required to be, part of the Act. The Government had no choice. The regulations only prescribe that the medical referee shall have jurisdiction over the whole State, just as similar regulations prescribe the same thing in New Zealand, South Australia, and Great Britain itself. That is the only material alteration that could possibly be made in these regulations. Then the hon. member says it is inadvisable to appoint as medical referee any doctor who has a private practice. But, if we follow his advice, is it likely that we shall get men qualified for the position, and men who will properly suit the people of this country? I am aware that we have in Perth two medical men who have not private practice. I believe there is one connected with the Fremantle Hospital who has not a private practice. But I am not aware of any doctor in any other part of the State who has not a private practice. I think I am right as to that. [MR. NEEDHAM: There are friendly society doctors who have not any private practice.] In nearly every case, friendly society doctors have private practice. But, as Dr. Lovegrove says, what we wish for is a highly experienced surgeon; a man in whom every person will have full confidence. Such a man has been secured in this case, by appointing Dr. Haynes. He has often been criticised; but I never heard anyone express doubt as to his impartiality or his knowledge of surgery. So it seemed to the Government that if we wished to appoint medical officers without private practice, we had no choice but to appoint Dr. Lovegrove or Dr. Black. Neither of those gentlemen has any private practice; neither can be expected to be acquainted with all that is known of surgery at the present moment.

MR. RASON: The Chief Medical Officer.

THE MINISTER: The Chief Medical Officer is not necessarily a first-class surgeon.

DR. ELLIS: For a long time he has not practised surgery.

THE MINISTER: I do not suppose he has performed a surgical operation for years past.

MR. RASON: You said he was not up to date.

THE MINISTER: I do not suppose he knows everything discovered in the domain of surgery during the last few years, at any rate. I have to repeat that the regulations which the hon. member (Mr. Rason) wishes to disallow, prescribe only the maximum fee that can be charged, and declare also that medical officers appointed thereunder are medical officers for every part of the State.

MR. GREGORY: You call them "medical referees" in your regulation.

THE MINISTER: Yes; they are medical referees.

MR. RASON: I want them to act as referees.

THE MINISTER: They will be called on to act as referees; but as to whether they should or should not have defined districts, I wish to say a word. If we appoint as referees doctors who have private practice, then it will be impossible for us to say that they shall confine their operations to their own districts; and for this reason. It may happen, as it happened in the Fremantle case that the hon. member mentions, that the doctor who would naturally be referred to has already been attending the patient; and I submit that no doctor should be asked to be a referee on his own case.

MR. RASON: That is exactly my argument.

THE MINISTER: I am glad the hon. member at last agrees with me. Consider a case that may occur at Kalgoorlie, Bunbury, or Cue. In each of those places we have only one medical referee. As medical referee we appoint, and must appoint, the best surgeon procurable. The best surgeon will be consulted by persons injured while at work; and that surgeon cannot afterwards be called on to act as referee. The only way out of the difficulty is to make regulations as they are found in this measure, and as they have been provided by the Government of which the hon. member was a Minister.

MR. RASON: It is the Act, not the regulations.

THE MINISTER: Well, this is the Act; but the hon. member referred so often to the necessity for changing the regulations that in following him I may be excused for making that mistake. I trust that the House will not agree with members in another Chamber in throwing out these regulations. I may point out that once regulations under such an Act are laid on the table of the House, they have the full force of law until they are rejected by a resolution of both Houses of Parliament. In this case one House has objected to the regulations, and I hope that this House will not follow suit, but will throw out the motion of the member for Guildford.

MR. A. J. DIAMOND (South Fremantle): I move that the debate be adjourned.

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

Ayes	...	...	17
Noes	...	...	17
A tie	...	...	0

AYES.	NOES.
Mr. Brown	Mr. Angwin
Mr. Burges	Mr. Bath
Mr. Carson	Mr. Bolton
Mr. Connor	Mr. Daglish
Mr. Cowcher	Mr. Ellis
Mr. Diamond	Mr. Hastie
Mr. Gregory	Mr. Hietmann
Mr. Hardwick	Mr. Henshaw
Mr. Hayward	Mr. Holman
Mr. Hicks	Mr. Horan
Mr. Isdell	Mr. Johnson
Mr. N. J. Moore	Mr. Needham
Mr. S. F. Moore	Mr. Nelson
Mr. Rason	Mr. Scaddan
Mr. Thomas	Mr. Taylor
Mr. Frank Wilson	Mr. A. J. Wilson
Mr. Gordon (*Teller*).	Mr. Gill (*Teller*).

MR. SPEAKER: I think, in accordance with the usual custom, my vote should go with the Noes.

MR. RASON: I think the usual custom, Mr. Speaker, is to defer the discussion.

MR. SPEAKER: The hon. member cannot question my decision. The question is the adjournment of the debate, and not the decision of the main question.

Motion thus negatived; debate continued.

DR. ELLIS (Coolgardie): I am sorry to see the leader of the Opposition trying to stifle discussion on this most important question.

MR. RASON: I ask that the hon. member withdraw that remark. It is very objectionable.

MR. SPEAKER: The hon. member must withdraw the expression objected to.

DR. ELLIS: I withdraw the expression objected to. This seems to be a matter we want to go more fully into. I have listened with great care to the observations which have fallen from the leader of the Opposition; and I cannot for the life of me see how he has made out any case against the regulations as they are at present printed, though he may have made out some case for a farther printing of regulations. So far as I can make out, there is no regulation here which in the slightest degree acts unfairly either to the employer or to the worker. As I have some personal experience in this connection, I can perfectly clearly understand the whole matter. After an accident, the injured man calls in some practitioner, who takes him on

in the ordinary course of his treatment, but may know nothing about the liability under the Act and may treat the patient as an ordinary case of suffering from an ordinary accident. Presently the employer, rightly or wrongly, wishes to know from another practitioner whether the man has received serious injuries or not. It has been found in the past—it happens very often—that it is advisable to make terms immediately after an accident occurs. Such a course stops a lot of ill-feeling and is very often more convenient to the injured man, because he gets some money for his family. But it very often happens that the two medical gentlemen differ. Doctors sometimes do differ. Of course, we understand that occasionally the patients die. If doctors differ, it is quite the usual custom for a third medical man to be appointed to go into the case, and for the parties to agree to whatever view the third practitioner takes. It is often agreed between the employer and the worker that some medical man shall be called in, and that they shall be bound by the result. I have several times been called in by the two parties, and they are quite willing to abide by the result; but that is before the case comes into court. It is an eminently advisable procedure, and it clearly comes under the regulations as published; but I see two points in which these regulations are deficient, so far as I understand them. The first is that no medical practitioner should be able to be referee on his own case. It would seem to me to be most improper to allow such a thing to be done. The medical practitioner treating the case derives certain advantage remuneratively from what decision he gives; and though he may be straightforward enough, he may be a little biased as to whether he is going to get his fee or not according to the result of the case. We know that in many cases medical practitioners are not paid, except when the parties get some advantage from the other side, so that they can pay for the medical attendance. Therefore a practitioner might unconsciously be a little biased, and it would be unfair to allow him to be referee on his own decision. Where the referee is called in, I quite agree with the leader of the Opposition that it presupposes some dispute, or that there is a difference of opinion between the medical practitioner employed by the employer and the medical practitioner employed by the worker as to the nature of the injury and as to what amount of compensation should be given. Where the man appointed under the Act as referee is consulted, it is fair that the other side should be informed beforehand. If we add two regulations such as I have suggested, to the regulations as they stand, the matter will be made absolutely correct and perfect. Then no man could be referee on his own case, while the employer could not have suddenly jumped upon him a decision against which there is no cavil, without his knowledge or acquaintance with the fact that the referee was going to be consulted. Such amendments appear to me to be perfectly fair, and without the slightest doubt the Minister for Labour will have these additions added to the regulations, that is if they can be allowed under the Act. If not, the Act should be altered. The regulations as they stand at present are proper, but they want the two additional regulations I have suggested. The leader of the Opposition laid a great deal of emphasis on the question of preventing men being appointed as medical referees to act throughout the State. No matter how we decide that question, we will get into difficulties, because by limiting it to local men we may not get a man to act as referee who is not in private practice. In some districts there happens to be only one medical practitioner in private practice; so it would be impossible to get a referee at all in those districts. Very often the man injured wishes to come to the metropolis; he has some idea, rightly or wrongly, that the surgeons in the metropolis have more experience; and the case may not come on until some time after. It is quite proper that the men appointed under the Act should be appointed for the whole State, and there is no reason why they should not be consulted privately. They do not get any remunerative advantage out of the patients, except as laid down by the regulations. It is perfectly open to the injured man to go to some medical practitioner in the metropolis who has no local prejudice or advantage from the ultimate decision in the case to influence him in giving a certificate. Of course,

the employer should know beforehand that the man is going to consult the medical referee. It would be manifestly unfair for any man to go to a medical practitioner acting as referee and ask him to give a casual opinion without the practitioner knowing that the opinion was to be binding. In that direction there should be some alteration in the regulations; and if the Act will allow it, a regulation could be easily framed to meet the difficulty. I cannot see anything else; neither has the Leader of the Opposition pointed out anything else in the regulations gazetted on the 16th June that acts injuriously or unfairly for one side or the other. It is the duty of the Government to hold the balance of power. They have no right to frame regulations for the advantage of the workman over the employer, or for the advantage of the employer over the workman. This medical advice is really a form of expert evidence. It is not always necessary to wait until the case goes into court; but if it were, it is quite within the capacity of the Act to appoint a medical man as referee. It is, however, advisable in the interests of the State that, wherever possible, these cases should be settled as quickly as possible. This constant litigation that goes on over these injuries is very injurious, not only to business, but to the employer and to the workman, and is very often injurious to the medical practitioner. The only person who derives a keen advantage from it is the lawyer. He at the present moment derives more advantage out of these cases coming before the court than anybody else.

Mr. Needham: Is that the reason for this debate?

Dr. ELLIS: Probably it may have a good deal to do with it. As far as possible the lawyer ought to be taken out of these cases. I should like to see the cases decided without any appeal to the court where things are clear and straight. There are many cases in which the amount of compensation and injury could be decided without an appeal to the court, if any responsible man was cognisant of the amount of injury and had the right to say what was fair compensation. We have found in the past that many cases have been settled where both sides have agreed to a medical man saying what would be a proper amount for compensation. We find that under this Act the greatest expense comes from legal expenses. Very often the legal expenses are as great as the compensation paid. We see a good deal of this on the goldfields. Anybody with hospital practice sees the excessive amount of legal expense attached to these cases. At present the capitalistic companies object to this Act on account of the legal costs of these cases, and not so much on account of the amount paid by way of compensation, which often is hardly sufficient to compensate for the injury received. No man would receive an injury for the amount of compensation he gets. I know of no case where a man has got anything like the compensation he should get; but the lawyers get the money. So far as the question of throwing out these regulations is concerned, I feel convinced that the House would be doing wrong in going against the manifest intention of the Act. I can quite understand there may be some capitalists outside the House who do not wish to see medical referees appointed, or to see this Act enforced; but if they genuinely desire to see the Act enforced and to see referees appointed, why should they not accept the regulations as they stand? They are perfectly good, and we should add to them two regulations for which the Leader of the Opposition himself has so carefully shown the necessity. As far as I could make out, these were the only two points he really could object to; and as neither of them is touched on in these regulations, there is no reasonable cause for disallowing the regulations of the 16th June. If they were passed out, some similar regulations would need to be framed to make the Act effective. Referees should be appointed. I do not think the Leader of the Opposition objects to referees; I do not think he has any objection to any man being reasonably consulted as to the amount of injury; and he cannot show me anything in these regulations which goes against that. I quite agree that if they were the only regulations they would be liable to abuse on both sides. The easiest and simplest way is to pass the regulations as they stand, and to see that the Minister puts in the other regulations which are necessary so that equity can be done to both

sides. I am not in favour of doing any injury to capitalists, nor am I in favour of treating workmen with any undue leniency; but I would like to see more money now going into the pockets of the lawyer going into the pockets of those seriously injured. I think the House would be doing well to allow these regulations as they stand, and to have the other regulations added afterwards.

At 6·30, the SPEAKER left the Chair.
At 7·30, Chair resumed.

DR. J. S. HICKS (Roebourne): I have listened attentively to the remarks made by the Minister, and while I do not say that the Government have done wrong in gazetting the regulations which were framed, yet I do not believe in the principle of the medical referee, as the regulations give the medical man too much power. I could better illustrate what I mean by the remarks of the Minister, who said that a certain case arose at Fremantle, that the patient was attended by a certain medical man who gave certain evidence or a certain certificate, I forget which, and within a month or so this medical man with others was appointed a medical referee under the Act. The patient went to two referees who gave different reports on his illness. That proves to my mind that medical referees may be too Czar-like in their actions. The regulations give too much power to medical referees. I think both sides should be represented, and if a dispute arises the matter should be referred to a third person who should be the medical referee. Another point arose from the remarks of the Minister—although I do not suppose the Minister intended what he said—which will give offence to surgeons in the State. If the Minister had said one of the best surgeons, instead of the best surgeon, it would not have been so emphatic. I have no pretensions whatever to surgery, and therefore I do not care what people think. But as the Ministry believe in the referendum, they might have referred this whole matter to the medical men to decide.

MR. A. J. WILSON (Forrest): In dealing with this question, it seems to me that the matter of these regulations was something which the Government were called on to give effect to and adopt. If any complaint is to be made in regard to Section 5 of the Workmen's Compensation Act, it is not that the Government have framed regulations, but that they have allowed themselves for so long to follow in the footsteps of their predecessors in office in permitting the condition of affairs to go on, causing considerable inconvenience to the class of people for whom the Act was specially provided. I may say that I spoke to the leader of the late Government, Mr. Walter James, in regard to this question, because a certain case had come under my observation wherein an employee was called upon under Section 5 of the Act by the employer to submit himself to an examination at the hands of a medical practitioner nominated by the employer; and although the worker was dissatisfied with the certificate issued by the medical practitioner nominated by the employer, he found himself, in the absence of the regulations that should have been framed in order to give practical effect to the section of the Act, absolutely void of the opportunity to apply to a medical practitioner appointed by the Governor-in-Council for the purposes of the Act, to which he was entitled, if those responsible for administering the Act in the earlier stages had carried out what was intended to be carried out by the Act. If I may put it so, the burden of the song of the member for Guildford was on the question of the medical referee, and he went most laboriously into the question of what Webster had to say in regard to this particular matter. I think we are not so much concerned in what Webster has to say on the matter as we are concerned in the definition which is given to the term "medical referee" by the Governor-in-Council for the time being, who is responsible for the framing of the regulations in accordance with Section 5 of the Act. It is very clearly laid down that a medical referee shall mean a medical practitioner appointed by the Governor-in-Council for the purposes of this Act. Section 5 of the Act uses practically the same language, and in order that there may be a distinctive discrimination between an ordinary medical practitioner and the medical practitioner appointed pursuant to Section 5 of the Act for a specific purpose, the Government who are responsible

for framing the regulations have adopted the term "medical referee." Even admitting the extended application which the Leader of the Opposition desires to apply to the term "medical referee," it is distinctly and expressly laid down, no matter what the intention of the Legislature may have been to the contrary, in Section 5 of the Workers' Compensation Act that certain medical practitioners shall be appointed by the Governor for the purposes of the Act, and that the certificate of such medical practitioners in regard to the condition of a worker shall be conclusive evidence of that condition. Surely there must be some finality. Even my generous friend, the member for Coolgardie, is prepared to admit that doctors disagree, and he was good enough to say they disagree irrespective of the fate that may befall the patient. I submit there must necessarily be some finality in regard to this medical examination. [MR. RASON: Try the caucus.] If all that the Leader of the Opposition says in regard to the caucus is correct, it would seem that the examination according to his definition would be a *post mortem* one. I think that entirely apart from any technical construction that may be placed on the language employed in regard to the regulations, we ought to consider the results which will follow from the initiation of the practice which has been brought into operation in accordance with Section 5 of the Act by the Government. A condition of affairs arises in which an employee meets with an accident; under the section, if the employer is dissatisfied with the medical certificate of the medical man attending to the patient, he has, under the provisions of the section, the power to compel the injured workman to submit himself to an examination at the hands of some medical practitioner nominated by the employer. But if the worker objects to the particular medical practitioner, or if, having submitted himself to the examination in consonance with the desire and express wish of the employer, he is of opinion that the certificated medical practitioner is unduly generous to his employer, he has the right conferred upon him by this section of this Act, if the Government have done their duty in this matter, to appeal, under these circumstances, to a medical referee. I venture to submit that if a certain case which took place in Fremantle some little time ago had not fallen into the legal hands it did, and if the medical certificate supplied by the appointed referee in the city of Perth had coincided with what is alleged to have been the medical opinion of the doctor who was attending to the injuries of this workman, there would not have been any occasion for us in this Chamber to-night to be discussing the wisdom or otherwise of these regulations. [MEMBERS: Hear, hear.] I think that is abundantly apparent, and under these circumstances, in the interests of a section of the community on whose behalf this Workers' Compensation Act was primarily inaugurated, I consider we ought to no longer deprive them of the privileges they are entitled to enjoy under the provisions of this Act, and by no means one of the least of the privileges is to have their case referred to a medical referee, whose decision in regard to one's condition shall have some finality, and shall, in the language of the Act, be conclusive evidence of that man's condition at that particular time.

MR. J. B. HOLMAN (Murchison): I thought some members on the other (Opposition) side of the House would have had something to say on this matter. I am sorry that the action mentioned by the member for Forrest (Mr. A. J. Wilson) arose in Fremantle, whereby a certain person had charge of the case which did not turn out as he expected. With regard to the surgeons, the Leader of the Opposition, when speaking on this motion, mentioned that there was nothing against any of those who had been appointed. But I would like to know what there was against the regulations at all. The regulations are framed entirely in accordance with the Act, and so as to give any injured worker an opportunity of having his case decided. Mention has been made of paragraph 5 of the second schedule, which has been read to-night, empowering the appointment of medical practitioners. The framing of the regulations is entirely in accord with paragraph 5 of that schedule, which merely goes on to state that a medical referee shall be a medical practitioner appointed by the Governor-in-Council for the purposes of the Act. Therefore, the appointment is merely so as to have a referee to decide any case in which two doctors may dis-

agree. In almost every case in which a person is injured while at his occupation, he goes to his own doctor at the start, and is treated by his own doctor. So that there shall be no unfair dealing with regard to the employer the Act gives an employer power to compel the worker to go to a medical man whom he may name, that is, a person in the pay of the employer himself. Some cases have come under my own notice in which the two doctors have disagreed. In one instance the medical man chosen in the first place gave a certificate stating that the person was not fit to follow his usual occuptaion. In the second place, when that person was sent to the medical man in the pay of the company, that medical man gave a certificate to say the man was in a fit state to go to work. In that case, the employer need not pay any compensation to the worker at all, because paragraph 6 of the second schedule says:—

> If a worker refuses to submit himself to such examination, or in any way obstructs the same, his rights under this Act in respect of the accident to which such examination relates shall be suspended until such examination takes place, and shall absolutely cease unless he submits himself for examination within one month after being required so to do.

That is, unless the injured person submits himself to the examination of the medical man appointed by the employer, all his rights under the Act will cease. So as to get over that difficulty and give a worker an opportunity of having his case thoroughly tried, those regulations were framed. I may say in regard to this, that the question came up some time ago, when the late Attorney General (Mr. James) had the administration of the Act. He decided that regulations were necessary, but that it would not be necessary to frame them until such time as a definite case came before the Court under the Workers' Compensation Act. When these regulations were framed, two definite cases came under notice, wherein there was a deadlock. One medical man stated that the person was unfit to carry on his work, and another medical man said the person was fit to follow his occupation. It was necessary to have a medical referee or practitioner appointed under the Act, so as to have some finality under the Act; therefore, the regulations were framed. It has been said that we should have a referee, and the referee as appointed under this regulation is appointed in accordance with the Act. One point which the Leader of the Opposition brought forward was: Why did these medical practitioners or referees—give them what name one likes—have jurisdiction over the whole of the State? Simply because in a great number of cases when a person is injured in the wayback fields, he almost invariably, if it is a serious injury, comes to Perth to have provided the best surgical assistance he can possibly get. It would be totally unfair for an injured person in Perth, who was getting on very well under medical attendance here, to have to go back to the district where the injury occurred before being able to get a certificate from the doctor. That is one reason why medical referees are appointed to have jurisdiction over the whole of the State. When the member for Coolgardie (Dr. Ellis) was speaking, he stated that we required some additional regulations. I do not think we do. I think the regulations are quite sufficient to cover the whole of the ground we require, without unduly interfering with the rights of either side. I trust that members of this Chamber will not carry the motion as moved by the Leader of the Opposition. There is no necessity for it. The regulations are entirely in accordance with the Act, and I think we would be doing an injustice to a considerable number of employees and employers as well, if we interfered with the regulations.

THE MINISTER FOR LANDS AND EDUCATION (Hon. T. H. Bath): I do not desire to make many remarks in regard to the motion which has been moved by the Leader of the Opposition, but I think two points which have been advanced require elucidation. I may say at the outset that I can congratulate the leader of the Opposition on not advancing the arguments in favour of this motion which have been adduced elsewhere, although the fact that he has refrained from doing so has to a considerable extent weakened his case. In regard to the statement of the member for Coolgardie (Dr. Ellis) that it is necessary for an additional regulation to be framed, which will provide that an employer shall receive

notification if the worker decides that he will consult one of the medical referees, I assert that under the existing regulations the employer will have full knowledge of the fact that the worker intends to, or does, consult the referee, if he considers it necessary; because we have this position. If there is any dispute between the employer and the worker concerned as to the nature of his injuries, the employer is not likely to ask that one shall submit to examination by the medical officer whom he himself is able to appoint; but if he does decide to ask that the worker shall consult such medical officer, and if the worker in his wisdom decides that he prefers to consult the medical referee, then the employer will become fully aware of the fact that the worker has consulted the medical referee, because he will know that he has not consulted the medical adviser appointed by himself, and though he may obtain the knowledge in an indirect way, still the fact remains that he will secure that knowledge. [MR. RASON: After the event.] After the event? [MR. RASON: Yes.] He secures the knowledge. [MR. RASON: After the consultation.] But he can raise an objection. [MR. RASON: Not afterwards.] I say emphatically that the verdict given by the medical referee is one that is used as conclusive evidence in the Court, and the employer will have knowledge of the fact that the workman has consulted the referee before any Court proceedings could take place. Certainly we cannot offer any strenuous objection to a regulation being framed which will provide that the employer shall be notified in an official way by the worker that he intends to consult the medical referee. Still I desire to combat the argument that he would have no knowledge under existing circumstances that the worker intends to consult or has consulted the medical referee. Even if we frame a regulation providing that the worker shall notify the employer, that cannot prevent the worker from exercising his undoubted right under these regulations to consult that medical referee, and having the verdict of that medical referee accepted as conclusive evidence in any Court that decides the question. On the other point which has been urged by the Leader of the Opposition, and to some extent supported by the member for Coolgardie, that it is desirable that no medical adviser shall have the opportunity of acting as referee upon a case in which he has been personally consulted, I venture to say that no one in this House would dispute that such a position is inadvisable; but I would go farther and say that, even if we have no regulation dealing with that question, it is not likely that any medical referee with any consideration for his own reputation would attempt under any circumstances in the absence of such a regulation to act as medical referee in any case on which he had been personally consulted. I, fortunately, have not had much experience of the medical fraternity. I say "fortunately," because I believe it is, in most cases, quite as expensive to consult medical practitioners as to consult legal practitioners. But I do say that I have sufficient confidence in the medical practitioners of this State to believe that it does not need any regulation framed by the Government to prevent any duly qualified medical practitioner from acting as medical referee on any case in which he has been personally consulted; and to frame such a regulation is, I think, an unnecessary proceeding. But I suppose no one on either side of the House will object to a regulation which to some extent will make the position doubly sure. As to the objections of the Leader of the Opposition, I think there is in them nothing of a valid nature against the regulations themselves; and the position is, we have had opposition to the regulations, not because of the regulations themselves, but because of certain appointments made under the regulations—[MR. RASON: No]—not opposition from the hon. member, I will say that, but from others, and I think that is an altogether undesirable condition of affairs. A motion of this sort deals with the regulations themselves, and it is the regulations that should be considered; and as far as possible this House should determine, not the question of the fitness of the medical practitioners appointed, but the question whether the regulations as framed meet the case; whether the persons who take advantage of the Workmen's Compensation Act, be they employers or workers, are liable to suffer any injustice under the regulations. I say there is nothing in

those regulations which will cause either employer or worker to suffer injustice. In conclusion, I do not think there can be any great objection to the framing of additional regulations to make absolutely certain on the two points raised: first, that no medical practitioner, if appointed as referee, shall be allowed to act in a case on which he has been personally consulted; and second, the question raised by the member for Coolgardie (Dr. Ellis), as to the employer being notified that the worker intends to consult the medical referee, because of the worker's disapproval of the medical practitioner appointed by the employer.

HON. W. C. ANGWIN (Minister): I do not think any objection would have been raised to these regulations if the word "conclusive" could be struck out before the word "evidence," and "inconclusive" inserted in lieu. We must bear in mind that as a result of having a medical referee's opinion, or taking his evidence as conclusive evidence, there is a possibility in the near future of not having any cases for compensation brought before our law courts. If it were necessary that the court should order an examination by the medical referee, it would be necessary in the first place to bring a case before the court for the court's decision; but by having the referee as provided by the regulations, there is a possibility of an injured person and his employer agreeing to get evidence direct from the medical referee; and this practice, if commonly followed, would prevent any accident cases coming before our law courts. This, I think it will be seen, would be very objectionable to a number of persons in the State, especially the large number whose business takes them to law courts. I believe the principal objection to the regulations lies in that one word "conclusive." If it were possible for the evidence of the medical referee to be set aside by the stipendiary magistrate or the justices who would try the case, I do not think any objections to these regulations would have been raised; but seeing that the referee's evidence is conclusive, strong objection is taken because the power to decide the case is removed from the justices, and therefore in the future law costs will not be piled up as they have been in the past.

MR. C. H. RASON (in reply): I should like, in the first place, to explain that the only object in seeking a postponement of the debate was in order, if possible, to obtain some additional information. The Minister in charge of the Department of Labour (Hon. R. Hastie) was good enough to say that the information I have supplied to the House was misleading. I have not been in the habit of supplying to this House information which I thought in any way calculated to mislead. The information I gave the House this afternoon was given to me on what I thought at the time to be excellent authority; and I am still of that opinion. [THE MINISTER FOR LANDS: You are always liable to be misled.] So is everyone. Wittingly or unwittingly, all or many of the members who have addressed themselves to this question have skilfully evaded the point I sought to make. I have no objection whatever to the appointment of medical referees; and I endeavoured to the best of my poor ability to demonstrate that what I required and thought necessary was that such gentlemen, if appointed referees, should act as referees only; that if appointed umpires, they should act as umpires only. That is the first necessity which I tried to lay down. Now in these regulations themselves, I will admit, there is no very great inherent fault. The fault, if any, is that they do not go far enough; for they allow a man who is appointed a medical referee to give a verdict in the case of his own patient. The Minister unwittingly gave an illustration—his version of the case at Fremantle—which demonstrates on his own showing how, under the existing regulations, great harm can be done to the worker himself. The Minister's version of what occurred at Fremantle was that the injured man went to a medical practitioner who was not at the time a medical referee. That practitioner gave his certificate that the worker would be fit to return to work on the 1st June. Now that very medical practitioner has subsequently been appointed a medical referee. It is fortunate for the worker that the practitioner was not a medical referee at the time. He is now; but had he been then, his certificate would have been absolutely conclusive evidence. But fortunately for the worker, the practitioner was not a referee at that moment; and a month afterwards that worker was able to go to another practitioner who

was a medical referee, and the referee's certificate was that the worker was incapacitated. Had the practitioner to whom the patient went first been a medical referee at that time, as he is since, would not a great harm have been done to that worker?

THE MINISTER FOR LANDS: All depends on what his verdict would have been on the 1st June.

MR. RASON: The verdict of the medical man to whom the worker went first was a certificate that the worker would be fit to return to work on the 1st June. If the doctor had been a medical referee at that time, that certificate would have been absolutely conclusive evidence.

MR. HOLMAN: You are slightly misleading. The same doctor gave evidence when the case was before the court; and his evidence convinced the court that the man was partially incapacitated, and could not do a proper day's work; and there was a verdict accordingly.

MR. RASON: Assuming that what I have said is correct—and what I have stated may easily happen, whether my statement is or is not absolutely correct—it points out the danger both to employer and worker of allowing a medical man to give a certificate for his own patient, a certificate which is conclusive when there is no dispute. Almost every member who has spoken to this question has taken the same view of the medical referee's proper duties as I take; but it is when doctors disagree that we should have someone to whom the worker can appeal for a final decision. The position I take is that the referee should give his certificate only when he is appealed to in cases of dispute. If the contrary is to be the case, surely it goes without saying that if there be only one medical man, we will say in Perth, who is a medical practitioner and the sole medical practitioner in Perth who can give a certificate that is final, every case under the Workmen's Compensation Act will naturally drift to that practitioner. I do not wish to wound anyone's feelings; therefore I will not say that the law would give, but that it would tend to give, to that practitioner a monopoly of cases under the Workmen's Compensation Act. If the Minister will assure me that he will endeavour to frame farther regulations providing that the medical referees appointed shall give their certificates only when appealed to in cases of dispute, if he will endeavour to frame a farther regulation which will provide that the medical referee shall in no case give a certificate to one of his own patients, then the case will be met. And I submit, if it be good to have a medical referee in a town, surely it is advisable to have three or four. To my mind, the more the better, where skilful men are available; and I utterly fail to follow the remarks of the Minister (Hon. R. Hastie), who says the advice of his department is that only the best possible surgeons who are prepared to undertake surgical operations should be appointed. That is exactly what we do not want our medical referee to do. We do not want him to undertake an operation. We do not want him even to prescribe. We want him to be able to diagnose the case, and to say whether or not the man is injured, and if he is injured, to what extent. We do not want the man who is to conduct the operation, if an operation is necessary. He is the very man we do not want. We want a man who is competent to give, and who will give, a perfectly unbiased opinion; not biased on the side of the employer, not biased on the side of the worker. It seems to me that members have to a great extent been arguing from wrong premises, both as to what has occurred here and what has occurred in another place. So far as I have been able to ascertain, what took place elsewhere was on exactly the same lines as what took place here, so far as the originator of the motion was concerned. There has been no desire, either there or here, to interfere with the privileges of the worker. Neither there nor here has it been attempted to be argued that medical referees should not be appointed. That is not the position at all. The position is as I have described it; and as I have done so, I will not farther labour the point, except to show that there are degrees of knowledge. The member for East Fremantle (Hon. W. C. Angwin), who favoured us with a few remarks on the question, said that he had come to the conclusion that if the word "conclusive" had been struck out of these regulations there would never have been

any trouble. Such a remark, coming from an honorary Minister of the Crown, is entitled to very grave consideration; and I had to consult the regulations again in order to find whether there might be a reasonable degree of argument in that statement; but to my surprise I find that the word "conclusive" does not appear in the regulations at all. [THE MINISTER FOR LANDS: But it does in the Act.] Yes; but my friend referred to the regulations, and said that if the word "conclusive" had been struck out of the regulations no fault would have been found with the regulations at all. Well, the word "conclusive" does not appear in the regulations, so that it is not on that account that I have found fault with them. I regret that it should be even insinuated that anyone who calls attention to a matter in this House or elsewhere is actuated by improper motives. Information, no matter how obtained, if it be honestly obtained, may rightly be made use of, if one thinks that in making use of it he is doing his duty to the country; and insinuations as to impurity of motives are always, to my mind, better left alone. Any man who thinks that by objecting to these regulations, or to any other regulations, he is doing his duty, has a perfect right to take the objection. I understand that the Minister for Labour has already given an assurance that he will endeavour to draft farther regulations to give effect to the farther proceedings that I consider desirable, and that a great many other members of this House also consider desirable. That being so, the object of this motion, so far as I am concerned, is entirely gained, and I ask the permission of the House to withdraw it.

THE MINISTER FOR JUSTICE AND LABOUR (Hon. R. Hastie): If, when we are going through the regulations, we find there is no provision for preventing a doctor from acting as referee on one of his own cases, we will take steps to frame one. In these regulations we were simply following those in force in New Zealand and in some parts of England; and that is why we did not think it necessary to have a regulation framed to the effect suggested by some hon. members.

Motion by leave withdrawn.

MOTION—TIMBER INDUSTRY, INQUIRY BY COMMISSION.

Debate resumed from 1st August, on Mr. A. J. Wilson's motion:—

That in the opinion of this House a Royal Commission should be appointed to inquire into the condition of the timber industry of this State.

THE MINISTER FOR MINES AND RAILWAYS (Hon. W. D. Johnson): I do not rise to support the motion of the hon. member, that a Royal Commission should be appointed to inquire into the timber industry of this State; but while I oppose the appointment of a Royal Commission, I am prepared to admit that the hon. member has made out a case for inquiry. Realising that the hon. member has made out a case in a very creditable speech delivered on this question, I do not think it is necessary for me to go very closely into the arguments put forward by the hon. member. In the main, I agree with his conclusions; but in many of the details—principally in connection with his conclusions regarding the railway freights—I cannot agree with him. I have received from the Railway Department details in connection with the railway rates of freight on our timber; but I do not propose to weary the House by giving those details to-night, because I believe a case for inquiry has been made out, and those appointed to inquire into the question can be supplied with the details I have at my disposal. To narrow the question, it appears to me that we have in Western Australia a large area of hardwood forests. The operation of that forest is almost exclusively controlled by one corporation. Of course I am prepared to admit that there are small companies, timber syndicates or private individuals operating on small areas; but the trade of these small concerns is almost limited to the State itself, while the trade of the Combine, which has control of the main portion, or almost exclusive control, of our hardwood forests is mainly an export one. While we find that the export trade is on the increase, we find the corporation arguing that in spite of this fact, they are not in a position to carry on their trade under existing conditions. They claim that in order to carry on we must either give them a reduction in our railway freights and wharfage rates, or that they must get a

reduction in the rates of wages paid to the employees and also an increase in the hours of labour. They have made representations for a reduction in railway charges. That is being considered by the Government. We find that our railway rates compare in many instances more than favourably with those in other parts of Australia; so we do not feel disposed up to date to give any reduction in railway rates in order to put this industry on a better footing than it is to-day. The same argument applies to the wharfage question. We do not consider that a case has been made out for any reduction at the present time. Realising this, the timber corporation have decided that the only means at their disposal to bring about a reduction in the working expenses is to bring about a reduction of wages and an increase in the hours of labour of the employees. This, of course, the employees naturally resent. They argue that the major portion of them are receiving to-day something like £2 5s. a week, and that it is unjust for the corporation to call upon them to submit to a reduction in wages or an increase in the hours of labour, considering that they are only receiving such a small rate of wage at present.

MR. FRANK WILSON: It is the smallest rate that you are quoting.

THE MINISTER: The rate varies from 7s. 6d. to 11s. a day; but I am prepared to argue that the major portion of the men are on the lower level. While they argue that there is no justification for any reduction in their present conditions of labour, they feel that there is something in the argument advanced by the corporation that they cannot carry on under existing conditions. The workers feel that perhaps there is something on which a case may be made out to justify even a reduction in wages or an increase in their hours; but they say, "Before we agree to that, we want to be satisfied that the railway freights and harbour dues and other things cannot first be reduced in order that our conditions may be allowed to continue as they are to-day." On the other hand, they say that perhaps this is not the cause at all, that the railway freights may be just, and that all the other conditions may be just, but that it is owing to the extravagant cost of administration on the part of the Combine that this state of affairs to-day is brought about? Realising that they must go into the question from that point of view, the men started to make inquiries to get a case ready for the Arbitration Court; but they were faced with the difficulty that there was no machinery whereby they could acquire the information. We recently saw where one of the workers' representatives appealed to the court for certain replies or certain documents to be submitted to the employees in order that they could see exactly the cost of administration in connection with this timber industry; but the replies that were received were not satisfactory.

MR. FRANK WILSON: Who says they were not satisfactory?

THE MINISTER: The workers say they were not satisfactory. They got their replies, it is true; but they were not such as to make the workers feel convinced that they had sufficient evidence to lay before the Arbitration Court to clearly demonstrate to the court the state of the industry to-day.

MR. A. J. WILSON: They have not got the replies yet.

MR. FRANK WILSON: Yes.

MR. A. J. WILSON: What was the latest order of the court?

MR. FRANK WILSON: They have got all that were ordered.

THE MINISTER: In the majority of cases lately the court has gone into the question as to what rate of wages or what conditions of labour the industry can grant to the employees to allow the industry to continue. Realising that in this case the main point at issue is a question as to whether the industry can continue under the existing rate of wages and hours of labour, the workers feel that they cannot supply the evidence necessary to allow the court to get an intelligent grip of the conditions of the industry in order that it may make a fair award. The Government, realising this, feel that there is some obligation on their part to assist any inquiry as to the condition of the industry. We must realise, as the member for Forrest (Mr. A. J. Wilson) has pointed out, that a large amount of the expenditure is in London and other agencies throughout the world, because the company's trade is largely an export one. We must all realise that there

must be a fair amount of cost in the administration outside this State, a knowledge of which the employees' representatives cannot gain. This is the position the Government take up. We have in existence to-day a body composed of experts who can inquire into this question; and the Government are prepared to submit the question to that body. I am referring to the Forestry Board. We will ask the board to go into the matter and give us a report on the condition of the industry. I do not say that we should bind the board down in any way; but we will simply leave the matter to the board, whose members must realise the difficulty far better, I suppose, than any member in this House, and will ask it to go into the question and make a recommendation as to the best means of placing this industry on a better footing, if it is not in a paying position to-day, so as to enable us to arrive at a conclusion as to whether we can, in fairness to the State, give any reduction in connection with railway freights, cost of inspection, harbour dues, etc., or as to whether the question lies with the Arbitration Court to determine whether the rate of wages is not the sole difficulty in connection with this business. I believe we can overcome the difficulty, and do something in the interests of the State and the timber industry by placing the matter in the hands of the Forestry Board to make recommendations on the question. This course the Government is prepared to adopt.

Mr. N. J. MOORE (Bunbury): Whatever else may be the result of the motion, it will at least have the effect of directing the attention of members of the House and the State generally to this very important industry. At the same time, I realise if a Royal Commission be appointed, I do not know that we shall be able to acquire any farther information than we have at the present time. All the information we possibly could acquire is in regard to the cost of timber f.o.b. at the port of shipment at Bunbury or Fremantle, and most of those who have taken an interest in the question know that that can be easily arrived at. Of the total cost of placing timber on board ship, by far the greater proportion goes in wages, if we except the money paid to the railways for freight. Two shillings and sixpence per load is paid to the railways for wharfage, while the amount realised from the lessees amounts approximately to 2s. 6d. a load in the square. The only matter we are not certain about is in connection with the freight and the amount that would be realised to the consumer. It is a matter of fact that during the last 12 months timber contracts have been accepted on something like 10s. a load less than the rates previously obtained. I have roughly made up the cost of timber f.o b., and I should like to mention the various items that make up the cost f.o.b., at the port of shipment, so that members may know how much of the sum realised for timber is spent in the country. It is evident to most of us it would be impossible to reduce the first cost of timber any lower than it is at present, that is 2s. 6d. in the square, practically representing 1s. in the load in the round. Members must agree with me that when we have a timber like jarrah of the best quality, it is ridiculous to ask less than 1s. per load in the round for such a valuable asset. A tree will not yield more than three or four loads on an average, and that tree has probably taken something like 100 years to mature. Therefore, it is worth to the State 4s. at that stage. I do not think in the interests of the country generally that any reduction can be made in the first cost of the timber. Then there is the next cost, that of falling, which averages something like 3s. 6d., and is all spent in wages; log hauling 12s., spent in wages; there is also horse feed. Then there is the cutting, 11s.; that is the amount it is estimated to cost to put the timber through the mill, and most of that item is spent in wages. Bush trams, estimated proportionately at 2s. 6d. a load; maintenance, another 2s.; loading, 1s. 3d.; salaries, an average of 2½ per cent., 1s. 6d.; and assuming the timber to be worth £3, I think this a reasonable allowance; accident and insurance, 1s.; other incidental expenses, 2s. 6d.; freight on an average from Yarloop to Bunbury, say 9s. 9d.; wharfage, 2s. 6d.; making a total of £2 12s. f.o.b. at Bunbury or Fremantle, as the case may be. In the case of Fremantle the amount would be more, because of the extra railage. The only

mill shipping at Fremantle at the present time is Jarrahdale. The whole of the amounts I have given are spent in wages, which I do not think could be reduced to any great extent; and it seems to me that if any reduction is to be made, it should be in freight and wharfage. The amount paid in wharfage is certainly excessive—2s. 6d. per load. To give some idea, I may mention that last week 640 loads of sleepers were put into one vessel at Bunbury in a day. That would be approximately 1,000 tons dead weight, bringing in a revenue to the Railway Department on that day's turnover and on account of wharfage alone of something like £80. It is certain it would not cost the Railway Department more than £10 to earn the £80; so some reasonable reduction might be made in the wharfage charges. The next best thing we can do is to take to heart the advice recently given to us by the Agent-General, Mr. James, who in his report deals with the timber question and the necessity that exists of advertising our timber resources in a systematic manner. Speaking in regard to the timber industry in his report he says:—

> There are so many competing road and street making materials that constant energy is demanded of those who have our timber to sell; and the necessary expenditure is much greater than is realised by those who imagine that wood paving is always approved and jarrah admittedly the best material for such work.

We know that creosoted pine, and other hardwoods, greatly come into competition with our jarrah, as our orders for paving timber are falling off more than anything else. Our export trade is largely kept up because we have secured some large orders from South Africa, China, and India. Most of this timber has been sleepers for new railways and relaying existing lines. It does not appear that there is any great prospect of the big demands made from South Africa being kept up. Mr. James says farther in his report:—

> The need to advertise and push jarrah is as urgent as ever, and the work in this connection being done by the companies at this end alone accounts for our export trade to the United Kingdom. It is a mistake to imagine that the merits of jarrah are so widely known and so clearly admitted that no special trade effort is necessary. The contrary is the case, and unless jarrah were actively pushed (at no inconsiderable cost) the demand for it would soon cease.

I may incidentally remark that some of the big companies have spent large sums in advertising and pushing the timber trade. The late Mr. C. G. Millar informed me some years ago he had spent £10,000 in laying down some woodpaving in New York alone to advertise the timber; the same thing had been done in London and Paris, so that private enterprise has to a large extent been responsible for the jarrah trade we have secured in the United Kingdom up to date. Mr. James farther says:—

> The action of the New South Wales Government in appointing special representatives to push their trade in Africa and the Far East has given to the timber exporters of that State an advantage which substantially affects our trade. The enlistment of Government aid to assist the sale of New South Wales timber is an appreciable handicap to our own companies, who have practically made the export trade and reputation for Australian hardwood timber, and now find the Government of New South Wales employing official representatives as agents to extend the sale of a competing timber. Representations have also been made to me that in competition with Eastern States timber prices have been cut so fine that we have lost several large contracts by margins so narrow that a few pence per load had decided the question. The desirability of appointing official representatives of the State in the Far East, India, and South Africa also needs consideration, which becomes the more important now that New South Wales is taking active official measures to secure the trade which our State has created.

One important matter we wish to bring prominently forward in connection with the trade is that people outside the State do not appreciate the value of jarrah to the extent that it deserves. Quite recently we had a gentleman on a visit to Western Australia from India, Mr. Adam, the consulting engineer for the Indian Railways. The Indian Government take charge of the maintenance of the whole of the companies' railways in India, and make themselves responsible for the interest and proper maintenance of lines. Mr. Adam is visiting the States of Australia to obtain information as to the quantity and quality of local timbers, so that in the near future we may look to Australia to supply, to a large extent, the demands of the maintenance department of the Indian Government Railways. I think we ought to make a determined effort to capture that trade.

If we secure continuous orders of that nature, it will mean that instead of depending on orders from occasional contractors, we will be able to secure orders for a certain number of sleepers—so many hundreds of thousands per year—which will give those engaged in the timber industry a certain feeling of security, because they will realise they have a sure and certain market open to them every year, instead of having to depend on the uncertain orders of the Governments of South Africa, Natal, and other places. If the Indian Government decide to place their orders for maintenance with us, we shall have a splendid market for our timber. I would like to say that it is as well that the State officials should speak favourably of our timber when referred to for their opinions; and I was surprised to find that Mr. Adam, in the course of his inquiries here, received information in connection with the life of jarrah sleepers that would not do much to secure us orders.

MR. F. F. WILSON: From whom?

MR. N. J. MOORE: The information was received from the Government officials of the Railway Department.

THE PREMIER: That was corrected afterwards.

MR. N. J. MOORE: I only know that information was given to Mr. Adam to the effect that the life of a jarrah sleeper was from 10 to 12 years.

THE PREMIER: Fourteen years.

MR. N. J. MOORE: As a result of this, a wire was sent to the engineer-in-chief of South Australia inquiring what was his opinion as to the life of a jarrah sleeper, and the engineer-in-chief replied that it was from 22 to 25 years. So that I think it is just as well on occasions of this kind that if information is given, that information might be revised, and it certainly should not be information reflecting discreditably on our timber. If a jarrah sleeper will last 25 years as against 12 years, consequently it is worth double the money. At the invitation of Mr. Drew, the then Minister for Lands, I interviewed Mr. Adam, and I am pleased to state that, as a result of farther inquiries, Mr. Adam has gone away with the impression that the average life of a jarrah sleeper is at least 20 years, which opinion can be borne out by evidence. I would like to suggest that in any report which is drawn up a publication might be compiled by representatives to assist the advertising referred to by the Agent-General; that a board consisting of a representative from the Forestry Department, one from the Works Department, and perhaps one from the Department of the Engineer for Existing Lines, should compile some information which would be of value and interest to people connected with the timber industry. Included in that pamphlet we might give information which would at the same time do away with the uncertainty that very often exists, as to whether timber we send away is jarrah or karri. It might be stated in this publication that all jarrah from Western Australia must of necessity come from Fremantle, Rockingham, Bunbury, or Busselton. That is as good as a certificate, for the simple reason that it is impossible to send any karri away from those ports; so that persons dealing with Australian hardwoods and having vessels coming to these ports, will be satisfied that the timber brought from these ports consists of jarrah alone. I suggest also that a plan might be issued in connection with this publication, showing the various timber areas and the various mills, and giving all information necessary. Quite recently, we had a report of the Commission giving the area and quantity of all available jarrah timber. And I think this information would be interesting to those people who are associated with the timber trade outside Western Australia. At the same time I think some improvement might be made in the system of inspection, so that Governments of other States might have their timber inspected in Western Australia; consequently a saving might be effected by getting an official certificate here as to the quality and size, etc., of the timber which is being sent away. [MR. FRANK WILSON: The Forestry Department do that.] Yes, but the present inspection is very unsatisfactory. The inspection at the present time is done by the casual employee of the Forestry Department, who is paid by the person sending the timber away. I think it would be a great improvement if those men were really Government servants. You would then get a better hold of them, and you would

not open the door to any underhand dealing. I have nothing farther to say with regard to this matter, except that I feel sure that those interested in this inquiry, both workers and employers, will be only too pleased to give any information that is available to assist the committee or board, or whoever they may be, in their work, and I hope the result will be that it will impress us with the fact that we have entrusted to us a great and valuable asset in our forests, and one which is not only entrusted to us for the good of the present community, but those who come after us.

MR. FRANK WILSON (Sussex): Every member in the House will recognise the great importance of this industry to Western Australia. When we take into consideration the number of hands employed, the number of people that subsist upon the industry directly, and those who subsist upon it indirectly, and the large volume of trade which it provides for merchants and others supplying the necessary stores, implements and produce to carry on this industry, we must come to the conclusion that anything that can be done to keep the industry on a sound footing ought to be done by the Government and Parliament. At the same time I am bound to voice this opinion, that I hardly see what good a Royal Commission would do by inquiring into the condition of the industry at the present time. We have had too many Royal Commissions of late years. Nearly every matter which members have had to complain about or to bring forth has been submitted to some Royal Commission or other.

THE PREMIER: Some of them very good, like the Collie Coal Commission.

MR. FRANK WILSON: Very doubtful. We have had Royal Commissions without any direct benefit being derived from the inquiry, and the inquiry has cost a considerable amount of public money. What I want to put clearly before the House is that we have here an industry in regard to which the cost of production—and we are producing the manufactured timber—depends almost entirely upon wages, stores, and the cost of transit. With regard to wages I think we can hardly expect an outside committee or commission to go into that question. We have established the Arbitration Court for that purpose. That is the legitimate legal tribunal to decide this question, and I fail to see what inquiry on the score of wages made by any Forestry Board or Royal Commission can benefit the industry. Suppose they came to the conclusion that they would recommend an increase of the rate of wages, could that recommendation be carried out?

THE MINISTER FOR MINES: We want them to go into the question of the state of the industry.

MR. FRANK WILSON: Exactly; not the wages. I am very glad to hear it.

MR. A. J. WILSON: I will look after the wages question by and by.

MR. FRANK WILSON: Yes; I expect you will. If it is a question of railway freights and wharfage only to be inquired into, I fail to see how a Royal Commission can help the Minister who controls that department. I think members should have sufficient faith in the discrimination and judgment of the Ministers to settle this question.

THE PREMIER: We are not going to inquire into that.

MR. FRANK WILSON: Then what are they going to make an inquiry into? If they are not going to inquire into the cost of transit, if they are not going to inquire into the rate of wages, how will they get at the cost of production?

THE PREMIER: What has transit to do with it?

MR. FRANK WILSON: Transit has to do very much with the cost of the article placed on board a vessel. The Premier ought to know that. The cost of production includes production from where the tree grows, the work at the mill, the conversion of the timber into scantling and other sized timbers, and then it includes the cost of transit of the timber from where it is worked to where it is to be consumed. The member for Forrest (Mr. A. J. Wilson) made an able speech, and put some figures before this House which I confess were new to me. He stated that the cost of transit on timber in the other States was cheaper than it is in Western Australia at the shipping ports. I believe I am correct in stating that, if that be so, there is good ground for some inquiry, there are good grounds for some action by the Government, because when we consider the cost

of railways in the Eastern States, when we know that they cost in many instances twice as much as our railways cost us to construct, it stands to reason that we ought to be in a position, if we are not, to carry our product from our forests to shipping ports at any rate as cheaply as, if not cheaper than, the Eastern States. After all is said and done, we come back to this, that the bulk, three-fourths I presume, of our timber is exported from our country to be sold in foreign markets, and therefore we are thrown into direct competition with all other timbers of the world which will answer the same purposes. Ours is not the only timber that is good for street paving; it is not the only timber good for wharf construction or railway sleepers. I submit that it is one of the best timbers in the world—I would like to emphasise that--for works of that description; but still if we are not continually pushing and advertising our timber, if we are not continually competing and showing that we can compete with other similar timbers, and perhaps timbers which are better known than ours, our trade is bound to fall to the ground. We shall find that what trade we have secured in the past will gradually be lost to us, and people who have used jarrah in years gone by for certain works will, if they cannot readily obtain it in the different markets of the world, simply begin to use other timbers. It is well known that has been experienced in the old country with regard to the Baltic pine. American pine has taken the place of the Baltic pine to a large extent. We have Canadian pine being pushed on the English market, and to-day very many thousands of standards are imported from Canada, which in olden days were always brought from the Baltic. The same thing applies to the jarrah. We must have jarrah timber and karri also continually before the public and continually advertised in the markets where it can be sold. If we do not do that we shall lose our trade. Some mention has been made in regard to London cost of management, and in this respect let me say at once that I do not think that if the whole of the London management were wiped out in connection with the Combine altogether it would make very much difference in the cost of production on the output they have.

MR. A. J. WILSON: Then you have nothing to fear from an investigation.

MR. FRANK WILSON: Not at all, and the proper place for investigation of that matter is the Arbitration Court. [Interjection by the MINISTER FOR MINES AND RAILWAYS.] The workers can get all the information they require with regard to the cost of management and the cost of production, which any Royal Commission can get or any committee such as it is proposed now to appoint. I am not opposing the appointment of a committee. If they can go into the question of railway freights and wharfage and bring some information to the Minister which will enable him to come to a prompt decision as regards any reduction which may be thought advisable, they will be doing good service; but I repeat that the Minister ought to be very well able to come to that decision even without the assistance of any such committee. However, I am not going to oppose the appointment of a committee or the reference of this matter to the Forestry Board. Let it be inquired into by all means, but I for one do not expect that we shall get anything very satisfactory from that advisory board, unless the Minister himself and the Premier and his colleagues are determined to take this matter up and look into it themselves, and come to some decision with regard to assisting the industry when they get the report. I want in passing merely to refer once more to this new railway tariff. It seems to me that anything that can be done by the Commissioner of Railways in order to squeeze out of the industries of this State the very last drop of blood that can possibly be squeezed out of them to increase the revenue is being done.

THE PREMIER: That is hardly fair.

MR. FRANK WILSON: Then I will withdraw it. I do not wish to be unfair, but it does appear to me that the Commissioner, seeing that he is having a falling revenue, is taking every advantage to endeavour to increase his revenue in this new tariff, and increase the revenue by putting an increased burden upon an industry I am now particularly speaking of, the timber industry. There are lots of little charges which appear very small in themselves, but which in the aggregate mount up fear-

fully. The other night I instanced one or two extra charges, when speaking on the no-confidence motion. I see here, on page 56 of the Rate Book, a charge of so much a truck for chains. Everyone knows that timber of any size is carried on timber wagons which must of necessity be fitted with chains, and always are fitted with chains to fasten the timber to the wagons. The timber cannot be conveyed without chains. Why should this charge be made, which has never before been made since we have had a railway system? It may be a small charge; I think it is something like 6d. per truck for a certain distance; but that mounts up considerably when we consider the turnover and the export trade of the State during the twelvemonth. Another extra charge is to be made for tarpaulins used to cover produce, though the charge has never been known before; and when in addition we consider that the department will not in future permit any private wagons to be run over the Government railways excepting those now running and licensed to run, all these little exactions not only irritate, but form a very severe burden on the industry at the end of 12 months. And at this time when it behoves everyone who is interested in our industries, every member who wishes to see the State progress as a whole, to try to lessen the burdens on our industries, I say that to find such petty extra charges put in a new tariff makes one lose confidence to some extent in the honourable gentleman, whoever he may be, who has sanctioned this tariff as published. I hope that when the Forestry Board are appointed to go into this question they will have full power to inquire into railway freights, harbour dues, and wharfages, and into all the details of the new charges which have been inflicted on this as well as other industries by the new railway tariff. If the board do that, and the Minister acts on the recommendation of the board—though in the past the recommendations of Royal Commissions have not been acted on—if he acts, and acts promptly, he will be doing some good. But the wages question is one that I maintain here must be and can only be settled by mutual arrangement between the employers on the one part and the workers on the other, or by the tribunal which we have set up to decide these questions, namely the Arbitration Court.

MR. E. P. HENSHAW (Collie): The timber industry is, I believe, the third largest industry in this State; and in the past it has been very grossly neglected. Advantages have been given to certain timber companies, who have been enabled to amalgamate their forces until we see them now in the form of one company known as the Timber Combine. I feel convinced that a most searching inquiry into the timber industry would do a world of good at the present time. I am not satisfied with the proposal of the Minister to refer this question to the advisory board. I believe that a Royal Commission should be appointed to inquire into the working of the industry; and when I say that, I should not favour a commission unless I was satisfied with its *personnel;* because in the past we have had commissions appointed which have not done good work, and which have fizzled out. There are exceptions to the rule. [MR. SCADDAN: The Immigration Commission.] Well, I have not a very high opinion of the Immigration Commission and the work they have done or should have done. Many of the commissions have been failures. One commission is, I think, a striking exception. [MR. NEEDHAM: The Collie Coal Commission.] No; I refer to the small commission which investigated the question of ocean freights, and I take this opportunity of congratulating the members of that commission on the good work performed. I believe that commission is an exception. It has done excellent work; and the small sum it cost this State has been well spent, for I believe we are about to get good results from it. I feel that if a commission inquiring into the timber industry could give as good results as that commission, the expenditure would be justified. Just to show the need for an inquiry into the timber industry at the present time, let me point out that the people who are squealing loudest, the people who are moving the Arbitration Court for a reduction of wages, have a distinct advantage over all competitors, inasmuch as those people, the Combine, pay £20 a square mile yearly rent for their country, whereas timber-millers outside the Combine pay sums equivalent to £480 a square mile. And

in spite of that disadvantage, the latter companies are now in a successful position. The member for Sussex (Mr. Frank Wilson) is, I believe, appearing on behalf of the Combine in the Arbitration Court as their agent, fighting for reduction of wages and extended working hours. The smaller companies, by the way, are not such small companies as the Minister for Railways said just now they were. If we refer to the total output of timber, we find that these so-called small companies contribute a very large proportion of that output. The member for Forrest (Mr. A. J. Wilson) referred the other night to the total output for last year as 143,000,000 superficial feet. Of that quantity the Combine provided 85,000,000 feet, leaving 58,000,000 provided by some of the smaller companies. Yet these smaller companies are paying wages far higher than are paid by the Combine, and are paying royalties much exceeding the ground rents that the Combine are paying; and yet the Combine cannot carry on: they say the cost of production is too high. That state of things almost demands an inquiry. We have the huge Combine, controlling two-thirds if not more of the forest lands of this State; and the Combine are asserting that they cannot pay the current rate of wages. The rates of wages which the Combine demand shall be embodied in an award are such as no self-respecting man can live upon, while on the other hand the smaller companies are paying fair wages; and it may be news to the member for Sussex that the Kirrup Company, who are now employing something like 600 timber-hewers, besides keeping going one of the large mills of the State——

MR. FRANK WILSON: That mill is closed down. Do you not know that?

MR. HENSHAW: As usual, my friend is astray. The mill is working, and working full time; and, moreover, the same company have 600 timber-hewers at work. The Kirrup Company have put in an application for forest country on which to operate, and have been demanding that a certain concession in the constituency of the member for Sussex—I refer to the Wonnerup concession—shall be worked. It is held by the Combine, who are not only refusing to work the forest lands which they hold, but are preventing others from operating in the vicinity, for the reason that the Combine have leased from the Government a small section of railway, thus gaining the key to the position. If the member for Sussex were to give a little attention to that matter, he would help to throw open an avenue of employment to many hundreds of timber-cutters. I have heard him mention the matter, though I really believe he gives this question more lip-service than sincerity; but if he is prepared to do his utmost to get that Wonnerup concession thrown open, thus providing work for hundreds of men now anxiously looking for it—providing an opening for some of these smaller milling companies—he will be doing a good turn to the persons interested.

MR. FRANK WILSON: Why do you not ask the Premier?

MR. HENSHAW: I am prepared to co-operate with the hon. member on this occasion, if he is willing to make some effort to find these people employment. I should like to refer to some of the rates of wages which the Kirupp Company are now paying, as the member for Forrest says, on a voluntary agreement. They pay their big benchmen 13s. 4d. a day; rip bench, 12s.; board bench, 10s.; twin saws, 11s.; anvil-men, 8s. 6d.; tailer-out twin saws, 8s. 6d.; tailer-out No. 1 and No. 2 bench, 8s. 6d.; board bench, 8s.; and other wages in proportion. In fact, 8s. is the minimum wage which the Kirrup Company are paying. In addition, the Kirrup Company, who are successful in business, are working 49½ hours a week; whereas the Combine, with the advantages they possess in ground rents, are working 50⅛ hours a week. In addition, the Combine have control of the stores with which the men have to deal; and the Combine are exacting very high prices for provisions sold in those stores. Yet in spite of these advantages they can make no headway. Another aspect I should like to refer to in this connection. The Combine, paying as they do £20 a square mile for the timber country, have a distinct advantage over the timber-cutters, inasmuch as the Combine can procure average sleepers for something like ½d. apiece, whereas the timber-cutters have to pay something like 1½d. apiece. Yet in spite of that advantage the Combine claim they cannot make headway as they

should: they assert that the industry is languishing, and that wages must be reduced. It has been said we must advertise the timber resources of this State; and yet we know that the Combine, the Kirupp Company, and almost every other company working in the State have their agents in various countries pushing our hardwoods for all they are worth. It is a matter of pounds, shillings, and pence. If this State can supply the timber at a fair price, equivalent to the prices of timbers from other parts of the world, this State can get the trade. The Kirupp Company can do this. They are very successful, and have been getting orders for sleepers time after time; and there are many other companies in this State that could flourish to the same extent if they could get possession of some of the forest land. There is another reason for this inquiry. The Combine at present shepherd immense areas of forest land, with the object of keeping competitors out. The company I have referred to so frequently to-night is hemmed in by the Combine, which holds the leases around this company's milling area; and these are dummied and not worked. I say this without hesitation. The Land Act says that no corporation can hold more than 75,000 acres; yet this Combine holds something like five times that area, and the land is held in the names of dead men. The trustees of the late Mr. Alex. Forrest hold some of these areas. One area contains 33,820 acres. It is held on one side of the Kirupp Company, and has been held for eight years with never a tap of work done on it, except during the last few months, when it was thought there was a probability of the Combine losing it. On the other side of the Kirupp Company there is another large area of forest land containing something like 10,000 acres, which has been held for an equally long time, and no work has ever been done upon it. The Combine is harassing the Kirupp Company. Every time the company makes a move to get a piece of country it is blocked by the Combine. If the company puts in an application to cross the Combine's country so as to get at forest land on the other side of the Combine's country, again it is blocked; and so the thing goes on, and hundreds of mill employees and timber cutters cannot obtain employment because forest land is not available to this company. For this reason I think the most searching inquiry into the state of this trade is absolutely necessary. I should like to refer to the timber regulations which have just been framed by the advisory board. I think some good reason should be shown why it has been necessary to raise the royalties to such an extent.

MR. N. J. MOORE: What are they raised to?

MR. HENSHAW: In some cases from 1d. per foot to 10d. per foot.

MR. N. J. MOORE: You are talking of piles. I thought you were talking of hewing.

MR. HENSHAW: In the past hewers have paid 10s. a month for licenses. They are now called upon to pay 2s. 6d. a month for licenses and 2s. 6d. a load in the square for all timber they hew, which brings their contributions to the revenue up to something like 30s. each per month.

MR. N. J. MOORE: How many of them paid their licenses?

MR. HENSHAW: I am quite prepared to admit that a great many of them have not paid their licenses.

MR. HOPKINS: Then it is not an imposition.

MR. HENSHAW: I will go farther and say also there are many companies operating that have not paid their royalties. There has been no proper supervision of this industry, and that is why I urge a Royal Commission should be appointed. The State could have reaped thousands in royalties and a good deal in license fees if the Forestry Department had been controlled as it should have been. I was referring to the royalties demanded by the new regulations for piles, poles, balks, etc. I notice that the royalties have been increased, as I pointed out, in some instances tenfold. Though I think it is a fair thing that the State should get some benefit from this timber industry, I recognise that if we are going to insist on royalties so excessive we are going to drive those that require piles into the other States, and we will find that, instead of using jarrah piles, people will be using some of those notorious turpentine piles we hear so much about.

MR. N. J. MOORE: Do you know that piles are sold for £15 in South Africa,

and that all the State gets out of them is about 8d.?

MR. HENSHAW: Those are the 60ft. piles; but now they would contribute a royalty of £2 10s. under the new regulations. At the same time the millowner can take the same piece of timber into his mill for about 6s. or 8s.

MR. N. J. MOORE: He cannot cut it. It has not the girth.

MR. HENSHAW: But he can cut it. It is idle for the hon. member to say that the millowner cannot cut it. There is nothing in the world to stop his putting a cut in the centre of it and taking it into the mill; and the hon. member knows that the butt of the pile on which this excessive royalty is exacted is over the standard size. In my opinion these royalties are unduly excessive and are going to drive trade away from this State, instead of bringing a return to the coffers of the State as it was intended they should do. I hope the Lands Department will take some notice of this. I am satisfied that these regulations are going to compel the timber hewers to give up altogether; because, as I have pointed out, the Combine can get the timber for about one-third of what the hewers are called upon to pay. I hope the request of the deputation that waited on the Minister yesterday to ask that the new regulations be suspended for a short period to enable them to find out their actual position and perhaps to get a reconsideration of the regulations, will be granted. If it be not done, a serious injury will be inflicted on the six or seven hundred men now employed in the timber industry. I should like to see a Royal Commission appointed, provided we could get such a body as would go into the whole of the timber industry in a thorough manner. Unless this is done, I feel we are not going to reap a proper return from the industry.

MR. A. J. WILSON: In view of the statement made by the Minister for Mines, I wish, with the leave of the House, to withdraw the motion.

Motion by leave withdrawn.

MOTION—PRISON WARDERS, EIGHT HOURS.

Debate resumed from the 1st August, on Mr. Needham's motion—

That, in the opinion of this House, the time has arrived when the hours of the warders employed in the Fremantle Gaol be reduced to eight per day.

THE PREMIER (Hon. H. Daglish): I do not intend to discuss this question, because it seems to me that, after passing the Public Service Act last session and appointing a Public Service Commissioner, this is one of the matters that might safely be left to that officer. If, after his classification, any member thinks it necessary to discuss the matter, it will then be open for him to do so. At present we have the Public Service Commissioner actively at work. He has already started the duty of classification, and I think it only reasonable that hon. members should allow the officer appointed at the instance of Parliament under the powers of the statute which the hon. member for Fremantle himself assisted in passing, an opportunity of fulfilling the duties imposed on him by direction of this House. It seems to me that far more efficient administration of the public service can be obtained if we keep these questions of work and hours entirely free from any political influence or control; and I hope the hon. member will not think it necessary to press the motion. I believe that the work and hours these officers and others are engaged in performing will receive the fullest and most impartial investigation from the Commissioner; and I think that until some specific practical contradiction of that opinion has been given by a classfication that has proved unsatisfactory, motions of this sort should not be persisted in.

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

Ayes	...	...	...	14
Noes	...	...	...	19
Majority against			...	5

AYES.	NOES.
Mr. Bolton	Mr. Bath
Mr. Ellis	Mr. Brown
Mr. Heitmann	Mr. Burges
Mr. Henshaw	Mr. Cowcher
Mr. Hopkins	Mr. Daglish
Mr. Horan	Mr. Gill
Mr. Keyser	Mr. Gregory
Mr. N. J. Moore	Mr. Hardwick
Mr. Needham	Mr. Hastie
Mr. Nelson	Mr. Hayward
Mr. Scaddan	Mr. Hicks
Mr. A. J. Wilson	Mr. Isdell
Mr. F. F. Wilson	Mr. Johnson
Mr. Holman (*Teller*).	Mr. S. F. Moore
	Mr. Piesse
	Mr. Quinlan
	Mr. Rason
	Mr. Frank Wilson
	Mr. Carson (*Teller*).

Motion thus negatived.

MOTION—PILBARRA GOLDFIELD MAP.

DR. HICKS (Roebourne) moved:—

That there be prepared and laid upon the table of the House a map of the whole of the Pilbarra Goldfield, showing thereon the position of all known gold and mineral discoveries, also the route of the proposed Port Hedland-Nullagine Railway.

On motion by the MINISTER FOR MINES AND RAILWAYS, debate adjourned.

MOTION—STOCK ROUTE TO LAVERTON.

MR. H. GREGORY (Menzies) moved:

That the Government make early inquiries into the advisability and cost of constructing a stock route from the Sturt River, south of East Kimberley, to Laverton.

He said: The object of the motion is to enable the Government to make inquiries into the advisability and cost of constructing a stock route from the Sturt River, south of East Kimberley, down towards the Eastern Goldfields, so as to facilitate the introduction of cattle from East Kimberley and the Kimberley districts generally to the Eastern Goldfields of Western Australia. There is no doubt a very large area of pastoral country north of Kalgoorlie—millions of acres—and I feel satisfied that if we can get cheap store cattle from the northern coast areas to the goldfields it will cheapen the cost of living. Those who have interests on the goldfields admit that anything which will make the life of the worker better should receive every consideration at the hands of members. We all know the heavy cost of meat on the goldfields. It needs no stretch of imagination to believe that if cattle were allowed to go on to the goldfield areas it would cause a considerable reduction in the price of meat to people on the goldfields. I am desirous of having the motion amended in regard to the route itself. In the first place, we need to take good care that the route should not run close to the pastoral areas to the north. I have no desire that the cattle passing on to the Eastern Goldfields should pollute any pastoral areas north, but I think some consideration should be given to the question which has been raised so many times that cattle should be brought from the Kimberley districts to the goldfields areas. I would not go so far as to bring forward a direct motion that the Government should remove the restriction which exists, as I have not sufficient knowledge of the tick disease to enable me to ask members to agree to anything of that kind; but the Government can obtain reports from their offices, and I believe, from what I can learn, there is no objection on the part of the officers of the Stock Department to cattle going on to the goldfields areas. The opening up of a stock route would not be a great expense. I have had many conversations with Mr. Binstead, who has travelled over a great portion of the area referred to, and he assures me that a good stock route can be obtained. The member for Pilbarra has also been over a great portion of this country, and he is satisfied that a good stock route can easily be opened up from the North-West districts to the Eastern Goldfields. Therefore, we should be doing a good thing for the Eastern Goldfields and also providing an outlet for the stock of the northern areas by opening up such a route. I hope, therefore, there will be no objection to the motion, or to the amendment which I am desirous of having moved to the motion. I want the motion amended to read, "That, in the opinion of this House, it is advisable that a stock route from East Kimberley to the goldfields, in a direction which would render it impossible to injure any northern or north-western pastoral areas, should be opened up, with a view to the introduction of cattle from East Kimberley to the goldfields; also to remove the present restrictions against the introduction of such cattle to the latter areas." I will not deal farther with the question. The question of a stock route in itself is a small one; but the question of the introduction of cattle to the goldfields areas is one I can quite concede the Government desire to consult their officers about before making any promise to the House.

MR. RASON: I beg to second the motion.

On motion by the PREMIER, debate adjourned.

MOTION—PORT HEDLAND-NULLAGINE RAILWAY.

DR. HICKS (Roebourné) moved:—

That there be laid upon the table of the House a return showing—1, The number of mining leases being worked on the Marble Bar

and Nullagine Goldfields; 2, The names of the lessees; 3, The number of mining leases holding exemption from labour conditions, and the names of the lessees; 4, The greatest depth attained on each lease, with width and value of lode at lowest depth: 5, The number of ounces of gold obtained from these leases for the two years ending 30th June, 1905; 6, The mining centres that will be served by the proposed Port Hedland-Nullagine Railway within a radius of 20 miles of same.

He said: Members are aware of the reply I received to three questions I put this afternoon with reference to the Government calling for tenders for the construction of the Port Hedland-Nullagine Railway. Last year, on the 30th October, I asked the Premier, "Is the present Government in favour of the construction of railways by private enterprise?" To which I received the reply "No." I also asked "If so, does the Government favour the land-grant or the guarantee system?" And the reply I received was "No." As far as I can gather, the Government has received no information whatever to warrant it in changing its front in the manner it has done. In moving this motion I wish to enable members to be supplied with information which will give them an opportunity of deciding upon the Pilbarra Railway question when it comes forward. When in October, the year before last, Mr. Isdell moved a motion in the House with reference to the construction of the Pilbarra Railway by private enterprise, that motion was carried by a minority vote. There were four members voting against the motion, amongst them being the present Minister for Lands, the Minister for Labour and Justice, and Mr. Taylor. The Premier and Mr. Johnson did not vote on the question, although I take it they were in the House, for on referring to *Hansard* I notice they moved motions earlier in the day.

THE MINISTER FOR MINES AND RAILWAYS: I left for the goldfields that evening after the dinner adjournment.

DR. HICKS: The hon. member moved a motion on that day.

THE MINISTER FOR MINES AND RAILWAYS: I was in the House in the afternoon.

THE PREMIER: I was not present.

DR. HICKS: The Labour members voting in that division voted "No." Now we have a reply to a question to-day by the Government, to the effect that it is prepared to go on with the Pilbarra railway at once. I want to know what information the Government has received to warrant it in changing its front in the way it has done. As members are aware, a second report by Mr. Gibb Maitland on the Pilbarra district is not before the House. Mr. Maitland is making a geological survey of the West Pilbarra district, and I think that the report should be before members of the House, to enable them to decide which route the railway shall take. I do not think it necessary to go into the question whether a railway is desirable to this point; but I would like to point out to members when dealing with this question, that if they will refer to the mineral map of the North-West, they will see there is a big mineral belt extending in this district from west to east. Members will see by reference to the map that if the line is opened up by the Government from Port Hedland, for the first 70 miles the railway will run through barren sand, and then only touch the northern fringe of this belt, whereas if the railway is built from Roebourne the route will traverse the centre of this mineral belt.

THE PREMIER: What has that to do with the motion?

DR. HICKS: I am asking for certain information to be laid before this House, and then members will be able to decide. Everyone who will refer to the map will bear out every statement I have made. With reference to the West Pilbarra field, I must tell members that, starting from Cossack and going to Nullagine, right from the start to the end of the journey one is in mineral country. Just outside Roebourne gold of a highly productive nature has been found. I do not wish to labour the subject in reference to this field, but in particular I would mention the two mines that are in this district, one being the Whimwell copper mine, which has already turned out over £100,000 worth of copper ore, and the other the mine south of Egina, which at the present date has turned out over £35,000 worth of gold. I could understand the Government starting a railway from Port Hedland to Nullagine, if Nullagine were the only place where we have gold; but on reference to the latest available report on mining, the report of 1903, the only returns I can

see dealing with the conglomerate are returns showing that there were 777 tons of ore, which returned less than 2½ dwts. of gold per ton. In the West Pilbarra district we have one mine, the Pilgrim's Rest, which in the same year, 1903, turned out more gold than all the gold mines in the Marble Bar district, or all the gold mines in the Nullagine district. I feel sure that this should weigh very considerably with members in discussing the Bill. I wish all the evidence that can possibly be obtained to be put on the table of the House, so that members shall not go astray. A peculiar thing that strikes one in dealing with this question is that, according to the same report, there are altogether 608 acres of gold-bearing country being worked at the present time, and of that 608 acres one company, the British Exploration of Australasia, holds 120 acres, and a mining magnate holds 320 acres, so that out of that 608 acres no less than 440 acres are practically owned by one syndicate. I feel sure this thing is being pushed on and that all the wires are being pulled to assist capital. It certainly looks significant on the face of it. With reference to the pastoral industry, that will also be a feeder in the West Pilbarra district, whereas if the line is confined to the other route, I do not think the pastoral industry in any way would feed the line. I have grave doubts whether, if the railway starts from Port Hedland, it will ever be remunerative. Of course I do not pose as a railway expert or mining expert, but it will have this effect, that if it be a failure, a second line will not be considered for a moment, because it will be used as an argument "Well, if one line will not pay, the second will not pay," and I think a very great injustice will be done to the district I represent.

DR. ELLIS (Coolgardie): I second the motion.

On motion by MR. ISDELL, debate adjourned.

ADJOURNMENT.

The House adjourned at seven minutes to 10 o'clock, until the next day.

Legislative Assembly,

Thursday, 10th August, 1905.

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

PRAYERS.

QUESTION—RAILWAY BRAKE VANS, TENDERING.

MR. F. F. WILSON asked the Minister for Railways: Seeing that the Tender Board are, by advertisement, calling tenders for 10 AJ brake vans, is it the intention of the Railway Department to tender for same?

THE MINISTER FOR RAILWAYS replied: The Railway Department do not tender; but an estimate of cost will be made, and if the prices offered by the contractors are considered excessive, the order will not be placed.

QUESTION—RESERVE (FLORA AND FAUNA), TIMBER CUTTING.

MR. NEEDHAM asked the Premier: 1, When will the report on the best means of opening up the Flora and Fauna Reserve be laid upon the table of this House? 2, What is the estimated quantity of jarrah on these reserves available for export or local consumption?

THE PREMIER replied: 1, About one month. 2, Information not available. To supply would necessitate classification.

QUESTION—JANDAKOT RAILWAY EXTENSION.

MR. NEEDHAM asked the Premier: 1, Has the Government, in accordance with the promise made to the Fremantle Chamber of Commerce, obtained a report on the Jandakot Railway extension, and