

board refuse to adopt, give the officers power to send on their reports to the central board, who, if they approve of the suggestions, should have power to compel the local authority to carry them out. If an officer is doing his duty and the Minister is not satisfied, he can absolutely dismiss the officer. I think too much power is given the Minister. In Committee I shall have an opportunity of opposing many of the clauses; but I hope, as has been suggested, that the Bill will be referred to a select committee; and their report, if framed by men who have an intimate knowledge of health matters, will show that some at all events of the new proposals in the Bill are utterly unworkable.

On motion by Mr. CONNOR, debate adjourned.

#### ADJOURNMENT.

The House adjourned at thirteen minutes to 10 o'clock, until the next Tuesday afternoon.

## Legislative Council,

*Tuesday, 8th November, 1904.*

	PAGE
Bills: Inspection of Machinery, in Committee resumed at Clause 53, progress	1090
Public Service, first reading	1093
Truck Act Amendment, second reading passed, in Committee, reported	1093
Adjournment to this day week	1099

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

#### PRAYERS.

#### INSPECTION OF MACHINERY BILL.

##### IN COMMITTEE.

Resumed from the previous Thursday. Clause 53—Drivers in charge of engines:

[HON. Z. LANE had moved an amendment to insert the words "or air com-

pressor" after "pump," in Subclause 2, paragraph (b).]

HON. Z. LANE: It was understood there would be no sitting of the House this week, as many members had made arrangements to visit country shows; and as he would like his amendment submitted to a full Committee, only 16 members being now present he would withdraw his amendment.

Amendment withdrawn.

HON. C. E. DEMPSTER moved an amendment:

That the words "or to any engine used for domestic purposes" be added as paragraph (c).

THE MINISTER FOR LANDS: The amendment was not necessary. The previous paragraph exempted pumps erected on premises not capable of pumping more than 6,000 gallons per hour. Any steam pump required for domestic purposes would come under that exemption, but if not, it should come under the operation of the Bill.

HON. G. RANDELL: The previous paragraph contained useful exemptions; but many engines were used for domestic purposes, such as chaff-cutting and wood-cutting, and more specific words were required.

Amendment passed, and the clause as amended agreed to.

Clauses 54 to 63—agreed to.

Clause 64: Boiler attendant's certificate

HON. Z. LANE suggested that the clause be struck out. There had never been a place in the world where a boiler attendant had to have a certificate. This was only another injustice, not only to the mining community but to the community at large. We had been going on for years without boiler explosions, or with very few in this country, probably through the thorough inspection of boilers or through people taking care of boilers for their own safety. Now there was a desire to force upon people a certificated person, who would require about three times the wages at present paid.

THE MINISTER: In Victoria and Queensland certificates were compulsory, but under this clause they were not compulsory, but purely optional.

HON. R. F. SHOLL did not see the object of the clause, if the certificates would be optional.

HON. R. LAURIE scarcely saw the necessity for having certificated boiler attendants. The only danger he saw in connection with giving a boiler attendant a certificate lay in the fact that there would be a splitting up of responsibility. The possibility was that the owner of the better class certificate would get out of the way for a time, and shelter himself in the fact that he had a certificated attendant.

HON. M. L. MOSS: The clause seemed unnecessary. He agreed with the striking out of this clause, and also of Clause 69.

HON. J. A. THOMSON saw no objection to passing the clause, because it would not be compulsory for the owners of boilers to employ only people who had boiler attendants' certificates. Surely if a person required a boiler attendant, fireman, or stoker, it would be some information to him to know that the employee had a certificate.

Clause put and negatived.

Clauses 65 to 68—agreed to.

Clause 69: Chief Inspector may require boiler to be in charge of certificated attendant:

HON. Z. LANE: It would be necessary to strike this clause out.

THE MINISTER: The other clause not having been passed, this clause should be struck out.

Clause negatived.

Clauses 70 to 78—agreed to.

Clause 79—Application of part of penalty to person injured:

HON. Z. LANE suggested that the clause should be struck out. He thought the employees fully protected in every way. They had an Employers' Liability Act, a Workmen's Compensation Act, and there were about a hundred unions to protect them.

THE MINISTER: This was not a very important clause. It would leave to the discretion of the magistrates whether any portion of the fine should go to the person injured, and he thought it might be so left.

HON. J. A. THOMSON: The person injured might not be an employee at all.

SIR E. H. WITTENOOM: There should be some provision in the Bill whereby, after all these inspections, owners of machinery should not be liable under common law. That would be only fair, and would be some compensation for

the extraordinary amount of inconvenience people were put to by these frequent inspections.

HON. J. A. THOMSON: No proceedings would be taken against anyone who complied with the terms or regulations under the measure.

Clause negatived.

Clauses 80 to 84—agreed to.

Postponed Clause 6—Chief Inspector and inspectors:

HON. Z. LANE moved an amendment after "prescribed":

That the following words be added: "any person may be appointed inspector without examination who, prior to the passing of this Act, has been employed as a Government boiler inspector, or a fully qualified practical mechanical engineer."

It would be a serious injustice to pass the clause as it stood, as it would throw out of employment inspectors of boilers who had been doing good work in the Government service for many years. But any inspector to be appointed under the Bill should be not only acquainted with boilers, but be a fully qualified practical mechanical engineer.

HON. J. W. HACKETT: What was the definition?

HON. Z. LANE: One who had served his apprenticeship in mechanical engineering, and held a certificate as a practical mechanical engineer.

HON. J. A. THOMPSON: Did the hon. member mean a marine engineer?

HON. Z. LANE: No. The provisions of the Bill were distinctly different from the Boilers Act; and although a person acquainted with boilers should be able to test one and state what was required to be done for making it safe, yet an inspector appointed under this Bill would be required to have a knowledge of machinery generally. Therefore an inspector appointed for carrying out the Bill should be the most competent man that could be obtained, so that no trouble might fall on the department through his want of knowledge or possibly through gross ignorance. This amendment would be protective in regard to inspectors who had been acting satisfactorily for years past, and the amendment might be added at the end of the first paragraph in the clause.

HON. M. L. MOSS: The first part of the amendment was clearly intended to

protect vested interests, and to that extent he supported it. In doing so he assumed that those inspectors who had been employed in the past and continued in office were competent to perform the duties satisfactorily, and therefore ought to be retained; but it would be a different matter as to obtaining a fully qualified practical mechanical engineer; for probably no such person was obtainable in the State at the present time. He moved an amendment on the amendment:—

That the words "or a fully qualified practical mechanical engineer" be omitted.

With the first part of the amendment he agreed.

HON. W. KINGSMILL: While the mover wished to retain the services of those inspectors of boilers who had capably performed their duties in the past, he wished that any inspector to be appointed under this Bill in the future should be a fully qualified practical mechanical engineer; but it would be better to insert the words "holding certificates as first-class engineers," and these should not be called on to pass an examination if appointed under this Bill.

HON. G. RANDELL supported the amendment as it stood, if it was intended to refer entirely to the past and apply to those who had been employed by the Government as inspectors.

HON. Z. LANE: That was the intention.

HON. G. RANDELL: It was highly desirable we should see that inspectors who had performed faithful and good service for years past should not be displaced, at the whim of a chief inspector or of a board of examiners. We should not pass a law that would compel their being retired from the service.

HON. R. LAURIE: The amendment was intended to protect the present inspectors, but the Bill dealt with machinery generally. His own desire was to protect the present boiler inspectors, and he would like to see the clause amended in that direction. If, therefore, the present boiler inspectors had no knowledge of machinery generally, as was contemplated by the Bill, they should be exempt from examination in regard to machinery, and might be employed on account of their qualifications as boiler inspectors. A knowledge of mechanics

such as was laid down in text-books was not required by a man who was a boiler-maker; and in regard to boiler inspectors, the present inspectors had a thorough knowledge of the business, and should be retained for that reason. If, however, inspectors were to be appointed under the Bill for machinery generally, it should be understood that those inspectors who had been acting in the past as inspectors of boilers should continue to be employed as inspectors of boilers only, and should not be required to go into the intricacies of machinery for passing an examination.

HON. Z. LANE: The object of the last speaker was practically the same as that implied in the amendment; although the wording of the amendment was not exactly as he had himself desired. He would withdraw the latter part by omitting the words "or a fully qualified practical mechanical engineer."

HON. M. L. MOSS also withdrew his amendment relating to the latter portion.

HON. R. LAURIE: There were other inspectors besides Government boiler inspectors working under the Act of 1897. The inspectors of boilers in the Railway Department did not work under the 1897 Act.

THE MINISTER said he was not in a position to give an assurance as to what the Government intended to do in appointing Government inspectors; but if he did give an assurance, that would not affect future Governments.

Amendment passed.

HON. Z. LANE moved a farther amendment:

That after "inspector" the words "under the Steam Boilers Act of 1897" be inserted.

Amendment passed, as altered.

HON. Z. LANE moved a farther amendment:

That after "1897" the words "or is a practical mechanical engineer" be inserted.

HON. M. L. MOSS: If the amendment were passed the department would have a great deal of trouble. There was no statutory meaning to "practical mechanical engineer."

HON. J. A. THOMSON: Everybody who had had a few years' experience among machinery or in a machine shop would call himself a practical mechanical engineer. If a man were skilful, he would have no difficulty in passing the examination.

THE MINISTER: There was no objection to the amendment; but it had not been clearly defined what was meant. Every person who had been a striker in a blacksmith's shop would call himself a practical mechanical engineer.

HON. W. KINGSMILL: The difficulty might be overcome by inserting "or any person holding a first-class certificate under this or the Boilers Act of 1897."

HON. Z. LANE withdrew his amendment and moved:

That after "1897" the words "or any person who is the holder of a first-class engineer's certificate under this Act or the Steam Boilers Act of 1897" be inserted.

SIR E. H. WITTENOOM: It would be better if more consideration were given to this important point. He moved that progress be reported.

Progress reported, and leave given to sit again.

#### BILL, FIRST READING.

PUBLIC SERVICE BILL, received from the Legislative Assembly.

#### TRUCK ACT AMENDMENT BILL.

##### SECOND READING.

SIR E. H. WITTENOOM (North): In rising to move the second reading of this Bill, I much regret that circumstances have arisen which necessitate my trespassing on the time of the House with this amendment; but the urgency and the importance of the occasion must be my excuse. The Bill which I am submitting for approval is a very short one, and is to amend the Truck Act of 1899. The measure is very brief and very concise, and it is not intended in any way to interfere with the general working of the Truck Act. The amendment simply limits the time under which employees may take proceedings against employers, and in no other way does it interfere with the working of the Act. I will read the Bill, which consists of two clauses:—

1. Section 6 of the Truck Act 1899 is amended by adding, immediately after Subsection 2, the following:—"Provided that nothing contained in Subsections 1 and 2 in this section shall apply in respect of any goods which have been had, received, sold, delivered, or supplied as aforesaid more than six calendar months prior to the workman bringing or commencing his action for recovery as aforesaid."

2. This Act may be cited as the *Truck Act Amendment Act 1904*, and shall be construed as one with the Act of 1899, and shall take effect as if the amendments herein enacted had been made immediately after the passing of the principal Act; but these amendments shall not affect any actions brought or commenced by any workman under Section 6 of the principal Act prior to the twentieth day of October, 1904.

To make the matter quite clear, I will relate the circumstances which have forced me to introduce this Bill. I may say it will apply principally to the timber companies in the South-Western part of the State. Prior to 1899 it was customary for the companies to supply their employees with the stores; and on each pay day or at other time of settlement the price of such stores was deducted from the wages due, and the balance paid the men in cash. During 1899, however, Parliament passed the Truck Act, which provided that all wages should be paid the workmen in cash; that in no circumstances should any deduction be made for goods. The only exception was that during the first six weeks of a man's engagement charges for stores might be deducted from his wages, provided he consented in writing to such deduction. In many cases men in a penniless condition, and without means of providing food, took employment; hence it was necessary to allow the company to give them stores to go on with during the first six weeks, and to stop the price from their wages. After the passing of the Act the timber companies concerned tried to observe its provisions; but they found this extremely inconvenient and difficult. The method of working the forests is to place a mill in a central position, and to lay down railways therefrom in different directions. Along these railways logs are carted to the mill. The railways vary in lengths from 5 to 15 miles; and it will be clear that the men engaged in falling logs, hauling them in, looking after the horses employed, cooking, etcetera, continually require stores. The only way of getting out these stores is to send them by the trucks which bring in the timber. It is impossible for these men to have cash always in their pockets to pay for the stores delivered. The companies tried to observe the Act; but it was so inconvenient to employers and employees alike that by

general consent the old order of things was restored, for there was no other means by which men employed some miles away in the bush could get their supplies; and if there had been any other means the men would probably have had to pay extortionate prices. The old order was therefore reverted to without objection from the men. Goods were delivered and charged for; and on pay-days the amounts of the bills were deducted from the wages, and the balance paid in cash. But within the last 12 months a number of employees, many of whom had left the employment of the companies, made claims under the Truck Act for the full amounts deducted from their wages for stores supplied. They had signed without complaint for payment in full; many of them had left their employment; and afterwards, taking advantage of the provisions of the Truck Act that all wages must be paid in cash without deduction, these men have made claims against the companies for the deductions made in respect of stores which they have consumed. The first case was disputed by a company, and the Local Court held that the company had no *locus standi* under the Act; hence the company paid the amount claimed. But as a test case the company immediately took proceedings in the Supreme Court to recover the amount of the debt owing for stores by the man who had secured a judgment for the amount deducted for such stores. But although a verdict was given by the Supreme Court in favour of the company, millowners are advised that on appeal it is doubtful whether the verdict will stand. But apart from that, members can see what chance a company will have of recovering the sum paid to the plaintiff in the Local Court. By the time the appeal is decided it is quite certain that the man will have gone away, or that most of his money will be spent. The money he has recovered from the company was money deducted for goods he received; and it was fought for in the Supreme Court, and fought for virulently, as if for this deduction he had never received any consideration. Since that time we have had no less than 24 claims amounting to £5,642, of which 14 have been settled for £854. It may interest members to hear the amount of each claim; and it will be

seen how just the claims were when I mention the amounts which were taken in settlement as compared with the amounts claimed:—S. Myers claimed £15 17s. and accepted £17; J. D. Smith claimed £52 and accepted £59; A. R. Smith £332 and accepted £55; W. Matthews £192 and accepted £75; James Kelly, £244 and accepted £55; J. Cable £120 and accepted £90; H. Cable £50 and accepted £40; F. Cable £50 and accepted £45; J. W. Thompson claimed £916. His case is still before the court. R. Strasburg claimed £169 and accepted £90; W. Wimbridge £190 and accepted £90; Carl Waters £265 and accepted £41; R. J. Thomas £95 and accepted £66; J. M. Boothby £190 and accepted £66; Hillman claimed £100 and accepted £60. The total accepted is £854 14s. 11d.; and from the small amounts accepted compared with the large amounts claimed, the justice of the claims can be inferred, particularly when it is remembered that costs were probably paid out of the amounts accepted. The following cases are pending: J. Iceley, £239; Buchanan, £307; Joseph Hart, £426; A. H. Herdman, £307; H. Kelleher, £261; Robinson, £474; A. Godfrey, £192; W. Cloughton, £196; A. Mader, £264, making a total of some £5,600, of which the companies have paid £854. These men were paid their wages less deductions for stores supplied, and received payment without protest at the time.

HON. C. SOMMERS: Why do you call them "men?"

SIR E. H. WITTENOOM: I do not know of any other name to give them.

HON. W. T. LORON: The hon. member states that these claims were previously settled in full, either in money or in goods. If so, why have the companies paid additional amounts in settlement? It seems to me the men have no claims.

HON. G. BELLINGHAM: The court decided that they had claims under the Truck Act.

SIR E. H. WITTENOOM: Section 5 of the Truck Act reads:—

The entire amount of the wages earned by or payable to any workman shall be actually paid to such workman in money, and not otherwise.

The companies are quite prepared to admit that they have broken the Act.

They have broken it in letter, but certainly not in spirit. I take it that all laws are made to prevent wrongdoing and injustice. There are many Acts now on the statute book which are broken every day; but so long as no injustice is done to anybody, it is unnecessary to take action against the offenders. In this case the law was broken in the letter but not in any way in the spirit. Take the debates in our own House. Very often the Standing Orders are not exactly observed; but so long as no harm is done, no objection is taken.

HON. J. A. THOMSON: You were studying the men's interests all the time.

SIR E. H. WITTENOOM: Studying the interests of all parties concerned. If any of the men had objected to the deductions, it would have been different; but in no circumstance was more than 20 per cent. of a man's wages deducted; so it will be seen how little the men have to complain of. The various companies concerned contend—1, That they never made it a condition of employment that stores should be taken for wages. 2, That no compulsion or understanding existed as to employees' dealing exclusively at the companies' stores. 3, No man was ever refused his wages in full on demand. 4, The prices charged were on a par with those of other storekeepers. If any case can be brought against any company concerned, in which any of these conditions were broken, I am prepared to say the company will be glad to pay the claim in full. But I am certain not one such case can be instanced. In support of my statement I will quote some of the remarks made by Mr. Justice McMillan in summing up a case he had the other day of Millars' Company *versus* Smith. This case was fully argued as a test case. The strongest evidence was brought on both sides; and the Judge's summing-up will show exactly what were his views on the whole matter. I do not think I can bring forward anything stronger to support the contentions I have submitted than those remarks. Judge McMillan said:—

Several witnesses, however, have been called before me, and on their evidence I have come to the following conclusions as to the facts. I think that it was for the benefit of the men that the stores should be kept. The existence of these stores gave them greater facilities of obtaining their goods, and probably kept down

the prices which would otherwise have been charged by outside stores. I come to the conclusion that the men dealt with those stores voluntarily; many of the men employed by the plaintiffs went to other stores both at Wroona and Yarloop. I come to that conclusion, not only on the evidence of the men in the employment of the company, the managers, and others who were called, but more particularly on the evidence of Mr. Rogers. Mr. Rogers was a witness who impressed me very much by the clear and frank manner in which he answered the questions put to him both by counsel for the plaintiffs and by counsel for the defendant. He is a man who is carrying on business as a storekeeper at Yarloop, and he said that the company put no difficulties in the way of their men trading with him, and that a fair number of them did in fact deal with him. He was also a very reliable witness, I think, as to the value of many of the goods which appear to have been sold to the defendant. I am satisfied from his evidence that the prices for groceries were fair ordinary prices, but there were a great many articles regarding which the defendant complains, which were not within his knowledge—articles of drapery and so on. I also come to the conclusion that the defendant never made any complaint as to the quality of the goods supplied to him, or as to the prices charged. I also come to the conclusion on the facts that the men, if they wished, could have had advances in respect of their pay, or if they desired it could be paid in full, although there was money due from them to the company in respect to stores sold to them.

Farther on his Honour said:—

On the evidence of the witnesses called before me I have come to the conclusion that there was no agreement or understanding that the goods should be received as or on account of wages.

Again his Honour said:—

The only understanding was that if the men did deal with the plaintiffs' stores (and they were quite free not to deal there), and that if they raised any objection, instead of the whole of their wages being handed over to them, one amount would be set off against the other and only the balance paid.

These are the pithy parts of the judgment that apply to the remarks I have been making, and I think members will agree that it has been proved that no injustice is taking place in regard to these men.

HON. R. F. SHOLL: What was the conclusion the Judge came to?

SIR E. H. WITTENOOM: The Judge gave a verdict for the company for the payment of the amount paid according to the judgment of the Local Court, which they had appealed against.

An appeal is to go to the Full Court, but we are advised that it is very doubtful whether it will be upheld. Nothing has been shown that there is any injustice or hardship on the men whatever, or anything to justify the men in harassing the company as they have been doing. My only reason for introducing this amendment is because the companies concerned have no redress whatever under any law or statute in existence. Had there been any redress at all I would not have troubled the House; but every effort has been made to get relief through the courts. The company was taken to the Local Court in the first instance, and the case was defended as well as could be and lost. Then we took the case to the Supreme Court to try and get the amount of the goods that was owing; and although a verdict has been given in favour of the company, yet, as I said before, what earthly chance is there of getting this money back? A man may in the first place go away before proceedings are taken, and in the next place he has probably spent the money. No action can be taken until money is actually paid on the judgment of the Local Court. It cannot be attached in any way. Could it be attached pending appeal, the Bill would be unnecessary. The whole thing amounts, so far as the companies are concerned, to legalised robbery.

HON. W. T. LOTON: Blackmail.

SIR E. H. WITTENOOM: The Bill is a simple one. All it says is that a man, if he wishes to take any proceedings against an employer, must do so within six months; but in these circumstances the Bill is made retrospective. I quite agree with most people that retrospective legislation is, as a rule, objectionable; but under the circumstances that I have pointed out, I cannot see that any injustice can be done. Most of the men concerned have had ample opportunity of bringing on any cases in which they claim to have been unjustly treated; and they have not done so. No one can prove there has been any injustice. Therefore, under the circumstances there can be no harm in passing this measure to relieve the companies from the awkward position in which they find themselves. None of these men referred to are in the employ of the company, and their claims have all

been settled and paid, and they accepted payment without protest of any kind. It would be, perhaps, out of place to allude to the honesty of those men who are making these claims. I leave that entirely to the judgment of members of this House and the public. Men who have actually had goods, consumed them, and had all they required at reasonable prices at their own selection, choice, and free will, have then sued the companies to pay them over the money. What can be said of such men? If any large company or firm in this State were to find its workmen in a reverse position and were to take action against them, what would be said of such a company? It would be hounded down and nothing too bad could be said of it, and it would thoroughly deserve that. I shall give one or two instances of some of the cases we have had. There is one man who is at one of the mills; he was dismissed two or three times for drunkenness, and was each time taken on again. At last he was dismissed entirely, and he went away, I believe to the goldfields or somewhere and endeavoured to earn a living. He came back again and, owing to the general manager's kindness, was again put on and worked for some time. He is one of the men who are claiming in this list I have read. In another case a man thought he would do better by going into a hauling contract, and he applied to the company for assistance to purchase horses. The company gave him assistance, and before he paid for the horses he went to work at another mill. He came back some time after, and was ill in hospital, and out of pity the manager put up a house for his wife and started her as a boarding-house keeper, and did everything he could to save the family from poverty. He is one of the men who is now suing the company for taking money out of his wages for goods supplied to him. These cases will show that we can expect no gratitude under the circumstances. It is appalling to think what the effect will be in London or in places where these companies are formed. What will be thought by the people providing capital as to their workmen if companies are to be treated like this? Can we suppose for one moment that we shall have money invested in any industries where there are such workmen? I will read an extract of a speech made by the chairman

of directors of Millars' Karri and Jarrah Forests Ltd., at a meeting held the other day. He spoke very fairly, and I think very quietly. Speaking about the Truck Act he said:—

If it inconveniences the men, they must get the Act altered, and not complain that we are not doing our best for their comfort. Of course one might make remarks about the honesty of a man who, having taken their food at a reasonable price and consumed it by his wife and family, goes about afterwards and says: "I am entitled to claim the money you have deducted for the food." But I am afraid as to some of our men that consideration does not have much weight. We hope, however, that, in the case of the great body of men working for us in Australia, we shall find the majority of them unwilling to take an advantage of that kind of the company which has served them, and that they will, like honest and capable workmen, recognise that we have only done what they wanted us to do, and what was necessary for us to do.

We can see, therefore, what opinions are held in London; and many of the directors of a company like this are men of great wealth and means; and we may be quite certain that no more of that wealth or means will go into the development of any industries of Western Australia, when they find they are treated in this way. It is a matter for congratulation that out of 2,000 men employed by this company, so far only 25 or 26 have taken advantage of this unfortunate position of affairs; but at the same time, there is no knowing what may be done if one happens to have to close up mills and throw people out of employment. When money is wanted it is a very easy way to get £40 or £50; and it is a great temptation. In these circumstances, I have to ask the House to assist the companies. I do not know that I need say anything more; but I sincerely trust that the leader of the House will endeavour to enlist the sympathies of the Government in the circumstances, and that he will see that the proposed amendment does not work for anything very serious. It is a matter which I feel certain the Government can help along, and one in which they can do a great deal of good to people who are financially interested. The Government can show that they have at heart the interest of these people who invest their means in endeavouring to develop the

State. I have much pleasure in moving the second reading of the Bill.

HON. W. T. LOTON (East): I rise to support the second reading of the Bill. I do not propose to address many words to it, but it seems to me almost inconceivable that such an action should be taken by any workmen in a British possession. It is evident that if they had complained, the men could have had money in payment of wages. I can scarcely understand or conceive or bring my mind to be satisfied that any man in this community would do such an action. I am sorry to see that a company which has been trying to develop a large industry in this State should be driven to seek protection in retrospective legislation of this kind.

THE MINISTER FOR LANDS (HON. J. M. DREW): It is not my intention to oppose the second reading of the Bill. I have no sympathy whatever with men who object or refuse to pay the full value of the clothes they wear because they have the law on their side. As far as Clause 1 is concerned, it will receive my full support. In reference to Clause 2, I think it would be too serious for it to be of a retrospective character. I am of opinion it would be wiser for this Council to pass the Bill in its present form. A number of cases have been brought, and if this Bill is passed, people who have commenced actions will be unable to proceed.

HON. R. LAURIE: Oh, no.

THE MINISTER: I am in thorough sympathy with the objects of the measure; but I do not like to see the principle of retrospective legislation carried to the extent this clause would introduce.

HON. C. SOMMERS (North-East): I am sure that, like Sir Edward Wittenoom, we all regret the necessity of bringing this before the House. I think that if Sir Edward had described the persons referred to as unprincipled scoundrels he would have been nearer the mark, but, with his usual politeness, he allowed them to go scot-free. There is one feature with regard to claims that I think were settled which in my opinion ought to be known. It appears that one individual obtained something like £90 in compensation of his account to this company, and on his going home to give his wife a share of it she, on learning



where it came from, was indignant, and stated that she had had fair treatment from the company and the goods had been charged for at a reasonable price. She certainly took the money from her husband, but gave him her opinion of him, and returned the money to the company saying that she had no desire to touch it. I trust the House will assist in passing the Bill. I know from experience in those districts, it would have been very hard for these men to get along unless they had had such assistance. I think that unless relief is given and promptly given, what has been going on will be a very bad advertisement for us.

HON. C. E. DEMPSTER (East): I quite sympathise with the members of this House in the matter which has been brought before us. I never liked this Truck Act, and I conceived it would lead to evils which have now been caused. We know that some men are thoroughly unprincipled. They spend their money recklessly, and no one in business will give them credit, because they know that if they do so they run the risk of losing. Therefore these men compelled employers to supply them with necessaries, and this is the result. And then they are protected by the Act, which enables them to get away scot-free. There is no possibility of the company recovering the money from them, because they spend every penny they get. It is unjust in every way one looks at it, and no member of the House ought to shut his eyes to the matter. I am in thorough sympathy with the measure, and I hope every member will support it.

HON. E. McLARTY (South-West): I am here to give this amendment my hearty support. I know a good deal of the working of these timber companies in the South-West part of the State. I have had considerable dealings with them myself, and I can say that no man in the employ of the companies or has had dealings with them has ever had occasion to ask twice for his money. They are always in the position to pay cash. I know, as Sir Edward Wittenoom has pointed out, that in many instances where men were working long distances from the mill in the bush it was very difficult indeed, and it would have entailed considerable loss of time,

if they had had to go for their supplies outside the company. It would be an enormous sacrifice to men working teams in the back forests to have to knock these teams off and go to some other market for their fodder; whereas the company could rail it up to the mill, and then supply food on the ground to employees. So far as my experience goes, no excessive charges have been made. I think if ever there was an instance in the history of this State where the Legislature should come in and offer some protection and assistance to the companies who have done well for the State, as also for the employees, it is the present. A more disgraceful and dishonest action I have never heard of than the cases which have been mentioned by Sir Edward Wittenoom. There is an incident which has been mentioned by Mr. Sommers regarding the wife of one of these men who, I think, he very properly designated as a scoundrel. That man's wife would not even make use of the money obtained, but had the principle and honesty to hand it back to the manager of the company and express her gratitude for the kindness received and the treatment meted out to her family during years the man had been in their employ. I think any member who understands the position will give this small Bill his hearty support. No doubt there has been an evasion of the Truck Act, and I was not prepared to say when that Act was passed that it was not necessary at the time. Perhaps in those days men on some stations were compelled to deal, to a certain extent, with their employers, and some relief was required at that time; but I do not think it was ever intended that in exceptional cases, where there was a difficulty in obtaining supplies, the Act should be forced into operation in that fashion. I can only repeat from my personal knowledge that this company has treated its employees well, and it was entirely optional with them whether they purchased their goods from the company or not. After dealing with a company for years, as some of them have done, it is certainly a dastardly action to turn round on the company and want to be paid twice over. I hope every member of the House will give the Bill his hearty support. I think the Bill is a just and reasonable one.

SIR E. H. WITTENOOM (in reply): I desire to say one word more in reply to the Minister. The companies concerned are entirely in accord with the Truck Act, and in future there will not be the slightest trouble or fear of its being broken. Whatever inconvenience it may be to the men or to the owners, there will be no more breaking of that Act. But the companies come here to Parliament for relief from a situation from which they cannot get out. They have tried every reasonable and fair avenue to help themselves. They have done everything they possibly can. They have consulted legal men and have been to courts, and no relief can be afforded them from these unjust claims. That is the reason why it is proposed to make the Bill retrospective. If the Bill is not made retrospective, it will be of no use at all. It will not affect the future, because there will be no future cases.

HON. G. BELLINGHAM: You have had a severe lesson.

SIR E. H. WITTENOOM: We have had a severe lesson, as you say. It is to get out of a difficult position that the companies come to the right place—the place where every financial company or other person trading in this community should come for relief; that is, the Parliament of this country. They come here and place the question before you, for your consideration, for your assistance to get them out of a position which it is utterly impossible for them to get out of under any other circumstances. I have endeavoured to plainly show that there has been no injustice whatever done by the companies. Whatever has been broken in connection with the Act has been the pure letter and not the spirit. Therefore, under these circumstances, I hope the Minister will see his way to support the Bill right through, and that members will give it support, so that there may be the relief sought.

HON. E. M. CLARKE: Can I move an adjournment of the debate, at this stage?

SEVERAL MEMBERS: No.

THE PRESIDENT: The motion has not been seconded.

Question (second reading) put and passed.

Bill read a second time.

#### IN COMMITTEE.

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

#### ADJOURNMENT.

The House adjourned at a quarter-past 6 o'clock, until the next Tuesday.

## Legislative Assembly,

Tuesday, 8th November, 1904.

	PAGE
Questions: Public Servant's Dismissal, G. F. Fraser	1089
Prisoner Bellan, Inquiry	1100
Privilege: Witness Dryton, Letter in explanation of his refusal to give evidence	1100
New Standing Order, Power to fine for contempt, at discretion	1110
Urgency Motion: Sunday Bands on Goldfields, to permit a collection	1100
Personal Explanation: Land Settlement at Hamel	1108
Bills: Third readings (2)	1111
Municipal Institutions Act Amendment, in Committee resumed at postponed clauses, reported	1111
Public Health, second reading resumed, passed	1127

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

#### PRAYERS.

#### QUESTION—PUBLIC SERVANT'S DISMISSAL, G. F. FRASER.

MR. HORAN, without notice, asked the Premier: 1, In view of the verdict of the jury in the case of George Frederick Fraser, of Coolgardie, does the Premier intend to reinstate Fraser? 2, If not, why? 3, Is it intended to make any reparation to Fraser?

THE PREMIER replied: 1, No. 2, Because the circumstances do not justify reinstatement. 3, No. I may add that if an application for inquiry is made by Fraser, the application will receive consideration.