HON. C. A. PIESSE: If Mr. Dempster's ammendment applied to land outside 40 miles of a railway, it would do a great great deal of injury. The amendment did not apply to the Northern portion of the State; it applied only to land in the South-Western district, and land within 40 miles of a railway within the Eastern and Eucla divisions. The pastoralists prevented settlement by the prior right which they held of 8,000 acres.

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

Ayes	...	...	7
Noes	...	...	8
Majority against	...		1

AYES.	NOES.
Hon. R. G. Burges	Hon. E. M. Clarke
Hon. C. E. Dempster	Hon. J. M. Drew
Hon. W. Maley	Hon. J. W. Hackett
Hon. E. McLarty	Hon. S. J. Haynes
Hon. G. Randell	Hon. B. C. O'Brien
Hon. J. E. Richardson	Hon. C. A. Piesse
Hon. D. McKay (*Teller*).	Hon. C. Sommers
	Hon. J. D. Connolly (*Teller*).

Amendment thus negatived.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10·17 o'clock, until the next day.

Legislative Assembly,

Tuesday, 1st October, 1901.

Revenue for September, Statement by the Treasurer—Papers presented—Question: Leases Surrendered Conditionally, Mr. Tupper—Legal Practitioners Act Amendment Bill, first reading—Return ordered (amended): Exemption and Protection, Gold-mining Leases—Return ordered: Consulting Engineer, Commission—Trade Unions Regulation Bill, third reading—Mining Development Bill, second reading (moved) Public Works Committee Bill, second reading (moved)—Newspaper Libel and Registration Amendment Bill, second reading (resumed, passed), division—Workers' Compensation Bill, in Committee, Clauses 4 to 12, progress—Adjournment.

THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

REVENUE FOR SEPTEMBER—STATEMENT BY THE TREASURER.

THE COLONIAL TREASURER (Hon. F. Illingworth) said: I desire to inform the House that the revenue for September amounted to £301,812 3s. 6d., and this is the largest ordinary month's revenue ever received in this State. [MEMBERS: Hear, hear.] In February of 1897 a sum of £326,276 was received, but special receipts in connection with settlement of Wilkie Bros.' goldfields railway contract came to hand, amounting to £38,500. Consequently, the normal receipts that month were £287,776. In June, 1900, the credit on revenue account was £310,949, but to compare with an ordinary month a sixth should be taken off for the extra five days brought to account at the end of the financial year, namely £51,825, leaving for the ordinary month £259,124; so the revenue for September of this year was the largest ordinary month's revenue ever received in this State.

HON. W. H. JAMES: Change of Government!

MR. D. J. DOHERTY: Yes; look how you floated the loan!

THE SPEAKER: Order!

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, By-laws, Municipality of North Fremantle; 2, Report, Perth Fire Brigades Board for 1900.

By the MINISTER FOR MINES: Amended Regulation, Mineral Lands Acts.

By the COMMISSIONER OF RAILWAYS: 1, Free railway passes in 1900-1901; return to order 18th September. 2, Trucks applied for consignors on various stations on Eastern Railway; return to order 18th September.

Ordered to lie on the table.

QUESTION—LEASES SURRENDERED CONDITIONALLY, MR. TUPPER.

MR. W. D. JOHNSON asked the Minister for Mines: Whether the Mr. Tupper, mentioned in connection with the return now on the table of the House as receiving blocks from leases conditionally surrendered, was a registered owner of the leases surrendered.

THE MINISTER FOR MINES replied: No; Mr. Tupper was not the registered

owner of the lease surrendered, but obtained the land by transfer from the original grantee.

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

Introduced by MR. J. J. HIGHAM, and read a first time.

RETURN—EXEMPTION AND PROTECTION, GOLD-MINING LEASES.

MR. R. HASTIE (Kanowna) moved:

That a return be laid on the table, showing: 1, The names and numbers of gold-mining leases granted exemption and protection, and the length of time for which the labour conditions were suspended on each lease during the last two years, within the Coolgardie, Kalgoorlie, Kanowna, and Broad Arrow districts. 2, Also under what law, regulation, or authority is protection granted by the Warden or the Minister.

This seemed rather a big order, and he wished the House to bear with him whilst he explained the exact reasons for bringing the motion forward. All members representing mining districts would agree that the subject was of intrinsic importance. The main consideration was the effect of suspending the labour conditions; for while there were circumstances under which most members believed it was wise to permit the labour conditions to be suspended on a mining lease, where any real cause was shown, yet it should be remembered that in every suspension of labour conditions the effect was to throw into the hands of two or three persons the power of stopping all work on that mining lease. Of all the leases in existence on the eastern goldfields, four-fifths or seven-eighths were kept idle during the greater portion of the time the leases were held. Those persons who held ground did not work it, nor would they allow others to work it. The general way was to pick out an area of mining ground and hold it until an opportunity for selling occurred during a boom. In no case did booms increase the production of gold in this country, and rarely did a boom increase the number of men employed in working mining ground. Experience showed that, without exception, booms brought slumps; and during a slump there was a tendency to keep ground idle, waiting for an increase in value through the working of other ground in the locality by men who attended properly to the development of their properties. One fortunate circumstance was that in this country, and also in Australia and Great Britain, a fair proportion of persons who held mining leases found it convenient to throw them up; and the effect was that in a large number of cases such ground was again taken up by other persons and put to profitable use. He wished other holders could be induced to do likewise. In moving for this return, he had asked that the figures for four districts in particular should be given, because those were the districts which had been particularly under the influence of a boom, and there more than elsewhere persons who held mining ground were in the habit of holding the leases and not working them. Many of these leases had been held during the last two or three years, and hardly one month's genuine work done on any of them. As for the Broad Arrow district, which stood out as suffering particularly from this fault, while the principal reason given in other districts was that mining ground was not worked because the gold easily obtained was short, that plea did not apply in the Broad Arrow district, for mining leases that were held there and not worked were not of the class he referred to. The Paddington Consols, for instance, had been employing between 200 and 300 men, directly and indirectly, for twelve months, and the lowest amount of money sent away in any month was £1,800, the highest being £4,200, or an average of about £3,000 per month of money sent away from that property; yet during the last five months that mine had been absolutely silent. There were several other mines which, although not employing so many men, were known to be payable, and would be payable if it happened to be convenient for the owners to work them. In Kanowna and other parts, very much the same state of things prevailed, though perhaps not to the same extent. In the Broad Arrow and Paddington district, from five to seven hundred men had been thrown out of employment in consequence; nearly all the business people had been ruined; and all who had built on the prospective prosperity of the field had been deceived. It was absolutely necessary to prevent the same thing occurring in other parts of the

district. The case of Broad Arrow was an object lesson on the effects of taking property out of the hands of our own people and giving it into the hands of people in London. On the Golden Mile there were about a dozen really good mines employing large numbers of men; then there were a dozen mines or claims doing fairly good development work and, though not producing gold, trying to find it: farther, there were about two dozen mines doing no development work at all, but letting portion of their ground on tribute. The system of letting on tribute, although in some respects beneficial, involved the disadvantage of a total cessation of development work. The figures given accounted for four dozen mines on the Golden Mile; and it was a notorious fact that there was not a single other East Coolgardie lease on which development work was being done. If hon. members could see the effect of concentration of labour, he thought they would reduce by one-half the area of ground held under one control under the present regulations. Many promising shows in the Coolgardie district would not be developed unless the labour conditions were fulfilled, and at the present time the conditions were not being fulfilled. These circumstances were not due to neglect on the part of the Wardens, but to the strong tendency of the Wardens to act not as administrators, but as judges. In 19 out of 20 cases the Wardens considered and decided on applications for exemption simply according to the evidence tendered; and it must be remembered that on these applications only one side was heard. During his six years' residence on the fields he had never heard of a plausibly stated application for exemption being refused. It was no one's business to oppose exemptions, and therefore opposition was very rare. A very peculiar practice was that of people unwilling to apply for exemption in open court, obtaining from the Warden or Minister what was called "protection." The term for which the protection was given was usually a fortnight; but the protection could be renewed. Cases had come under his notice—and the Minister for Mines may be familiar with them—where five and six months' continuous protection had been obtained. The return asked for information as to the regulations or authority under which the protection was granted. He could find no regulations or authority: he did not believe the Warden had such a power, and he felt certain the Minister had not. A man holding a lease of ground next to or near a good claim would get as much exemption as he possibly could and await results on the adjacent property. When as much exemption as the law allowed had been obtained, the man simply got a friend to put in a claim against him; with the result that a *caveat* was issued against the transfer of the lease; and that *caveat* might extend over a period of six or twelve months, or perhaps several years. The labour conditions were similarly suspended if some sort of insolvency were rigged up. It might be pointed out to the agricultural members that mining was suffering under the same disabilities as the agricultural industry at the beginning of Australian colonisation, when practically whole counties were given over unconditionally to a few people, who as a result did comparatively little work on their holdings. In the case of the agricultural industry it was seen that the only way of overcoming the difficulty was to cut up large estates into small areas. If the course he suggested were adopted, the field of remunerative employment in Western Australia would be greatly widened.

MR. MORGANS (Coolgardie) seconded the motion.

THE MINISTER FOR MINES: (Hon. H. Gregory): A little explanation with regard to this motion was desirable. When the hon. member moved for a return covering the last two years, did he mean a return up to date, or did he refer to the financial years, which ended on the 31st August? It would be better if the return were made up to date, so that the hon. member could see what had occurred in the past and what had occurred during the present Administration. He would move as an amendment to the motion that in line 3 the words "ending 31st August" be inserted after the word "years." He took it that the hon. member's desire was to obtain information regarding the more serious cases of exemption, say exemptions for six months and longer terms. Only a short time ago he had intended to lay on the table of the House a return showing all the exemp-

tions granted during the past year, but he abandoned the idea because he found the document would be most voluminous and very expensive. His department had been busy for some time drawing up new regulations, which he could assure the House were badly and urgently needed. Under the present regulations, if one of several holders of a lease became insolvent, the lease was protected for an indefinite time, until the affairs of the insolvent's estate had been wound up; and so the lease might be exempted from the labour conditions for one or two, or even more years. That matter must be remedied as soon as possible. The new regulations would provide for the presentation every August of a return showing all exemptions granted during the preceding year, and the reasons for granting the exemptions. He might inform the House that he had issued to the Wardens a circular, instructing them that applications for exemption must show exactly what development work had been done on the properties. It was no use to be told what money had been spent, because statements were often made that twenty or thirty or fifty thousand pounds had been spent in development, whereas the actual amount of work done should not have cost a third or half of the amount stated to have been spent. He moved as an amendment:

That after "years," in line 3, the words "ending August 31st," be inserted.

Put and passed.

THE MINISTER FOR MINES farther moved:

That after the word "districts," the following be added: "upon which exemption has been granted for a longer period than six months during the term as shown."

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

RETURN—CONSULTING ENGINEER, COMMISSION.

Mr. J. GARDINER (Albany) moved:

That a return be laid upon the table of the House, showing: 1, The amount paid as commission to Mr. Carruthers, consulting engineer in London, since his appointment. 2, The percentages allowed to Mr. Carruthers for his services. 3, The amount paid to Mr. Carruthers as commission during the financial year that closed on 30th June, 1901.

MR. W. J. GEORGE (Murray) moved as an amendment:

That after the word "London," the words "each year" be inserted.

Amendment put and passed.

THE COLONIAL TREASURER (Hon. F. Illingworth): The Government had no intention of opposing the motion, but the hon. member would probably have to wait until the information was obtained from London.

Motion as amended agreed to.

TRADE UNIONS REGULATION BILL.

Read a third time, and transmitted to the Legislative Council.

MINING DEVELOPMENT BILL.

SECOND READING (MOVED).

THE MINISTER FOR MINES (Hon. H. Gregory), in moving the second reading, said: I would like to explain to the House that the reason this Bill has been brought down is not that I anticipate the House intend to vote large sums of money this year for development of gold-mining or the mineral industry of this State, but to place the matter on a secure and firm footing, and to have a real and proper system in regard to any advances that are being made by the State in relation to works done by the Mines Department. With a view to the development of the gold-mining industry, we have spent a large sum of money in development generally. In the erection of our public batteries, we have spent £100,000; we have spent £1,000 in subsidising public batteries; we have given certain sums of money as bonuses for lead ore, and we have also expended £1,150 as a bonus for deep sinking. In the development of coal, we have spent nearly £8,000. These are moneys that have been spent in the past, and up to the present there has been no Act of Parliament and no power to frame regulations with regard to any of these matters. This Bill is divided into five parts, the first and second dealing with advances to companies and advances to miners for prospecting. Members will recollect that some short time ago an advance was made to a certain company, and the transactions of that company have not been satisfactory; but under this Bill it will be impossible for the Ministry or

any officer of the department to depart from the principles of the Bill. At the present time we have some £2,000 down on the Estimates as a bonus for deep sinking, and last year £1,500 was placed on the Estimates. I desire now to have a system by which, when the House vote any money, they will be satisfied it is going to be expended in a proper and legitimate manner. Members will notice that by Clause 6 of this Bill, evidence and information must be supplied with the application. Full particulars with regard to the company must be given, with articles of association, the amount of uncalled capital, its assets and liabilities, a description of the mine on which the operations are to be carried on, and of the workings thereon; a description and valuation of all machinery, plant, and effects, and, practically, all matters in connection with the company must be supplied to the Minister beforehand; and also a description of pioneering mining proposed to be carried on, for which the company desires an advance to be made. No advance can be made to any company unless that company has already expended a pound for every pound it desires from the Government; and, when an instalment is made, the Minister must have full knowledge that the last instalment has been properly expended. All these particulars have to be verified on oath, and the Government Geologist, or some other responsible professional officer, must report thoroughly on the mine. We describe fully how that report has to be sent in to the department. Then we deal with the power of the Minister to grant an application. Members will notice that by Clause 8 the largest amount that can be granted to any company is £1,000. I will be quite satisfied if the House reduce this amount It is only in relation to the question of giving small advances to small companies that this Bill will have any effect. If the House wish to reduce the maximum amount, I shall be pleased to have it reduced, but I do not think that any larger sum than £1,000 should be granted to any company with a view to assisting in its development work. We not only insist on having this money returned on instalment, and that 5 per cent. shall be paid on the amount, but that the Crown shall have a first charge on the whole of the property belonging to the company, with the exception of its uncalled capital; the Minister must have a first charge on all the company's assets, machinery, plant, and everything connected with the mine, to protect the Crown as against that advance. We also insist that no disbursements shall be made in the way of dividends until the company has repaid this money; the idea being that, even if the company could not pay back the instalment as arranged, and find moneys to develop the work, the Crown could wait, provided the Crown received interest, but the company would not have power to expend any money in dividends until they had repaid the Crown the whole of the money so advanced. The Minister has also full power of inspection, and can inspect all the company's books, all matters in connection with the company; and we can also insist on the company insuring its plant to the full insurable value, so that, in the event of any fire, the amount due would be payable to the Minister for the time being. In Sub-clauses 5, 6, and 7 of Clause 12, we have power to take action in the event of a company refusing to repay this money. We can take land, machinery, and assets, place a person in charge, and sell the property by auction or private tender. In fact, we can have the full powers over our mortgage and sell the property.

MR. W. J. GEORGE: Is it a first charge entirely?

THE MINISTER FOR MINES: A first charge entirely for the amount advanced. If any advance be made, the Crown must have a mortgage, and, as I say, it will have a first charge on the whole of the assets, and everything belonging to the company, except the uncalled capital.

MR. R. HASTIE: Supposing it repudiates the mortgage?

THE MINISTER FOR MINES: We shall not make a farther advance until the previous mortgage is paid off. We have no desire to do that; we desire to give the State full control, and to be certain of getting the money back. We want to secure that the money shall be repaid to the Crown. Part II. of the Bill is almost similar to the first part, with the exception that we make it compulsory that the persons to whom an advance is

going to be made must expend £2 for every £1 to be advanced by the State. Part III. deals with the question of erecting public batteries, and it is quite time we had some legislation in this direction, so as to give us power to make regulations. As I have stated before, the Government have expended up to the present time £103,000 in the direction of these batteries, and there has not been a single regulation framed yet as to the manner in which these batteries shall be worked. These things have been done more on a rule-of-thumb principle. I desire to have the power to make regulations dealing with the working of this plant, and to save, in future, trouble with regard to time, and the little things that are always cropping up.

MR. W. J. GEORGE: Have you not power to make regulations?

THE MINISTER FOR MINES: We have the power to direct operations, but have no power to make special regulations dealing with all matters connected with the working of public batteries. Under this Bill the battery managers will be controlled by regulations. In the past, as many members are aware, we have had some batteries erected in places where they have not proved payable. It is desired that companies in any district shall not have power to erect and work any testing plant until the Government Geologist or other professional officer appointed by him "is satisfied that (*a*) large deposits of metalliferous ore exist, and (*b*) necessary plant and appliances for testing such deposits in bulk are not provided; and that (*c*) the establishment of such testing plant is necessary for the development of mining." To show the good work that has been done by some of these mills, in one district, without any company having had a crushing and the stone coming only from leaseholders, £72,000 worth of gold has been distributed amongst the leaseholders during the working of that battery; and in another district £41,000 has been distributed amongst those who have sent stone to the battery. Unfortunately in the past these batteries have not paid in every instance; but I mean to insist, and I shall insist, that the public batteries must be made to pay their working expenses. There has been too much spoon-feeding and too much carelessness in regard to public batteries. There hav been places where men have been kept o month after month and not a ton o stone crushed, while wages and othe expenses were mounting up. I mean t have a man in charge of the plant who wil show at the end of the year that at th least the plant has not resulted in a los on the working. It is estimated that fo this financial year the result of the work ing will be a profit of £4,300. I hardl anticipate we will receive this amount o profit, although lately things in connec tion with public batteries have bee looking remarkably well. Still, I hardl expect such a successful result, and shal be satisfied if I can next year show th House that no loss has resulted from th working of these batteries. We will b able, also, to erect machinery for testin and treating ores at the public batteries That is found to be necessary, and mor especially as by the erecting of cyanid plants it may be necessary for us to pur chase the tailings, and when we do so w shall have to take care that a soun system is adopted, or the State may los a lot of money. Part IV. of the Bil deals with the granting of assistance t public bodies for boring purposes. I the past the Government have expende large sums of money in boring for alluvia in different parts of the goldfields; bu under this Bill I desire that public bodie shall contribute towards the expense o boring in their respective districts. Fron every little hamlet where there is a gold field, I have received applications fo bores to be put down, and it woul appear that almost every person in som of these districts fancies he has a dee lead in his backyard, and would like t have it tested at the Government expens Some of these people have great faith i their district; and as the Governmen have received so many applications, an it being impossible for the State t test the whole of the country that i developed to some extent, I think w should throw the onus to some exten on the persons who apply for this assist ance in boring. Therefore I desire tha those who make applications in this wa shall pay some portion of the cost o boring. The Bill provides condition under which money for this purpose ma be handed over to local bodies applyin for assistance in boring; and to pa

them a sum proportionate to the amount they expend in the work. We reserve power under this Bill for the Minister to pay the whole cost for such work in special cases; and the reason for this provision is that the Inspector of Mines reported some time ago that he believed alluvial had been found at Lake Darlôt, and that there was a possibility of a deep lead being discovered there if boring were undertaken. He sent down a sample for assay, but the assay did not justify the expectation. Still, other persons are at present trying to develop that district. If in any case I can be satisfied there is a reasonable prospect, I can send the Government Geologist to report on the ground, and if he recommend that boring should be undertaken, the Minister will be authorised under this Bill to pay the whole of the necessary expense in testing that ground. In a place far removed from civilisation, the opening up of alluvial ground in this way would be a matter of national importance; and it is in cases of this kind that the Minister should, if he think fit, be enabled to pay the whole cost of testing the ground by boring. That is why Clause 24 is put in the Bill. Clause 25 provides:—

> When boring has been undertaken, the Minister may reserve such area of Crown land adjacent to the site of the boring operations as would, in the opinion of the Government Geologist or other professional officer, be tested by such boring. No lease, claim, or other holding shall be granted within such area without the written consent of the Minister, who may require the applicants to pay such proportion of the cost of such boring and in such manner as he may consider reasonable.

My desire is that where the Crown is going to expend a certain amount of money in boring, the Minister should have power to reserve areas in and around that part of the district; and if he think appearances are sufficient to warrant it, he may charge a certain amount to cover the expenses and to recoup the cost of the boring. Part V. simply deals with miscellaneous matters. One special feature is, Clause 27 provides that returns shall be laid on the table of Parliament annually, showing fully all moneys expended by the Minister, and all advances he has made. I think all this information should be given to Parliament. I have already decided, in regard to exemptions, that every year the Minister shall lay on the table a return showing the reasons why exemptions have been granted; and in this case, also, I think a return should be laid on the table showing what has been done with any moneys intrusted to the Minister to be expended in this manner. I hope the Bill will be allowed to go through this House. We all recognise the importance of gold-mining and the mineral industry in this State, as being the life-blood of every other industry; and although there have been great developments in gold-mining in this country, still we are justified in saying the industry is simply in its infancy. We hear almost daily of new and marvellous finds of gold. There have been several important finds reported lately, particularly in the Ashburton district, Mount Margaret district, and other places; and I think every effort should be made to legitimately assist and promote this great industry. I therefore commend the Bill to the favourable consideration of the House.

Mr. A. E. THOMAS (Dundas): It is not my intention to oppose the second reading of the Bill, if I am assured that we shall have some time to consider it thoroughly before going into Committee. I must congratulate the Minister for Mines in bringing forward a proposal to subsidise and help our mining industry. The intention is good, but the application in some of the clauses is, in my opinion, very bad. I look at it that what the Minister intends to do is to help the industry, and not attempt to hamper it. The clauses in Part I., "Advances to companies for development of mining," are very funny in some respects. To my mind they simply mean that the Government will turn itself into a banking institution for the purpose of advancing money to companies on better credit and at a higher rate of interest than those companies could obtain money by applying to banks in the ordinary way. My idea is that we should encourage deserving leaseholders or deserving companies. Before I became a member of this House I noticed that a sum of money had been placed on the Estimates for aiding owners of mining properties to go in for deeper sinking,

especially at Southern Cross. One application which was made was regarded by the then Minister for Mines as "absurd." It was made by a man at Southern Cross, and the money was not granted. I also made application for help on behalf of a company which had done everything to help itself. I pointed out the facts and figures in connection with the ground and its working; and I submitted to the then Minister and to the Government a proposal to help us to sink the shaft deeper, which would be also a benefit to the district, and in which request I was backed up by the municipal council, by the working miners' association, and by the prospectors' association in that district. I submitted a proposal to sink the shaft another 200, 300, or 400 feet; that the Government should pay out £ for £ on what we expended; that the work should be open to the inspection of the Government or their officers at any time; that the money should not be paid till after the work had been completed to the satisfaction of the warden and under his management; that this officer should inspect the work to see how the money had been spent before paying the subsidy; and that 10 per cent. should be kept in hand. I asked the Government to give us a subsidy or bonus on these conditions; also with the farther condition that before any money could be returned by the company to their shareholders from the working of that mine, all sums advanced by the Government, plus 5 per cent. interest, should first be returned. I pointed out that if the subsidised work did not disclose anything of value when the work was finished, the Government would in that case lose the amount of their subsidy, and the company, as partners in the deal, would lose an equal amount with the Government, while the company would also lose everything they had previously spent in acquiring the property and equipping it with machinery. The Government would have been in a better position, because so long as they could keep men working they would be getting rent from the lease, they would get customs duties, and indirect revenue from men being employed. I considered that to be a reasonable proposal, and one I would like to see extended throughout this country, the same as is done in Queensland to-day with beneficial effects—not to make it that you will advance a company an amount not exceeding £1,000 on such stringent conditions as laid down in this Bill; but if the Government officials be satisfied that a mine, in the best interests of the district in which it is situated should receive a subsidy, then let the subsidy be given, and let the amount advanced be a first charge on the profits from the mine, but not a first mortgage on its machinery. In small concerns there may not be very much machinery; and the object of the provision is, I take it, to obtain some security for the carrying out of the work, and to prevent the recurrence of such happenings as in connection with the Countess Goldmining Company. The proposal of the Minister in the other case to my mind affords ample protection, namely, that he should have a lien on the lease, on the property itself. If the Minister had that lien, and an attempt were made on the part of the company to swindle the Government, then the Minister would simply step in and seize the lease. On many properties there are thousands of pounds' worth of machinery, and the Bill proposes, in the event of a subsidy being granted, to make the amount of that subsidy a first mortgage on the machinery. There might be cases of companies which had done everything possible to push their leases ahead and keep their men employed, finding themselves in such circumstances as compelled them to mortgage part of their machinery to obtain funds to carry on. In cases of that sort, where a company has done everything possible to keep itself alive, the Government might reasonably be expected to afford some little help in the hour of need. Companies who have plenty of money do not want to mortgage their machinery, and do not want to come to the Government asking for £1,000 or so. As the Bill stands, the provisions are such that no company would ever attempt to avail itself of them.

THE MINISTER FOR MINES: The smaller companies would.

MR. A. E. THOMAS: The smaller ones would; but we want the Bill to apply to everybody. As it stands, the Bill proposes in return for a subsidy to demand a first charge on the whole of the company's assets with the excep-

tion of the uncalled capital. Clause II. says:—

All moneys advanced to or payable by a company under this Act shall be a debt due and payable to His Majesty, and payment thereof may be enforced in the name of His Majesty against the company and all its property, undertaking, and assets (except uncalled capital) in priority to all other persons or claims, mortgages, charges, or securities whatsoever.

I always understood that wages were a first claim against any mining property. This provision does not except wages. And Sub-clause 4 of Clause 12 provides:—

The company shall keep the whole of its properties insured against fire to the full insurable value by some Insurance company approved by the Minister, in the joint names of the Minister and the company . . . . .

In fact, the company are to get from the Government an advance of up to £1,000 on excellent security and are to pay 5 per cent. interest on the advance. I venture to say that a mining company can go to any bank in Western Australia and get much better terms than those offered by this Bill.

Mr. Hopkins: What bank are you referring to?

The Colonial Treasurer: The Perth Discount Bank, probably.

Mr. THOMAS: Parts II. and III. of the Bill are good, though perhaps they will need some little amendment. Part IV., dealing with boring, is excellent. I know of a locality where the residents wished to bore, being firmly of opinion that deep leads could be found, and asked the Government to lend them a drill only, they being prepared to do everything else. The Government, however, could not at that time see their way to provide a drill. I am pleased to see that under this Bill the Government, instead of doing as has been frequently done in the past, sending a drill into a district and bearing the whole cost of boring operations for the benefit of the district, mean to insist on the residents meeting half the expense. As I said before, I would oppose the second reading of this Bill, unless I were sure that members of the House would be given a reasonable amount of time to consider it, before they are asked to deal with its details in Committee.

Hon. F. H. PIESSE (Williams): This Bill has only just come into the hands of members; and as a very important principle is involved, I move that the debate be adjourned till this day week.

The Premier: Where is the principle?

Question (adjournment) put and passed, and the debate adjourned accordingly.

PUBLIC WORKS COMMITTEE BILL.

SECOND READING.

The MINISTER FOR WORKS (Hon. W. Kingsmill), in moving the second reading, said: Hon. members have, unfortunately, had only too short a time in which to glance through this measure; but those who have done so will no doubt see that it propounds what I consider a most important principle, couched in concise and clear language. The Bill represents the experience of several years in various sister States. The system of Parliamentary Standing Committees on Public Works has been in vogue in Victoria and in New South Wales more especially, for a number of years. The legislation of those States on the subject has been from time to time amended, and the present Bill represents the final outcome of the amendments. We have, perhaps, erred in one way, in waiting until now to introduce this legislation. Hon. members will, I think, agree with me that had a Bill of this kind been passed a few years ago, thousands and thousands of pounds would have been saved to the State. However, the present Government, in pursuance of the principle of "better late than never," have brought the measure forward. Undoubtedly many of our great public works would not have been carried out had they been subjected to the rigid and close scrutiny which this Bill will, I hope, result in. I hope that its passing into law will prevent in future the very possibility of the construction of such white elephants as, I regret to say, are to be found throughout the length and breadth of this vast State of ours. The Bill aims at dealing with those aspects of public works on which it is not the province of our expert advisers to make recommendations. The province of our expert advisers, I maintain, lies solely in the carrying out of works after Parliament has authorised their construction. With Parliament, and under this Bill

with those to whom Parliament in this respect delegates its power, lies the consideration of the policy of carrying out works. The question of policy is one on which no engineer is in a position to offer advice, and indeed one on which most engineers would shrink from offering advice. It is with the necessity or otherwise of such public works as may be from time to time referred to them that the Parliamentary Standing Committee on Public Works will have to deal. Clause 13 of the Bill expresses that as follows:—

> In considering and reporting on any work as aforesaid, the Committee shall have regard to (*a.*) the probable cost thereof, and the stated purpose thereof; (*b.*) the necessity or advisability of carrying it out, and as to the amount of revenue (if any) which such work may reasonably be expected to produce . . . .

and so on. Those are subjects, I maintain, on which we cannot properly ask advice from our expert engineering advisers; and it is reasonable, in order to avoid discussions which often reach the limit of tediousness in this House, that the question of the advisability of public works should be dealt with by an extension of the principle of select committees. That extension has been made, and has met, I think, with very considerable success in other Australian States. While the general principle involved in this Bill is expressed in the Act now in force in the sister States, still there are some rather important differences between the present Bill and the legislation on which it is based. Hon. members will observe that the number of members to serve on the committee is very much less than customary in the Eastern States. Farther, the rate of remuneration is also a good deal lower than it has until recently been in those States. These alterations, I think it may be claimed, will materially improve the Bill; because their effect will be to put it out of the power of the present Government, or any other Government, to use the proposed legislation as a political engine: a consummation I venture to think very desirable. Hon. members who are acquainted with the Acts in force in the Eastern States will notice, too, that the limit at which a work becomes referable to the Standing Committee is very much lower in this Bill than in the legislation of other States. I think it reasonable that the limit here should be lower. We have a smaller revenue, and our works as a rule are on a smaller scale; therefore the limit has been fixed at a very much lower point. There are, of course, various tentative provisions in the Bill, and this limit of £5,000 is one of those tentative provisions. Personally, I am inclined to believe on consideration that perhaps the £5,000 limit may be rather too low. Opinions will, no doubt, be expressed during the debate on the second reading and in Committee, and the sense of the House will be obtained, as to whether a more satisfactory amount can be substituted. A farther important amendment on the legislation of the sister States is the provision giving the Governor power to refer public works to the Parliamentary Standing Committee, not by resolution of Parliament, during recess. I think that provision a very necessary one, more especially since we have adopted a lower limit than obtains elsewhere. It is natural to suppose that a somewhat greater number of public works will come within the scope of this Bill; and to ask the Committee to deal with all such public works while Parliament is sitting would be to overtax its powers. Therefore, with a view to distributing the work more evenly throughout the year, this amendment has been introduced. Hon. members will see that even after the report is passed, action cannot be taken until the ratification of Parliament for such proposed action has been obtained; so that the provision involves no danger. On the contrary, I think it will result in a very considerable gain of facility in the administration of the Works Department. There is very little more for me to say on this measure, which is, as I have already stated, couched in extremely plain and understandable language. I have given it a fair amount of consideration, and I see few ambiguities in it. I trust hon. members will agree with me that the departure proposed is a desirable one, and I wish to commend the Bill to the favourable consideration of the House. I beg to move the second reading of the Bill.

HON. F. H. PIESSE (Williams): I have to make the same remark in regard to this Bill as I made on the previous one. I ask that the debate be adjourned

until this day week, to allow time for farther consideration.

Motion (adjournment) put and passed, and the debate adjourned accordingly.

NEWSPAPER LIBEL AND REGISTRATION AMENDMENT BILL.

SECOND READING.

Debate resumed from 6th September, on motion by Mr. F. Connor.

The PREMIER (Hon. G. Leake): It is my intention to support the second reading of this Bill, not because I approve entirely of all the provisions set out in the clauses, but because I think that in Committee we shall be able to give effect to the principle which is involved. I understand the Bill was drafted by a barrister of standing, Mr. Moss, who informed me, and asked me to mention, that the Bill did not embody his ideas of what the measure should be, but he was really acting professionally in the matter.

Mr. F. Connor: Not all his ideas.

The PREMIER: No; not all his ideas. He merely put into proper shape the ideas which were conveyed to him. This statement was also made by the member for East Kimberley (Mr. F. Connor), when explaining the Bill. I merely mention this because the gentleman in question particularly wished me to do so. When the Bill was discussed by previous speakers, it was somewhat roughly handled, particularly by the member for Albany (Mr. J. Gardiner), who said there was a degree of vindictiveness in the Bill which he did not altogether appreciate. Of course what he meant to say was that the enactments in the different clauses were very drastic; and no doubt they were. By the hon. member who introduced the Bill doubtless they were intended to be drastic; but I would ask him to pause before he presses for all these clauses as they stand, and to consider whether it would be right to place difficulties in the way of struggling pressmen and journalists who desire honestly to pursue their calling; because, if we do not take care, this Bill will press most heavily on them and prevent them from obtaining that assistance which they are entitled to expect when they are starting a newspaper, just in the same manner as any other commercial concern is entitled to support and assistance. I am sure the hon. member does not wish to aim a blow at struggling journalists or an infant Press, but I am afraid that some provisions of the Bill would go to that extent. We must in the provisions of the Bill take care that the principles must apply to all alike. So long as we can do that we need have no fear, but we must not single out one section of the Press and aim a blow at that through the medium of legislation. That is the chief fault I have to find with Paragraph 4, because it excepts from the operation of the Bill every newspaper except the Sunday newspapers. That is really what it means, and that is the danger in which we find ourselves. If we in legislating generally make provisions which will hit the good and bad alike, or rather I should say prevent journalism from descending into the gutter, as it has been termed, or if it does descend, make it carry punishment with it, then of course we shall not be making that mistake. I submit to the House it is not right to single out any one newspaper or any one section of the Press for special attention in legislation. There is a great deal which is novel in the suggestions. I would like to express approval of what was said by the member for Albany in his criticisms, to the effect that this would be a tax on enterprise if the Bill became law in the form in which it has been drawn. In that regard Clause 2 stands out very prominently, for that gives priority of writs of execution over and above bills of sale and mortgages; and that would at once kill the struggling Press, because they must, in the purchase of the very expensive plant, seek assistance from the vendors; for it is not unusual to find this very expensive machinery sold upon terms, and no vendor would give credit to any proprietor of a newspaper if he thought that his security would be damaged on the first occasion in which the editor of the newspaper became involved in an unsuccessful libel suit. That I think is a sufficient answer to Clause 2. Clause 3 also introduces a new element, and it is that in addition to the ordinary process of execution, namely by writ of *fieri facias*, power is given to the successful litigant to take out a writ of *capias*; that is to say the proprietor or person committing and publishing the libel is liable

to imprisonment. In fairness, perhaps, it would be only right to retaliate upon the man who brings his action against the newspaper, because it is not an unknown thing that actions for libel are brought very frequently by way of blackmailing.

MR. JACOBY: There is more blackmailing the other way round.

THE PREMIER: I do not say there is not blackmailing on both sides; in fact I say there is; therefore there is no reason why a writ of *capias* should not apply to both sides, to the plaintiff and the defendant, in unsuccessful libel actions, and I shall ask the Committee to consider that aspect of the question. I myself am in favour of the writ of *capias* going forward, but there should be some limit. Supposing a person is cast in damages to the extent of £5,000 and the costs amount to another £1,000 in a libel action, the probability is that the plant, even if it were unencumbered, would not in these circumstances realise the amount, and would you imprison a man because he could not pay? You must remember that nonpayment amounts to contempt of Court, and he should be considered to have purged the contempt provided he paid £500 or £1,000 or any other sum the Committee may think fair in the circumstances. The clause as drawn specifies no such amount. I think it would be just as well for those who write in the Press and libel people to be conscious of the fact that they are running more than a money risk; and this would have a very wholesome and deterrent effect upon scandalous publications. You cannot always reach a man's pocket, and sometimes there is nothing in the pocket when you get there, and you have to apply some sort of physical test to his feelings. I have known it happen that a man who has libelled others has had a jolly good thrashing; and one would much prefer not to have the thrashing but to leave the other side to his remedy to get out of him money the offender has not got, because he would have the laugh all on his side. Of course it is against the law to offer violence to a man who has libelled another; and although in certain circumstances a wholesome correction of that kind would be very useful and perhaps do a great deal of good, yet it cannot really be countenanced; consequently the next best thing is to recognise the principle to a certain degree in the law and say "Very well; we will put you to some physical inconvenience; we must not offer violence to you, but we must put you where you will not write libels for, say, three months." They can go to Fremantle or some other place like that, where "the wicked cease from troubling."

MR. MOORHEAD: If you make him a first-class misdemeanant, he can carry on.

THE PREMIER: We can meet that in Committee. If we make it contempt of Court not to pay damages or not to pay costs, of course the order of the Court can go, and the party can be imprisoned. That is not introducing altogether a new element into the administration of justice, because my learned friends in the House will tell you, in regard to the Courts of Equity, that if the Courts make an order for the payment of money or that anything particular shall be done, and that order is disobeyed, such disobedience is treated as contempt, and the party in contempt can be put into prison and kept there until he does something which in the opinion of the Judge justifies his release. So if the Committee will not go so far as to say that in all circumstances a *capias* may issue in the event of there being no goods for the Sheriff to seize, we can overcome the difficulty perhaps by leaving it to the discretion of the Judge to make an order for the payment of the damages and costs, disobedience of that order involving imprisonment. Clauses 4, 5, 6, 7, and 8 deal with the question of deposit by way of guarantee or evidence of *bona fides*; but the same objection I think holds good in a great measure in all these cases as may be used in regard to Clause 2, that they rather hamper the struggling, honest, *bona fide* man; and I would ask the hon. member not to press too much for the passage of these clauses. I think he will find that if he can ensure the issue of a *capias* in certain circumstances, really he will be able to carry out the point which he has chiefly in view; that is, to place a wholesome check on scandalous publications. You must hold *in terrorem* over the heads of such persons something which will cause them at any rate some little inconvenience, and

it is not inconvenient sometimes or always to owe money. (Laughter.)

MR. W. J. GEORGE: That wants explanation, does it not?

THE PREMIER: I say it is not in all circumstances. Sometimes it is. Clause 9 is a very useful provision; and I speak here somewhat feelingly, because under the present law, before a criminal information for libel can be filed, the prosecutor has to obtain the fiat of the Attorney General. Inasmuch as the Attorney General is a prosecutor, and always a Minister, it is just as well that this sort of matter should be out of Ministerial control, and be placed under judicial control; so that when application is to be made, as this Bill proposes, to a Judge in chambers after notice, the Judge will take care that unless a strong *prima facie* case is suggested, no criminal information for libel will go forth. That is reasonable and proper. We ought not to place in the hands of any individual a power to become too aggressive or to harass the journalist, who has many hard duties to perform; for if it were competent for any person, at his own sweet will, to start criminal proceedings for libel, I am afraid the position would be abused. There will be a very wholesome check under this provision against anything that is hasty or unfair towards the party affected, and the party complaining has to satisfy a Judge that he has really something to complain of. I see no objection to asking the proprietor and the printer and the publisher of any newspaper to put his name to the publication.

MR. W. J. GEORGE: What about the editor?

THE PREMIER: Yes; the editor, too; so that those who are affected by what appears in the newspaper may at a glance ascertain to whom they can apply for redress. No honest journalist, editor, proprietor, or publisher would be ashamed of his name appearing on that publication, or of the fact being known that he is connected with that journal; consequently it cannot do him any harm. Every journalist knows that he runs a certain risk so far as the publication of libels in his newspaper is concerned; and I suppose any man who conducts a journal probably expects that sooner or later he will have a libel action brought against him, and he will take care to make provision for meeting any claim to a substantial amount, and be prepared to pay up to something like £1,000 in case the complaining party is successful.

MR. W. J. GEORGE: Oh, no.

THE PREMIER: Yes; they are always well-to-do people, those journalists: they can always "raise the wind" to satisfy the grievance of anyone who has a complaint against them.

MR. GEORGE: They can raise a storm, easily.

THE PREMIER: The last clause of the Bill is useless, that is to compel all writers in newspapers to sign their names to letters which they contribute. It would be useless to make that provision. If you abolish the anonymous correspondent, you interfere considerably with the usefulness of the Press. There is no doubt about that. Many a man has information which he is anxious to disclose and make public, but it is not always prudent that the source should be generally known. It is all very well to say that a man should have the courage of his opinions, and most men who have anything useful to say are only too glad to put their name to the letter or article and make it public, because they then get the credit of that which they communicate to the public, and most people who do give useful information are only too anxious to get the credit for doing so.

MR. NANSON: The Government will not permit civil servants to sign letters to the Press or give information.

THE PREMIER: I know that journalists would be deprived of much information which they might now obtain from Government departments. If civil servants were discovered communicating information which came to them in the performance of their official duties, there would be several vacancies quickly, because it is not regarded as loyal for a civil servant to disclose information which comes to him in the course of his employment. [SEVERAL MEMBERS: Hear, hear.] Again, it would be really futile to enact this provision, because we know that any person desiring to send a letter to a newspaper can always get somebody to sign the letter, and it would be impossible for the editor of a newspaper to put the sender of a letter "through his facings" in order to ascertain whether or not it was written by him or by some other

person. The clause would be absolutely unworkable. If I were to write a letter to the Press and did not wish to put my name to it, I could for half-a-crown, or if I wished to be extravagant I could for 3s. 6d., get a number of persons to sign their names to that letter and accept the responsibility so far as the editor was concerned. Therefore, there is nothing in this provision, and I would not advise the House to pass Clause 12, nor would I suggest that members should approve of a provision requiring the writer of any article in the Press to sign his name to it. The fact of having the names of the proprietor, printer, publisher, and editor printed as the responsible persons would be sufficient guarantee to the public that any leading article appearing in it did so with their approval, and that they took the responsibility of it. I do not think, therefore, that any practical good could accrue by insisting that articles or letters appearing in the Press should bear the name of the writer in each case. It would be an innovation in journalism which we ought not to insist on at the the present time. I think the House will do well to pass the second reading of the Bill; and in Committee we can reduce the Bill to a measure of 3 or 4 clauses, and really carry out the object which the hon. member (Mr. F. Connor) had in introducing it.

MR. HOPKINS: Why not give us a new Bill?

THE PREMIER: It would not save any time or assist us if we were to introduce a new Bill, because we would have to discuss the measure. I do not know yet whether the House will accept my suggestion. The House may be against it, and may say, "We will pass the Bill as it stands." I am only saying that I am opposed to the Bill as it is, and I think we can make a workable, a fair, and a reasonable measure of three or four clauses, by dealing with it in Committee. I consequently suggest that the House should pass the second reading, and mutilate the Bill in Committee.

MR. W. J. GEORGE (Murray:) I agree with a good deal that has fallen from the Premier in regard to the Bill. What we all want is to put an end, if possible, to the prints which have been enjoying—if I may call it enjoying—for a number of years in this State the liberty of abusing persons, firstly by libelling and then by blackmailing them. There are a few notorious sheets printed in this State which do that business up to perfection. Their *modus operandi* is first to insinuate; then to try if the person is approachable; and if not approachable, the second stage comes, which is to print something that has a semblance of truth, but contains a sting of malice and an insinuation which enables them to continue to the next. The next stage is reached in some cases when an article is printed apparently for publication, but sent to the unfortunate victim with a request that he will revise it—that is, asking for a revision of a libel on himself. The next stage in the operation comes either from the suggestion that it is possible to cause the excision or nonpublication of the article in a certain way, or leading up to the suggestion that the payment of a certain amount of cash will prevent the publication of the article.

LABOUR MEMBER: You must have been there.

MR. GEORGE: I know this kind of business has been done in this State, and in this city very lately; and as it is detrimental to individuals, I shall bring the matter before the House at a suitable time. At present I ask the House to amend this Bill in such a form as will meet the object we all desire, namely, that of putting an end, if possible, to this abominable system of libel and putting an end to this damnable blackmailing.

At 6·30, the SPEAKER left the Chair.

At 7·30, Chair resumed.

MR. J. L. NANSON (Murchison): When this Bill to amend the libel law was first published, I was in some difficulty as to taking it seriously. Its provisions are so grotesque in their savagery, that at first it seemed an elaborate but decidedly clumsy practical joke. It has been made evident, however, by the hon. member (Mr. F. Connor) in moving the second reading, that whatever opinion this House may hold in the matter, he at least is thoroughly in earnest. I am convinced that he really believes he has a solemn mission to perform. No doubt he con-

siders himself to be a modern Hercules, charged with the enormous if not impossible task of cleansing the name of the Press from all abuses and all impurities. This is, perhaps, an amiable delusion; but I could wish the effort to realise the ideal had been made with less evidence of savagery, if I may say so—a savagery of intention more suggestive of the onslaught of the fanatic, than of the calm and statesmanlike manner which should mark the legislator. Out of 12 clauses, the first and the ninth are the only two which are not open to the strongest possible objection. Every other clause seeks to place fetters on the Press, and seeks to brand members of an honourable profession, the honourable profession of journalism, as the followers of a disreputable calling; seeks to brand them as persons who are to be tolerated as the representatives of an unavoidable evil, but who at the same time are to be kept in check by the penalties usually reserved for the malefactor, the footpad, and the forger. [A Member: Good!] One clause which the member in charge of the Bill has properly decided to amend, provides the monstrous penalty, unheard of under similar circumstances in these days, of imprisonment for life; and four other clauses provide a penalty of twelve months' imprisonment, not as a first-class misdemeanant, but with hard labour. This, as I have said before, is treating members of an honourable profession as though they were neither more nor less than felons. One wonders that, since the hon. member went so far, he did not go a little farther; one wonders that he has not sought to revive the punishment of the pillory and the whipping post; one wonders that he did not go a step farther yet, and revive the ancient punishments of ear-cropping and nose-slitting for the contumacious publicist. (Laughter.) Hon. members laugh; but it must not be forgotten that not many centuries ago, little more than two centuries, great men, honourable men, have had to submit to these degrading penalties; and I venture to think that if this House contained many men sharing the views of the member for East Kimberley (Mr. Connor), we should be within measurable distance of the time when penalties equally severe and equally savage would be meted out to the fearless and independent journalist. Perhaps, however, when the hon. member omitted to go so far as I have indicated, he was fearful lest he might, by over-severity, tempt other members to feel some degree of sympathy for the journalist, whose duty it often is to criticise them in their public actions. The House now is asked to agree to the second reading of a measure which carries us back to those dark days in the history of the English people when the expression of opinion was punishable by fine, by imprisonment, and even by personal mutilation. There can be no question that if the House agree to the second reading of this measure, it will have approved of the principle I have stated; and that it will go forth to the world that in Western Australia the Legislature is in favour of reviving measures which elsewhere received their death-blow something like a century ago. I intend, therefore, before sitting down to propose an amendment to the effect that the Bill be read a second time this day six months. That course at least will have the advantage of affording hon. members an opportunity of going into the division lobby in defence of their opinions. It will give them an opportunity of asserting that legislation of the kind proposed is a reflection, amounting almost to an insult, on the intelligence and the good sense of the House itself. The course I propose to take will also afford hon. members an opportunity of protesting in the most public manner possible, through the publicity of the division list, against what I can only term a flagrant and unabashed attempt to destroy the liberty of the Press. I use these words, "the liberty of the Press" advisedly. An eminent authority has defined the liberty of the Press as meaning the liberty of publishing whatever any member of the public thinks fit, on any subject, without any preliminary license or qualification, and subject only to this restriction, that if he go to an extreme in making blasphemous, immoral, seditious, or defamatory statements, then he can be punished—after, not before, mind!—by indictment, information, or action for such excess. We find this great principle—maintained in many a hard-fought battle for liberty in the mother country—violated in no less than two instances in this Bill, namely by

Clauses 2 and 4. These clauses provide for the revival of a system, discredited long ago, of compelling owners of news papers to give guarantees, and to submit to what is to all intents and purposes the granting or withholding of a licence, which is to be secured only by depositing a substantial sum of money. Let hon. members think what would be the effect of a proposal of this kind. If there be one danger more than another that we have to guard against at this day, it is the danger of the Press falling absolutely and entirely into the hands of the wealth-owning classes. Under any circumstances it is a difficult and expensive matter to establish in a large town a powerful daily newspaper. If we enact a provision of this kind, that any person wishing to establish a newspaper shall deposit a considerable sum of money for the privilege, then we shall add one more to the many difficulties already to be encountered by people of small means in establishing newspapers in our midst. I do not seek to contend that the Press is that impossibility, an infallible institution, one incapable of doing wrong, one incapable of making mistakes. Publications, like everything else human, must be of a mixed nature; and in them truth is often blended with falsehood, and important hints are to be found often in the midst of most pernicious matter. While defending the liberty of the Press, I have no wish whatever to defend its licentiousness, or its extravagance, or its recklessness. So far, however, as recklessness and extravagance are concerned, I ask those hon. members who are themselves without sin, to cast the first stone. I have no hesitation in declaring that under the sheltering ægis of privilege, these walls have frequently resounded to charges against individuals which, if published in the Press of the State, would render the newspaper that sent them forth liable to the severest penalties which the law at present is able to inflict for libel. I am not aware that the hon. member in charge of the Bill is himself on every occasion so careful as to what he says that he should be regarded as specially qualified to stand forth as the censor of the Press of this State. I am one of those—I may be taking an extreme view—who believe that the privilege accorded to this House can, to a very large extent, be accorded to the newspapers of the State; and I venture to say that if that privilege is accorded as far as possible, it will in very few instances be abused. The drawback of the Bill is that it attempts to make the whole of the newspapers of the State liable for the mistakes and misdeeds possibly of one or two newspapers in the State. It submits every newspaper in the State to penalties and restrictions in order that it may hit a few newspapers; very few newspapers at the most. I would urge that if we are to err at all in dealing with the newspaper Press, we shall do wiser to err not on the side of severity, but on the side of leniency. We must be careful lest the punishment should be responsible for worse evils than those against which it is aimed, lest while killing license we also kill liberty. Even admitting that in some cases the liberty which is accorded to the Press has been abused, I should still oppose the punishment that erred on the side of severity, a punishment that would make malefactors of men who at the most were guilty only of mistaken judgment. I would do so not only from sympathetic motives, but because I believe that savage punishments invariably defeat their purpose. We have for centuries seen attempts to curb the liberty of the Press by manifold kinds of severe enactments, and yet I defy the member for East Kimberley (Mr. F. Connor) and those who support the Bill to bring forward a single instance in which these savage, these extreme, measures have not defeated the object at which they aimed. It can be proved that in all countries and in all times the severest restraints on the Press have had effects precisely opposite to those intended. They have had the effect of restraining the liberty of the people, and have never been able to restrain abuses arising from licentiousness. So much for the general principles. I shall now, for a moment, direct the attention of the House to some details of the measure. Clause 2 allows a judgment in a libel action to be levied on the machinery of a newspaper. It has been pointed out that, particularly in the case of country newspapers, this will work a very great injustice, and will militate enormously against the enterprise of newspaper proprietors, who have a difficult task to make papers payable

properties in thinly-populated country districts. It is only a few days ago that a case bearing on this point came under my notice. A type-setting machine has been recently patented, and is now being introduced into this State on especially reasonable terms, on the time-payment system, under which a newspaper purchasing one of these machines is permitted to spread the payment over three years. If you pass a clause like Clause 2, it will be utterly impossible for any newspaper to obtain this machinery on the time-payment system, because that machinery will always be liable to seizure in the event of a judgment being obtained against a newspaper; and as the Premier (Hon. G. Leake) has pointed out in his speech, this clause is absolutely one-sided, because although it embodies a provision which offers every encouragement for speculative libel, it affords no corresponding protection to the newspaper proprietor, who is thus made a target for every man who thinks it possible to wring a few pounds out of him. I have no shadow of doubt that in the larger towns this clause might, with very little trouble, be evaded. I have no doubt that the editors against whom it is especially aimed would find it not altogether an impossible task to bring into their premises machinery of an ancient and obsolete character, that would remain for the purpose of satisfying judgments in libel actions, and all the time the paper would probably be printed by contract in an outside office, and then, in the event of a judgment being returned against the paper, this bogus plant would be put up for sale and would be bought in by the owner of the newspaper, and would probably do duty again and again. You would strike a blow at the honest newspaper and the scrupulous newspaper proprietor, and would probably fail entirely in your object when you came to deal with the class of person who had not the same scruples about obeying the law. Clause 3 is objectionable even when rendered less severe as is proposed by the member for East Kimberley. It is still objectionable because it practically revives the obsolete provision of imprisonment for debt. I have always understood that at the present time no man can be imprisoned for debt: he is only imprisoned because he refuses to pay when he has the money to pay. But under this clause, if an action is brought against a newspaper proprietor, he may be imprisoned, though he may be absolutely willing to pay, but may have exhausted the whole of his means in fighting a costly libel action. That has been pointed out by the Premier who, however, has indicated an implied approval of a system to be taken, so to speak, out of the skin of the offender. If you cannot touch the man in his pocket, he is to be made to suffer physically by having a long term of imprisonment. Clause 4 aims at a certain class of newspaper. It is a flagrant injustice that anyone wishing to start a newspaper should be handicapped by having to deposit a large sum of money, large at any rate in the case of populous towns where the expense of starting a newspaper under any circumstance is great, and proportionately large in the case of smaller towns where the inducements to start a newspaper are so small. Nothing could have been better devised to extinguish all newspaper enterprise and to hand over the journalism of the State to the hands of the existing newspapers, to give to them a monopoly which, I will say to their credit, they have not sought to obtain. If a newspaper has to give security for costs, the person bringing an action against it should at least be compelled to give security as well. If that addition were embodied in the Bill, I do not think any newspaper proprietor would object to it, because for one libel action that is of a *bona fide* character, I venture to say a dozen are brought about by speculative persons, encouraged unfortunately by speculative solicitors in order to squeeze a £5 note or a £10 note out of the newspaper. If the law be made equal, that clause may be allowed to go unchallenged; but in its present form it puts up the newspaper proprietor as a direct target for the speculative man, and there is nothing whatever to compel these speculative libel hunters to put up an equal deposit themselves. It is recognised that this clause is especially directed against what is generally called the Sunday Press, and by some has been called the gutter Press. I do not propose to defend that class of newspapers—they are perfectly capable of defending them-

selves; but I hesitate to believe that these journals are altogether as bad as some members have painted them. I do so for this reason, that to subscribe to that opinion would be to bring a serious charge not only against the journals—it does not matter very much about that, for they are accustomed to it, no doubt—but it would be bringing a serious charge against some of the most important bodies and against some of our most respectable and most prominent citizens. The character of a paper can be or should be as much gauged by the character of the people who use its advertising columns as by what appears in its news columns. So far as decency is concerned—I say nothing about politics, because I should be the last to urge that any newspaper should be boycotted for its political views—I say the duty is incumbent on every one who advertises in a paper to see that he is not lending his support to an unworthy and vile production.

MR. M. H. JACOBY: That is the result of blackmailing, frequently.

MR. F. CONNOR: That is genteel blackmailing.

MR. NANSON: If, as some hon. members have interjected, that is the result of blackmail, I can only reply that even more is a public duty cast upon those persons who are blackmailed to resist this unworthy pressure, and drag it into the light of day, letting it be shown that there are in our midst papers so prostituting an honest profession and dragging it into contempt. Surely the person who permits himself to be blackmailed in this way is in some sense an accessory of this disgraceful form of journalism.

MR. M. H. JACOBY: Look at the *Sunday Times* advertising columns.

MEMBER: The Government advertise.

MR. NANSON: I am loth to believe the Government, of which the member for West Perth (Hon. G. Leake) is the head, should allow these advertisements to appear in a journal described as belonging to the gutter Press. (Laughter.) Hon. members laugh, and I had thought until the Premier got up to speak this afternoon he had some very substantial reason to offer why he gave his support to a class of paper that is so very much abused in this House. I am astonished that, if the Premier imagines there is a class of paper of this kind in existence which calls for this very severe kind of law, he should have supported the second reading of a Bill of this sort, which virtually aims at all papers, until he had exhausted every possible resource in his power to bring the ill-disposed papers to a proper sense of their conduct.

MR. W. J. GEORGE: Perhaps he wants this Bill to enable him to do so.

MR. NANSON: No doubt when the member for West Perth is in his cooler moments he will be at one with me in the belief that a certain amount of licence is better than undue restraint upon liberty, and possibly—because I wish to be charitable—he takes this public and conspicuous way of advertising in certain newspapers to proclaim his opinion so that he who runs may read. But I confess it did give me somewhat of a shock when he got up and supported the second reading of this Bill. I thought, from his generous and liberal action towards all sections of the Press, without any possible exception, that he believed in giving the fullest possible liberty. When attacks were made against persons of the very highest possible standing in the Empire, when attacks were made upon the alleged immorality of persons whom I do not care to name in this House, one would have thought the Government would have withdrawn all support and countenance from papers of that description, until those papers had perhaps to some extent possibly condoned their offence; but the Government of the day show this strange lack of sensitiveness, and it is very remarkable to find them supporting a Bill of this description. It may at least be said that they have erred in good company, because it is not only the Government which does so. The other day I saw an advertisement under the auspices, I take it, of the Anglican Church, appearing in a newspaper of which the only part of it that is of a religious character is the name of the day of the week on which it is published. When we see venerable institutions like the Church of England, and when we see objects in which it is interested, given publicity to in newspapers of this character, I am loth to believe that those newspapers can be quite as bad as they are painted.

MR. TAYLOR: It gives the paper an air of respectability.

MR. NANSON: It gives the paper an air of respectability, as the hon. member says; and I am sure that neither the Government nor those venerable institutions, the churches, would be a party to giving an air of respectability to newspapers which they regarded as disreputable. It is gratifying to find that this imprimatur of respectability is given not only by the Government and by the churches, but by some of our most respectable citizens; for if anyone take up a copy of those papers in any week he likes and without selecting the copy, he will get a long string of names of persons of the highest respectability who are not ashamed of seeing their trade announcements appearing in papers of this character; and if these persons are willing to give their support to those papers, I say those are not the kind of papers that should be brought under the lash of a severe legislation. I leave it to those persons to prove that the particular newspapers are of an undesirable class. I say it is not the newspaper that is on its trial: it is the people who support such newspapers. There is strong reason to take this stand in Western Australia, because anyone who has any knowledge of the conduct of newspapers in this State must be aware that there is not a single paper in Western Australia that could live a month by depending on its circulation alone; and here you have a simple remedy against any paper that is of an absolutely indecent character. The remedy is for decent people in the community to refuse to give to such papers any support; and I venture to say that within a month, under that treatment, you would find a great and gratifying change in those newspapers to which objection has been made in this debate.

MR. GEORGE: They will do a little more blackmailing.

MR. NANSON: Blackmailing! What has an honest man, in an honest community, to fear about charges made by blackmailers? Surely the reputation of the member for Pinjarra—(a laugh)—is sufficiently strong that if a charge is brought against him by a disreputable journal, he should have enough confidence in the public to know that they would believe in his integrity rather than in charges made by anonymous writers; and I think if one has the courage to stand up against blackmailing, the newspapers of that character will soon leave him alone. If you have a movement with the force of respectable people behind it, to set down this sort of journal, you will find in a very few weeks that the journal will alter its tone very considerably and for the better: you will find that by treating such a journal in this way, you may retain what is good in it, you may retain the unsparing denouncement of political abuses, while you will drive away those despicable attacks on individuals that have no concern whatever with public life. The only other clause to which I care to refer is the last clause, because the clauses between 4 and 12 are more or less hinging on clauses that precede them. The opinion is prevalent among people who are not journalists that a rooted objection prevails to the principle of anonymity. Speaking as a working journalist, and not on behalf of newspaper proprietors, I can say that the majority of working journalists would be exceedingly pleased if they were allowed to sign their articles; and for this reason, that a man who wrote a particular article would then obtain directly the credit for his work among the public, who in the long-run are sure, safe, and discriminating judges; and no journalist who is worth his salt, no journalist who has any message to deliver to the public that is worth delivering, would long go without recognition. The principle of anonymity is not maintained by journalists for the benefit of journalists, but is maintained in the interest of liberty, in the interest of reform, in the interest of correcting public abuses. Look back through the last century or two, and think on how many occasions abuses have been exposed with an unsparing hand, that would have flourished unchecked but for this power of anonymity! I need only refer in the 18th century to the Letters of Junius, to the Letters of Drapier; and even in our own time, even in this State, instances must occur to many members in which abuses have been dragged into the light of day, which could never have been dragged into that light had it not been for the protection afforded by anonymity. There is a wise rule, in the interest of discipline, that public

servants must not write letters to newspapers in their own name, and must not write to the Press on matters affecting their department without the knowledge of their superior officers. But instances must and do occur frequently in which it is desirable that a public officer should be allowed to write anonymously to papers, trusting in the honour—a trust which I venture to say has never been abused—trusting to the honour of the editor of the newspaper to which he writes. As to sending letters for publication bearing an assumed name, any abuse which springs from that practice is largely checked by the ordinary law, which makes the proprietor or publisher of a newspaper responsible for what appears in his newspaper; and no reputable journal, if it make a mistake, ever attempts to screen itself by disclosing the name of its anonymous contributor. The other day a case occupied the law courts in Perth, in which a letter making reflections on a medical practitioner was published in a newspaper; and the managers of that paper, seeing their mistake next day, never dreamt—and no respectable newspaper editor or proprietor would ever dream—of giving up the name of the writer of a letter which had been published. That paper stood to its guns, and paid the penalty. But the hon. member (Mr. F. Connor) who brought in this Bill contends that for one small mistake, which the paper makes every effort to condone and for which it pays a civil penalty to the extent of £200 or £300, this penalty is not enough, but that the proprietor or editor should also be liable to penalties under the criminal law, including hard labour not exceeding 12 months.

MEMBER: Experience in gaol may be useful to editors.

MR. NANSON: It may give them some experience of gaol abuses; but I think journalists may be let off with a lighter penalty. In conclusion, I would appeal to members to mark their disapproval of legislation of this kind by throwing out a Bill which I oppose, not so much because it is opposed to the interest of newspaper proprietors, but because it is opposed to the free expression of opinion, because it places fetters on public opinion; and I ask the House to throw out the Bill for its own credit as a House. We are asked to pass a Bill that takes us back to those dark days of despotism, to the beginning of the 19th century when Pitt was in power, which placed laws on the statute book which every subsequent historian has declared to be a disgrace and an infamy to the men who proposed them and to the men who passed them. Is this House prepared to take on itself a revival of this kind of odium? I venture to say that if we pass this Bill we shall be known in the future history of this State as the Parliament of the gag and the muzzle; we shall be known as the Parliament which wanted to stifle discussion and to smother the unfettered interchange of opinion; we shall be known as the Parliament which clothed itself in the foul and outworn garments of despotism, and girded itself with the dishonoured sword of tyranny. I cannot think members are sent here for so ignoble a purpose, but rather that we have been sent here to protect freedom and to act as its guardian; not to act as its policeman and not to act as its gaoler. Yet that is what the hon. member who brought in this Bill asks us to do, to be the guardian of freedom, of free speech, only in this sense, that we shall offer every facility for confining persons responsible for the Press within the four walls of a prison. I ask the House to think long and think carefully, before members allow it to go forth to the world that this House is in favour of a Bill for smothering and putting shackles on the Press, of a kind unknown for the last seven and three-quarters of centuries. If hon. members look back at the libel law of England, they will see that I am not using in any sense the language of exaggeration. They will see that if they take this remarkable course of reviving antique and obsolete legislation, the penalty in the future will not fall on the persons aimed at, but a very large share of the obloquy, a very large share of popular contempt, will fall on those persons who could in any form whatever associate themselves with a measure of this kind. And it is for this among many reasons that I ask the House, in the strongest possible form, to throw this Bill out, and to show West Australia and the world that the mover of a measure which, although it may possess one or two unobjectionable clauses, is throughout its greater portion wholly and absolutely objectionable, is compelled to let the

subject alone for the remainder of the session. He may, if he so desire, come up next session with a measure marked by prudence, common sense, and magnanimity. I move, as an amendment:—

That the word "now" be omitted from the motion, and "this day six months" be inserted in lieu.

MR. G. TAYLOR: I second the amendment.

MR. F. CONNOR (in reply as mover): I unhesitatingly accept the challenge of the hon. member who has moved the amendment. I ask hon. members to say whether or no it is their intention that the abuses existing in the Press of this State for some considerable time, shall continue to exist, and without any remedy. I will not go into the details of the Bill, in introducing which I did my best, as a layman, to explain the reasons which moved me to act. If I have not succeeded in convincing hon. members that there is good reason for a measure such as this becoming the law of the country, then I must be in the wrong. If the member for Murchison (Mr. Nanson) has by his attack on my measure convinced hon. members that he is right; then, be it so. But we must vote on this. I wish to draw the attention of hon. members to the fact that a paper known as the *West Australian* published a letter which has been referred to in this House by myself; and I have no hesitation in saying—I have the right to give my opinion—that the direct attack made by the member for the Murchison on this Bill was the result of my mentioning that newspaper.

SEVERAL MEMBERS: No, no.

MR. CONNOR: I think so. I must say what I believe. If I am out of order, if I am getting outside the limits I should be kept to, and you, Mr. Speaker, tell me so, then I shall have to stop; but I have a right to express my opinion, and I do express it in very forcible terms. If I were allowed, I would read some leading articles which were published in the *West Australian* and of which I believe the member for Murchison to be the author, comparing a certain section of the Press to keepers of bawdy houses, to men who keep women for purposes of immorality. And yet that hon. member —in a very statesmanlike manner, as he may call it, but I will say, in that very elaborate manner of his—defends these people, and brings up matters of ancient history in their favour. We have heard a number of old sayings which the hon. member has quoted, but of which he is certainly not the author. The hon. member defends people who take away the character not only of individuals, but of Governments, and of people highly placed in the Government.

MR. TAYLOR: Why do you not exempt the respectable Press from the operation of your Bill?

MR. CONNOR: The hon. member who has interjected is like myself: he has not been brought up on the Press, and perhaps it is just as well for him to leave the matter, I will not say to me, but at least to leave the attack to come from people probably more capable than he of forcing it. I intended to reply only in a few words—[MEMBER: Go on, old man!]—but I must refer to a farther matter. Within the last few days, a certain section of the Press of this State attacked a goldfields club; and what was the result? The club attacked, a racing club, was accused by a newspaper of having robbed the public in connection with horse racing: it was charged that the club had robbed the public by causing horses to be pulled. I do not believe that, as a matter of fact, there was anything wrong in connection with the management of the club. However, certain members of that club, having no hope of redress by any other means, had to go and thrash the editor of that paper. [Laughter.] Now, I take it on myself to say that I should be very sorry indeed if I were personally attacked by the *West Australian*, and had to go and thrash the sub-editor of that paper. [Laughter.] I should indeed be sorry. In fact, I might go with the intention of thrashing the gentlemen, and I might feel very sorry at the finish without having given him the thrashing. I will go even farther, and say I should be sorry to hurt that sub-editor's feelings in any way. But the question is, are we to have some form of remedy against the Press? Are we to do something to kill existing abuses? I may have put my views clumsily. If any of the provisions of the Bill be considered objectionable, they can be amended in Committee. I thank the Premier personally for the manner in

which he has accepted this Bill. He sees flaws in the drafting of it, and I admit there may be flaws. I do not come here to pose as the possessor of a legal mind; but I come here in all sincerity to try and remedy an abuse. I come with that object; and with that object alone have I brought in this Bill. If there be anything wrong in the Bill, let the defects be remedied in Committee. If the member for the Murchison (Mr. Nanson) can, with his huge mind, improve on the Bill, I shall not object. But I do want the principle of the Bill affirmed by the passing of its second reading. I say that there is something radically wrong with the Press of the State, that abuses are being practised, and that these abuses we, as legislators, should endeavour to prevent. Before I conclude, I wish to make an explanation. I think I committed myself to saying that I did not draft this Bill. Well, hon. members know that. The Bill was drafted by a gentleman who sits in another place; and I wish to say that the ideas sought to be embodied in this Bill are not his, but that he simply put them into legal phraseology and form. If, therefore, there be anything wrong in the Bill, if there be anything which will not pass in the critical eyes of the House, I will father it myself. The hon. Mr. Moss, who drafted the Bill for me, certainly did not agree with some of its provisions, which emanated from myself. Before finishing absolutely, I shall tell the House that the legislation proposed by this Bill, in some of its severe clauses, is not new. Sir George Dibbs, of Sydney, put in 12 months under one of the clauses which has been most objected to by those hon. members who have opposed this measure. Sir George Dibbs spent 12 months in prison in Sydney under that provision. I believe it was during his imprisonment that he learned the trade which gave him a very distinguished and honourable position. [Several interjections.] He acquired the knowledge of a trade which put him in a position to present the Prince of Wales, now His Majesty the King, with a walking-stick. He carved that walking-stick while in gaol. I mention this to show that the principal clause of this Bill, which the Premier and Attorney General has promised to support, is not a new piece of legislation; that its provisions are in existence in other States and other places. I am sorry indeed to take up so much of the time of the House. [MR. GEORGE: Oh, you are all right: go on!] I hope there will be no more debate. If there is anything more to be discussed, let it be discussed in Committee. I am not tied down to any particular clause of the Bill. If any are to be struck out, or if any hon. member can suggest improvements or farther clauses, I am prepared to submit to excisions, and improvements, and additions. I desire it to be known that I am fighting, not as the member for Murchison (Mr. Nanson) seems to think, against the freedom of the Press in any way, but in order to curb the license of the Press.

Amendment (six months) put, and a division taken with the following result:—

Ayes	...	...	7
Noes	...	...	26
Majority against	...		19

AYES.	NOES.
Mr. Doglish	Mr. Butcher
Mr. Gardiner	Mr. Connor
Mr. Hopkins	Mr. Doherty
Mr. Illingworth	Mr. Ewing
Mr. Reid	Mr. George
Mr. Taylor	Mr. Gordon
Mr. Nanson (*Teller*).	Mr. Hastie
	Mr. Hayward
	Mr. Hicks
	Mr. Higham
	Mr. Jacoby
	Mr. James
	Mr. Johnson
	Mr. Kingsmill
	Mr. Leake
	Mr. O'Connor
	Mr. Phillips
	Mr. Piesse
	Mr. Rason
	Mr. Reside
	Mr. Sayer
	Mr. Stone
	Mr. Thomas
	Mr. Wilson
	Mr. Yelverton
	Mr. Wallace (*Teller*).

Amendment thus negatived.

Main question put, and passed on the voices.

Bill read a second time.

WORKERS' COMPENSATION BILL.

IN COMMITTEE.

Resumed from 12th September.

Clause 4—Employments to which Act applies:

MR. W. J. GEORGE: The amendment moved by the member for Perth (Mr. Wilson) was that agricultural labourers should be included among the workers entitled to compensation under the Bill. This amendment should be

opposed. He was in favour of advanced legislation with regard to labour, but he would like it to be tentative, and we should not be in too much of a hurry. No harm would be done if the Bill referred only to the various trades already included, and if the measure were in force for 12 months, and we found it did not prove prejudicial, its operations could be extended. There was a desire to make the whole stable clean with one sweep of the broom, but this was too drastic and experimental, and would not be in the interests either of the great majority of the people of Western Australia or those for whom the Labour party had such a paternal kind of affection.

MR. H. DAGLISH: The member for Perth (Mr. Wilson) was the extremist.

MR. W. J. GEORGE: The member for Perth was not, he thought, sincere in his amendment, and its introduction was probably a matter of political tactics. He was sure the hon. member did not wish to attack the agricultural interest. We had very few large farmers in the State. The bulk of the owners of land were, and necessarily must be for a long time to come, only employing casual labour. They worked hard themselves with the assistance of such of their families as they had, and if they possessed the means, they employed labour. They were not capitalists, but worked hard from day to day, and if this amendment were carried any one of those farmers who employed a man would, if that man happened to be hurt, be liable to pay a penalty to pay which he would have to sell out every stick and stone.

MR. J. GARDINER: The farmer could insure.

MR. GEORGE: If a man came along and the farmer employed him, and that man got hurt, the farmer would be liable under this Bill. It was said that the farmer could insure, but was there an insurance agent at the stations? Let the Government introduce a Bill for State insurance. That was the sort of legislation he wanted to see in this House. If the Government would introduce a measure for that object, the minority on the Opposition side would support them. What was the position with regard to farmers? We had been trying for years in this State to settle men on the land. First we offered them low rates and low rents, and then when we could not get all we wanted, we gave them freehold farms. Farther, we established the Agricultural Bank to assist those people, and now we had them settled on the land, and they applied their energies and what little means they had, a proposal was brought in to place burdens on them which must inevitably crush them. Where was the necessity for any Government to ask people to come here from all parts of the world and settle upon our land on certain conditions, and then for us to attempt to impose such burdens as those upon them?

MR. J. M. HOPKINS: Clause 2 had not yet been dealt with, and the statements by the member for the Murray (Mr. George) could not be borne out by fact. If it was good to establish State insurance for workers in some industries, it must be good for workers in all industries. To talk about cutting the throats of the farmers as employers of labour by applying compulsory insurance to agricultural workers, was nonsense. His own experience in the agricultural and pastoral industries in Eastern Australia led him to a different conclusion; and it would be a sufficient safeguard to provide that in the case of an employer situated many miles from a centre where facilities for insurance could be obtained, the regulations should protect him reasonably. The amendment should be supported.

MR. F. WILSON: Doubt having been cast on his sincerity in moving this amendment, he must affirm that he was sincere in proposing it in the interest of the workers. The member for the Murray (Mr. George) wanted to preclude agricultural labourers from the benefits of the Bill, while willing that other workers should be included. Could the hon. member be sincere in that? If so, he ought to oppose the whole Bill. Agriculture would, in course of time, be the basis of this State's prosperity, and no member desired to injure it by oppressive legislation. Master farmers were not a majority in that industry; and the workers employed by farmers should have the benefit of this insurance in the case of injury through accident. The safeguard to employers was that the Bill was not to come into operation until reasonable arrangements had been made

for insurance. The rates of insurance in the case of farmers would be about five times less than those chargeable for other industries, such as mining and timber; probably £3 per cent. for these industries as compared with 12s. 6d. per £100 for agricultural insurance. There was no real argument against the inclusion of agricultural and pastoral workers in the compulsory insurance against risk of accidents.

MR. M. H. JACOBY: The object of the Bill was to provide compensation for workers in hazardous trades; therefore, why include agriculture as a hazardous trade? If this were the only industry in the State, would any member say the Bill was necessary for protecting agricultural workers on the ground that their work was hazardous? It was only because there were now many other occupations which were hazardous that this Bill was brought in. It would be as reasonable to extend the Early Closing Act to the agricultural industry!

MR. TAYLOR: So we should.

MR. JACOBY: The real motive of this amendment in including agriculture as a hazardous occupation was to obstruct the passing of the Bill.

MR. YELVERTON: The amendment should be supported on the broad ground of equal justice to all classes of workers, no matter what might be the nature of their employment. Members should support the Bill on principle, and not give way on a matter of expediency. Class legislation was objectionable; and if the agricultural and pastoral industries, which involved hazardous work, were excluded from its operation, this Bill would be in the nature of class legislation. The mover of the Bill had informed them that the definition of "worker" covered all classes of workers.

HON. W. H. JAMES: Except agricultural labourers.

MR. YELVERTON: There had been some doubt in his mind as to whether the definition included agricultural labourers, and he would therefore support the amendment. It had been said that the small farmer would be ruined if he were included in its scope; but there were many contingencies which, if not insured against, might ruin him. Let him insure against the risk under this Bill. There was a great deal of misconception as to the mode of insurance. The premium was calculated simply on the probable amount of wages to be paid during the term of insurance, three, six, or twelve months, the matter being adjusted at the end of the term. Simultaneously with the introduction of legislation of this kind in New Zealand a system of State insurance was initiated; and this Bill should be accompanied by a system of State insurance here. If the Bill were passed as it stood, an employer would be liable to be sued under it, and under the common law, and under the Employers Liability Act.

HON. W. H. JAMES: We were dealing with this clause now.

MR. YELVERTON: Just so; and he was dealing with the Bill as a whole. Speculative actions might result.

HON. W. H. JAMES: Was this in order?

THE CHAIRMAN: The hon. member was, perhaps, wandering a little.

MR. YELVERTON: In supporting the amendment, he was entirely unselfish; because, being a small orchardist and farmer as well as a timber-mill manager, he would come under the extended scope of the Bill.

MR. T. HAYWARD: Many of the small farmers, on whose behalf he would oppose the amendment, did not employ a single man regularly for a year; and it was unfair to throw on them the burden of compensation in case of an accident. From 40 years' experience of farming in Western Australia, he was in a position to say that many small farmers were worse off than their employees. He would not object to the extension of the Bill to large farmers and pastoralists. It was plausible to say that small farmers could insure; but a great many of them would remain in ignorance of this legislation; and in any case they were not in a position to afford insurance.

MR. W. D. JOHNSON: Representing neither an agricultural nor a pastoral constituency, but a mining constituency, in which unfortunately accidents, often fatal, happened every day, he would vote against the amendment, which though not designed to wreck the Bill might be designed to delay the Bill. The amendment was certainly delaying the Bill in this House; and what was likely to be the effect of it, if passed, in another place? The Bill would very likely be shelved.

MR. P. STONE: This Bill should be accompanied by a Bill for the establishment of a system of State insurance, so that small farmers and small employers generally could insure their employees. Insurance companies could not now be induced to accept the risk of labour on small farms, or isolated mines. He spoke from experience on this point. The present Bill would therefore be opposed by him until a system of State insurance had been introduced.

MR. G. TAYLOR: The amendment would have his support. It was a matter of regret that hon. members should be so passionately fond of class legislation as to desire that pastoralists and farmers should be excluded from the operations of this Bill. The arguments against the inclusion of the farmer were certainly very weak. It had been pointed out by the member for Albany that an employer could, for the sum of 18s. 9d., insure three men for a term of one year. If there were no hazardous employment in agriculture, the Bill would not press on those engaged in that industry. As to the statement about the amendment being introduced with the object of wrecking the Bill, his belief was the amendment was moved in all sincerity and all earnestness to protect each worker throughout the State, no matter what his employment was, and that was the reason he (Mr. Taylor) was supporting it. It was from this House that people should expect democratic legislation. It was for this House to initiate useful legislation, and for the other place to have the blame of not allowing it to become law. This House should not mould its legislation to suit any other place. He was strongly in favour of the amendment, but was in this position: that if the majority of the party of which he was one were in favour, through expediency or anything else, of voting against the amendment, he would have to vote against it. He hoped that before the amendment was put they would see their way clear to vote for it. He failed to see that including the farmers and pastoralists in the measure would tend to wreck the Bill.

MR. H. DAGLISH: If there was the slightest chance of the Bill with this amendment finding a place on the statute book, he would be willing to support the amendment. He did not doubt the sincerity of the member for Perth (Mr. F. Wilson), and he did not think it reasonable or fair that other members should express doubts of that hon. member's sincerity, and then accuse him of an intention to wreck the Bill. In his opinion the effect of carrying the amendment would undoubtedly be not only to delay the passage of the Bill but possibly to defeat it, and where was the advantage of denying to nine-tenths of the community legislation which would be highly beneficial to them? Anxious as we were to secure the recognition of this principle on our statute book, it would be wise to get what we could at the present time and trust afterwards to the working of the Act proving successful, so that we might be able to show the farmers by practical example that they would not suffer by being included as other industries had been. He would therefore vote against the amendment, and for the limitation of this measure.

HON. W. H. JAMES (Minister): The clause as introduced appeared to him to include nearly every industry. It certainly did not include agriculture, nor did the Act in New Zealand do so. The member for Sussex (Mr. P. Stone), who wanted farmers to be included in the Bill, was one of those who voted for restricting the operation of the Bill introduced by the Government. One was glad to see the hon. member had changed his opinion. When we were dealing with Clause 4 on this point, the House came to the conclusion that the clause should be limited to those occupations covered by the same section in the South Australian Act, and it was undesirable now to take up one occupation after another and by these indirect methods really re-open the discussion which had taken place. He did not think this Bill should be extended to agricultural laborers in the manner suggested, but in the South Australian Act there was a clause providing that the Act should extend to agricultural labourers, and also, he thought, to pastoral labourers where machinery was employed; and perhaps that would meet the wishes of the member for Perth (Mr. Wilson). If we could not extend the Bill over so wide a sphere as we desired, our next object should be to make it as wide as possible. If we adopted the suggestion the hon. member made,

we should be taking a very decided step towards securing the rejection of the Bill. He was glad members said they were in favour of a system of State insurance, and glad to hear that expression of opinion coming from quarters that one did not look upon as being in favour of very advanced democratic measures. He hoped that when the time came to show by their vote they approved of that principle they would do it.

MR. F. WILSON: It was a duty to insist on this amendment going to a division. As to the amendment wrecking the Bill in the other House, he did not know whether the hon. member (Mr. Daglish) had consulted the leader of the Upper House. The hon. member was making a simple statement of which he had no proof; and one hoped hon. members were not going to accept as a fact a mere statement from a new member who had sat in the Assembly for perhaps two months. Were we going to accuse the Upper House of political dishonesty? Because so many of them were interested in the agricultural industry of this State, were they going to try to throw out a Bill of this kind if the measure would be in the interests of Western Australia? He hoped not. If the Assembly were going to pass Bills in fear and trembling as to what might be the result in the Upper House, it was about time we stopped legislating altogether. As to being a convert to democratic legislation, he had in the past four or five years taken part in legislation with his friend the member for East Perth (Hon. W. H. James). That member had always called him the biggest Conservative, but he had been in divisions with that hon. member on measures which he had thought beneficial to the people generally and best in the interests of the State. If he did not think a measure would be beneficial he would fearlessly express his disapproval, as he had many times done. He cared for no class of people, not even his own electors, as far as that was concerned; if convinced the motions he opposed were not in the interests of the people and just, he would press for a division every time.

HON. F. H. PIESSE: When in Committee in the House a few evenings ago he referred to this matter, and said that as a large employer of farm labour he had no objection to the Bill being amended in the direction indicated by the member for Perth (Mr. F. Wilson); but in speaking for himself, of course he was not speaking for others who were engaged in agriculture. In regard to the general class of farmers, there were men who did not see much of this legislation and knew very little about insurance. It would be a hardship on these men if a claim for compensation were made under the Bill: it might ruin some farmers. The Bill was intended to apply to hazardous employments, and those members who desired to see it become law should be satisfied with the progress made, because in trying to grasp at a shadow they might lose the substance. It would be preferable to reject the amendment, and see how the Bill would operate in other industries. It was a new principle; its application was full of difficulty; and the Bill would probably have to be farther amended after the experiment had been tried in this State. Too much legislation was introduced. The Employers' Liability Act and many other measures were in operation for the protection of workers; and as these were really supplementary to the principle of this Bill, the principle of compulsory insurance should not be pressed to the utmost extent before we had any experience of its working in this State. Farmers and pastoralists were not so well able as were employers in other industries to follow up legislation of this character; and we should afford them some protection by not including them in the Bill.

MR. C. H. RASON: After discussing this clause on two evenings, the Committee were as far off finality as before. Each speaker had lamented the waste of time, and had diligently proceeded to waste some more. (General laughter.) The reason for applying this Bill to other industries should operate also in the case of agriculture; but it was well to go slowly in experimental legislation. In New Zealand the Act did not apply to agriculture; nor was the principle applied to agriculture in England when the measure was first tried, though a year later the principle was extended to agriculture. That example of going slowly should be followed here. If the principle were found to work well when put in operation here, its application

might then be extended; but in the meantime he objected to its being applied to agriculture.

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

Ayes	...	...	9
Noes	...	...	26
Majority against	...	...	17

AYES.	NOES.
Mr. Butcher	Mr. Daglish
Mr. Gardiner	Mr. Ewing
Mr. Hicks	Mr. George
Mr. Hopkins	Mr. Hastie
Mr. Oats	Mr. Hayward
Mr. Thomas	Mr. Higham
Mr. Wilson	Mr. Illingworth
Mr. Yelverton	Mr. Jacoby
Mr. Connor (*Teller*).	Mr. James
	Mr. Johnson
	Mr. Kingsmill
	Mr. Leake
	Mr. Nanson
	Mr. O'Connor
	Mr. Phillips
	Mr. Piesse
	Mr. Rason
	Mr. Reid
	Mr. Reside
	Mr. Sayer
	Sir J. G. Lee Steere
	Mr. Stone
	Mr. Taylor
	Mr. Throssell
	Mr. Wallace
	Mr. Gordon (*Teller*).

Amendment thus negatived.

Clause as amended put and passed.

Clause 5—Cases in which employer not liable:

MR. WILSON moved that in Subclause (*b.*) the words "gross neglect or" be inserted before "wilful," to read: "Is directly attributable to the (gross neglect or) wilful misconduct of the worker." In regard to the previous amendment, he was accused of being too much on the side of the worker: in this amendment he was moving on the side of the employer, to improve the Bill. Members would not desire to compel an employer to pay compensation for an accident caused by the gross neglect of the worker. Gross neglect might be due to the carelessness of the worker.

MR. A. E. THOMAS: The amendment would have his support. The difference between wilful misconduct and gross negligence was that if a worker having the care of machinery put himself in such a position as to incur serious risk and without taking proper precaution, that would be gross negligence; but if he put himself there deliberately and without necessity, getting injured as a consequence, that would be wilful misconduct.

HON. W. H. JAMES: The English, New Zealand, and South Australian Acts contained a similar provision to this, the words being rather stronger, "seriously wilful misconduct." He just mentioned it to show that the words "wilful misconduct" did appear in legislation of this kind, at the same time expressing his opinion that a workman should be disqualified for redress if guilty of gross negligence.

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

Clause 6—agreed to.

Clause 7—Worker may claim compensation under this Act or take independent proceedings:

MR. WILSON: Would the member in charge of the Bill (Hon. W. H. James) explain whether the workman could sue under this measure, and under the common law, and under the Employers Liability Act?

HON. W. H. JAMES: The Workers' Compensation Bill was introduced with the intention of giving compensation to the worker, where there was no actionable negligence in the employer. At common law the right was given to sue under certain conditions, the right being, of course, somewhat limited owing to the fact that the employer frequently employed a manager; and because that manager was a fellow servant, the rights of the employees against the real employer were somewhat limited. Then came the Employers' Liability Act, which again was based on negligence and required negligence in the employer, though it somewhat extended the common law liability, by providing that, under certain conditions, the employer was liable for the negligence of his manager or the person he placed in superintendence. As the law stood to-day, the worker had redress where negligence existed in the employer. The main object of this Bill was to provide that no existing rights should be curtailed, and he thought no member would think it right that they should be curtailed. Clause 9 provided:—

> If . . . an action is brought to recover compensation independently of this Act, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under this Act, the Court in which the action is tried shall

assess such compensation and shall deduct therefrom all the costs which have been caused by the plaintiff bringing the action instead of taking proceedings under this Act.

MR. WILSON: The effect would be then that every case would first be brought under the common law.

MR. GEORGE: Why not make one Act do for the lot?

HON. W. H. JAMES: Everywhere there were different Acts dealing with these different subjects; and why should we attempt to deal with them in one Bill here? Under Clause 9 the employer would have a guarantee which he had not now, that before an action was brought at common law, or under the Employers' Liability Act, there should be a good cause of action. At present the plaintiff in an action under the common law or the Employers' Liability Act had, as a rule, nothing to lose; but under this Bill he would have £400 to lose. The employer's complaint at present was not that he was unduly harassed by litigation, but that he was unduly harassed by litigants who could not pay costs if the employer succeeded. The employer's grievance now was, practically, harassing litigation by impecunious litigants. Under this Bill every man injured had a right to compensation up to £300 or £400, according to schedule. He had not that right at present, and under this Bill he would sacrifice it to a certain extent by bringing an action under the Employers' Liability Act, or under the common law. Therefore this Bill gave the employee reason to be careful in bringing an action under the common law or Employers Liability Act.

MR. THOMAS: What was the limit under the Employers' Liability Act?

HON. W. H. JAMES: Three years' wages.

MR. THOMAS: And under the Mines Compensation Act?

HON. W. H. JAMES: There was no limit at all.

MR. THOMAS: And under the common law?

HON. W. H. JAMES: No limit at all.

MR. THOMAS: There was great risk of speculative actions under this Bill.

HON. W. H. JAMES: Actions ceased to be speculative when the plaintiff had something to lose. If he endeavoured to get something more than this Bill gave him, he would lose what the Bill did give him by having to pay costs which he had wrongfully caused the employer to incur.

MR. W. J. GEORGE: The tendency of legislation recently introduced here would be to cause all employers to belong to a union, and all employees to become unionists. Employers were told, in connection with this legislation, that a benefit resulting to them would be that instead of having actions by isolated individuals brought against them, the case of the individual would be taken up by the unions, and the security to the employer if successful in an action brought against him, would be the funds of the union, and the responsibility of the officers of the union. That being so, he could not understand why it was necessary to provide more than one means by which an injured workman could obtain his right. The object of the member for East Perth (Hon. W. H. James) was not, of course, to throw such a burden on the employer that it would become almost criminal to employ a man in any sort of employment; but the legislation tended that way. Many of the smaller employers could not stand being shot at first in one action and then in another.

HON. W. H. JAMES: The small employers were liable to that now.

MR. GEORGE: It appeared that the workman could sue under the common law, or under the Employers' Liability Act, and then "come again" under this Bill; and we were told that the employer could be recouped his costs in the action in which he was successful out of the compensation to be paid to the workman under this Bill. But why should an employer be shot at more than once?

HON. W. H. JAMES: He would not be shot at more than once: the action would be settled under this Bill in the same proceeding. Supposing an action brought under the common law, or under the Employers' Liability Act, failed, the Judge at the trial would assess damages under this Bill.

MR. GEORGE: As it appeared to him, and as he understood the member for East Perth, the employee could under this Bill bring an action first under the Employers' Liability Act, or under the common law, and then, if unsuccessful, under the present measure. He did not believe the bulk of the workmen wanted

to come down on their employer every time. If people were to have different shots at the employer in this sort of way, he did not see where the fairness came in, and the trend of this legislation would be to restrict employment pretty considerably. It might be all right with regard to the mining and timber industries, and in his own trade. He was not speaking with any personal feeling for himself at all, but he was interested and had been interested in the establishment of as many manufactories as he could get in this State; not pecuniarily, but because he liked to see men start little bits of industries and build them into factories. He wanted to see the imports of this State go down, and they could not go down unless we started these manufactories. There were over a hundred of these manufactories in this State employing perhaps two or three hands up to a hundred or so, and he did not want to see anything thrown on those men that would have the effect of paralysing or curtailing their business. Reference had been made to his advertising his own business, but where was the difference between a man not ashamed of his trade and a gentleman who was making business in his profession every day?

HON. W. H. JAMES: The hon. member should not make dirty insinuations.

MR. GEORGE: Talk about dirty insinuations! The hon. member made out that he had no brains, and one of his colleagues tried to make out that he had no honesty, but that member was glad to get away from that. The Bill could be reconsidered, and if he could see that he could alter it, he would do so.

MR. R. HASTIE: We could not, if we wished, abolish the right a man had at common law, and if it was wise, as he believed, that an Employers' Liability Act should exist, surely we should not deprive a man of the right to sue under that Act. If an employer acted in such a way as to cause wilful extreme danger to any of his servants, that employer ought to be punished. If a man happened to make a mistake in bringing an action, it was only fair that the tribunal should say, "You have not proved negligence, but you are entitled to compensation under the Workmen's Compensation Act." Reference had been made by one member to what he said was the intention of the framer of the Bill to bring forward measures which would tend to increase the business of lawyers, but one of the clauses of the Bill enabled cases to be taken into the County Court, and deprived certain lawyers of a very lucrative practice.

MR. C. H. RASON: Clause 7 did not inflict any injustice on the employer. It was certainly not open to the interpretation that the employer could be shot at twice, and a verdict obtained against him. The very Court to which a man took his action decided the issue, and if a man took his action into the wrong Court the Court mulcted him for so doing. Certainly the measure was for the benefit of the employer.

MR. F. WILSON: There seemed to be some justice in the contention that if an employee was injured and failed to recover or prove his case in common law, for instance, he should still be able to have a verdict under this Bill, but he wished to point out that it opened the door to these speculative lawyers of which we had had so much complaint recently. The limit being £400, there was the inducement for speculative lawyers who were in the habit of taking up claims of this sort for the purpose of getting costs. He failed to see why the Employers' Liability Act should not be repealed, consequent on passing this Bill as only few cases were brought under it, nine out of ten such cases being brought under the common law or the Mines Regulations Act, the amount of compensation not being restricted as under the Employers' Liability Act. This Bill would cover the whole ground, the only difference being the limit of £400 instead of three years' salary. Speculative lawyers would recommend their clients to proceed under the other Acts, by which larger damages might be recovered than under the limit of this Bill.

HON. W. H. JAMES: The Bill might be recommitted for amendment in the direction suggested if a mode of doing it could be found.

Clause put and passed.

Clauses 8, 9, and 10—agreed to.

Clause 11—Time within which notice to be made and claim given:

MR. R. HASTIE: Sub-clause (*b.*) required the claim to be within six months after the accident, or within nine months

in case of death. The previous sub-clause said the claim must be made before the worker voluntarily left the particular employment. A man engaged in a hazardous occupation might say he would not work there any more, after an accident had occurred; and in that way, having voluntarily left the work, he might be debarred from bringing his action for compensation.

MR. F. WILSON: There should be no claim allowed if so long as six months elapsed before bringing the action, or nine months in the case of death.

HON. W. H. JAMES: This provision was similar to that in other Acts of this nature. Cases might arise in which it would be an injustice to tie down the claimant to the limit of six or nine months as in Sub-clause (*b.*). There should be a discretionary power for a Judge to say that the absence of notice within the time limit should not be a bar in cases where the bar would be a hardship.

MR. W. J. GEORGE moved, as an amendment in Sub-clause (*b.*), line 2, that "six" be struck out with a view of inserting the word "three" in lieu.

MR. TAYLOR: A very liberal idea!

MR. GEORGE: Clause 14 provided that the contractor and the sub-contractor in any work on which labour was empolyed should both be deemed to be employers of the worker in each case. An accident might occur in the work of a sub-contractor, and be regarded as a trifling affair at the time; yet six months afterwards a worker might bring an action for compensation, and the sub-contractor having finished his work and left the locality, the contractor might have to bear the brunt of the action, although not concerned in the accident when it occurred. This would not be fair.

[No quorum present. Bells rung; quorum formed.]

MR. GEORGE: Sub-clause 3 provided that an employer should not be prejudiced in his defence by any defect or inaccuracy in any notice, if due to a mistake or other reasonable cause. The same should apply to the other kind of case he had cited. Justice and liberality required that a claim for compensation in a case of accident should be brought to an issue quickly. The compensation became a first charge on the employer's property until it was proved whether he was liable or not; and the difficulties of the employer became greater the longer the time given the workman to sue.

MR. WILSON: The arguments of the hon. member (Mr. George) were very sound, and required very grave consideration; but a month would not be reasonable. He would be in favour of substituting three and six months for six and nine months respectively. Three months would allow a man injured sufficient time to recover and consult a solicitor and make his claim; and in case of death, six months would be ample time for the relatives to sue in. It should be remembered that very few cases under this Bill would be defended. In nine out of ten, the employer would give way, thinking he might as well pay without the costs of litigation, as he would have to pay in any case.

HON. W. H. JAMES: Sub-clause (*a.*) dealt with the question raised by the member for the Murray (Mr. George), who had pointed out that unless an employer received notice of an accident, he might find himself suddenly brought face to face with a claim which arose six or nine months earlier. Sub-section (*b.*) simply dealt with the time within which a claim must be made.

MR. GEORGE: It had been pointed out by him how the provision would affect a sub-contractor.

HON. W. H. JAMES: In regard to claims for compensation, if notice of action were given, then of course the employer would make provision against that contingency, being at any rate aware of it just as much as if a claim were made. A man might be lying injured in hospital, or might be beyond the reach of the post, and so unable to make his claim. A man who had made a claim should be in a position to go on with it at once.

MR. GEORGE: Say three months and six months, as suggested.

HON. W. H. JAMES: The Bill provided six months in case of accident, and nine months in case of death. Personally, he thought it should be rather the other way about.

MR. GEORGE: No; because relatives might not be able to trace a death quickly.

HON. W. H. JAMES: Unless the relatives were dependants, they would have no claim for compensation; and if

they were dependants, they would very soon know of the death. He saw no reason why a longer time should be allowed in case of death, than in case of accident. Three months was too short a time. It had to be borne in mind that if the time for giving notice were very short, the courts might adopt the practice of extending the time, as they had power to do. Six months would not be an unreasonable time so long as the provision of Sub-section (*a.*), that notice must be given promptly, were retained.

MR. GEORGE: Clause 14 applied especially to sub-contractors for buildings, and so on; and wages could be impounded.

HON. W. H. JAMES: It might happen that a contractor settled up with a sub-contractor, and then a claim arose later. How the provisions affected the question of wages was not clear to him. Of course if a provision were made that one would not pay anything until six months had elapsed, well and good.

MR. W. J. GEORGE: Then the employees would not get their wages.

HON. W. H. JAMES: If one were going to make a contract with a sub-contractor, and had in mind the difficulties of this clause, he would insist upon the sub-contractor insuring against all these risks.

MR. A. E. THOMAS: State insurance.

HON. W. H. JAMES: That might come in due course. In regard to this sub-clause, six months would not be too long.

MR. F. WILSON: It would be wise to bring the times down to three months and six months, and insert a clause giving the employer power to hold a sufficient sum of money to meet any claims for accident, unless provided for by insurance.

MR. A. E. THOMAS: If the members behind him (Labour Party) were not satisfied with six months he would support any longer period, but he wanted to see the time limit made absolute. Cases had been brought, and in many instances the time limit was not complied with. In only one case that he was aware of had a Judge of the Supreme Court of Western Australia given an opinion in favour of the defendant. That case was one of his own, and the result was that his Company had to go ahead with an appeal on the matter, because the other side claimed that the giving of that opinion by the Judge prejudiced the jury.

MR. W. J. GEORGE said he was quite willing to accept three months and six months. The member for Perth (Mr. Wilson) suggested that a clause should be put in by which the employer could practically impound the moneys due to the sub-contractor, to meet any claim for any accident which might happen. That would be a just thing, but it would probably mean that the men employed by the sub-contractor would not get their wages.

MR. F. WILSON: The men would have the first lien.

MR. W. J. GEORGE: In that case the Bill would act unjustly upon the man for whom the work was being done. The man primarily responsible was the man for whom the work was done. The whole of the State should be responsible. He thought Clause 3 fair. A man might be working in this State and supporting people in the other States, and those people might wait for information and not get it.

MR. THOMAS: Then a better definition of Clause 3 was needed.

MR. W. J. GEORGE: Exactly. He was not opposing this amendment for the purpose of upsetting the Bill, for he wanted the measure to go through. He would withdraw his other amendment if he could, and make the times three months and six months.

Amendment put and negatived.

MR. JACOBY moved that progress be reported.

Motion put and negatived.

HON. W. H. JAMES moved, as an amendment in Sub-clause *(b.)*, that the the word "nine" in the last line be struck out, and "six" inserted in lieu.

MR. GEORGE: Better leave it now. The Committee evidently wanted the provision to stand.

HON. W. H. JAMES: Having agreed that nine months was too long a period to allow, he submitted the amendment.

Amendment put and passed.

MR. A. E. THOMAS moved that Sub-clause 3 be struck out.

Amendment put and negatived.

Clause as amended put and passed.

Clause 12—Form and service of notice:

MR. RASON moved, as an amendment, that the following be inserted, to stand as Sub-clauses 3 and 4:—

(3.) The notice may be served by post by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business.

(4.) The notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post: and in proving the service, it shall be sufficient to prove that the notice was properly addressed and registered.

The interpretation of what was meant by "notice" should appear in the Bill, and not have to be sought for in some other Act.

Amendment put and passed.

MR. WILSON (referring to Sub-clause 3 as printed in the Bill) moved that the following words be added:—"Or manager for the time being of the work upon which the worker is employed."

HON. W. H. JAMES: Notice of this amendment should have been given, so that it might be considered. That was the practice elsewhere in regard to amendments, and it should be the practice here.

MR. WILSON: The Minister in charge of the Bill had said he would oppose the amendment, and that therefore it ought not to be moved.

HON. W. H. JAMES: No, no.

MR. WILSON: No doubt the direction to communicate with the Crown Solicitor was clear and plain to members; but navvies working at the head of the line knew nothing of any Crown Solicitor. They knew the "boss," the manager of the works, and they should be allowed to serve notice on him. The unions would see to it that the men knew of their right to make a claim.

On motion by the HON. W. H. JAMES progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at six minutes past 11 o'clock, until the next day.

Legislative Council,

Wednesday, 2nd October, 1901.

Paper presented—Question: Midland Railway Company, Particulars—Motion: Midland Railway Company, to Inquire—Paper (Plan): Crown Lands Granted in Perth District, how—Bush Fires Bill, third reading—Roads and Streets Closure Bill, third reading—Land Drainage Amendment Bill, third reading—Presbyterian Church of Australia Bill, third reading—Roads Act Amendment Bill, Recommittal, progress—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Annual Report of Governors of High School.

Ordered to lie on the table.

QUESTION—MIDLAND RAILWAY COMPANY, PARTICULARS.

HON. R. S. HAYNES asked the Minister for Lands: 1, What agreement, if any, exists between the Government and the Midland Railway Company of W.A., in connection with the payment for the use of Government wagons carrying goods over their private line. 2, What amounts have been collected from the Midland Railway Company of W.A. during the past six years for the hire of such wagons, on what date were they collected, and how were the amounts calculated and arrived at. 3, Why are these dues not collected and paid to the Consolidated Revenue monthly. 4, Have the officers and wages employees of the Midland Railway Company of Western Australia been examined, and do they hold certificates of competency similar to those held by Government Railway officers and wages employees; if not, why not. 5, If it is a fact that there are at present no professional officers in charge of the Permanent way and Locomotive Branches of the Midland Railway Service, and that risks are run thereby. 6, If the Minister will take early action in this regard in the interests of the travelling public.

THE MINISTER FOR LANDS replied:—1, No such agreement exists. 2, Not any. 3, The existing Regulations do not authorise the collection or payment of running charges to or from the Government and Midland Railways. 4 and 5,