

arises. Undoubtedly Australians, and Western Australians, are loyal, loyal to their last shilling, loyal to their last man in the defence of the Empire. I am satisfied that the people will respond to the Premier's appeal and will support the Parliament and the Government of this State in any step that may be necessary, not only in our own small way to safeguard the interests of the Empire but also to safeguard the interests of our people. I have readily promised the Premier to join with him in discussing the position, and I have readily promised him the support of hon. members on this side of the House. Defence, it is true, is a Federal matter, but there are many matters in connection with which the State Government will be called upon to take action, perhaps at the request of the Federal Authorities, and probably on their own initiative, in order that necessary legislation may be promptly put through and our people's position safeguarded to the greatest and fullest extent. With the Premier I hope that this terrible catastrophe, which has fallen on the civilised world, will be of the shortest possible duration. That it can be very short I think we need not hope, but at the same time it may be short in comparison with other wars, and the magnitude of the operations make one hope that it will be comparatively short to what has been the experience of Great Britain in the past ages. I with my friends on this side of the House are delighted to co-operate with the Government to assist in every possible way, in order that they shall carry out their most onerous duties and grave responsibilities—they are undoubtedly grave—in the best interests of the whole of the people without recognition of party or sect in this State of Western Australia.

The PREMIER (Hon. J. Scaddan—Ivanhoe) [4-55]: It will be appreciated that under the circumstances we cannot do business where naturally party differences would arise, but as it may be necessary to introduce further legislation to deal with the position which has arisen, I propose to move merely that the House adjourn, with the intimation

to hon. members that we meet again tomorrow as usual, but unless it is necessary to introduce special legislation no business will be transacted. I merely ask hon. members to be present to deal with any business if it should arise. I move—

That the House do now adjourn.
Question passed.

House adjourned at 4-56 p.m.

Legislative Council.

Thursday, 6th August, 1914.

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The PRESIDENT took the Chair at 5 p.m., and read prayers.

MOTION—LOYALTY TO KING AND EMPIRE.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central (without notice) moved—

That the resolution passed by this House at its sitting yesterday be transmitted to His Excellency the Governor by the President, and that the President request His Excellency to cause the same to be forwarded for presentation to His Majesty the King.

Question passed.

STANDING ORDERS SUSPENSION.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central): Two urgent and important Bills are coming down for consideration, one to regulate the sale of the necessaries of life during the time of war, and the other to extend the

powers of Royal Commissioners. Royal Commissioners will be appointed under the first-named Bill, and the object is to amend the Royal Commissioners' Powers Act of 1902 to bring it into line with the Commonwealth Act. I move—

That so much of the Standing Orders be suspended as is necessary to pass the Control of Trade in War Time and the Royal Commissioners' Act Amendment Bills through all their stages in the course of the present sitting.

The PRESIDENT: This motion without notice has to be passed by an absolute majority, and I declare there is an absolute majority present.

Question passed.

Sitting suspended from 5.15 to 5.54 p.m.

BILL—CONTROL OF TRADE IN WAR TIME.

All Stages.

Received from the Assembly and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.55] in moving the second reading said: I think it is not necessary that I should stress the urgent need of a measure of this description. That has already been recognised by members. I know it is so from conversations I had with members before they had any information as to the intentions of the Government in regard to the introduction of a Bill of this character. It is a Bill to regulate the food supplies of the State in the interests of the people in time of war. Nothing can be gained by refusing to recognise that we have a period of necessity before us, when it will be essential that the best efforts of all parties shall be exercised in order that poverty shall not exist in our community. There is grave danger, as members will recognise, that in a troublous time speculators may make an attempt to corner the food supplies, and, in consequence of that state of affairs, poverty may be created in the community. The Bill is introduced for the purpose of preventing

such a happening. It requires no argument to support it. In the present crisis all recognise its necessity, and I do not intend to reflect on the intelligence of hon. members with any attempt to labour the question. I feel sure that they realise that the action we are taking is called for in the interests of the people.

Hon. W. Kingsmill: What are they doing elsewhere?

The COLONIAL SECRETARY: I have no idea.

Hon. W. Kingsmill: I meant in the other States.

The COLONIAL SECRETARY: I only know that so far as Victoria is concerned they see no necessity, because they have ample food supplies, and indeed more than ample, to serve the people. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair: the Colonial Secretary in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Power to fix prices of necessities:

Hon. J. J. HOLMES: I would like some information from the leader of the House as to the personnel of the Royal Commission. The whole question, I think, hinges upon whether we have on the Commission men who have had some experience in trade. Has the personnel of the Commission been agreed upon between the Government and the leader of the Opposition, or is it proposed that both sides of the House shall have some say in the selection of the members of the Commission?

The COLONIAL SECRETARY: It has not yet been decided who shall form the personnel of the Commission. That is a matter which must rest with the Governor-in-Council, and hon. members must be prepared to trust the Government to do the right thing under the circumstances.

Clause put and passed.

Clause 5—Obligation to sell:

Hon. J. DUFFELL: Whilst I am in accord with the necessity for a Bill of this nature, I am of opinion that we require something more definite in regard to the wording of this clause. The clause reads—"No person having in his possession or power any necessaries of life in excess of his personal requirements shall refuse to sell and deliver the same to any other person on demand, and on payment or tender of a price so fixed." Then if we turn to Clause 2 we find that the definition of "personal requirements" is "the requirements of any person for not exceeding three months for the domestic use of himself, his family, dependents and servants, and of his domestic animals." We are fully aware of the fact that the price of the ordinary commodities of life is governed to a great extent by supply and demand. The question which arises in my mind in regard to Clause 5 is, what shall constitute reasonable store on the part of a merchant. I understand that this Bill is framed with the specific object of obviating anything in the way of a corner in any particular commodity, and further, the storing of goods and holding them for the possibility of a rise in price. When we take into consideration the fact that we have in Perth to-day merchants who have to cater for a great number of clients—I refer chiefly to the wholesale houses—I becomes necessary to know what should be a reasonable quantity to be held by any merchants of those commodities or necessaries of life. A merchant may have 1,000 clients on his books who are dependent upon him for their supplies. Another merchant having only half that number and carrying the same quantity of goods as the merchant with the larger clientele, we would readily understand would lay himself open to a challenge under this Bill. But on the other hand the merchant with the large clientele would consider it necessary to have a fair stock of ordinary commodities to supply the requirements of his trade. We have to take into consideration the fact that we in Western Australia are in a somewhat peculiar position so far as isolation

from the Eastern States is concerned. It has already been stated that there is grave danger of supplies from the East being considerably shortened by the withdrawal of certain steamers which trade between the East and the West. If stocks are low we must naturally expect that the prices of the commodities will be higher than if the stocks were normal.

Hon. A. G. Jenkins: That is what the Bill is going to stop.

Hon. J. DUFFELL: I fail to see how Clause 5 will stop it. Take, for instance, the man holding kerosene. He knows very well that the possibilities of augmenting his stocks are remote, and therefore a reasonable advance in the price of kerosene must necessarily follow.

Hon. A. G. Jenkins: Why?

Hon. J. DUFFELL: Because he cannot get further supplies.

Hon. A. G. Jenkins: And the unfortunate consumers pay.

Hon. J. DUFFELL: We cannot govern that. I do not see that this Bill will regulate that. The Bill specifies what shall be a reasonable stock for the merchant to carry. I maintain that the definition of "personal requirements" is not in keeping with a Bill of this nature. As it has already been pointed out, it is obvious that people are desirous of getting in extra supplies.

Hon. W. Patrick: Not exceeding three months' requirements.

Hon. J. DUFFELL: But where does the merchant come in?

Hon. A. G. Jenkins: Why should he come in?

Hon. J. DUFFELL: A merchant should have a reasonable margin, but there is nothing to show what shall constitute a reasonable stock a merchant may carry. The fact remains that the merchant cannot augment his stocks. It is not provided how he is to be governed and what shall be considered over stock, which is being retained on the off chance of a still further opportunity of getting a higher price for it. The Bill provides that if it is considered the merchant is keeping the goods for a rise, he shall not refuse to sell. As

a matter of fact the merchants to-day are being rushed with orders from all quarters, and they have only a limited quantity of stocks, and they know they cannot replace them. Then how far shall that merchant be allowed to regulate trade? If a man asks for 50 cases of kerosene and the merchant says that he can only supply 10, the question is whether the merchant is not liable under the measure to a penalty of £1,000 or 12 months' imprisonment. I contend that the definition in the Bill does not clearly prove what shall constitute three months' supply. I think some explanation is necessary.

Hon. H. P. COLEBATCH: I refrained from speaking on the second reading, because I hoped the Bill would be passed through all its stages without comment. It is surprising to me that after having passed the second reading, any question should be raised on a clause of the Bill which is really the Bill itself. If we are opposed to the principle contained in Clause 5 we should reject the Bill. There are several features that seem to have been overlooked by the hon. member who has just sat down. In the first place the probabilities are that the Bill will never be brought into force, and the probabilities are also that the knowledge on the part of the holders of stocks that if they attempt to do anything against public interest at this time the Government will interfere. The Bill will not be enforced until people do something to show the need for the Government interfering in order to protect those necessities of life, and such products as may be declared by proclamation. If the Government found that those who had control of a commodity were refusing to sell it at a fair price, they would proclaim that to be one of the necessities of life. The probability is that they will refrain from declaring anything being one of the necessities of life until the necessity really arises. The merchant must not refuse to sell if he has the goods which the public require, and he must not refuse to sell at what the commission to be appointed will decide to be a fair price. The hon. member referred

to kerosene. A merchant may have bought kerosene which just now is selling at a fair price, and which is going to give a fair trade profit. If the merchant foresees that he will have to pay double for his kerosene, and he may consider that he is entitled to increase the price of that which he holds, the Bill is intended to prevent that. Later on if the merchant has to pay a higher price the commission will fix the selling price accordingly, and the merchant's profit will be derived from that. Another clause which has been overlooked by the hon. member says that no prosecution shall be commenced without the authority in writing of the Attorney General being first obtained. I think we ought to look at the position that in time of war we have to sacrifice many of the high privileges of peace and the glories of freedom. We have to give to the Government something like autocratic power, and we must do it to the present Government as we would do it to any other. There is a clause in this Bill—Clause 10—which I would never consent to passing in an ordinary measure, but in this I raise no objection whatever to it. We have to forego the privileges of peace and freedom, and I think we must trust the Government and we must give them as much power as is necessary and trust them to carry out that power in the best interests of the people of the State.

Hon. J. J. HOLMES: I am not concerned one iota with the stocks held by the merchants at the present time. So far as merchants are concerned, I am sure they have the welfare of the Empire at heart just as much as hon. members of the House. I think that the merchants are as honourable as any set of men to be found in any part of the State. But what I am afraid of is that in our anxiety to see that the people are properly fed, and fed on cheap lines, we may under this Bill defeat the object we have in view. We must remember that whilst Australia is self-contained, Western Australia is dependent largely on the Eastern States for a big quantity of food stuffs. We have had an admission from the

Colonial Secretary that in Victoria, where the bulk of our supplies come from, the Government do not propose to take any action whatever, and the result will be that the price will be increased in this State, and merchants here, realising that they are faced with probable loss on these commodities, will cease importing them. It cannot be expected that our merchants will rush in and lose money, and the result will be that people here will be starving instead of being supplied.

Hon. C. SOMMERS: I think Mr. Holmes is unduly nervous in regard to what may be done. I had the opportunity of listening in another place to the Premier introducing this Bill, and he stated there that great care would be taken in appointing the commissioners and before any appointment was made the leader of the Opposition would be consulted. We may take it, therefore, that the members of the commission will have trading experience and will be men who will take all the circumstances into consideration when fixing prices. If goods have to be bought at a high price, the commission will no doubt take that into account. I, like Mr. Colebatch, feel that we should pass this Bill and trust the Government and the commissioners who are to be appointed.

Hon. J. J. Holmes: I have no objection to the Bill.

Hon. C. SOMMERS: The commissioners who will be appointed will be experts and we can trust them to allow a fair profit to the merchants.

Hon. J. Duffell: We do not know that.

Hon. C. SOMMERS: I had the privilege of hearing the Premier making this statement in another place, and he also promised that before the commission was appointed the leader of the Opposition would be consulted.

Hon. E. M. CLARKE: I consider that everything will depend on the personnel of the commission. We have the assurance of the Minister that they will be men of business experience. The Bill must not be in the hands of novices.

It will have to be administered by men of business knowledge. I have much pleasure in supporting all the clauses.

The CHAIRMAN: I ask hon. members to confine themselves to the discussion of Clause 5.

The COLONIAL SECRETARY: This measure will be put into operation only in the time of war. There is no restriction on the supplies a merchant may have on his premises, or anywhere else; he may have 10 years supplies, but there is a strict provision that he shall sell the foodstuffs at the prices fixed by the Royal Commission. We can rely upon the gentlemen appointed to the Royal Commission to give careful consideration to the matter and see that the merchant suffers no loss, and no prosecution can be undertaken without the written authority of the Attorney General. It seems, therefore, that every reasonable safeguard is provided.

Hon. A. SANDERSON: During this crisis we want coolness and courage as well as some dignity. It is to be regretted that, apart from Victoria, we have no information on the position of affairs in Australia. We are a comparatively small community, a very intelligent community, and an intensely loyal community, and these powers probably will never be used. The personnel of the Commission is the kernel of the whole thing. Mr. Holmes indicated the most important point, that we here are taking steps exceeding those taken in the Eastern States, and, as far as we know, in England. The responsibility is on the Government; they ask for the responsibility and I hand it over to them with that suggestion.

Hon. J. Cornell: The Imperial Government have taken charge of wheat supplies.

The Colonial Secretary: And the French Government, too.

Hon. A. SANDERSON: The French Government are in an entirely different position. We want the assistance of loyal merchants who are likely to help us through. In Victoria no steps have been considered necessary.

The Colonial Secretary: It is reported that they have any quantity of food there.

Hon. A. SANDERSON: And we want to get it over here.

The Colonial Secretary: How will this prevent us getting it over here?

Hon. A. SANDERSON: The merchants will not bring it.

The Colonial Secretary: Someone will bring it.

Hon. A. SANDERSON: The Government ask for these powers and the responsibility is with them.

Hon. J. CORNELL: I am surprised that any objection should be taken to the clause. In times of such crises, we have to protect the many from the mercenary motives of the few. Events move very quickly and we are asked to give the Ministers, in conjunction with the leader of the Opposition, powers which I would tremble to give them on any other occasion. I am satisfied to leave it in their hands, and if we have confidence in the Government, acting in conjunction with the leader of the Opposition in another place, we should have every confidence that they will appoint the right men to the Royal Commission.

Hon. H. MILLINGTON: The introduction of this Bill has been rendered necessary by very exceptional circumstances having created a very exceptional position. It is not fair at such a time to allow those who would to take advantage of the exceptional circumstances and deal hardly with the people who would be under their thumb. This is a time, not so much for hard and fast dealing as for mutual sacrifice, and it is absolutely necessary to regulate by law what, under ordinary circumstances, would not be necessary. I fail to see how any exception can be taken to this endeavour to protect the great majority against those who may take advantage of them. The merchants who would not take advantage of the occasion would not have a fair chance against those who would, and, in order to give every one a fair deal, we must regulate trade as is proposed by this measure. Provision is made for the protection of

the merchants, and no hardship will be inflicted on any one.

Hon. F. CONNOR: I am pleased to support the clause, which will be the means of making the Government have regard for the wants of the people. On the 28th July last the Government sold to the people of this State 108 head of cattle which were skinny and very poor, and they received £16 4s. 6d. a head for them.

The CHAIRMAN: Is the hon. member speaking to Clause 5?

Hon. F. CONNOR: Yes, in regard to the price of supplies.

The CHAIRMAN: This clause deals with the obligation to sell.

Hon. F. CONNOR: I am speaking of the obligation of the Government to sell at a certain price which they have not done. I hope the clause will be in operation when they desire to do the same thing again. Much as we require the protection of this Bill, and every sensible man will acknowledge the necessity for it, it is possible to go too far. I am supporting the Bill, but restrictions are being made which will be a hindrance to the best interests of the people, without doing good to any one. A warning should be given that the Government can go too far. The Minister might have indicated the personnel of the Commission.

Sitting suspended from 6.30 to 7.30 p.m.

Hon. F. CONNOR: Before tea I was discussing the advisability of the Government going slow in the regulations and measures to be adopted under the present exceptional circumstances. It is in my mind that when this Bill is passed—and it will be passed—certain apparently unexpected things will happen. It is on account of what occurred at the cattle and sheep sales to-day at Fremantle that I make that statement. It has gone forth from the agents who supply all the meat requirements of the State that in future they will demand spot cash. They will not take cheques, and I do not know whether they will even take Commonwealth bank notes. Now, I want to know whether, when

this clause passes, everybody is going to be on the same footing? Are the Government going to be on the same footing as private dealers? Will the Government supplies at Yandanooka be treated similarly to the supplies of people who charter steamers to carry stock from other parts of the State to the metropolitan area? That is pertinent to the question, and we have no advice on that point. The other day the Government who were to cheapen meat for the public secured the record price for cattle. I want to see everyone made equally responsible under this clause. Are the Government aware that their agent will have to go down to Fremantle with sovereigns in his pocket in order to buy stock for the State butcheries? The ultimatum went forth to-day from the people responsible to the producers for the stock. I want to impress on the Government that they may go too far in these hysterical measures. I do not intend to oppose this Bill; but, nevertheless, it is hysterical to a degree.

The CHAIRMAN: I must ask the hon. member to confine himself to the clause.

Hon. F. CONNOR: I will not digress again. I merely reiterate that it behoves the Government to take care lest they should go too far and throw too heavy a burden on the people responsible for the upkeep of the commerce of this State, on whom the Government and the community as a whole depend for their very existence.

Hon. J. J. HOLMES: We are asked to pass legislation practically without discussion. We are told that that legislation will probably remain dormant, will probably never become operative.

The Colonial Secretary: Who stated it would not become operative?

Hon. J. J. HOLMES: That was stated in this House this afternoon.

The Colonial Secretary: Not by any responsible person.

Hon. J. J. HOLMES: I want to see legislation passed to deal with the subject of this Bill, and I want to see that legislation become operative. If any man tries to corner the market in any

food stuff, then the law should be put in operation against him, and without the consent first obtained of the Attorney General. The man who seeks to take advantage of the Empire's difficulties deserves to be punished. Surely, if we have the welfare of the Empire at heart, we can find a few minutes to discuss an important measure such as this.

Member: You have your own welfare at heart.

Hon. J. J. HOLMES: Although I may be charged with delaying business, I cannot be charged with disloyalty, because there is no more loyal subject in the British Empire. My desire is to see that the people of this State get food stuffs at reasonable prices. The merchants to whom we look to supply the people of this State with food will, under this clause, be prevented from doing business at all. Those merchants have no desire whatever to victimise the public by putting up prices. Their desire is to keep their businesses and their staffs together without profit and without loss. But commercial men with obligations cannot carry on business when selling prices are fixed whilst buying prices are not. There is the risk of the supply at the one place, and the risk of the demand at the other. The supply has to be brought here in anticipation of what the price will be when the supply arrives here. Are the merchants going to attempt to carry on business under such circumstances as would obtain under this clause? I protest against the suggestion that they would, because I want to pass for a man of ordinary intelligence. We heard from the Ministerial bench this afternoon, "We have the State steamers." Now, the Government have already proved that they cannot sell as cheaply as the merchants can; and I say that if the people are to depend upon the Government as traders they have very little hope of getting cheap food. There is one personal matter which I would not have mentioned but for an interjection. I tell hon. members in all truthfulness that I had a parcel of wheat, 150 bags, left over, and that I sold that parcel to-day. I tell them further that I have 700 bullocks to

come on the market within the next three months, and that the Government can have those bullocks to-morrow at the current price. Yet a certain hon. member has the audacity to hurl at me insinuations of the most unworthy nature.

Hon. J. CORNELL: I think the hon. members who have assailed the Bill have laboured much and brought forth very little so far as this clause is concerned. The gravamen of their charges is that Clause 5 does not afford sufficient protection to the merchants. On an occasion such as this, surely the views voiced in another place are the views of the great mass of the people of this State. The Bill as it has come down to us was passed almost without discussion.

Hon. F. Connor: It was pretty severely criticised.

Hon. J. CORNELL: To the honour and credit of the Opposition in another place, be it said that they assisted in passing the Bill as it was printed. The measure may have been criticised. I certainly did not hear it severely criticised.

Hon. F. Connor: I did.

Hon. J. CORNELL: I take it that by Clause 5 the framers of the Bill intend to catch one scoundrel if there is only one scoundrel in Western Australia. That is the position with which we are faced, and that being the case it does not come as a reflection on other units of the community. Mr. Gawler has told me that such drafting is based on a well defined principle followed in law, and of my own knowledge I can say that this obtains also in trade unions. The clause, which is the kernel of the Bill, comes from another place where every man and woman is represented. Yet in this House where not every man and woman is represented, it is opposed.

Hon. F. Connor: Who opposes it?

Hon. J. CORNELL: It has been opposed. When hon. members bring forward reasons and yet are not prepared to give those reasons effect in the Bill, I say one can only have some idea that there are motives behind the reasons.

The CHAIRMAN: The hon. member must not impute motives.

Hon. J. CORNELL: Well, some under-current is responsible for the circumstance that although a member says he thinks certain things he is not prepared to test the feelings of the Committee. I am speaking here on behalf of every man and woman in the State, notwithstanding that, not every man and woman has a vote for this House. If hon. members on occasions such as this would transport themselves to those places where the crisis is acute, they would find that the situation is in the hands of voteless men, and it is those men, as has been the case throughout all history, who will bring us out of this difficulty. It ill-becomes this House to delay the measure, seeing that it has the unanimous approval of another place.

Hon. J. DUFFELL: The point I wish to emphasise is the personnel of the Royal Commission to be appointed.

The CHAIRMAN: The personnel of the Royal Commission was dealt with in Clause 4. I do not wish to limit discussion in any way, but I must ask hon. members to discuss Clause 5.

Hon. J. DUFFELL: The Bill will have a material effect upon the number of people who will be employed in the near future, and the number of people who will receive immediate dismissal, inasmuch as we have to take into consideration the limited stocks, and also the question of completing or replacing stocks. When we consider the fact that many a merchant is doing his business on limited, incomplete stocks, and that he has not the opportunity of getting the turnover by which he is enabled to keep the whole of his staff employed, I want it to go from this Chamber to the members of that Royal Commission that they must take that into consideration when they are fixing the price of any commodity. A merchant will not be able to continue his business with a full staff on a limited turnover unless he gets an advanced price on certain articles to enable him to secure the money to keep the whole of his staff engaged, instead of dismissing them. I hope this will go from the

Council to the Royal Commission as one of the points to be taken into consideration when fixing the prices.

The COLONIAL SECRETARY: It is very evident from the discussion that some hon. members do not realise the gravity of the situation. In some directions there has been a unseemly exhibition of levity. The conditions existing now, I need hardly remind hon. members, are very grave, and will be graver still before three or four weeks have elapsed. So far as Western Australia is concerned, there is no doubt there is a bad time ahead of us. There will be considerable unemployment in the State, or employment to only a very limited extent. Men will have to work only sufficiently to enable them to get a subsistence, and it will be a very hard thing if, earning only small sums of money per week, they are forced to pay extortionate prices for food stuffs. It will make the situation very serious indeed, serious for the Government, and more serious still for the taxpayer, who will have to bear the burden in the end. We can depend only on our own supplies. We cannot depend upon supplies from outside. Victoria is producing five times as much food stuff as she can consume. But can we import from Victoria? There is grave occasion to fear that we will not be in a position to so import, that there will be German cruisers watching the Great Australian Bight, and there is every reason to suppose it will be no easy matter to trade between here and the Eastern States. We have enough food stuffs in Western Australia to feed our people; but what is the use of having the food stuffs here if they are cornered? They are being cornered at the present time, cornered on a very large scale. I was informed on very reliable authority this morning that one firm had purchased 500 tons of flour and was cornering it. From every direction we have evidence to show that an attempt is being made to increase the price of food stuffs, and that speculators are at work. The Bill has been introduced in the interests of the people and of the taxpayers, who will eventually have to bear the burden if prices of food stuffs are raised in this

community. There is no doubt the measure is very stringent; but there will be far more stringent measures later, when martial law is proclaimed in Western Australia. We have a state of war, and it is necessary that exceptional measures should be introduced to protect ourselves, and protect and feed our people. There is nothing objectionable in the clause. A man may keep three months' supply, but if he has anything in excess of that he must be prepared to sell the balance to some one else who requires it and that at a price to be fixed by the Royal Commission. A great deal depends on the fitness and ability of that Commission, but provision cannot be made in the Bill to ensure that every act of the Commission will be the acme of perfection. We must trust the Commission when it is appointed. I can assure hon. members that no amendment will be accepted to the clause. If the clause is defeated the Bill goes out, and this House will have to take the responsibility for what will occur, and a great financial burden will thus be cast on Western Australia.

Hon. F. CONNOR: I rise to take exception to the remarks of the last two speakers. Surely everybody who has discussed this has discussed it dispassionately; yet Mr. Cornell implies motives. There are no motives. And the Colonial Secretary issues a threat that if any amendment to the clause is moved the Bill will be thrown out. Who offered any amendment to it? Who suggested that it should not be passed in its entirety? Who in this House, be he leader or be he a young inexperienced member like Mr. Cornell, has the right to dictate to those of us who have been here for many years? I want to know what right this young and inexperienced politician has to point the finger of scorn to men like myself and Mr. Holmes, who did not object to the clause at all. I want to put the hon. member in his place, and tell him he had no right to do what he did; and I want to put the leader of the House in his place and tell him that when he issued a threat it was in very bad taste, and not in the best interests of

the country or the party which he represents.

Hon. J. J. HOLMES: I also resent the insinuation. There has been no opposition to the clause. There are none so blind as those who cannot see. Some men probably have not sufficient intelligence to see that we are passing legislation which will compel our merchants to shut down. Those merchants have employees to maintain, yet we are compelling them to shut down. I am not going to sit here and have it recorded against me that I had not sufficient common sense to see what effect this legislation would have.

Hon. J. CORNELL: I had no intention of reflecting on Mr. Connor, notwithstanding which he has levelled a grave charge against me. He assumes that I have no right as a member of the House to criticise the remarks of any other hon. member. When I digressed, the Chairman pulled me up, and if I had digressed further, he would have again stopped me. As he did not do so a second time I presume I was in order, and did not impute motives.

Hon. F. Connor: But he did pull you up.

Hon. J. CORNELL: But I did not proceed further on those lines.

The CHAIRMAN: Does the hon. member wish to make a personal explanation, or is he speaking on Clause 5?

Hon. J. CORNELL: I am speaking on Clause 5, and in doing so I say that as a member of the House I have a right to reply to remarks made by other hon. members, even though I had been here only twenty minutes and they had been here for 50 years. Very often you will find more brains in a young man than in an old man. When previously speaking on Clause 5, Mr. Holmes accused me of imputing motives, and deliberately twitted some hon. members in this House on the question of their loyalty. I would like to ask the hon. member if the singing of the National Anthem or the waving of a flag tends to make a man any more loyal either to Australia or to the Empire? I am just as loyal though I did not join in the singing, as any other man in Australia, and just

as loyal to the Empire as probably the hon. member is. I have always followed the old motto that "Actions speak louder than words," and therefore there is no need for me to sing the National Anthem or wave a flag to demonstrate my loyalty.

Clause put and passed.

Clause 6—agreed to.

Clause 7—Commissioner's restrictions prohibited:

Hon. J. J. HOLMES: I desire to ask for some information upon this clause. It says that no person shall buy up or store the necessaries of life with intent to raise the price thereof or to prevent free circulation thereof. It occurs to me that the Imperial authorities might send someone out to buy up all our wheat stores, and I want to know what our position would be in such a case.

The COLONIAL SECRETARY: The word "person" certainly covers everything, but I do not think the Imperial Government would be likely to come here and seize our wheat supplies which are required to feed our own people.

Clause put and passed.

Clauses 8 to 11—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time and *passed*.

BILL—ROYAL COMMISSIONERS' POWERS ACT AMENDMENT.

All Stages.

Received from the Assembly and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [8.5] in moving the second reading said: This Bill is introduced for the purpose of giving the Commissioners who will be appointed under the measure which has just been passed by this Chamber, ample powers in connection with the execution of their duty. The present legislation on the statute book does not give all those powers that are necessary, and consequently we are introducing in this Bill a number

of clauses which appear in the Commonwealth Act. Of course they will remain permanently on the statute book, at any rate until they are repealed, but they are thought to be necessary at the present juncture. The penalties are severe (but I think not too severe) for persons who refuse to attend the Royal Commission when summoned to do so, or for persons who refuse to give evidence. I beg to move—

That the Bill be now read a second time.

Hon. W. KINGSMILL (Metropolitan) [8·8]: In supporting this Bill, I only have to say that I hope that hon. members who have any objection to the principles of the Bill will make any speeches they have to make on the second reading. This will save an immense amount of time and a very great deal of idle recrimination. It will also tend to expedite the business of the House in a way that is not done when second reading speeches are made in Committee.

Hon. H. P. COLEBATCH (East) [8·8]: I have very few remarks to make upon this Bill. There is an important difference between this measure and the measure we have just passed. The latter is purely a temporary measure endowing the Government with extraordinary powers during the time of war, whereas this Bill is intended as a permanent addition to the laws of the country. There is only one portion of one clause in the Bill to which I take any exception, and that is Subclause 2 of Clause 7. This, to my mind, embodies a very objectional principle, one which has been placed before us in a number of Bills which have been submitted to this House during at least the last couple of sessions. It provides that when an employer is charged with an offence against this Act, the obligation of proving himself innocent is to be cast upon him. In my opinion, this is a wrong principle. When an employer is charged with an offence under the Act, the obligation of proving that an offence has been committed, should be cast upon the prosecution and not upon him. I am in accord with the rest of the Bill, although it

differs very greatly from the provisions of the present Act.

Hon. J. J. HOLMES (North) [8·10]: I am looking for cheap advice, and I would like the legal members of this House to put us right upon one question. The point I wish to raise is this: I understand that His Excellency the Governor appoints the Commission, and I wish to know whether the Commissioners are bound to report to the Governor. We have had evidence in this State, and I do not suppose it has occurred anywhere else in the British community, where the report, if the report had ever been made, did not reach His Excellency. The Commissioners were to make their report to the Governor in writing, but we have it on record in a particular case, that the report did not reach its destination. This was during the present Administration. I desire to know whether these Commissioners will be in a position to hand their report to His Excellency the Governor and that no means will be taken to prevent this being done.

The COLONIAL SECRETARY (Hon. J. M. Drew—(Central) [8·11]: There are no means of preventing any report that has to go before His Excellency the Governor from reaching him. It must be sent to the Governor. If a report is made by a Royal Commission it must go to the Governor, as it always has gone to the Governor when it has been received.

Hon. D. G. GAWLER (Metropolitan Suburban) [8·12]: I would just like to point out that really the chief additions to the principal Act in this amending Bill are as regards penalties against witnesses, and as regards the power given to the Royal Commission to inspect documents and books and to take copies and extracts therefrom. I agree with Mr. Colebatch in what he says in regard to Clause 7, that there is a somewhat objectionable feature in it, but the clauses as appearing in the Bill are taken almost word for word from the existing Act passed by the Commonwealth Parliament. Personally I have no objection to the Bill except in regard to the points raised by Mr. Colebatch. In other

respects, I commend the measure to the favourable attention of hon. members.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clauses 1 to 6—agreed to.

Clause 7—Dismissal by employers of witness :

Hon. H. P. COLEBATCH : I move—

That Subclause 2 be struck out.

I hope that the Government will agree to the amendment. There has been a sort of understanding that the legislation we are passing now is hurried legislation and that we should not pass controversial matters. Without labouring the question or entering into argument as to whether it is right or wrong, I say that this must appeal to members of the Government as being highly controversial. It is opposed to political principles and the principles of justice held by a large section of the community. It seems to me that no person should be called upon to prove his innocence in this way and that it would be an injurious thing for this Committee to pass. If at a subsequent time when we are supposed to be dealing with controversial legislation and the Government propose to introduce such a controversial matter, we can then discuss it. The subclause is not essential to the measure and I hope that the Government will agree to its deletion from the Bill.

The COLONIAL SECRETARY : I hope the hon. member will not insist on his amendment. It would mean that the operation of both measures would be hung up for nearly a week. I cannot see how this amendment could effect any harm even from the standpoint of a person who dismissed his employee. Even if he dismissed an employee because he gave evidence before the commission, evidence of which he did not approve, he could surely supply some other reason for so doing.

Hon. H. P. Colebatch : He has to prove it.

The COLONIAL SECRETARY : If the employee was dismissed for a good

cause immediately after having given evidence, he would be in the position to prove it. If there was no just cause for the dismissal, and if it was shown that he was dismissed through having given evidence, I do not think the employer would be entitled to any sympathy whatever. The onus of proof is cast upon the employer ; if he dismisses the employee there must be some reason and he should be prepared to state it.

Hon. A. SANDERSON : I hope Mr. Colebatch will not insist on his amendment. After what we have swallowed in the previous Bill this seems to me to be a bagatelle. I venture to enter a mild protest against the risks of what I consider panic legislation, but I sincerely trust that the Government are right, that this will allay trouble, and that they will use it reasonably, or not at all. It is obvious, if the amendment is carried, as the leader of the House has stated, there will be considerable delay. I trust, therefore, that the amendment will be withdrawn.

Hon. E. M. CLARKE : The Minister himself has suggested, and I believe he is right, that there will be wholesale retrenchment before long, and not only on the part of the Government.

The Colonial Secretary : I mean in the general community, including perhaps, the Government.

Hon. E. M. CLARKE : It seems to me that a person may be dismissed because his employer may not have work for him, and that the dismissed employee can attempt to prove that he was wrongfully dismissed. I want to assist the Government, but I think, in view of the wholesale retrenchments that are likely to take place, they should think twice before insisting on a clause like this.

The Colonial Secretary : This refers only to a person who has given evidence before a Royal Commission.

Hon. E. M. CLARKE : I take it that under this clause an employer, if he dismisses one of his employees, will have to prove up to the hilt that he was well within his rights in dismissing him. I only want to see that a fair thing is done. We are giving immense powers here and

in the existing circumstances I think this is likely to prove rather a troublesome clause, and will be liable to lead to a lot of expense which people who are least able to afford it will be compelled to pay.

The COLONIAL SECRETARY : This clause only applies in the case of the dismissal by an employer of an employee who has given evidence before the Royal Commission. The employer must be able to show that there was some cause for the dismissal other than the giving of evidence before the Commission.

Hon. J. J. HOLMES : There is bound to be retrenchment as the result of the legislation which we have already passed. We know, when an employee is dismissed, either rightly or wrongly, he has a grievance against the employer. The employees who may give evidence before the Royal Commission, and who may subsequently be retrenched, will cast upon the employer the responsibility of proving their innocence. That is what we are doing. I am surprised to learn that the other House has been adjourned. Surely these matters which we are considering are of sufficient importance to hold up the Legislative Assembly for a few hours. They did not lose their heads in England. Sir Edward Grey took days and we are trying to fix up a matter of vast importance in a few minutes. The last Bill which we passed will only operate during the time of war. This Bill, however, will go on the statute book for all time. They are two different things altogether.

Hon. C. SOMMERS : By passing the other Bill we are protecting the public and there does not seem to be the same urgency to pass this Bill immediately. This measure will give the Royal Commission great power. The other Bill provided for the appointment of the Commission.

The Colonial Secretary : It does not give them the powers which are necessary.

Hon. C. SOMMERS : If the Royal Commission is appointed they will have to make certain inquiries and meanwhile this Bill can be passed on Tuesday next. If there is no very grave objection, I do not think the short delay will be material.

We have passed the principal measure and we have, therefore, done our duty. This is a matter that might be considered a little longer and under the circumstances it might be as well if its passage were delayed.

Hon. H. P. COLEBATCH : I have no wish to force my view on the House and I had no idea in moving the amendment that it would cause any delay. Even now, I do not realise that it will cause delay, because under the first Bill which has been passed the Governor can proceed to appoint the Royal Commission and when that Commission is appointed it will have all the powers that any Royal Commission in Western Australia has ever enjoyed. I am willing to admit that those powers would be sufficient for the time being, and they are more than the Commission would have time to exercise before Tuesday next. There has been a sort of understanding in connection with the suspension of the Standing Orders that both Houses should rush through this legislation in a manner that few would agree to do at any other time, and there has been an understanding that there should be no controversial matter introduced. Mr. Sanderson considers that this is trifling in comparison with the other Bill which we have passed, but the other is a measure which will give the Government, during the time of war, extraordinary powers which the country would not think of giving in time of peace. The Bill we are considering now is a permanent addition to the statute-book, and any Royal Commission sitting in the State may summon witnesses, and then, if a witness should be dismissed the employer will have cast upon him the obligation of proving that he dismissed the employee for some other reason. The Bill we have already passed will provide for the appointment of a Royal Commission and that Commission will have all the powers of any Commission which has sat in the State, and it can very well do without additional powers until Tuesday next. I would like to know whether members think it right or wrong that we should make it part of our permanent legislation, that the onus of proving the in-

nocence of the employer, as is provided in this clause, should be cast on the employer.

Hon. A. SANDERSON: If the hon. member will not press his amendment I will not take up the time of the Committee, but if it is his desire to press it to a division I would like to ask members whether they think it advisable that this should go through now. Recognising the responsibility of the Government at the present juncture, we allowed the other Bill to go through without practically any discussion, and the Government have also taken the responsibility of bringing down this second measure to allay possibly their own and possibly the feelings of the public. Although what the hon. member has said of course applies with tenfold more force to the controversial matter in the other Bill, I would ask this Chamber to let this one go through, too. The responsibility is thrown on the Government and it will be comparatively easy to reconstruct it in calmer hours. The Government are anxious to get this through. The measure has passed the Lower House and surely it is not the business of this House, in the present circumstances, to do anything which will cause friction, either between the two Houses or between the Government and other members of Parliament.

Hon. J. J. HOLMES: I hope Mr. Colebatch will, if necessary, force the amendment to a division. The clause will practically give the commissioners power only to deal with employers after the witnesses have been called. Surely we will not reach this stage between now and Tuesday next. I wish to point out what has happened in this State. A well known firm interpreted an award of the Arbitration Court in a certain way. There was no objection on the part of the employees who thought that the interpretation was correct. They accepted their wages, and subsequently some left and others were discharged for misconduct and became scattered all over the State. The union later arrived at the opinion that the employers' interpretation was wrong, and asked the employers to

discharge those who remained to enable them to take action, but the employers declined to do so. The union then brought the employees from different parts of the State as witnesses. If John Brown and John Smith had cases against the employers, the union summoned Brown as a witness in Smith's case, and Smith as a witness in Brown's case, and thus compelled them to give evidence.

Hon. R. G. Ardagh: This clause applies only to Royal Commissions.

Hon. J. J. HOLMES: The same thing will happen. I am afraid some members will not see that when this legislation is placed on the statute-book it will be there for all time, while the measure passed earlier in the evening will apply only to war time. In connection with every Royal Commission, from this time forward, if an employee gives evidence and is subsequently discharged, the onus of proving innocence will, under this measure, be cast on the employer. This is a dangerous position in view of what has happened. The case I refer to is cited as the Butchers' Union versus Holmes Bros., Ltd. It was taken to the Full Court, and Mr. Justice McMillan would not hear it because he held that under the Arbitration Act there could be no appeal from the Arbitration Court. We claimed that the case had come from the Civil Court.

Hon. J. E. Dodd (Honorary Minister): How long ago was that?

Hon. J. J. HOLMES: Some years ago. Mr. Justice McMillan remarked—

The CHAIRMAN: Having used the illustration, the hon. member should not continue further in this direction.

Hon. J. CORNELL: I hope the amendment will not be pressed, and if it is, I hope the House will reject it. True the measure already passed will be operative only in time of war, while this measure will remain on the statute-book, but the Government of the day must have been under the impression that the present powers under the Royal Commissioners Act were not sufficient, and therefore they introduced this Bill. It has been said that if we

carry this amendment no serious harm can possibly happen before Tuesday next. There is an impression abroad that the Government have already acted too hastily, but I am of opinion that they are the only people who know when to act, and they have done so. We have agreed to a measure to give them certain powers, and they say that the powers of Royal Commissioners to be appointed under that measure are not sufficient, and that they require these additional powers. The Government have made this request with their eyes open. They recognise the urgency of the position, or they would not have included a clause when it has been repeatedly rejected from other measures. At present time is everything. If this measure becomes operative to-morrow a commission may be appointed to-morrow, and they can work to-morrow, and this will have a moral effect immediately. If the matter is dilly-dallied with for over a week, what guarantee have we that there will not be a deadlock between the two Houses, and that we will not be without the means to accomplish what we all desire? Some hon. members are labouring under a delusion. They are opposing the clause as they have opposed it before, but it is contained in the Commonwealth Royal Commissioners Act, word for word. It has been in operation for over two years.

Hon. D. G. GAWLER: It was passed by a Labour Government.

Hon. J. CORNELL: We must assume that Labour Governments can pass good as well as bad laws.

Hon. J. J. Holmes: They do not.

Hon. J. CORNELL: The only test of a statute is its working, and I ask if any hon. member knows of an injustice done under the Commonwealth Act. If anyone can bring forward a single concrete illustration there will be some substance in the objection. We are told that it is introduced to cast the onus of proof on the employer. Has the House always adhered to this position? In the Police Act the onus of proof is cast on the employee, and I could mention dozens of illustrations of the harshness of the working of the

statute in this connection. Since not a single illustration of injustice has been brought forward, there is no reason for opposing the clause. It has been said that the clause aims at victimisation, and that by its operation it will be possible to get at the employer. I have seen a good deal of what I am satisfied was victimisation, but if this clause is put on the statute-book. I am sure it will not be worth the paper it is written on to prevent victimisation. When the facts of one case were placed before a King's Counsel in Western Australia he said—"You certainly have a case, but when you go to the court they will bring forward a more respectable reason." Why should not this House immediately give effect to the wishes expressed in another place in the interests of a majority of the people of the State.

Hon. D. G. GAWLER: I must join in asking the Colonial Secretary to accept this amendment. I do not do so with the idea that by accepting it it will at all affect the working of the Bill, but for this reason: there is rightly an understanding between the parties in both Houses, in so far as parties can be said to exist in this House, that in times of stress every possible assistance should be given to the Government to meet such crises, but in passing the legislation which we have done, I think the Government were met fairly and fully on that understanding. They have every power to meet this crisis, but when it comes to a question of framing legislation to extend beyond the existing crisis, the ideas of hon. members should be allowed some weight, and we should not be asked to regard such a principle as this in the same light. I would not ask the Government to do this if they would be prejudiced in carrying out the provisions of the Act. When we consider the sections of the existing Royal Commissioners Act, can they be prejudiced? A Royal Commission is to be appointed for the purpose of fixing the prices of food. The present Act allows them to summon evidence, require the production of books and to examine any persons on

oath, and a penalty is provided if a witness refuses to appear or give evidence touching the subject matter of the examination. The statute also allows the payment of witnesses' expenses and so on. These provisions are sufficient to carry out the measure passed to-day. The only new provisions introduced are those regarding witnesses refusing to attend, and the way in which a warrant shall be executed by an officer of the police on a witness who refuses to attend. There is a further provision empowering the commissioners to inspect documents and take extracts, but this does not add much to the Royal Commissioners Act, because under that law they can compel the production of documents and examine them. Then on top of this comes the clause now under discussion. When we are in a crisis and are endeavouring to prevent people from being exploited, we need not worry about industrial troubles and disputes. This clause is intended only to create a dispute between the employer and employee. Outside of this measure, I have the strongest objection to the principle that a man should have to prove his innocence before he is proved guilty.

Hon. J. Cornell: Unfortunately it operates in several Acts.

Hon. D. G. GAWLER: I know the Act the hon. member has in mind. The analogy has been refuted over and over again. It is the case of a person found in possession of gold supposed to have been stolen and he can be called upon to prove where he obtained it. This is the only instance outside of the Customs Act where the principle is infringed. I object to this additional infringement now proposed, and as a member of the legal profession I have a stronger objection to it than most people. I believe the Government will not be hampered in any way in their work under the provisions of the Trade in War Time statute, and as hon. members who do not always agree with the Government have done everything in their power to assist them by giving them additional powers at this time of crisis, I ask the Government to say that at

present they will do without this power. If we pass the amendment, and if the Lower House next Tuesday refuse to agree to it, even then the matter can, if necessary, be further considered.

Hon. J. E. DODD (Honorary Minister): I wish to make a few remarks showing wherein certain hon. members are wrong as regards this clause; though after the hon. Mr. Sanderson had spoken, it seemed to me there was very little to be said. Hon. members continually assert that something of a controversial nature is being introduced at a time when it ought not to be introduced. In reply to that, I may point out that the leader of the Opposition was consulted on this measure, that the measure has passed another place, and that the other place was so satisfied as to the measure being free from anything of a controversial nature, that they adjourned. Consequently, the measure could not be sent back if we made the amendment. Further, as the hon. Mr. Cornell has already pointed out, this is not hysterical legislation at all.

Hon. D. G. Gawler: The Bill could be sent back by Tuesday.

Hon. J. E. DODD (Honorary Minister): Yes, that is so. However, this is not hysterical legislation in any shape whatever, because it is legislation already on the statute-book of the Commonwealth. Surely something that has been carried by both Federal Houses so far back as two or three years ago cannot be termed hysterical legislation. I wish also to say that if there is one section of the British Empire where the leader of the Opposition and the leader of the Government have not shown hysteria, that place is Western Australia. With regard to the clause itself, as the hon. Mr. Cornell pointed out also, it is really not worth the paper it is written on, except in this respect, that it is something to show those for whom it is designed that they cannot do exactly as they like. I only wish the clause would give a little more real power. I know of many cases in which the onus of proof is thrown on the employee, cases by the dozen; but this is not the time for entering into controversial matter of

that kind. The other place, having passed this Bill without amendment, and the leader of the Opposition having been consulted on this legislation, the least we can do is to pass the measure as it stands.

Hon. J. DUFFELL: I intend to support the Bill in its entirety. Arguments have been brought forward to show that this particular provision has been inserted for party purposes, but I cannot see anything in the clause pointing in that direction. We have to bear in mind also that the provision will cut against the Government, the largest employer in the State to-day, as well as against the individual private employer. Speaking personally, I may say that if an employee of mine were called upon to give evidence before a Royal Commission, I would in no wise consider that that employee was in a position to do his duty unless he had full liberty to speak his mind without fear of after results. At a time like this, and having regard to the important measure just passed, I am not going to do anything whatever that will tend to delay even for a single hour the carrying into effect of this important clause.

Hon. H. P. COLEBATCH: I myself should be very much opposed to dividing the Committee at this time on this clause; but if any other member wishes to divide the House, he can do so. If any hon. member does so, it will be the fault of the Government. If the Government thought that this provision was absolutely essential having regard to the Bill which has just been passed, they could have placed it in that Bill, so that it would have been operative only during time of war. Then no one would have raised any objection to it. There is in the Bill we have just passed a similar provision, casting the onus of proof on the defendant; and no one raised any objection to that. We regarded it as an extraordinary provision which might be admissible in time of war. But I do not think it a fair thing on the part of the Government to use the present occasion—I do not want to use any strong language—to use the present occasion as an opportunity for placing

permanently on the statute book a certain phase of industrial legislation to which we have objected in the past. I do not consider that I should have been doing my duty as a member of the House had I not entered a very strong protest against the clause. I repeat, however, that I do not intend to divide the Committee. If any other member wishes to do so, he can.

The COLONIAL SECRETARY: I sincerely hope there will be no attempt to divide the Committee on this particular clause. It is absolutely necessary that this Bill should go through to-night, so that both measures may be put into operation without delay; and it is the intention of the Government to put them into operation without delay. The Royal Commission to carry out the intention of the previous measure would be appointed to-morrow morning, and would start work at once. Therefore, it is absolutely necessary if work is to be commenced without loss of time that both these Bills should receive Parliamentary sanction to-night. The hon. Mr. Holmes has been at some pains to show that the present Bill is not absolutely necessary, but I do not think he can have given very much consideration to the question. The original Act of 1902 is a measure practically of four clauses intended merely to provide machinery for conducting an inquiry; nothing more. It empowers the Governor to appoint a Royal Commission, and it gives power to impose a small penalty for refusal to appear as a witness. Further, it provides for the payment of witnesses' expenses, and frees witnesses of liability to penalty unless payment of expenses is tendered.

Hon. D. G. GAWLER: It also enables the Royal Commission to examine witnesses on oath.

The COLONIAL SECRETARY: Yes; and that is about all it does. The Bill before hon. members goes much further. Under this measure it will be possible not only to summon a witness to attend, but to compel him to attend during the whole of the period for which he is required. He is not obliged to so attend now. Under the existing Act, he would

have to be summoned on every occasion when his attendance was necessary. Under this Bill, however, a witness must be present from day to day until his attendance is dispensed with by the Commission. Again, power is provided to arrest a witness failing to appear; and that very necessary power is not provided by the present Act. Then Clause 5 gives the Commission extensive powers not provided by the original Act, in relation to documents produced. Lastly, as to this clause dealing with dismissal by employers of witnesses, so far as I can see, the clause cannot be regarded as drastic. It simply requires that in such circumstances an employer shall be able to give good reason for the dismissal. If he has good reason, he can easily furnish it.

Hon. D. G. Gawler: He will have to prove it, though.

The COLONIAL SECRETARY: He will have to prove it to the satisfaction of a magistrate, and he can easily prove it if it exists. On the other hand, if no good reason exists, then the employer is entitled to no sympathy whatever. If this Bill is not passed to-night without amendment, nothing can be done until Wednesday next; and that will mean considerable delay in the appointment of the Commission, and a consequent penalising of the general community. And for what purpose? Simply because of one small point. I very much regret to see that the hon. Mr. Colebatch is apparently still prepared to support the amendment if there is a division. I thought that after seeing the legislative company he is keeping, he would not have persisted in his opposition to the Bill as it stands. I say that because the hon. Mr. Holmes undoubtedly made a direct attack upon one of the vital clauses of the Bill which has just passed.

The CHAIRMAN: The hon. gentleman will please confine himself to the discussion of Clause 7 of this Bill.

Hon. A. SANDERSON: I have to thank my friend Mr. Colebatch for having listened to reason. He tells us now that he is not going to press his amendment. That is a concession. "Let not my lord be angry with me," but let me ask

one more concession. I am not taking up the time of hon. members idly. I know the difficulty, in this House of no party, of finding out how members are going to vote. If I was assured that this clause would go through, I would sit down at once; but I remember two or three occasions where matters of this kind have gone through without full discussion. Members did not know beforehand. There are no whips in the House. There are no leaders of party in this House. We have only the leader of the House. I can speak with some little knowledge to my colleague, Mr. Gawler, and I appeal to him to give me the merest nod of the head. If the amendment of this clause is going to be enforced, there will inevitably be delay. We have it from another hon. member that he does not intend to press the amendment to a division; but if a division is called for, presumably he will have to vote for the amendment. I ask my colleague, Mr. Gawler, to support Mr. Duffell and myself as representing the largest province, numerically, in this House. I appeal to Mr. Gawler not to have any amendment, but to hand the Government these two measures as they ask for them with the approval and assistance of the leader of the Opposition in the Lower House.

Hon. D. G. GAWLER: I will admit that I am overwhelmed by these appeals from all sides, and I rise to say that I am prepared to accept the assurance of the Government that this Bill is necessary for their purposes. I do not want to be one to assist in letting this House strike the only discordant note. Let us come to an amicable understanding with the Government. I have much pleasure in withdrawing my objection to the clause.

Hon. J. J. HOLMES: If the amendment were carried to a division, I would certainly support Mr. Colebatch. I have been accused by the leader of the Government of attacking the vital principle of the previous Bill.

The CHAIRMAN: I stopped the leader of the House, and I shall stop the hon. member if he will persist in discussing another Bill at this stage.

Hon. J. J. HOLMES: I considered it my duty to draw attention to the difficulties which would arise under the Bill. Irrespective of what the leader of the House may think, I am here with a duty to perform. In conclusion, I may remark it has been said that "some men are born for great things, some for small, and of some it is not recorded why they were born at all," and I think this applies to the gentlemen opposite.

Hon. H. P. COLEBATCH: The Committee has entered a sufficient protest against the principle embodied in the clause, a protest that will entitle us at any future time, when a principle of this kind comes before us, to oppose it without leaving it open to the Government or any party to say that we accepted the principle at another time, for the circumstances under which it was done will acquit us of establishing a precedent. In view of this I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time and *passed*.

QUESTION—WONGAN HILLS— MULLEWA RAILWAY.

Hon. H. CARSON asked the Colonial Secretary: On what date do the Government intend handing over the Wongan Hills-Mullewa Railway to the Commissioner of Railways?

The COLONIAL SECRETARY replied: It was expected to hand over this railway in January next, but owing to existing conditions which have since arisen the date of completion is uncertain.

PAPERS PRESENTED.

By the Colonial Secretary: By-laws of Municipality of Claremont.

House adjourned at 9.4 p.m.

Legislative Assembly,

Thursday, 6th August, 1914.

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The DEPUTY SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (2)—WONGAN HILLS— MULLEWA RAILWAY.

To hand over to Railway Department.

Hon. H. B. LEFROY asked the Minister for Works: 1, Is it the intention of the Government to hand over to the Working Railways any portions of the Wongan-Mullewa line during the present year? 2, If so, what sections is it intended to hand over, and when is it intended to do so?

The MINISTER FOR WORKS replied: 1 and 2, It is not proposed to hand this line over in sections, but it was expected to place the whole railway under the control of the Working Railways in January next, but under existing circumstances since arisen the date of completion is uncertain.

Roads to Sidings.

Hon. H. B. LEFROY asked the Minister for Works: In order to assist the settlers on the Wongan-Mullewa railway line, will he open up the roads leading to the various sidings during the present year and, in view of the shortness of the burning season, start the work of clearing at an early date?

The MINISTER FOR WORKS replied: Instructions have been issued to do road clearing leading to all sidings, but under existing circumstances since arisen the date of completion is uncertain.

STANDING ORDERS SUSPENSION.

The PREMIER (Hon. J. Scaddan—Ivanhoe) moved—