

This concluded the votes for the Works Department.

Progress reported, and leave given to sit again.

ADJOURNMENT.

THE PREMIER: Monday next being a public holiday, of which he had been informed the majority of members desired to take advantage, he moved that the House at its rising do adjourn till Tuesday next.

Question put and passed.

The House adjourned accordingly at at 11-19 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 28th January, 1902.

Papers presented—Question: Coronation, State Representation—Question: Moojebing Townsite—Leave of Absence—Early Closing Bill, second reading—Workers Compensation Bill, first reading—Midland Railway Inquiry, Joint Committee's Report, debate—Fourth Judge Bill, in Committee, reported—Gaols Act Amendment Bill, second reading—Pawnbrokers Bill, in Committee, reported—Trading Stamps Abolition Bill, in Committee, reported—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, The Goldfields Acts, 1895-1900, Amendment of Regulation 106, *re* Forfeiture of Share or Interest in Claims. 2, By-laws of Albany Park. 3, By-laws Boulder General Cemetery. 4, By-laws of Cue and Day Dawn General Cemetery. 5, By-laws of Katanning General Cemetery. 6, Canning Roads Board—Amendment of By-law No. 5. 7, By-laws of Katanning Roads Board. 8, By-laws for Management of Reserve 7628. 9, New Regulations under Land Act.

QUESTION—CORONATION, STATE REPRESENTATION.

HON. F. T. CROWDER asked the Minister for Lands: 1, If it is the intention of the Government to send a representative of this State to the Coronation of King Edward. 2, If the Government will give an assurance that they will not send such a representative without the consent of Parliament.

THE MINISTER FOR LANDS replied: 1, No invitation had been received nor any intimation that a representative is expected to attend the Coronation. 2, Parliament will be consulted if during the session it is decided to send a representative.

QUESTION—MOOJEBING TOWNSITE.

HON. W. MALEY asked the Minister for Lands: 1, The date of the original survey of the Townsite of Moojebing, and the cost of same; 2, The number of allotments sold; 3, The date of the recent re-survey, and the cost thereof; 4, The reason for such re-survey.

THE MINISTER FOR LANDS replied:—1, October and November, 1891, £83. 2, None. 3, November, 1900, to February, 1901, £153 5s. 4, Because it was deemed advisable to provide additional streets and rights-of-way to improve subdivisional design.

LEAVE OF ABSENCE.

On motion by the MINISTER FOR LANDS (for Hon. A. G. Jenkins), leave of absence for one fortnight was granted to Hon. C. Sommers, on the ground of urgent private business.

EARLY CLOSING BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: I invite the attention of hon. members to a brief statement of the relation which the present Early Closing Bill bears to similar measures now in force in the Eastern States. To begin with, there is no Early Closing Act in Victoria or in Queensland. The only States of Eastern Australia in which an Early Closing Act exists are South Australia and New South Wales. Ours has been the first State in Australia to pass early closing legislation. Shortly

after the lately lapsed Early Closing Act was passed here, in 1898, the New South Wales authorities communicated with the Government of this State and obtained a copy of our Act, and thereupon the New South Wales Parliament passed a measure very much on the lines of ours. The same thing occurred with regard to South Australia. The two States named, having adopted our Act, experienced great difficulties in carrying out its provisions; and the law was accordingly amended, in New South Wales during 1900, and in South Australia during 1901. The Bill which the Government now bring forward is modified and amended on the same lines as the Acts of the two great States I have named. New South Wales and South Australia, having found our Act unworkable and having amended it accordingly, the present Government thought it inadvisable to re-enact the old measure when better and more recent legislation was already on the statute books of sister States. The recent legislation of New South Wales and South Australia on this subject embodies several amendments of an important nature. I hope the present Bill will obtain the support of the House, although there is a good deal of opposition in certain quarters to the amendments proposed. Such opposition is always to be expected in the case of a measure like this Early Closing Bill, affecting a number of large interests. Of course those who are interested in maintaining the condition of things existing to-day will naturally do their utmost to keep things as they are, and although we should take some notice of those persons we must not be guided by them entirely, because they are interested in the existing state of affairs. We must take into consideration the whole of the people. This Bill has not been brought in, nor was the law introduced in the first instance, to interfere with trade. The object was purely a humanitarian one. It was observed in the older countries, where the hours of labour are very lengthy, there was a degeneration and a demoralisation, one may say, amongst the working people. But in this new country, where we control everything, this question might be attended to from the inception. Therefore this Bill was brought in for the purpose of reducing the hours of labour,

but not to interfere with trade. It is humanitarian in its principles. One of the greatest triumphs of democracy was to see such a law as this on the statute book. But this Bill was based on a higher economy than any which had gone before, a higher standard of health and leisure than perhaps was ever dreamt of before in the history of the world. Therefore this great movement in legislation, the Early Closing Bill, was endeavoured to be placed on the statute book. But, as often happens when one has a great ideal, one is carried away with that ideal, and sometimes goes too far when endeavouring to put it into practical shape. It was a rather drastic step to take to say that employees should only work for a certain number of hours, and that then the establishment should be closed up entirely. It has created a very great hardship, which has been seen. The late leader of the House (Mr. Randell), I am sure, will tell hon. members that one of the largest deputations which ever waited upon a Minister was the one which in 1898 approached him when this Bill was proposed to be put on the statute book. At that time I was asked to come forward and assist in the interpretation of the law and in the movement, and to endeavour to have the harshness of the law modified as far as possible. Undoubtedly at that time a large number of people were very hardly dealt with by the Act; those who had little shops. There were many cases in which a man had come into this State with a little money, had built a shop and had mortgaged it to enable him to carry on. But when the law came into force he had to close at a certain hour; the result was that the mortgagee took possession. These businesses are now closed up. I am referring to the small shops in the suburbs, particularly in the outlying parts of Perth and Fremantle; small shops that do all their business in the evening time, and these businesses were closed by the law. The result was that a great many persons had to seek other avenues of labour. And I think Mr. Randell will bear me out when I say that the deputation which waited upon him was one of the largest that ever waited on any Colonial Secretary. I know very well from the people I come in contact with in this State how the

provisions of the old law caused a great deal of hardship, and I can assure the House that many men left the Colonial Secretary's room on the day of the deputation with heavy hearts, knowing that for many years to come they would be ruined men. At that time people said that the idea was simply theoretical on the part of myself and others, but we find it is not so, as it has been proved that the Act has been amended in New South Wales and South Australia, in the direction that I indicated at the time I thought it ought to be amended. But on other grounds than humanitarian, it is essential that such an amendment should be carried out. There is the sanitary ground. If the whole of the population only have to work a certain number of hours, those who are slower at work than others are thrown out of employment entirely. These persons at present can go to outside places and establish a little business, where they can work quietly and much slower, and therefore a longer number of hours. That is very beneficial for those who are not very strong. But if an employer employs a man to do work, that employee has to work hard while the employment lasts. On thoroughly economic grounds it is doubtful whether the old law was advisable. Anybody can see that if you shut up business premises for a certain time it must reduce the assets of the State as a whole. We have erected buildings for use for all time, and suddenly there is a reduction in the whole value of the assets. If you restrict distribution in any way, you must increase the cost of consumption, and if there be difficulties in the way of distribution there is an increase in the cost of living. It used to be supposed by economists in the past that the consumption of food was the same under whatever conditions, but that is not so. Man is a living organism, and take a workman who comes home from his work, say, at 6 o'clock in the evening. He fancies something which he would like—some little dainty—and he asks for it. His wife says that he cannot get it, because the shop is not open. There are not 20 per cent. of the people who can afford to keep a full cupboard, so that they can have anything they fancy at all hours of the day and night; therefore an early closing

law affects the volume of trade and reduces the amount of consumption. The money is saved in a sense, but it has not taken its natural direction. The natural desires have not been satisfied, and the result is that if a man's desires be not satisfied in a legitimate direction they will be satisfied in an illegitimate direction—in the public-house, which, by law, is allowed to be kept open to any hour, practically, of an evening. If a man cannot satisfy his legitimate desires in food, it is only natural to suppose that he will endeavour to satisfy them in an illegitimate manner. In this amending Bill, although the measure does in some degree interfere with trade and distribution and consumption, still it does so in a lesser manner than the law which was in force originally. In this Bill we are following the custom of all trades in all cities. If one goes to London, he will find in Regent street and the central streets of the city all the shops are closed by 6 o'clock. A little farther out they are closed at 7, and still farther out at 8, and so on. That is caused by the natural course of trade. Persons who are employing labour where there is a great army of traffic in the centre of a city do not require and it is not desirable to keep open their establishments after 6 o'clock of an evening. We find it is so in Paris, in Berlin, in Vienna, in Rome—in the centre of the city shops close at six, and as you go farther out into the suburbs they remain open a little longer. In that way the law does not bear harshly on trade. In the centre of the city of Perth a person will have to close his shop at six o'clock, but where a man is simply carrying on his own business, with his wife and perhaps another member of his family assisting, and where no other labour is employed, it is suggested that the law should be amended, so that the shopkeeper should have an opportunity of carrying on his business because these small shops do not affect trade in the main avenues of the city. It is only reasonable that all employees look forward to the time when they can start business on their own account, and if they have not a large capital they cannot start in the centre of a city. If an employer has to pay a big rent he will have to employ men and do a large volume of trade so that he may pay his expenses. If employees have not an opportunity of starting in business in the

centre of a city they must go into one of the outside places where they have not to close at six o'clock at night. I came across a book the other day—a very well-known work, *The Reign of Law*, by the Duke of Argyle—in which it is pointed out that of the discoveries made in the nineteenth century two were more important than any others: we should interfere as little as possible with the course of trade, and that it is absolutely certain we should carry out restrictions in regard to labour; meaning that Factories Acts must be recognised, and at the same time this is done we should interfere with trade as little as possible. It is only right that the employer of labour and the employee should have a certain amount of leisure; but if an employee likes to keep a shop where he can carry on his own business, with the assistance of his wife, and perhaps one other member of his family, then there is no reason why he should not do so. That will no doubt interfere in a small degree with the larger shops, the wholesale shopkeepers, who keep an army of assistants, and that is where we have the opposition immediately we touch the early closing law. We have opposition in that direction because we are opening up small shops which, in a measure will interfere with the larger ones. But we have not to consider that, but that the motive is simply to reduce the hours of labour, to raise the standard of living and of leisure, so that we may have a better population here. It is not with the view of interfering with or restricting trade in any way whatever that the present Bill is introduced: it is not intended to do anything of the kind. I need hardly go into the clauses, which will be dealt with in Committee. I may point out, however, that the clause to which objection is raised in some quarters is Clause 8. As for Clause 7, that is slightly more liberal than it has been in the past. Half an hour is allowed for purchasers going into a shop just before 6 o'clock to finish their business; and henceforth it will not be necessary to bundle them out neck and crop before they have completed their purchases. Clause 8 will be objected to. It is the clause which deals with the case of a shop kept by a wife and her husband, for instance. The clause is taken from the Early Closing Amendment Act of

South Australia, which was assented to last year. There is no difference at all between the wording of the clause as it stands here and its wording in the South Australian Act.

HON. R. S. HAYNES: Is not Clause 9 new?

THE MINISTER FOR LANDS: Clause 9 incorporates several old clauses. It is new in a sense. Perhaps the wording is somewhat different.

HON. R. S. HAYNES: It is that!

THE MINISTER FOR LANDS: We can discuss the clause presently. There is one matter I should like to draw attention to. It has been felt as a hardship in the past that nothing could be done to relieve the shopkeepers of the operation of the early-closing law when necessary. Under Clause 24 the Governor may by proclamation temporarily suspend the operation of the Act. I trust hon. members will see their way to support this amendment. Since I first took part in political life, it has always seemed to me that the old Early Closing Act worked great hardship. In the course of my professional duties I have seen many cases of real hardship resulting from the lately expired Act—the closing up of little shops where there was but a very small volume of business being done, the unfortunate proprietors being left with simple starvation staring them in the face. I know all hon. members in this House are humanitarians, and on humanitarian principles I appeal to them to assist these poor people. I have great pleasure in moving the second reading of the Bill.

HON. R. S. HAYNES (Central): I must congratulate the Minister for Lands (Hon. A. Jameson) on the very forcible manner in which he has brought this Bill before the House. Undoubtedly the measure is somewhat of a novelty, inasmuch as it interferes with the rights of property and the rights of individuals. However, the time has arrived when legislation of this class is necessary in order to prevent the weaker from being crushed by the stronger. The reason given for the introduction of the original Act is this. While the large stores of Perth were closing at 6 o'clock every evening, and also in the middle of the week for a half holiday, neighbouring shops kept by foreigners remained open

until 8 and 9 o'clock at night. The consequence was that the proprietors of the large stores called their employees together and told them that if they did not agitate for and obtain the enactment of a Bill compelling the closing of all businesses at the earlier hour, the employers would in self-defence be bound to keep their shops open until 8 or 9 o'clock, of course retaining the employees throughout the whole of that time. The matter seemed to me a very serious one, because Perth contains some large establishments, each employing a considerable number of hands. It is all very well to say that these hands need not remain if they do not like the longer hours; but once employees get into the groove of a certain business they do not care to leave. It therefore became a matter for serious consideration whether objection should be entertained to the Bill, in the view of the undoubted fact that its rejection might bring disaster on a large number of citizens. Anyone visiting the large stores must be struck by the fact that the employees, though perhaps not overworked, are certainly working under very high pressure. Anything that can be done for the purpose of relieving them ought to be done. Carrying the principle to its logical conclusion, however, I cannot understand why we do not apply the law to public houses also. If the principle underlying this early closing legislation is good as applied to shops, then it is good also when applied to hotels. The warning note sounded by the Minister for Lands as to the results accruing when people are unable to satisfy their cravings in one way, of course applies. Our present very paternal Government appear anxious not to interfere with public houses because of the hubbub and noise which such interference might be expected to raise from publicans, brewers, shareholders in breweries, and all the rest of the people interested in the liquor trade. Apparently it is thought that absolute annihilation threatens the whole Ministry if an attempt be made to limit the hours during which liquor may be sold. Of course, if it is merely a question of shutting up shops, then nobody need feel very much anxiety. On the last occasion when a Bill of this nature was introduced, I asked for an adjournment of the measure in order that

I might draft, and propose the insertion of, some such clause as Clause 8. It has always seemed to me an absurdity that small shops on the outskirts of the town should shut up at 6 o'clock. They do no trade at all, or at best very little trade, during the day; and the only chance they have of making any sales is in the evening or before 8 o'clock in the morning. I should say that no one who thinks for a moment would wish to go the length of prohibiting such shops from keeping open before 8 o'clock in the morning or after 6 at night. Parliament, however, did go to that length; and the result was the closing of large numbers of small businesses where the wife generally looked after the sales, the husband attending to his trade during the day and assisting her in the evening, in order that their slender income might be added to. As a result of the lately lapsed Act, there was a crash in many of these little businesses; and property in the outlying parts of Perth declined in consequence. Few people can keep a well-stocked larder at all times: such things as butter, sugar, and milk are frequently found to have run out in the evening. Housewives do not take in a stock of provisions every day, and it frequently happens that such articles as I have mentioned run out at tea time. The husband has to be away by 7 o'clock in the morning; and if anything is short at night time there is in consequence no opportunity of replenishing supplies before breakfast. An instance was brought under my notice where a shopkeeper was prosecuted for selling a tin of preserved milk. It appears that a child was being reared on preserved milk, that the preserved milk ran out, and that the mother obtained a tin from the shopkeeper, who was fined £1 for having made the sale after hours. Publicans are allowed to sell liquor after closing hours in case of illness: why, then, should not a storekeeper be allowed to sell a tin of preserved milk in order to still a crying babe? Why, if the publican may sell, should not the storekeeper? The measure should provide for cases of this description, and I hope the necessary amendment will be inserted. Of course, the provision will have to be carefully worded in order that it may not be used as a pretext to nullify the Act, the principles

of which I favour. Indeed, I favour the measure to such a degree that I wish to see it carried out in its integrity. At the same time I think the inspector appointed under the lately expired Act was a curse and an annoyance to the people of Perth. He was always intermeddling, and half the friction in the working of the Act was due to him.

MEMBER: Which inspector?

HON. R. S. HAYNES: Were there more inspectors than one? Anyhow, the facts are as I state them. In passing, I wish to remark how curious it seems to me that a magistrate should not object to inflicting a fine of two or three pounds on a shopkeeper for a breach of the Early Closing Act, while rascals walking the streets only waiting for an opportunity of committing a robbery, when brought before the magistrate, are let off with a caution. I never could reconcile the leniency shown to scoundrels of the class I have mentioned with the severity exercised in the case of these shopkeepers. It is outrageous that shopkeepers guilty of a breach of this Act should be punished with such severity while absolute criminals escape all punishment. A measure of this description is very beneficial if administered with discretion. Because certain power is given, it should not necessarily be exercised. Some people do not appear to understand that the Government may intrust magistrates, say, with certain powers on the understanding that those powers are not to be exercised except where absolutely necessary. Discretionary powers are not meant to be used in every instance. Clause 9 appears to me to require some attention, because it nullifies in a large degree the exemptions granted by Schedule One. Under Clause 9 a tobacconist, who in this State generally sells in conjunction with tobacconists' wares fancy goods, dolls, toys, and so forth, will have to close not only that portion of his premises which contains the dolls and toys, but also the portion containing the tobacconists' wares. In fact, he will have to close the whole of his premises. That is altogether contrary to common sense, and contrary also, I think, to the intention of an early closing measure. The desire is not to interfere with people carrying on business, and it does not in any way

mitigate against the spirit of the Bill to allow tobacco and fancy goods to be sold after 6 o'clock; because no employees, or very few employees indeed, are employed in that connection. What good object can there be in closing the whole of a man's premises in this fashion? I do not know whether the desire of the Government is to assist the insane attempt recently made in Victoria, and especially in Ballarat and Bendigo, to prevent shopkeepers from dealing in more than one class of goods. This episode shows to what lengths people will go at times. A society was actually formed, and a large demonstration was held, for the purpose of advocating legislation to prevent people from carrying on more than one class of business, from dealing in more than one article. The movement received really a good deal of support in Bendigo and Ballarat, though of course the whole thing ended up in the lunatic asylum. [**MEMBER:** Yarra Bend.] Clause 9 is a step in this pernicious direction. That clause interferes with the right of every person to embark in whatever speculation he wishes, provided he does not injure another person. The object of the Act is not to prevent sales of goods after 6 o'clock: its object is to prevent employers from working their employees past certain hours. The measure is not passed in the interests of the employers, but in the interests of the employees, so that these may not be called on to work excessive hours. Although I should have preferred an Act directly limiting the hours of labour, still, in the absence of such a measure I consider that the Minister for Lands has put sufficient before the House to justify us in passing the Bill as submitted.

HON. G. RANDELL (Metropolitan): I confirm what Mr. R. S. Haynes has said as to the necessity for considerate administration of such a measure as this. The object I kept in view during the three years over which my administration of the old Act extended, especially in respect of what I may call the sectional nature of the legislation, and farther in respect of the fact alluded to by the leader of the House, that this was the first State to introduce an early closing law, was to administer the measure as leniently as I possibly could. I am sure I gave every reasonable consideration to

the interests of those affected. I went even so far as to visit individuals engaged in trade for the purpose of having a quiet talk with them, and ascertaining their views on the subject. These persons were, of course, inclined to oppose the administration of this law, though they knew very well that the Act must be carried out. My intercourse with them enabled me, I think, to persuade them to give loyal support to the Act. During the three years the law has been in force, matters have settled down, and people generally are well satisfied with the operation of the Act. A little inconvenience has, no doubt, resulted in many cases, especially owing to the closing of shops on Wednesday afternoons. I do not know that I have yet quite accustomed myself to that feature. Sometimes I find myself going to town on Wednesday afternoons to make some purchase, quite forgetful of the fact that the shops are closed; and I do not discover my mistake until I arrive at the store and find the door shut. However, I think any little difficulties of this nature have now been got over. The Act on the whole has operated fairly well. I am not prepared to agree with what Mr. Haynes and the leader of the House have stated as to the exodus, in consequence of the operation of this Act, of the people who have had little shops on the outskirts of Perth.

HON. R. S. HAYNES: There are at least a dozen of those shops closed in North Perth.

HON. R. G. RANDELL: I believe the cause for the closing of these shops is to be sought in another direction. Hon. members will no doubt remember that in 1896 and 1897 there was a boom in Perth, and that a large number of shops were opened here during those years by people who came over here from the Eastern States to start business. Many of those people came without any capital; and, of my own knowledge, I can state that in many instances they got large quantities of goods on trust here. The merchants established in Perth were only too willing and anxious to assist them, some indeed almost forcing their goods on the retail traders. The wholesale merchants were perhaps too anxious to do business, and did not exercise the usual caution: they trusted, and by and by were left in

the lurch. In the latter part of 1897 and 1898, and I believe in the beginning of 1899, a very considerable (what is termed on the goldfields) slump set in, and these persons to whom I have been referring were crowded out because they had not the means to stand the strain. They had not the capital, or the credit, for merchants had found out that they could not give credit to these people.

HON. R. S. HAYNES: They are closed up now.

HON. G. RANDELL: No shops were closed up in consequence of the operation of the Early Closing Act. But still that is a matter of opinion, and I have given my opinion, and I have formed it from conversations and inquiries with those who ought to know. My instructions, when I was Colonial Secretary, were that the Act should be carried out with a fair and reasonable amount of caution, and later on the Act was carried out in a proper way.

HON. F. T. CROWDER: Your instructions were not adhered to.

HON. G. RANDELL: I believe they were. Some complaints have been made within the last 12 months, but previously to that only one individual in Perth made a complaint of the way in which the Act was being administered. I made strict inquiries into the case, and found that the man himself was to blame. He was very awkward to deal with; he resented the Act, and did not hesitate to say so. That was the only case in which friction occurred between the inspector and a shop-keeper. I believe also in the first instance the fines inflicted were very small, but the magistrate found that people were setting up their backs against the Act, and an example had to be made. On the whole the operation of the Act has been beneficial. I am almost certain that if the Act had not been passed the larger store-keepers in Perth and in other larger towns would have resorted to what was the case in the past, kept their places open until eight and even nine o'clock at night. That would have been a misfortune to the large number of people who are employed as shop assistants. No doubt the intention of the Act was a humane one. This law was in operation for three years, and the Bill should be passed cheerfully. The original law should not have been allowed to lapse.

We need not regard the few persons who sell after six o'clock at night and who have been forced out of competition, although I would not do anything to increase the profits of the large shopkeepers at the expense of others. Still there are a lot of aliens—Afghans, Italians, Chinese, and others—engaged in trade here who injure the recognised and respectable shopkeepers of our own nationality. Some persons have misinterpreted one provision of the Bill, which seems to permit of two persons being employed by a man who keeps a shop himself—the husband and wife. The wife, if she keeps a shop in the absence of her husband, can employ one other member of the family; but to have three persons, the husband, the wife, and one other member of a family, seems to be a mistake, and perhaps if that mistake were removed there would not be much objection to the Bill. We must bear in mind that the old law was in operation three years and gave general satisfaction. The opposition to it died down. The law is a fairly reasonable one, and should be continued in pretty well the same form as it was passed in the first instance. In some of the clauses of this Bill the original law has been somewhat simplified, and they are now much better understood. Clause 9 is much more simple than Clause 3 of the old law was.

HON. R. S. HAYNES: One now understands what it is about.

HON. G. RANDELL: I think the clause of the Bill is simpler and better. I shall have pleasure in supporting the second reading of the Bill, but there will be some amendments which I propose to make when the measure is in Committee, and which I think have arisen from oversight on the part of the gentleman who was responsible for drafting the Bill. Clause 11 is especially one of those provisions to which I refer. My own opinion as to Clause 8 is that we should allow the original provision to prevail. Seeing that we have got over the difficulty we should not do any harm by continuing the old legislation, whereas if we made an alteration there would probably be a strong and powerful opposition, which would arise on the goldfields more than in Perth and Fremantle, because people on the goldfields are exposed to

the competition of persons who are not desirable. It might cause an agitation to be set on foot for the repeal of the law altogether. I think the Bill on the whole is simple, and it will prove effective with one or two additions to clauses of the measure.

HON. R. S. HAYNES: The Bill is restricted.

HON. G. RANDELL: It is in a minor matter. I understand when the Bill was prepared there was a desire to restrict the schedule. Mr. Kidson, who was largely responsible for the introduction of the Bill into the House, would be able to inform hon. members.

HON. A. B. KINSON: Not this Bill; the original measure.

HON. G. RANDELL: I think the hon. member should have credit for the previous measure.

HON. A. B. KINSON: I do not take any credit for this one.

HON. G. RANDELL: I know the hon. member was in consultation with those interested in the early-closing movement. All I shall attempt is to try and make a slight alteration in Clause 11, which I think will meet with the entire approval of members of the House.

HON. R. LAURIE (West): I am very pleased indeed to know that the Minister has carried out the promise which the Government made, and has brought forward this measure. The promise given by a member of the Government was rather that the original law should be re-enacted. The Minister for Lands has supported this measure from a humanitarian point of view, and he was earnest in his introduction of the Bill, which seemed to me to be very much in contrast with the Minister's speech in introducing the Fourth Judge Bill, showing that the hon. member had not the last-mentioned measure so much at heart as the Bill before the House. I may say, and members will agree with me, that there would have been no trouble in re-enacting the old law, which commended itself, not only to the shopkeepers and assistants, but to everyone. We have heard very little about the closing up of the businesses which the hon. member (Mr. R. S. Haynes) spoke of. I am satisfied that the old law was good, but the passing of this Bill, with Clause 8 in it, will bring about a very great abuse of the principle

of early closing. The old law caused the closing up of a number of establishments kept by aliens and casual shopkeepers. The owners of these shops are Chinese, Japanese, and Italians, of whom there are many in the country; the gold-fields suffer in a greater measure from this class of persons than any other part of the State. I had the pleasure of being on the deputation which waited on the Premier, and I do not think any member of the Government is wedded to Clause 8 of the Bill. The members of the deputation were against the closing of small shops at six o'clock, and after the deputation three shop-keepers said they hoped that Clause 8 would be struck out. The small shop-keepers, who attend to their business themselves, wish to see shops closed at six o'clock. Because in South Australia a new provision has been introduced that is no reason why it should be brought forward here. We have had experience of three years of the original law, and no complaints have been made; everybody appeared to be satisfied. One of the complaints made by Mr. R. S. Haynes was that a man had sold a tin of milk after six o'clock.

HON. R. S. HAYNES: It was a perfect disgrace.

HON. R. LAURIE: I do not think so. I have not heard of any disgraceful manner in which the law was administered. The Minister for Lands has told us that in South Australia the provision as to keeping open until half-past nine was made in order to give the small store-keeper an opportunity of doing business. He did not tell us, however, that the original South Australian Bill provided for the closing of shops on Saturday at 2 o'clock, and that there was, mainly in consequence of that provision, such an outcry against the measure as made it necessary to revert to the old system. So that, while we have heard much of the good resulting from the South Australian Amending Act, we have heard very little of the evil which resulted from the original Act. True, the shopkeepers protested against the measure; but, on the whole, the protests came more from the people than from the traders. Our lapsed Act did not form a subject of complaint by either the shopkeepers, their assistants, or the general public. Of course, there will be some complaints, no matter

what kind of measure is brought in and passed; but, in my opinion, the complaints we have had are not sufficient to cause us to make so radical an alteration as that proposed by the amendments of the present Bill. The Minister for Lands used the argument that unless we agree to the proposed alteration we shall prevent the keeping of shops by the wives of men engaged at their trade during the day, and assisting in the shop during the evening. Now, if a man works in a shop in the evening, it is certain he cannot do justice to his employer during the daytime; for a man cannot put in three or four hours in a shop at night, and then come fresh to his work in the morning. Unless a man whose wife has a shop is prevented from assisting her in that shop, for three or four hours during the evening, he is being made to work 11 or 12 hours a day.

HON. R. S. HAYNES: It is not hard work, though.

HON. R. LAURIE: If it is not hard work in the one case, it is not hard work in the other. For my part, however, I consider that it is hard work to remain in a shop all day. Still, whether the work is hard or easy, a man who has been carrying bricks all day, for instance, is not fit to attend to a shop for three or four hours in the evening. I trust the measure will pass, and I trust also that the House will strike out Clause 8. Let us have a measure with improvements on the lapsed Act, if possible, but do not let us introduce into the measure a clause which will practically nullify early closing legislation.

HON. R. S. HAYNES: Oh, no; it will not do that.

HON. R. LAURIE: If the Government are honest in their expressed intentions with regard to early closing legislation, let them simply reintroduce the old measure. The old Act, unfortunately, was allowed to lapse, although the attention of the House was drawn to the fact that it would lapse. This measure, while introduced at a late stage of the session, contains contentious matter, and may therefore not go through. Should it unfortunately not pass, then the subject cannot be reopened for another six months. In conclusion, I say that the majority of the public, the majority of the shopkeepers, and the majority of

the shop assistants support this measure, with the exception of Clause 8, which I trust hon. members will see their way to strike out.

HON. E. McLARTY (South-West) : I cannot agree with what Captain Laurie and Mr. Randell have said. Undoubtedly, the old Act inflicted hardship on the small shopkeepers. Not living in a large town, I have not had the opportunity of hearing the complaints which have been uttered in Perth, for instance. I have, however, heard from scores of people grave complaints of the injustice which the Early Closing Act has done them. I have always felt that the Act was, to say the least of it, a cruel injustice to the small shopkeeper. Captain Laurie has talked of a man working hard all day, and then attending to a shop during the evening, and has maintained that this must be deleterious to the man, and that it is therefore improper to allow it. Against that, I have to point out that it is entirely optional on the part of a man whether he works or not. If he does not feel disposed to sit in his own shop and keep it open, he can close it. There is no forcing about it. In many cases the shop is the sitting room—the only sitting room which the small shopkeeper can afford. To compel such people to close at 8 o'clock in the evening is to inflict on them a great hardship. As the leader of the House has said, that has been the ruin of a great many of our shopkeepers. Moreover, the keeping open of these small shops is a great convenience to the public. Many people who have to be at work all day cannot provide themselves with household necessities during the ordinary hours: it is not convenient for them to obtain during the day many of the little things they require. I therefore hail with pleasure and satisfaction the introduction of Clause 8. I have always favoured legislation to restrict the hours of labour, more especially the hours of shop assistants. Standing in a shop all day must be a most fatiguing occupation. Having strongly opposed in certain respects the late Early Closing Act, I welcome with great satisfaction Clause 8, to which I shall give hearty support, since I believe it will meet a great many of the difficulties and hardships caused by the old Act.

HON. F. T. CROWDER (East) : When the original Early Closing Bill was before the House, I opposed it on the ground that it constituted a gross interference with the liberty of the subject. I maintained that all the Bill in question sought to effect might be more directly and more justly effected by a Bill limiting the hours of labour. My contention was that it was unnecessary and unjust to pass a Bill for the closing of shops when the object was to limit the hours of labour. I can say from personal knowledge that the Bill in question—passed, I believe, by your casting vote, Mr. President—has worked no end of mischief, and has been the cause of the closing up of innumerable shops on the outskirts of the town and in the suburbs.

HON. A. B. KIDSON : Mention the suburbs, and give a few instances.

HON. F. T. CROWDER : I fail to see why this Bill, if it become law, should not apply to the whole of the State. I will give an instance of the unjust operation of the old Act. In Cottesloe, where I live, a man who has put up a store on one side of the street has ruined two storekeepers on the other side of the street, who were subject to the Early Closing Act while he was not subject to it. If the Act applies to one part of the State, it should apply to the whole. When the Bill goes into Committee I shall use my best endeavours to amend it in that direction. The lapsed Act, during the two or three years it was in operation, appeared to give a certain amount of satisfaction. At the same time, I am of opinion that its effect was to give practically a monopoly of trade to the moneyed man. It simply closed up the small storekeeper. It is all very well to raise the bogey of the Chinese, Hindoo, and Afghan storekeeper, and all that sort of thing; but it is sheer nonsense. Very few Perth shops are in Chinese hands; and on the fields, as hon. members know, the Chinese are not allowed to exist at all. [SEVERAL MEMBERS: Oh!] I am prepared to support the Bill as brought before us, with one or two amendments. Clause 8 will, I think, work satisfactorily for all concerned. It is absolutely necessary that in the outlying suburbs and on the outskirts of Perth shops should be allowed to remain open until 7 o'clock,

at any rate. Under the old law, people returning to Perth from the country, if their trains happened to arrive after 6 o'clock at night, either had to patronise a restaurant or go without anything to eat until 8 o'clock the next morning. I do not like Clause 9 of the Bill. Under the old law, people who carried on various trades in their shops were allowed to shut off that part of the shop which, as I may put it, came under the Act, and to go on selling in the other portion.

HON. R. S. HAYNES: I think provision is made for that here.

HON. F. T. CROWDER: Under Clause 9 shops of that description will have to be closed altogether. That seems to me ridiculous. Take the case of a florist's business, which of course sells seeds as well as flowers. After 1 o'clock on Wednesday afternoon you can go to a florist's shop and buy a bunch of flowers; but if you also want a packet of seeds, the shop-keeper cannot sell it to you under a penalty of £2. This seems to me absurd. On general principles, as I have said before, I do not approve of the Bill at all; and I do not consider that any measure of the nature should be enacted. If it be the desire of the Legislature to limit the hours of labour—and with such a desire I am quite in sympathy—then a Bill should be brought in to limit the hours of labour, and not one interfering with the liberty of the subject in regard to the keeping open of shops. I can sell shares or anything of that description at any hour of the night; but under the early closing law I am debarred from purchasing ordinary goods, for which I am prepared to pay honest money. I objected to the former Bill, and I object to the present Bill; but in the absence of a Bill for limitation of the hours of work I am prepared to support the present measure, with one or two amendments.

HON. A. B. KIDSON (West): I intend to support the second reading of this measure. I may say at once that I shall do so with great pain. [SEVERAL MEMBERS: Oh! Oh!] I did believe the Government would have carried out their promise, and brought in a measure simply re-enacting the Act which has lapsed. To say that I was surprised at the introduction of Clause 8 is to express myself

mildly. Undoubtedly I am expressing the view of both employers and employees in this matter when I say that the passing of this Bill with Clause 8 will be worse than having no Early Closing Act at all.

HON. F. T. CROWDER: Move that it be read this day six months.

HON. A. B. KIDSON: I would accept that challenge did I not hope that in Committee we shall be able to so alter the measure as to make it coincide with that which was the law until recently. I hope and believe that such amendments can be made in Committee; and therefore I shall not oppose the second reading. I know the House contains many members who are conscientiously opposed to the principle of early closing legislation. I do not quarrel with them, because they are just as much entitled to their view as I am to mine. I have to point out, however, that if the Bill passes through this House with Clause 8 in it, it will not pass through another place. If my fear should be realised—and this will no doubt be as balm to the feelings of those hon. members who are opposed to the measure on principle—then no early closing law can be enacted during this session and a large section of the community will, to say the least of it, be grievously disappointed. I think every hon. member will agree with me in that. If members had had the opportunity of learning the composition of the deputation which waited on the Ministry this morning, they would be satisfied, I think, that it was composed of persons who were really in earnest. Hon. members know that the deputation was got up at very short notice.

HON. R. S. HAYNES: "Got up!" Very good!

HON. A. B. KIDSON: I use the expression "got up," because all deputations have to be got up; but I do not use the phrase in the sense my hon. and learned friend attaches to it. Of course we all know him. These deputations, I repeat, were got up at very short notice; and they were composed of representatives of the best business houses in Perth and Fremantle. It shows the earnestness and the sincerity of the gentlemen composing the deputation that they should have managed to assemble so

quickly for the purpose of waiting on Ministers, especially when we bear in mind that yesterday was a holiday. Hon. members can understand that the deputation must have been worked up at considerable inconvenience. At the interview with Ministers, this morning, the spokesmen expressed in no measured terms their opposition to the inclusion of Clause 8 in this Bill. That being the case, I ask members to pause before they vote, as Mr. McLarty intimated he would, in favour of the clause. The hon. member is entitled to his opinion, but has he and other members weighed in their minds the effect which that clause will have?

HON. E. McLARTY: I dealt with all the clauses.

HON. A. B. KIDSON: I have dealt with all the clauses, and I will deal with the clause as it affects the small shopkeepers, in whom the hon. member seemed to be interested, and I will surprise the members of this House. The deputation which waited on the Minister comprised a number of small shopkeepers, who expressed themselves to the effect that though they were against the original early-closing law, since they had worked under it they were very grateful for the boon conferred on them by the Act. It gave them plenty of time to attend to their affairs, and perhaps give a little of their leisure to public matters. It is not altogether, as Mr. McLarty put it, that the small shopkeepers were not considered. I challenge the Minister or any member to point to any specific instance in which a small shopkeeper has received such terrible treatment under the early-closing law. I challenge members to produce one instance. Mr. Crowder stated—and I notice that it is the usual practice in this House for members to state in general terms that so and so is the case. I wish to point out to the House that nothing is more easy than for a member to say that so and so is the case, conscientiously, of course, believing it to be true. But he does not bring forward facts to prove his case. I think members are as liable to be mistaken as anyone else. Therefore I think, to put it mildly, it would have greater effect on the minds of those who are unbiassed if members were to bring facts and figures in support of their

statements. I would like to point out that one of the great drawbacks, to my mind, to the measure is that it will open the door to alien storekeepers. And Mr. Crowder has said, where are the alien storekeepers? I can point out to him a number in Fremantle, apart from anywhere else.

HON. F. T. CROWDER: They are British subjects.

HON. A. B. KIDSON: I am not talking about whether they are British subjects or not. The hon. member wanted to know where the alien storekeepers were, and I say I can take him to Fremantle, and show him not one, but a number of aliens carrying on business. It was only stated to-day by one of the gentlemen of the deputation to the Premier that since the passing of the Early Closing Act shopkeepers have been able to compete with the alien storekeepers, but if the time as fixed at nine o'clock is allowed to remain in the Bill, shopkeepers will not be able to compete with the alien storekeepers, because it must not be forgotten that members should look at the measure from both sides, not from one side only. The storekeepers who are in a large way of business are entitled to consideration. The hon. member said that we should not interfere with the liberty of the subject; but every measure in some degree or other interferes with the liberty of the subject. Clause 8 practically debars the large storekeeper, or the storekeeper who employs an assistant, from keeping open. Take, for the sake of argument, a business like the Union Stores at Fremantle, or the United Stores in Perth: how could Clause 8 apply to such businesses? If the clause does not apply then it interferes with the liberty of the subject. But in considering the question of interfering with the liberty of the subject we have to consider the greatest good for the greatest number. There never was an Act of Parliament which did not interfere detrimentally, to some person's way of thinking, to a section of the community. This Bill does interfere perhaps detrimentally to the small storekeeper, but the opposition which we heard when we passed the original Act has died away. It has gone until we now hear nothing about it, and to-day we find persons, who were strongly opposed to

the measure, in favour of the old law being re-enacted.

HON. C. E. DEMPSTER: It was no use kicking against it.

HON. A. B. KIDSON: We can find very few persons in opposition to the original Act. A majority of the storekeepers, amongst whom are a great many small storekeepers, are in favour of the Act as it stood originally. That law protected the country districts. I submit the provisions contained in the old Act in that connection were far preferable to the provisions of the present Bill, because under the old law the Government had to be satisfied that in the district applying to be brought under the Act a majority of the inhabitants were in favour of the law. The clause contained in the old Act was elastic. It did not fix the closing time at nine o'clock, but it depended on the district to which the Act was to apply as what the hour should be. That was a very proper and necessary provision. And it does not follow that all districts require the same treatment. In some places it is necessary to keep open later than in other districts. Therefore the clause should be elastic, and provide the remedy which I have mentioned. I fail to see what object there can be in fixing the closing hour at nine o'clock when the original Act contained a much more elastic provision, and enabled the Governor to fix the time at what hour he thought was right and proper for any particular district. If members would endeavour to digest the old Act they will agree that it is far preferable to having the time fixed at nine o'clock.

HON. C. E. DEMPSTER: It is splitting straws.

HON. A. B. KIDSON: It is not splitting straws at all. It is better to be able to shift the time than to fix it at nine o'clock for all districts. Hon. members, I think, know sufficient of the provisions of the two measures to render it unnecessary for me to enter more fully into the details of the difference between them. And if members are desirous of seeing a measure brought into law which will be acceptable to the community as a whole they will vote for the elimination of the clause which I have mentioned, and will thus place the Bill on all fours with the previous Act in existence. I ask members to pause before they tinker with

a measure and make it unsuitable to the people of the country; and I say that the previous Act was favoured by all sections of the community.

HON. C. E. DEMPSTER: There was a considerable amount of opposition before.

HON. A. B. KIDSON: No one knows that better than I do, because I introduced the measure. And I know it is a fact, as Mr. Crowder has said, that the measure was passed on the casting vote of the Chair, for farther consideration. Members should recollect that the old Act has been tried for three years. The time was fixed at three years, so that the measure should have a trial. The Act has come through the ordeal unscathed, and I think it will be wise to see that the law is re-enacted. I do not think members will find that often a controversial measure of this kind can have such a compliment paid to it, that it is demanded after the trial period has passed by. Those affected by the Bill do not want the law altered in any particular. Why should this House take upon itself to alter the measure when the people do not want it altered. Why should the House alter it, because the measure has been shown clearly to work well in the towns and country districts?

HON. R. G. BURGESS: But this Government alters every law.

HON. A. B. KIDSON: I am trying to show that the Government should not alter it. I understand that a Government should be guided to a large extent by public opinion, and nobody in the world would say that public opinion is not in favour of the original Act. I should like to see some proof brought forward that any section of the community is against the original measure. Members might again consider the matter in their own minds, and I will ask hon. members, when the Bill is in Committee, to support me in eliminating the clause in reference to fixing the hour of closing, and to insert in its place the provision of the original Act. It has been said by the Minister for Lands that the object of introducing this amendment was to bring the law into line with that in force in South Australia. Why? Is South Australia the leader in legislation of this kind?

HON. T. F. CROWDER: Unfortunately we are.

HON. A. B. KIDSON: I fail to see any reason why our law should be brought into line with that of South Australia. How long has South Australia enacted such a provision? It is not so long ago. I do not know if the Minister could give to the House particulars as to the voting and the debate upon the provision when before the South Australian Parliament. We had a different provision to that inserted in the Early Closing Act of South Australia, and the difference between the South Australian law and the law of this State was that our Act worked to the satisfaction of all concerned, while in South Australia the law did not. I do not know why we should follow the lead of South Australia, because the South Australian law has been amended. I understand it is amended: that is what the Minister says. I fail to see why this State should depart from the position it has taken up hitherto in regard to this measure. The old Act, as it stood, was satisfactory to all concerned; and I fail to see in the circumstance that the South Australian Act has been amended in this respect a reason for altering our law.

HON. J. W. HACKETT: Is not the provision in force in Queensland?

HON. A. B. KIDSON: No; I do not think so. I believe the only State in which it is in force is South Australia.

SEVERAL MEMBERS: And in New South Wales.

HON. A. B. KIDSON: I have not the slightest doubt the Minister's statements with regard to the clause are absolutely correct. Hon. members must not forget, however, that the Early Closing Acts first passed in New South Wales and South Australia were totally different from the Act under which we were working here.

THE MINISTER FOR LANDS: Not originally.

HON. A. B. KIDSON: I think they were originally very different from our Act; in fact, I am pretty certain of it. I do not think examination will show that the original Acts of those States were at all on the lines of our Act. I do not see how they could well be, because many clauses of our Early Closing Act originated here, and were not copied from any other measure whatever. How those

provisions could, therefore, have been in force in New South Wales and South Australia I fail to understand. The point I am driving at, however, is this. Before hon. members come to the conclusion that because New South Wales and South Australia have this clause in their Acts we should have it in ours, they should obtain copies of the two Acts in question and compare them with the Act which has lapsed here. If I may be permitted to repeat myself for the last time, I would again urge hon. members to bear in mind that our lapsed Act gave absolute satisfaction to those mainly concerned. That being the case, I ask hon. members not to interfere with the Act. I think I have now exhausted the matter. Hon. members have all the facts before them. When the Bill goes into Committee it will be my duty to ask hon. members to make the amendments which I have suggested. I consider those amendments to be of a proper nature, and I shall ask hon. members to support me in them.

HON. C. E. DEMPSTER (East): I have never liked the idea of legislating in the direction of this Bill, which it must be admitted deprives a large number of people of the liberty which they should enjoy. As, however, public opinion was strongly in favour of the measure, and as I saw the feeling of the House on the subject, I offered no opposition to the passage of the measure. The operation of the Act which has lapsed, as already stated by Mr. Kidson and other speakers, certainly was fairly satisfactory. I do not believe that an Act of that nature could have worked much better; and this circumstance affords good reason for passing the present Bill in the same form as the lapsed Act. I can quite enter into the feelings expressed by the Minister for Lands. Perhaps no member of this House is better able to express an opinion as to the hardship which the old Act worked, than the leader of the House. He must have had many opportunities of observing the working of the Act which would not be available to other members. I repeat, I quite sympathise with what he said, and agree with him. At the same time I feel great difficulty in accepting the amendments which he has suggested. The desire of all of us, no doubt, is to offer encouragement to the proprietor of a shop working it with the assistance of

members of his or her family. At the same time the proposed privilege cannot be extended to these shopkeepers without being extended to a large number of others, to whom it is extremely undesirable to grant it. We should have to extend it to shopkeepers who would use it so as to destroy the benefits of the measure, and to interfere in a large degree with traders in a big way of business; and so a great deal of irritation would be caused. For that reason I see considerable difficulty in accepting the amendments proposed. The lapsel Act was fairly satisfactory, and there seems to be a desire on the part of the people concerned that it should be re-enacted in its original form. It is, of course, our desire to meet the wishes of the people; though at the same time I cannot refrain from saying that I would rather not see any enactment of this kind passed, because I consider it an interference with individual liberty to compel people to close their businesses for a certain time. Forcing people to do this, that, and the other seems to me like cheating them out of the liberty which they ought to enjoy. However, we must give way to the popular will; and I certainly think, after listening to the very able speeches which have been delivered during this debate, that we shall do well to endeavour to pass this Bill in a form as close as possible to that of the Act which has lapsed.

HON. A. G. JENKINS (North-East): On perusing Clause 8 I am forced to the conclusion that it will not achieve the object it aims at. As I read the clause: a shopkeeper who employs three or four hands during the day may, with the assistance of his wife and family, keep his shop open after 6 o'clock. I fail to see why a shopkeeper with a family should enjoy that privilege. The draftsman of the Bill surely could not have intended any such thing. There is not the slightest doubt in my mind that the old Act met with the approval of the people, not only in the more populous towns but also in the outlying centres. If the present Bill had been entitled "a Bill for the extension of the hours of labour," I think it would have been better named; because I see that it extends the hours of work for women and children by no less than five or

six per week. The old Act set up a limit of 48 hours' work for women and children, whereas the Bill now before us fixes the minimum at 53 hours. The Bill also extends the hours of employees in public houses, hotels, restaurants, and hairdressing establishments. Why that should be so, I do not know. I have not heard of any complaints that the hours of these employees were too short. Mr. Kidson's observations have my entire approval. I feel that Clause 8, at any rate as it stands, is not required. There has been no demand for it. The old Act was found to work well. I wish to urge on hon. members again my view that Clause 8 will not effect its object, because any small storekeeper who keeps open is just as liable as ever to competition from "universal providers" in the city of Perth if the clause be passed as drafted. Therefore, while voting for the second reading I shall certainly endeavour to secure the adoption of various amendments when the Bill is in Committee; and I shall in particular support Mr. Kidson in his endeavour to have Clause 8 struck out.

THE MINISTER FOR LANDS (in reply as mover): I am surprised to find myself so much in accord with Mr. Kidson. The remarks he has made as to the absence of objection to the old Act at the present time from the public, and as to there being very strong objection to Clause 8 of this Bill, I quite concur in. But I have to point out that the opposition to Clause 8 springs from those who have vested interests in the condition of things which existed under the old Act. It is very natural that those who under the old Act kept their shops open only until a certain hour are undesirous that anybody else should have the privilege of keeping his shop open to a later hour. Therefore the deputation in support of the old order of things is only what one might have expected. Now, as to Mr. Kidson's statement that no objection has been voiced to the old Act, and Mr. Randell's remark that the opposition to the old Act has all died out. Why has that opposition died out? Because the people who originally objected have themselves died out. A visit to the back of Perth will discover numbers of shops closed at the present time. I am quite in accord with Mr. Haynes's statements on this point, because I have obtained

personal evidence of their correctness during the last few days. I know that a large number of shops are closed. I have seen it for myself, and therefore can accept no mere general denial. Many small shops at the back of Perth are shut up at the present time. That circumstance in a great measure explains the reason why opposition to the old Act has died out. The persons who objected have had to change the whole course of their lives; some of them have gone to the goldfields, whilst many have left Western Australia for the Eastern States. The opposition to certain provisions common to our old Act and the original Early Closing Act of South Australia did not die out in the sister State as it did here because of a certain difference between the population of that State and our people. The population of South Australia is far more settled than ours; it has been settled there for some generations, and consequently South Australians do not move about to nearly the same extent as our people. The South Australian shopkeepers, instead of turning their energies in another direction or leaving the State, as our small traders did, continued to agitate, and so compelled their government to introduce more liberal provisions into the early closing law. Here the case was different. We have not so many resources as South Australia, and our people cannot readily enter into other walks of life. The consequence is that many small traders have been driven out of the country by the operation of the old Act. In a movable population, much can be done that would be impossible in a settled population. For instance, if an Act of the nature of that which has lapsed were to be enforced in London, the result would be simply revolution. Here a man, if he does not like the laws, can pack his carpet bag and say, "I will go to a country where the laws suit me better"; but in a country with a settled population things are different. The only European Legislative House which has sought to pass a measure of this kind is the British House of Lords—the most conservative body in the world and one which by reason of its hereditary nature never has to go before constituents. The House of Lords did deal with some proposition of the kind; but the measure, if

it ever got into the House of Commons, certainly made not the slightest progress there. I repeat, the House of Lords has been the only Chamber in Europe to take up the movement. An hon. member said he was opposed to the Act because it interfered with the liberty of the subject. I for one would very much like to see a Workshops and Factories Act introduced. But for the exigencies of the time—I refer to the late political unrest—and for the fact that there has been no draftsman available, we should have prepared a comprehensive measure of the kind indicated. That being out of the question, however, the Government have done the next best thing by introducing an Early Closing Bill. Of course, when we compel people to shut up their shops at a certain time, we are injuring them by temporarily preventing them from using properties which they have acquired for a particular purpose. In olden time it used to be said that an Englishman's house was his castle; but apparently it is not so now. I admit this Bill will inflict a certain hardship on large storekeepers; but Mr. Kidson will admit, I think, that legislation of this nature is bound to bring hardship to bear somewhere. The old Act undoubtedly bore heavily on the small men, and I wish to point out now to Mr. Kidson that the desire of the Government is that if hardship is to be inflicted at all it shall be inflicted on the big man, who is better able to bear it than the small man; and it is to this desire of the Government that the deputation of to-day objected. On the ground of humanity alone, therefore, hon. members should not pass a Bill which will have a tendency to prevent the small man from working his way up to a better position in the community, and which will make it more difficult for him to make an honourable living for himself and his family. The spirit of the lapsed Act was certainly most conservative: the measure was purely in favour of the capitalist. I do not think there is in the whole of our laws a statute more in favour of the capitalist than was the old Early Closing Act. It simply bolstered up the big man at the expense of the small man. If Mr. Kidson will carefully analyse the lapsed Act, I think he will see good reason why we should follow the example of South Australia. I do not think Mr. Kidson was in the Chamber when I

pointed out that this State was the first one to introduce early-closing legislation. All honour is due to Mr. Kidson in that respect. South Australia and New South Wales thereupon practically adopted our Act, which, however, they subsequently found to be unworkable. While their experience has been wider than ours, we have experienced the same trouble as those States. Complaints of the operation of the Act have been heard in all quarters, though possibly it was the consumer who suffered most. Why should not the poor man be allowed to purchase his requirements between six o'clock and seven in the evening, which is practically the only time he has available for the purpose during five days of the week? If Clause 8 be struck out, the time available to him will be practically reduced to Saturday night. The working man is not in favour of this. As members know, there is no organisation in regard to the consumer, and it affects the consumers in a small degree. You have concentrated vested interests brought to bear against the interests of the community. The very small shopkeepers throughout the State have been so affected that now none are left. True there is no organised movement against early closing at the present time, but it rests with members to say whether they are going to do right or wrong with a principle on the representation of interested parties. At the same time the arguments of Mr. Kidson, and I have listened to them very interestedly, have not impressed me, and I am not convinced. He has simply said that his strong argument is that a large class who are interested are opposed to the alteration. I hope members will take into consideration that on the grounds of humanity, of health, and of sound economics they should pass this Bill, and that they should not be carried away with the arguments of interested parties.

THE PRESIDENT: Before I put the question, I wish to correct the statement of Mr. Crowder that the original Act came into force on the casting vote of the President. I find that on the second reading there was a tie, and by a strict rule of Parliament, as I said at the time, I gave my casting vote for the ayes to allow the matter to have farther consideration. On the third reading I find

the record says: "Bill read a third time, on motion by Hon. A. B. Kidson, and transmitted to the Legislative Assembly." I simply gave my vote on the second reading according to the procedure laid down by Parliamentary usage.

Question put and passed.

Bill read a second time.

WORKERS' COMPENSATION BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

At 6:25 the PRESIDENT left the Chair.

At 7:35, Chair resumed.

MIDLAND RAILWAY INQUIRY—JOINT COMMITTEE'S REPORT.

On motion by Hon. R. S. HAYNES, the House resolved into Committee to consider the report of the Joint Committee appointed to inquire into Midland Railway agreements with the Government.

IN COMMITTEE.

Hon. R. S. HAYNES (Central) moved:

That the opinion of the law advisers of the Crown be obtained as to the rights of the Government under the agreement of 27th February, 1886, in respect of the continued breach of Clause 45.

He said: When the joint committee first sat they found themselves surrounded with untold difficulties. There was no person to whom application could be made who could give any information as to the position of the company: how the company stood financially, or under the agreements. Certain reports had been made to Parliament. In the first instance an agreement was entered into as set forth in paragraph 2 of the report between the Government and Mr. Waddington for the construction of the railway. That agreement was very loosely prepared; the interests of the Government were not at all safeguarded, and many clauses in it were open to varied construction.

HON. G. RANDELL: Who drew the agreement?

HON. R. S. HAYNES: That he did not know; the agreement was prepared in London. The interests of the State were

not safeguarded. He was not speaking of the form of drafting, but that the important interests of the State were not attended to. The company could not complete within the time, and it appeared they wrote to the Government with respect to the introduction of emigrants, and he drew the Committee's attention to the appendix to the report, which contained the only extract found referring in any way to emigrants. It said:—

Extract from the Crown Agent's letter, dated 17th July, 1888.

TO THE COLONIAL SECRETARY, PERTH.—

I have to request that we may be informed whether the clauses relating to the introduction of emigrants by the syndicate are to be complied with or to be suspended, as in the case of the West Australian Land Company."

To that letter the Colonial Secretary wrote in reply:—

In reply to your request to be informed whether the clauses relating to the introduction of immigrants by the syndicate are to be complied with or to be suspended, as in the case of the West Australian Land Company, I am directed by His Excellency the Governor to state that under existing circumstances the Government does not insist on the introduction of immigrants for the present.

It would be seen, therefore, that the Government consented to allow the introduction of emigrants to stand over for the present, and although he noticed in a debate in the Legislative Assembly when this question was brought up by a member it was stated that the emigrants had not been introduced in compliance with the agreement, Sir John Forrest then said he thought it had been waived. That was the only piece of evidence the company could rely on, to say that the clause was waived. As the agreement was under seal there should have been a distinct waiver. Therefore as to the introduction of 5,000 emigrants, the company he would not say were in default—that was too strong a word—the Government had the right to request the introduction of 5,000 emigrants at once. What position the company would be in if they failed to introduce the emigrants he could not say. In that event the Government could cancel the contract, but what the cancelling of the contract would mean now he would not say. This matter ought to be referred to the Crown law advisers, as recommended by the committee's report later on. Clause 9 of the report summed

up the present position of the parties. It said:—

The present position of the parties, therefore, is that the company has given way to the receiver for the creditors, Mr. C. de B. Brounlie, and he is now in possession of the whole undertaking, and working it for their benefit. Up to the present he has been able to pay the interest upon the debentures guaranteed by the Government. From time to time the company was in default under the agreement, whereby the Government were in a position to have rescinded the contract and forfeited the deposit, instead of which the Government came forward and extended the time for completion, and rendered the company monetary assistance when they were unable to obtain it elsewhere. The company has made default in introducing immigrants, and this default is a continuing one, giving the Government the right to cancel the contract. There is no evidence of a waiver by the Government of this clause, but, on the contrary, the Government, at the request of the company, has practically extended the time for introduction of immigrants, as appears by the extracts from the correspondence set out in the annexures hereto. As regards the Government of this State, it is liable for £500,000 and interest at 4 per cent., repayable by instalments of £20,000 per annum, commencing in the year 1904, and holds as security the railway undertaking and 2,400,000 acres of land, less certain portions which have already been sold, the proceeds of which have been paid to the Government. Up to the present about 48,900 acres have been sold, and the Government have received the proceeds, but have disbursed the same in payment of the interest upon the debentures.

HON. T. F. O. BRIMAGE: Had they power to do that?

HON. R. S. HAYNES: No. The conditions provided that whatever moneys were received were to be intended as security and placed to an account in the joint names of certain members of the company and the Government, to form a sinking fund to pay off the £500,000 when the money became due. Instead of that the money was appropriated towards paying the interest. The Government were selling the security in order to pay the interest on the mortgage. The information which came before the committee showed that the land which was being sold was the pick of the country. It was sold in large blocks along the line, and not only did the Government part with portion of their security, but they also lessened the value of the remaining portion considerably by reason of the land sold by the company

being in irregularly-shaped blocks, and most of it comprising the whole of the watershed. Who was responsible for the disbursement of the money he was unable to say. It was a most serious matter, and only showed the absolute, utter neglect displayed by the Government of the day when the interests of the country were at stake. He could only say absolute and utter neglect. Whoever allowed the money to be paid away in violation of the agreement were guilty of absolutely neglecting their duty. If any mercantile man conducted his business in the way the Government had conducted this business he would very soon find himself in bankruptcy, and would receive severe strictures from the Judge.

HON. F. T. CROWDER: He would get a second-class certificate.

HON. R. S. HAYNES: Not even a second-class certificate. It was want of management and neglect. No officer of the Government had been appointed to deal with the matter at all. The Surveyor General dealt with his phase; the Under Treasurer dealt with his phase of the question: he received the money and passed it away as he was directed. No person seemed to be responsible, and no person could tell anything about the history of the company, or its present position; in fact it was nobody's business. He (Mr. R. S. Haynes) was absolutely disgusted to see the way in which these transactions had been conducted. He did not think anybody knew what the agreement was. He had taken the trouble to abstract the agreements. One agreement was printed and laid on the table of the House. The other was to be found in the Votes and Proceedings, and the third agreement was contained in the schedule. He was satisfied nobody understood the agreements or knew anything about them. They had a vague idea there were agreements: they had a vague idea what the agreements were, but they did not know what the details were.

HON. R. G. BURGESS: The agreement was drawn up in the State, was it not?

HON. R. S. HAYNES: The second agreement was drawn up in London, he was sure. The committee could find out nothing. No one knew where the original agreements were; nor could the committee find anyone who had charge of this business. If one was concerned in

any matter affecting the business of the country at the present time, one could go to the officer who was conducting the business and get the papers, but it was useless for anyone to attempt to find out the papers in connection with the Midland Railway Company. Certain correspondence was laid on the table of the House, but it was most unintelligible. Up to a certain point, when the company was in difficulties, Sir John Forrest was very firm, and would not give way at all. He insisted practically on a foreclosure, the forfeiture of the £10,000, and taking the whole thing out of the hands of the company. Then there were imploring letters sent from the company to the Agent General, and forwarded to Sir John Forrest, begging him not to foreclose, but to proceed with the line. The then Secretary of State for the Colonies (Lord Knutsford) took the matter in hand and wrote to Sir John Forrest, and these letters were missing. Sir John Forrest was firm in his resolve, and Parliament was backing him up not to budge from the position; but not only did Sir John Forrest withdraw the forfeiture, but agreed.

HON. J. W. HACKETT: Was Sir John Forrest summoned before the joint committee?

HON. R. S. HAYNES: Sir John Forrest was not in the State when the committee were sitting, and no statement was received from him. In one place Lord Knutsford spoke of the responsibilities of the State, and that rather frightened the then Premier. Subsequently Lord Knutsford said he did not mean legal responsibility but moral. Lord Knutsford, after the withdrawal of the forfeiture of the agreement, wiped his hands of the whole affair, and condemned Sir John Forrest for giving way. But these were fragmentary statements. There was some correspondence with the Governor, some of which was published, but not all. If this matter had come before him, in his profession, for an opinion he would have sent the whole of the papers back, and asked for the whole of the correspondence to enable him to form an opinion. There were letters in reply missing, and sometimes replies were to be found, whereas there was no letter to which the correspondence was a reply. Later on the report recommended that

some person should be appointed to get together all the correspondence. With regard to the line, a good deal of dissatisfaction had been expressed, but the committee came to the conclusion that the line was in good order, on the whole.

HON. J. W. HACKETT: At present?

HON. R. S. HAYNES: Yes; at present, though some years ago it was undoubtedly in a shocking state of disrepair. It was due to the activity and persistence of members of Parliament in drawing the attention of the Government to the bad state of the line that the railway was now in good order. From the report of the engineers it appeared that one bridge required repairs; but this was only a small matter. The worst feature in connection with the line was the accommodation for passengers. It was to be hoped hon. members would see the necessity for adopting a motion calling on the Government to compel the Midland Railway Company to provide better accommodation. The manner in which Government trucks had been used on the Midland line called for severe condemnation. It seemed as many as 140 Government trucks had been used on the Midland line during one day, though of course the average was lower. Let hon. members take a case of goods consigned from Perth to Geraldton. The goods would be brought to Perth station, there loaded on trucks, and then hauled a distance of 10 miles over the Government line to Midland Junction; thereupon those goods would be hauled for 277 miles over the Midland line; after that they would travel for a farther distance of about 25 miles over the Government railway, from Walkaway to Geraldton. These trucks travelled over 34 or 35 miles of Government railway as against 277 miles of private railway. Moreover, the Midland Railway Company had nothing to do but haul the goods. The Government, on the other hand, had to do both the loading and the unloading, at the same time being responsible for the collection of freight. Again, in case of claims for goods lost in transit, the Government were at the mercy of the consignor, because the Midland Railway Company simply disclaimed responsibility. The Government collected a few shillings of freight and took all liability, whilst the

Midland Company took the lion's share of the freight and no responsibility at all.

HON. J. W. HACKETT: Was not that system a thing of the past?

HON. R. S. HAYNES: As to that, he was not certain. With reference to passengers, the Government issued through tickets, costing £2 11s. Of this amount the Government received about 4s., whilst the Midland Company received about £2 7s. Moreover, the issue of the through ticket resulted in the Government being liable for damages in case of accident on the Midland line, for the recouping of which damages they would afterwards have to look to the Midland Company. During the last two or three weeks, since this report had been brought before Parliament, the Railway Department had reverted to the old system. On or about the 5th or 6th of January the issue of through tickets was stopped; but since then, for what reason he did not know, the old vicious system had been reverted to. The Midland Railway Company's officials, when asked how they paid for the use of Government trucks running over their lines, replied, "Oh, we carry any Government officials requiring to travel over our line, free of charge." Asked as to how many Government officials they carried, they could not reply, no record having been kept. The system of giving the Midland Company the free use of Government trucks in return for a few free passes to Government railway officials constituted a most slipshod way of doing business. The next paragraph, dealing with the question of purchase, was the most important of the whole report:--

From time to time attempts have been made, directly and indirectly, by the Company to dispose of the undertaking to the Government: the price has fluctuated to a considerable extent, and on the whole great dissatisfaction exists in the public mind in respect of these negotiations, and the manner in which they have been conducted . . .

Surely any private person proposing to purchase a property such as the Midland Railway Company's would have an exact survey and proper valuations by competent persons. It was possible that such persons, making a careful examination of the whole property, might be able to form a crude idea of its value. At present, we understood that negotiations were going on; but of the nature

of these negotiations we knew nothing; neither did we know who were the persons conducting them. No one seemed to know what the value of the line or the land was. The select committee, with all the information at their command, would not for one moment think of fixing a price for the property, since such a price must be the merest guess-work. How were the Government, without any information at all, to arrive at an idea of the value of the property? Only recently a member of the Ministry had stated that the Midland Railway Company would have to be bought out, even if it cost the Government £1,500,000.

HON. J. W. HACKETT: That was a member of the last Government but one.

HON. R. S. HAYNES: The statement rather took his breath away. Frequently people made statements just to see how they were received; and it struck him that possibly the remark quoted was in the nature of a feeler. The statement staggered him, more particularly because he was aware on good authority that a few months previously the whole concern had been offered for £1,100,000.

HON. J. W. HACKETT: To whom?

HON. R. S. HAYNES: To the Government; and that offer had been refused.

HON. J. W. HACKETT: Was it made within a few months?

HON. R. S. HAYNES: Within the last year, at all events. How did it come about that the property rose £400,000 in value? There was the consideration that the offer at £1,100,000, coming as it did from the company, might have been merely in the nature of a feeler. It had to be borne in mind, moreover, that the profits made by the Midland Railway Company were not a safe basis for the Government to go on. The latter would not be able to cut things in the same way as the Midland Railway Company had done. However, if the Government did intend to purchase the Midland Railway nothing could be more ruinous to the State than that anyone in authority, and especially a Minister, should suggest any price at which it was to be bought; because that statement would afterwards be used as a cue for fixing the price. The question of purchase had been discussed by the select committee, and a majority of members present at the time of the discussion were not in favour of the

purchase. At the same time he was not prepared to say that an absolute majority of the select committee were not in favour of a recommendation for purchase. However there was no such recommendation, although the committee did express the following opinion:—

It will undoubtedly be to the advantage of the State that any proposal for purchase should be accepted conditionally upon being approved of by both houses of Parliament.

This recommendation, of course, tied the hands of the Government to a certain extent. Nevertheless the committee felt called on to draw attention to the offer of £1,100,000, which offer he personally condemned altogether, though he condemned even more strongly any Minister who could be so foolish as to make a public statement that the value of the company's property was £1,500,000. Such a statement might do irreparable harm. One did not know whether to regard the utterance as in the nature of a feeler to see how much the public would stand. The select committee unanimously condemned the way in which the whole business had been managed from first to last. The neglect on the part of the Government was a continuing one, from administration to administration. The present Government were deserving of censure for allowing the present state of things to continue. If they took the matter in hand at once, they would be doing only their duty. Let the Midland Railway Company understand that they must observe the contract just as it was observed by the Government. No one seemed to be responsible for the protection of the interests of the State, which suffered in consequence, as might be imagined. He ventured to say that neither the Minister for Lands, nor his predecessor, nor that predecessor's predecessor, knew anything about the matter, which was nobody's business and was in consequence totally neglected. Of course, he did not maintain that this was a matter falling within the department of the Minister for Lands. The trouble was, however, that it did not seem to fall within any Minister's department; and the resultant damage to the interests of the State was well known. Until all the papers relating to this business—and this referred not only to papers and documents here, but to papers and

documents in London as well — were collected, we could not form any opinion as to the rights of the Government, or the rights of the company. The select committee had received valuable assistance from many of the gentlemen who appeared before them as witnesses. As chairman of the committee he could assure the House that the individual members took a lively and keen interest in the subject, and appreciated the responsibilities cast on them by the two Houses of Parliament. The report formed the nucleus from which any person who sought to farther the matter could start. The committee had looked up all that could be obtained to the present, but the proper course seemed to be to submit the matter to the law officers of the Crown for their advice. If the law officers advised that there was a continuing breach of Clause 45, if there was nothing hidden away in a cupboard, they could come to no other opinion than that there was a breach, and if they came to that decision the Government could call upon the company to complete the agreement. That seemed like calling "spirits from the vasty deep," because it seemed to him "there ain't no company." How long it had disappeared he did not know. Who were the people engineering the business for the debenture holders or the bankers, one did not know. If one attempted to grasp anything, it vanished into thin air. Who the debenture holders were one could find out, but who were the persons who had any other interest in the company, one did not know. Supposing £1,500,000 was paid for the railway, £500,000 would go to the debenture holders, but who was going to get the million? He (Mr. Haynes) was as much entitled to it as anybody else.

HON. R. G. BURGESS: To the shareholders.

HON. R. S. HAYNES: There might be shareholders, but he could not find out anything about them.

HON. R. G. BURGESS: The manager could tell.

HON. R. S. HAYNES: The manager knew nothing about it: he did not care a snap of the fingers for anything. He was looking after the interests of the debenture holders, and doing his duty well. It behoved the State to look after

our interests, or we should suffer in the future as we had in the past.

HON. G. RANDELL (Metropolitan): It had never been his business to look into this matter particularly, and he knew very little about it. Members must accept the statement from the joint committee, who had gone very carefully into the questions at issue between the country and the debenture holders or the Midland Railway Company, and take it for granted there was ground for the recommendations made and the strictures passed on the various parties. There was a strong impression in his mind, but he could not bring it definitely forward to give it fully to members, that the company were released from the emigration clause when the colony was under representative Government, and not since responsible Government came into force, because it was found at the time that it would be an embarrassment to the country generally if the number of emigrants stipulated were introduced. But apparently it was only a tentative release, and at any rate if the circumstances demanded it, the Government could call on the company to introduce the emigrants in such a manner as was thought fit. It seemed somewhat astonishing that the committee were not able to find documents on the matter. He presumed they were in existence and ought to be obtained, so that the country should have the full circumstances before them. Members were aware that from time to time movements had been made in the direction of rescinding the contract with the company, and apparently there seemed to have been good reasons alleged that it should be so, but he believed, when it came to a question whether the Government should rescind the contract or not, there were ugly statements made, and it did not seem wise to rescind the agreement unless there had been extreme laches of the agreement, and the Government did not like to do anything in case the country might be prejudiced in the eyes of the people in England. The Government resisted taking extreme measures, as they did not feel sure of their ground, and it was thought danger might result from hasty action. Nothing would be more objectionable to a Minister of the Crown than to heedlessly or thoughtlessly subject himself to charges of repudiation of an agreement entered

into on the part of the Government with a company. These were the impressions formed in his mind. Members would remember that Mr. Lefroy moved in the House in this matter and that hon. member was strongly of opinion that the Government had plenty of ground on which they could terminate the contract with the company, but he did not substantiate his position. However, he made a strong effort and others made efforts also, but negotiations between the Government and the company were hindered not only by statements made by members, but by other persons—injudicious statements. These statements were made at such a critical time when negotiations were passing between the parties, that they had the effect of stopping the arrangements for the sale. He believed at one time that we could have purchased the line; there was only £100,000, or something like that, in question. The Government could have purchased the railway at a moderately large price, but nothing like £1,500,000.

HON. J. W. HACKETT: A million?

HON. G. RANDELL: It was a little over a million, he thought, but he was not fully seized of the figures to state the definite sum. He believed the railway and the concessions could have been obtained at that time, if it had not been for injudicious utterances made in the northern portion of the State by a prominent member of Parliament, and perhaps by others, when these negotiations were taking place. His opinion was that the concession to the company and the railway were not, intrinsically, worth a million. Perhaps the Government would be wise in giving a million or a little over that.

HON. R. S. HAYNES: The railway and concessions could be obtained for £800,000 if the Government went about it properly.

HON. G. RANDELL: If the recommendations of the committee were carried out, we might still be able to come to some arrangement that would be satisfactory to both sides. No member of the committee or the Government wished to be oppressive or injurious to the company. No doubt, the object of the company, or the debenture holders, was to recoup themselves and get a handsome profit. That was only human nature, and one could not be surprised at it.

However much we desired to obtain possession of the line, as we did of the Great Southern Railway, we must obtain the railway at a price which would be satisfactory to business men. He regretted the committee had not had an opportunity of examining Sir John Forrest and obtaining all the information which that gentleman possessed. He was a member of the Ministry at the time, and was likely to know more about the arrangements than anybody else, as Sir John Forrest was a member of the Government under representative government, and for 10 years was the Premier under responsible Government. Therefore, he would have the whole of the circumstances in his mind.

HON. R. S. HAYNES: They ought to be on record.

HON. G. RANDELL: They were on record, he presumed, somewhere; and Sir John Forrest might give the information where they were to be found. Failing this, he did not know where the information could be obtained, except from the archives of the Colonial Office, or from the Agent General's office. The arrangement with the company was entered into in 1881, and nine years elapsed before responsible Government was obtained in this country, so that the negotiations were conducted to a large extent by the Governor himself as the head of the Government.

HON. R. S. HAYNES: The original contract was made in 1885.

HON. G. RANDELL: Yes; it was in 1885 or 1886. It was highly desirable to have the opinion of the law officers of the State, and he would be almost inclined to say that the law officers should obtain the assistance of eminent members of the legal profession in the State, if necessity arose, for the construction of the agreements, and as to their bearing on the methods in which the Midland Railway Company, or the gentlemen who were interested in the running of the railway had carried them out. He would heartily support the motion as it stood, but he did not know if it had occurred to Mr. R. S. Haynes whether it would be advisable that the law officers should be assisted by one or two members of the legal profession outside.

HON. R. S. HAYNES: The "law advisers of the Crown" was the proper term.

HON. C. F. DEMPSTER: Before going fully into the matter it was the duty of members to recognise the efforts of the joint committee in having so fully and ably dealt with the matter under notice. His conscience had sometimes pricked him for attacking amendments or recommendations carefully considered by select committees. The members of those select committees should, however, remember that their amendments or recommendations were not attacked from any desire to cause annoyance. The opposition sprang, perhaps, from a want of knowledge. In the case of this select committee every hon. member would agree with the statement that the Chairman and every member of the committee deserved the greatest credit for their careful and able treatment of a matter affecting the interests of the whole State. The Midland Railway Company had locked up a large area of valuable land, and on that account alone the matter should have received attention long ago. The agreement between the company and the State had frequently been discussed in another place, but the subject had always been shelved without any satisfactory result being arrived at. The agreement was a disgraceful one. Under it, the Government never knew where they stood. It might not be wise to say all one thought on this matter; but the manner in which the agreement had been carried out afforded cause for grave dissatisfaction throughout the State. The turning over of Government trucks to the Midland Railway Company for use over the whole of their line, whilst the Government was deriving only a few shillings of revenue from such use, was most objectionable. Mr. Randell's suggestion that a body of legal gentlemen should consider the agreement was highly commendable. The recommendation that no offer for the sale of the line should be accepted without the approval of both Houses of Parliament was a sound one. The working of the Midland Railway had been injurious to the whole State; and the sooner other arrangements were made the better.

HON. E. M. CLARKE (Minister): It was to be hoped that the report would be adopted. A legal opinion on the agreement should certainly be obtained. One point to which several hon. members who

had spoken had not given attention was that we were totally in the dark as to what was a reasonable price for the property of the Midland Railway Company. Of the 2,400,000 acres of land owned by the company, what was the proportion of good as against bad land? One could travel for miles along the Midland Railway and not see an acre of land worth more than a few pence. When considering the question of purchase, we should have a reliable valuation of the land, and also of the railway line and rolling-stock. Hon. members would agree that it was advisable we should know the value of the thing we were about to purchase.

SEVERAL MEMBERS: Hear, hear.

HON. J. W. HACKETT (South-West): While not desiring to add many words to the discussion, he could not refrain from congratulating the select committee on their labours. He hoped that their efforts would not pass unrewarded, but that some measure of success would fail to them in seeing this great question set right, or at any rate unravelled. He could not help thinking, with Mr. Randell, that the select committee had not obtained all the information they might have obtained; and he said this without desiring either to disparage the members of the committee or to depreciate their efforts. If, however, the committee had gone outside the witnesses called, they could have discovered a good deal from certain sources as to which he would have been glad to give them a hint. The committee might have obtained information showing them that the history of the Midland Railway Company of Western Australia was a romance fringed with fraud almost from first to last.

HON. R. S. HAYNES: Yes; from the time the sleeper contract was signed.

HON. J. W. HACKETT: One little matter out of many might be mentioned. At the time it was made, the contract for the construction of the Midland railway was considered of vital importance to Western Australia. There was absolutely no money circulating in the place, outside capital having ceased to enter. Western Australia had become literally the Cinderella of the Australian States, sitting in ashes. [MEMBER: And kangaroo skin.] Shortly after the proposal to construct the Midland line was made, the Melbourne boom came into

full swing. In consequence, everybody streamed away from here. Then certain gentlemen came forward with a proposal to introduce hundreds of thousands of pounds of capital immediately in constructing the line, and to introduce ultimately a large number of immigrants, and farther to develop lands by means of a subsidiary company, which should prepare areas for the settlers. The offer was practically a proposal to form a huge settlement along the northern part of the State, from Guildford to Geraldton. The proposal, however, broke down. The contractor of the day had obtained a contract which would have given him a most princely fortune if carried out on the lines suggested. The representative of the syndicate interested gladly agreed to the terms; but when these were submitted to cooler heads in London, it was discovered that the company simply could not stand the drain. The whole contract was cancelled, and a new agreement was made under which a great deal of the work was to be done on a cheaper scale. Under the new contract very nearly the same amount of work was to be done for less than two-thirds of the money. Matters then went on until the stream of funds from home began to fail. The contractor thereupon went home and consulted men of capital in England and on the Continent. Eventually the gentleman in question returned, stating that he had in his pocket a signed contract which would enable the works to be pushed on to completion without interruption. The works were again started amid the jubilation of the community; but in a very few weeks the statement went forth again that the work must be suspended, capital having ceased to arrive. The explanation given for the stoppage was that although the names of eminent European capitalists were at the bottom of the contract on the strength of which work had been resumed, yet those names were forgeries, and that all the papers brought out had been signed under fraudulent circumstances. It was hardly credible that such a thing could occur; but it did actually occur. The Government in the first instance came to the succour of the company with £60,000, as stated in the report: afterwards, when that failed, the Government agreed to give £500,000. Ultimately the work was carried out on

the terms set forth in the excellent summary to the committee's report.

HON. R. S. HAYNES: The Government guaranteed £500,000.

HON. J. W. HACKETT: It was practically a still subsisting loan granted by the Government, on which the Midland Railway paid 4 per cent. interest, the interest being guaranteed on the lands of the company. He happened to be behind the scenes in connection with this affair, and he could multiply instances of the character of that which he had just given.

HON. R. S. HAYNES: Was the hon. member bearing the sleeper contract in mind?

HON. J. W. HACKETT: Yes; but these matters would take too long to elucidate. The history of the Midland Railway Company of Western Australia was a chapter almost unmatched in fiction or romance, wearing a fictitious halo of fraud. It would hardly be wise for hon. members to adopt *seriatim* the whole of the recommendations of the select committee. There were two or three it would be advisable to accept, and particularly that as to obtaining a legal opinion on the rights of the Government under the agreement, with especial reference to Clause 45, which dealt with the introduction of immigrants. The recommendation that the whole of the correspondence and papers, both in this State and in London, should be collected was also one deserving of acceptance. He was unwilling to go into any details until he was satisfied whether the contract was in existence, and if so, what parts were subsisting and what parts had been waived: what the country was responsible for, and what were the obligations of the company. Until we got that information it would be useless to go into the lesser details of the report of the committee. With regard to the question of emigrants, both in reference to the Great Southern Railway and the Midland Company, the reason the agreements were waived was that it was about the time of the Melbourne boom, when everybody was being attracted to Melbourne. The emigrant clause came into operation then, and it was found that if men and women received free passages to the country it would mean that they would simply resume their voyage to

Melbourne, and the State would have gained no emigrants at all.

HON. C. E. DEMPSTER: The company would have to settle the emigrants on the land.

HON. J. W. HACKETT: The company were to introduce them. There was no clause as to seeing that the emigrants became settlers. With regard to the sale of the land to the company and its passing into the hands of the Government as interest on the debentures, he could hardly see that any objection could be taken to that. What was provided for in the agreement was that this loan or guarantee of £500,000 was agreed to on condition that the interest was kept up at the rate of £20,000 a year, and the syndicate or company could only keep up the interest by the sale of land, or until lately they were only able to do so from the sales of land. The interest fell into the pocket of the country. The value of the 48,900 acres had been applied to meet the interest on the debentures and became the property of the State, and as soon as the Company ceased to be able to sell land, unless the profits of the company were sufficient, the Government could foreclose and obtain the railway for practically £500,000. With regard to the line itself, he remembered Mr. Padbury—and no one in the State knew better the value of the land traversed by the railway line than Mr. Padbury—stated that there were 1,000,000 acres of very best first-class land and 1,000,000 acres of second-class land. The main point was what we ought to do. The crucial point, as had been justly observed, was the question of purchase. And it seemed to him we were so wholly in the dark, first as to the conditions under which this railway was being worked, secondly as to the actual terms of the agreement, and thirdly as to the profits made by the company, that we could go no farther than obtain all the documents and papers alluded to in the report. He trusted that the hon. member would be satisfied after taking an expression of opinion on the recommendations of the report and that the details should be left for due discussion on some future occasion. He entirely supported the first proposal, and would be glad if the hon. member selected one or two of the other recommendations to be passed

by the Committee, which should be sufficient for his purpose.

HON. J. M. SPEED (Metropolitan-Suburban): If the report had brought out nothing else it had established the fact that if we were going to have railways in this country, they should belong to the Government alone. It showed clearly enough that we must have no half-and-half business in connection with the railway system. We found that when individuals took up a similar position to this company they relied on the honour of the people; but the people, on the other hand, had to deal with men whom Mr. Hackett said were founded on romance. He trusted that the examples of the Great Southern Railway and the Midland Railway Company had been such as would prevent anything of the sort being done in the future. So far as the report was concerned, a great amount of credit was due to Mr. R. S. Haynes for the trouble which he had taken in the matter; also to the members of the joint committee. He was in favour of all the suggestions being approved of; also of any proposal for the purchase of the line which was brought before the House. We had one example in the Great Southern Railway, which turned out to be a great fiasco as far as the country was concerned, as a million pounds' worth of debentures were placed on the market at a time very inconvenient for the State. It was quite competent for any Government to enter into negotiations in such a manner that a company could be bound, but the Government need not be bound without the consent of Parliament.

Question put and passed.

HON. R. S. HAYNES farther moved that the following recommendations be agreed to:—

That the Honourable the Minister for Railways should at once require the Irwin bridge to be constructed in the manner set out in the report of Messrs. Hargreaves and Owen.

That a Government inspector be appointed continuously to inspect the line and report generally.

That the Commissioner of Railways, by virtue of the powers conferred upon him by the agreement of 27th February, 1886, require the company to at once provide lavatory cars for the convenience of passengers, and the extension of conveniences for passengers on the various railway stations.

That the whole of the correspondence, both in this State and London, be obtained, and all

agreements, maps, reports, and papers in any manner connected with the Midland Railway concession be intelligibly put together, and an efficient officer intrusted with their safe custody, and that all *further negotiations* and correspondence should be conducted through the medium of such officer.

That the consent of the Government to the sale of any land by the company be withheld, except upon the same conditions as to area, residence, and improvements as apply to Government lands.

That the proceeds of the sales of any lands sold by the company with the consent of the Government be retained to form a sinking fund to provide for payment of the debentures guaranteed by the Government as and when they become due.

That the Commissioner of Railways require—

- (a.) The company to run at least two (2) passengers trains per week, to run each way during the night between Midland Junction and Walkaway.
- (b.) That all passenger rates and freights be assimilated to the rates and freight in force on the Government Railway.

Question put and passed.

HON. R. S. HAYNES: It was intended also to give notice of a motion based on the recommendations of the Joint Select Committee which had been adopted by the House.

Resolutions reported, and the report adopted.

FOURTH JUDGE BILL. IN COMMITTEE.

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

GAOLS ACT AMENDMENT BILL. SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: I shall not detain the House long in connection with this measure, which is really only a formal Bill needed to allow of lock-ups being used as gaols. The distances in this State being great, it is a costly matter to bring short-sentence prisoners from all parts of the country to Fremantle to serve their sentences: hence this temporary provision. I desire hon. members to note that the provision made is merely temporary, and that I hope during the next session to introduce a comprehensive measure dealing with the whole of our prisons. I put forward this Bill, therefore, as a temporary expedient only.

We really cannot rely on the administration of justice unless the Sheriff has this Bill to assist him. No prisoner whose sentence exceeds three months will be confined in these lock-ups; so that no hardship will result. Any prisoner with a longer sentence than three months will be conveyed to Fremantle gaol. It will be noted that under Clause 9 the Commissioner of Police obtains immediate control of the lock-ups; so that there will be no difficulty or friction between the Sheriff and the Commissioner of Police. The other clauses of the Bill deal merely with regulations in regard to breaches of prison discipline, and represent amendments which are felt to be necessary, and which moreover were recommended by the Prison Commission which sat in 1899. My hope is that the amendments now submitted will eventually be incorporated in a more comprehensive Bill.

HON. E. M. CLARKE (Minister): I second the motion.

HON. G. RANDELL (Metropolitan): I hope the Minister for Lands will not take this Bill into the Committee stage until Tuesday next. Then I have no doubt the House will consent to the second reading now. So far as I have been able to gather, there are some amendments—mainly verbal amendments—required in the Bill. The principal question in my mind, however, is how far the Criminal Code Bill, if passed, will interfere with this measure. It may occur to hon. members that a Bill of this size, which they cannot look over during the session, requires a good deal of consideration. It is probably desirable to settle certain questions between the Sheriff and the Commissioner of Police, and no doubt the Gaols Act requires certain amendments. I shall support the second reading on the understanding that the Bill will not be taken into Committee until Tuesday next.

Question put and passed.

Bill read a second time.

PAWNBROKERS BILL. IN COMMITTEE.

Resumed from the 23rd January.

Second Schedule:

HON. J. M. SPEED asked leave to withdraw his amendment that in paragraph 4, line 3, the word "half" be inserted between "one" and "penny."

Amendment by leave withdrawn.

HON. R. S. HAYNES moved that the following be added to stand as a new paragraph:—

The profit may be fixed, by special agreement, in writing, between the pawner and the pawnbroker, but it shall in no case be more than at the rate of one shilling for every pound or fraction thereof for one month.

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

Schedule 3:

HON. R. S. HAYNES moved that in line 2 the word "catalogues" be struck out, and "in a public newspaper circulating in the district where he carries on business" be inserted in lieu.

Put and passed, and the schedule as amended agreed to.

Schedules 4 and 5—agreed to.

Preamble and title—agreed to.

Bill reported with amendments.

THE MINISTER FOR LANDS moved that the report be adopted.

HON. R. S. HAYNES moved as an amendment that the Bill be recommitted for reconsidering Clause 32, Sub-clause 3.

Amendment put and passed.

RECOMMITTAL.

Clause 32—General restrictions on pawnbrokers:

HON. R. S. HAYNES moved that in Sub-clause 3, line 2, the words "twenty-one" be struck out, and "seventeen" inserted in lieu. The restriction imposed by this sub-clause was an unnecessary one, and was not enforced in any other part of His Majesty's dominions. In the Imperial Act the age had been altered from 14 years to 12 years, and he would hazard the opinion that the words "21 years" standing in this sub-clause were a mistake on the part of the draftsman. A pawnbroker in a large way of business must have an assistant. Everybody required to learn his trade, and therefore the pawnbroker might well train up a young person to the business. Pawnbrokers required experience to guard themselves against being cheated by worthless imitations of jewellery, for instance. The public were not liable to be cheated, since they knew the value of the articles they were pledging. Was it fair to say that a pawnbroker should not have an assistant who was under 21 years of age? He moved that

"twenty-one" be struck out, and "seventeen" inserted in lieu.

HON. G. RANDELL: The Committee should consider this matter carefully after the previous decision arrived at.

HON. W. MALEY: A young man should be allowed to go into a pawnbroker's shop at the age of 17; but it was not necessary that he should be placed in a position of trust at that age.

HON. J. M. SPEED: There was plenty of work in a pawnbroker's shop to do, independent of taking in pledges.

HON. A. B. KIDSON: Having reconsidered the vote which he had given on a previous occasion, he intended to support the amendment.

HON. C. E. DEMPSTER: The duty of an assistant in a pawnbroker's shop was not as responsible as he had first thought, therefore he intended to vote for the amendment.

Amendment put and passed.

Bill reported with a farther amendment, and the report adopted.

TRADING STAMPS ABOLITION BILL.

IN COMMITTEE.

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

ADJOURNMENT.

The House adjourned at half-past nine o'clock, until the next day.