Legislative Assembly,

Tuesday, 4th August, 1903.

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

PRAYERS.

QUESTION—ROTTNEST ESTABLISHMENT, UPKEEP.

MR. BUTCHER asked the Premier: 1, What is the present cost per month of the upkeep of the Rottnest Establishment. 2, What action the Government intends taking with regard to the reduction of the same.

THE PREMIER replied: 1, £72 1s. 1d. 2, The Prisons Bill, now before Parliament, will provide for the abolition of the penal establishment for Aborigines.

QUESTION—DOG-TRAPPING EXPERT.

MR. WALLACE asked the Minister for Lands: 1, Who is the accredited expert in dog-trapping referred to by him in his speech at Northampton on the 9th July, 1903. 2, Whether the appointment has been made. 3, What credentials he considers sufficient to qualify a man as an expert in dog-trapping.

THE MINISTER FOR LANDS replied: 1, J. E. Ross. 2, Yes; temporary on weekly salary of £4. 3, Ross's credentials will be found in File No. 3681/03, which I shall be glad to show to any honourable member.

QUESTION—MIDLAND RAILWAY COMPANY'S LANDS.

MR. JACOBY asked the Minister for Lands: 1, Whether his attention has been directed to the great inconvenience said to be caused to settlers on the Midland Company's lands by the refusal of the Government to consent to sales of lands to such settlers. 2, Whether, in his opinion, the needs of the said settlers are of more importance to this country than the embarrassment of the Midland Railway Company.

THE MINISTER FOR LANDS replied: 1, I am not aware of hardships being inflicted on settlers, but complaints have been made by persons desirous of building up large estates without the obligation of residence or the fulfilment of improvement conditions. 2, If the hon. member will state a specific case I will be pleased to answer it.

QUESTION—FIREWOOD FOR FURNACES.

MR. JACOBY asked the Minister for Works: Whether, in view of the great saving said to be effected by the use of wood as fuel in the furnaces at Mundaring, the Government propose to use wood in the furnaces at the Midland Junction Workshops and wherever practicable.

THE MINISTER FOR WORKS replied: Such fuel would be used as would give the best results in service and economy.

BILLS PRINTED AFTER FIRST READING, HOW REGULATED.

MR. S. C. PIGOTT (West Kimberley): I wish to ask a question without notice. I ask Mr. Speaker: If you will inform the House what is the proper parliamentary practice in distributing to members Bills which have been read a first time and ordered to be printed.

THE SPEAKER: The hon. member gave me notice that he was going to ask this question to-day, and consequently I have looked up the point in *May's Parliamentary Practice*. I think I cannot do better than read an extract to the House:—

> After a Bill has been presented and read a first time, it is not regular to make any other than clerical alterations in it. On the 28th March, 1873, notice being taken that the University Tests (Dublin) Bill had been materially altered since the first reading, the Speaker ruled that, after the first reading, a Bill was no longer the property of the member himself, but passed into the possession of the House. The order for the second reading was accordingly discharged, and the Bill withdrawn.

Here is another extract I would like to read to the House:—

> When the Bill has been read the first time, the question next put in the Commons is

"That the Bill be read a second time." The second reading, however, is not usually taken at that time, and a future day is named on which the Bill is ordered to be read a second time. The Bill is then ordered to be printed, in order that its contents may be published and distributed to every member before the second reading. Unreasonable delay ought not to be allowed in the printing of a Bill after its introduction; though the fact that the Bill remains unprinted does not justify a motion that the order for the second reading be read and discharged.

I think there is no doubt whatever that the parliamentary practice is that after a Bill has been read a first time, the member who presented it has nothing more to do with it until it is distributed to members; and our own Standing Orders, I think, lead me to the same conclusion. Order 266 says:—

After the first reading, a question shall be put "That this Bill be now printed."

Then the House orders it to be printed, and not the member who presented it. That substantiates what is stated in *May*, that after the first reading the Bill is in the possession of the House, and not in that of the member who introduced it. That is the opinion I have very long held, and that is laid down in *May's Parliamentary Practice*; but we do not abide by it. I purpose that we shall carry out that rule for the future, and that when Bills are printed they shall be considered to be in the hands of the Speaker as the mouthpiece of the House, to be distributed by him as he thinks proper.

THE PREMIER (Hon. Walter James): I should like to say, by way of explanation, regarding the question of the hon. member (Mr. Pigott), which is directed to the Railway Traffic Bill, that I have simply followed the practice which has prevailed in the past.

THE SPEAKER: It has prevailed.

MR. PIGOTT: Have any alterations been made in the Bill since it has been printed?

THE PREMIER: Yes. That has always been the practice in the past. I take it the ruling is that what we have to deal with is the first print.

THE SPEAKER: The member who introduces a Bill has to present a draft, and then it is read a first time; afterwards a motion is made that the Bill be printed, and then a motion that its second reading be taken on a certain day. I think that when Bills are printed and sent down, they should be in the hands of the Speaker previously to distribution. I know that in the House of Commons they have what is called a Public Bills Office. When Bills are introduced there, they are given to the officer in charge of the Public Bills Office, and he sends them on to be printed, and when they come back printed they are ready to be distributed to every member who asks for them. We have no such office here; but in relation to this House I as Speaker stand somewhat in the position of that office. I do not know of any better plan that could be adopted.

MR. PIGOTT: In view of the ruling you have given, and as I believe the Railway Traffic Bill was originally printed and handed to the officers of this House, shall I be within my duty in asking that you, Mr. Speaker, shall have this Bill as originally printed distributed to members?

THE SPEAKER: Certainly; it will be distributed. I will order it to be distributed.

MR. PIGOTT: We have the old one here.

THE SPEAKER: I do not know that there are two copies. I have not two copies.

MR. PIGOTT: The question is, which is the Bill?

THE PREMIER: We are perfectly indifferent. We will give you two choices.

THE SPEAKER: I do not expect the Printer has sent two different Bills to the House on the same subject.

THE PREMIER: The first copy came to my care.

THE SPEAKER: There has been only one Bill, I fancy, sent down by the Printer. Are there two?

THE PREMIER: Yes. The first copy came down to me, according to practice. My practice has always been in the past not to place a Bill before the House until I have finally revised it. Perhaps you, Mr. Speaker, will remember that this is a privilege Bill, and I think that very rarely is a privilege Bill exactly right at the first reading.

THE SPEAKER: If there are two Bills down, how are we to know which is to be distributed?

THE PREMIER: I think the wisest way would be to lay upon the table of the

House a copy of that Bill of which the Midland Railway Company have a copy, and I intend to move its amendment.

THE SPEAKER: Of course that is the proper way, to move an amendment to it in Committee.

MR. PIGOTT: As Mr. Speaker has ruled, there is no more doubt on the point that once a Bill is printed and handed in to the officers of the House, it is the property of the members of the House.

THE SPEAKER: Certainly.

MR. PIGOTT: I believe a Bill has been handed to the officers of this House, and it is not to be distributed to members.

THE SPEAKER: As I understand it, the Bill came down directly to the Premier.

THE PREMIER: My friend can have a copy, if he wants it.

THE SPEAKER: There need be no more said about it. The Bill will be distributed to members.

ADDRESS-IN-REPLY—AMENDMENT.

SIXTH DAY OF DEBATE.

Resumed from the previous day, on the motion for adoption of the Address-in-Reply, and on the amendment moved by Mr. Nanson: "We desire to add that this House views with grave concern the proposed introduction of Chinese or other alien coloured labour into the Transvaal, believing that the interests of the Empire in South Africa—to maintain which this State, in common with the rest of the Commonwealth, has expended blood and treasure—demand that imported coloured labour should not be employed in the mining industry of South Africa."

THE PREMIER (Hon. Walter James): In dealing with the question raised in the amendment by the member for the Murchison (Mr. Nanson), I desire to say at once that I fully accept his remarks, and am confident that in bringing forward his amendment he had no intention to imply a want of confidence in the Government, nor any intention of embarrassing the Government by the action he has taken. I agree that the subject matter of the amendment is well worthy of discussion, and I am glad to observe that since the last sitting of the House the hon. member has himself sought to awaken opinion by public discussion outside this House. Holding that opinion, I regret the fact the more that I do not feel justified in accepting the amendment, because I can find no warrant or authority for that course, and also because, with all due respect to the hon. member, I seriously doubt the wisdom of such a step. In my opinion, it may tend to defeat, rather than to aid, the object in view by arousing a feeling of irritation in the Transvaal Legislature, which has the present charge of the question. I agree, therefore, entirely with the hon. member on the point that to the extent to which public opinion in this State can aid in forming or assisting public opinion elsewhere, our efforts are worthily directed; but I have to submit, with respect, that the public opinion here expressed should spring from without and not from within the House, if we hope to see it effective in the Transvaal. We must avoid any suggestion that we are criticising the work or the recommendations of any other legislature: we must be content to express our views as public men rather than as members of Parliament. Agreeing as I do with the substance of the hon. member's remarks, I nevertheless feel constrained to ask him not to press the amendment, because I am convinced that such a course would be prejudicial to the end he has in view. I feel confident there is no need for me to assure the House or the country of my attachment to the policy of a white Australia. Such was my conviction long before I entered Parliament, and during the whole course of my parliamentary career, extending now over eight or nine years, I have been consistent in my advocacy of and my attachment to that policy. The very first Bill I introduced into Parliament dealt with the question; and by that Bill I sought to impose restrictions on the importation of Chinese, which restrictions, had they been then adopted, would have resulted in Western Australia being to-day I think the richer, others may think the poorer, by the absence of several hundreds of Chinese who have since come to this State. [MR. TAYLOR: Pity the Bill was not carried.] When introducing that Bill in the year 1894, I said:—

> I have too much respect and too much hope for Australia to contemplate without alarm the introduction of inferior classes. I have too great a fear that by introducing these people into our colony we shall have either a class of

people who are mere hewers of wood and drawers of water, quite apart from and looked upon with contempt by the rest of the community, or, what is far worse than that, we shall have a mixture of the two races. In either event it would be a sad outlook for Australia.

My whole career in Parliament has been on similar lines; and I believe to-day more strongly than ever that, despite temporary disadvantages, the only wise policy to adopt in the interest of our race and in the interest of those who come after us is to keep Australia as one of the few countries to which European population can flow, and into which the all-persuasive Asiatic shall not be allowed to enter. Every year I believe adds to the number of those who realise that the cry for a white Australia has a deeper and truer justification than any mere class prejudice or any personal fear. Now what I believe for Australia I believe also for South Africa; and I cannot contemplate without concern the possibility of a country which has cost such sacrifices being irrevocably lost to European civilisation, by being handed over to thousands upon thousands of Chinese and the teeming millions of the local natives. But whilst those are my opinions, I cannot help being impressed with the fact that I speak from a distance, that I speak without the local knowledge and the local colour which are so essential if in connection with such matters we are to form a right and true judgment. We in this State have on more than one occasion had cause to complain of the criticisms urged against the policy, not only of this Administration but of previous Administrations, by men who have no knowledge whatever of our local conditions, and who view matters with a false perspective. None of us can adequately express opinions unless he have some knowledge, at all events, of the local conditions which apply where the policy for the time being is the subject of criticism being enforced. The experience we ourselves have had should bring home to us the care with which we ought to approach the consideration of any question which does not arise in our own midst, and in connection with which we speak without that personal knowledge of local conditions which I believe to be so essential. There is always a risk, when we speak without local knowledge, that our observations or actions are likely to be impertinent because founded on incomplete data. It is also material for us to bear in mind, when dealing with this question, that there exists in the Transvaal a body of men, be they a small minority or be they a strong minority, who appreciate just as strongly as we do the difficulties and the dangers in the way of introducing into their midst a large body of Chinese or other Asiatic labourers. It is obligatory, I believe, on us in this House and on others outside to bear in mind always that it is impossible for us to speak free from the limitations cast upon us; and our own experience, let me say again, should be a warning to us how the best-intentioned men are often unable to express a really valid opinion on affairs in a state or community of whose local conditions they know nothing. We can however be confident of two relevant points: that as on the question of principle, we base our adherence to a white policy on the belief that our duty is to preserve Australia as a country in which a European population can live and thrive, as one of the few countries which are available for the expansion of European races, we can with some force apply the same reasons in relation to those portions of South Africa which are capable of carrying, as this Commonwealth is capable of carrying, a large and increasing European population. We may also as a second point more immediately in connection with the present issue, bear in mind that the mining industry in relation to the Transvaal is very much the same as the mining industry in relation to Western Australia—I suppose very much the same as it is in other countries which hold the same position, relatively, as do the Transvaal and Western Australia to the old country. One finds that the capital with which the industry is carried on is provided in a country far distant from the scene of operations, provided by a body of men who have no immediate concern, no direct interest, in the good or bad fortune of the State in which the industry is carried on. Naturally and unavoidably there grows up in the minds of people so circumstanced a desire to promote, so far as they possibly can, any movement, any legislation which will tend to give them

as much profit as possible from the money they have invested. Such people are free from the obligation resting on us, to do our utmost to see that the resources of the State are not exploited, but developed. These two facts, therefore, are in common: they apply in the Transvaal just as they do in Western Australia. To the extent, therefore, to which they are common, we can speak with a certain degree of confidence; but beyond that, I say again, we must always bear in mind that local conditions seriously affect problems of this nature. I have said on more than one occasion—and I believe every member of the House has said it, and will support me in saying it again—that the mining industry in any State is a means to an end, that the mining industry is not in itself all-sufficient. No State can, with equanimity, contemplate the development or exploitation of an industry for the aggrandisement of the speculator alone. Our duty is to utilise industries for the development of the State; and unless mining or any other industry is (speaking industrially) like the overflow of the Nile, leaving behind a fertilising influence on other portions of the State, then when the time comes that the particular industry is weakening, is not so valuable as it was, we shall find ourselves not richer by the fact that the industry has existed, but poorer. Our duty is to utilise all these industries as far as we can, in such a manner that the good to be derived from them shall to some extent be derived in the State where these industries are carried on. I am now dealing with the gold-mining industry in particular, because it comes to the mind so prominently in this connection; though much the same observation applies to any other industry carried on under similar conditions. With regard to this industry we find three points of view. There are those who believe that the industry belongs to the man who puts his money into it—the mining speculator or the mining investor. Such people believe that the industry should be entirely controlled in the interests of those whose money is directly concerned. Again, there are those who believe that the industry, because it is valuable, should be expropriated by local people without regard to the man whose money is embarked in the industry. And between those two extremes comes the medium, and the happy medium in this as in most other cases, represented by those who believe that while the industry belongs to the State, that while it is our duty to see that the industry is developed so as to do good to the State, there is nevertheless an obligation cast on us to see that the industry is carried on in such a manner that those who work it shall receive fair wages, and that those whose capital is invested shall receive fair returns. Now, of the first class we have had some experience. In connection with our own mining industry, we constantly hear a cry that by our legislation or by our administration in Western Australia we are unduly curtailing the profits or the emoluments of those whose money is invested. The body of men who raise that cry are honest and sincere in raising it. I do not believe they approach the subject in any consciously selfish spirit; but they suffer from their environment and want of direct interest in the State generally, and therefore naturally think that because their money is in this industry, the industry itself should be exploited merely for the purpose of bringing back increased profit to them. They who occupy the first point of view are as a rule those who speak so strongly in favour of coloured immigration; because that coloured immigration, introduced for the purpose of developing any industry, by the cheapest possible labour, is the recognised attitude of those who take up the first, and what I believe to be the worst, point of view that can be taken in considering this subject. The introduction of coloured immigration would, in my opinion, gratify the speculator, but would be deplored by the man who believes that the industries of every State owe an obligation to the State as a whole, and not merely to those whose capital is invested in the particular industry. The men who occupy the second standpoint are always assumed to be those who hold positions of power in the country where the industry is carried on. As to our own mining industry, I believe the mining investor honestly believes that the Government look on the question solely from the second standpoint. They really believe that we, in dealing with mining

questions, are more anxious to expropriate their property or their profits than to do justice. On the other hand I believe that the great majority of people in this State are earnestly anxious to see that while our national interests in the goldmining industry are conserved, there shall be fair-play to all persons interested in that industry. Now, what is the position to-day in the Transvaal? I have already pointed out that, *primâ facie*, those who look on a local industry as a mere means to increase dividends, who look on the labour employed much as they look on a battery or a mill, as mere machinery for the purpose of making more money for those whose capital is invested, have a natural and I may say an inevitable inclination to use arguments in favour of and to contend for the introduction of coloured or cheap labour. What was the position in the Transvaal before the war? I should like that to be considered, because it throws light on the position to-day. In August, 1899, before the war, the Transvaal mining industry saw its best month. The position then existing had been attained after years of effort; and the greatest difficulty which had confronted the industry throughout those years was the difficulty which remains to-day, namely, the labour question. We all know what is the position of the population in South Africa. It is not that there are not great numbers of able-bodied men of the native population, but the difficulty lies in persuading those able-bodied men to take up employment on the mines: after years of effort, however, an ever-increasing body of natives was found available for the purposes of mining development.

MR. NANSON: By gradually increasing taxation, so as to compel them to work.

THE PREMIER: I am not now concerned with the means adopted. On that I have my own opinion; but I may say at once that if by the application of a gentle pressure of taxation we can make the ordinary African native work, that would do him good. As it is now, he generally relies on his women-folk to work for him; and he is not the kind of man with whom I have much sympathy. If the lash of taxation will make that lazy loafer work, I should much like to apply the lash. The fact remains that in August, 1899—a few weeks before the war broke out—the mines were in the best position ever attained. There were 83 companies at work, and over 6,000 stamps falling. The gold produced for the month was upwards of 400,000 ounces, valued at over £1,700,000; showing the high state of efficiency attained. To enable that quantity of gold to be produced, to enable that state of efficiency to be attained, there were 96,000 natives employed in the mines and 25,000 employed in the town, giving an aggregate native employment of 121,000. I refer to the town because the prosperity of the town would of course depend on that of the mines; and I shall presently show that perhaps some of the existing difficulty may be due to the fact that there is going on to-day an increased development in the town. In addition to the 96,000 natives employed in the mines, 12,000 whites were also employed there, giving an average of one white to eight natives.

MR. NANSON: It would be interesting to compare the wages paid before and after the war.

THE PREMIER: That was the position in August, 1899; and the point I wish to make is that in August, just before the war, the mining industry had reached a stage which it had never previously attained, and had reached that stage without the introduction of Chinese, and by utilising the ordinary available native labour *plus* the necessary European supervision. Following on that came the war, lasting about three years, and as members are aware, entirely dislocating the labour market. The ordinary Kaffir, directly he got away for six or twelve months from labour, did not wish to go back to it. He was not fond enough of labour to go very far in search of it. He had, while the war was on, very liberal wages from the Imperial War Office; and there are to-day great numbers, perhaps thousands, of natives who, measured by the standard of native wealth, are comparatively speaking millionaires, owing to the fact that during the course of the war they received what were to them large payments for services rendered. In addition to the wages which some received, I have no doubt a still greater number was able by means of perquisites and plunder to accumulate still greater wealth. This was in itself very

seriously dislocated the labour market, with the inevitable result that after the war dislocation had to be overcome. Not only did the existence of the war create all this dislocation of labour, by offering so many inducements to the native labourer to refrain from working in the mines, but the close of the war brought about an increased prosperity by making a greater demand for labour in the building trade, to make up for the losses sustained and injuries done during the war, and to render possible the repatriation of Boer families throughout the whole of the Transvaal, in addition to the enormous extension and development which went on in Johannesburg itself.

MR. NANSON: Even black people's wages have been reduced since the war.

THE PREMIER: So members will see that before the war the mining industry itself occupied a particularly strong position, a position which it had taken years to attain. Following on that came agencies which had the effect of entirely dislocating that system, of making it ten times more difficult for the mines to obtain the necessary labour.

MR. NANSON: Is that why the labourers obtained lower wages?

THE PREMIER: I think the hon. member would see, if he were not so impatient, that I am using my argument to emphasise this point: it is unreasonable to argue that Chinese labour is essential to the Transvaal because the mines cannot at once recover their old position.

MR. NANSON: They are paying lower wages than they paid before the war.

THE PREMIER: It is not to be expected that they can at once resume their former position. In May, 1903—three months ago—there were 64,000 natives employed on the mines and 36,000 in the town, giving a total of 100,000 natives employed.

MR. NANSON: The wages have been reduced since the war.

THE PREMIER: That was in May, 1903, less than 12 months after the war had ceased; and although the mines had been carrying on operations before the declaration of peace, the fact that guerilla warfare was still in progress must have had a very serious effect on the labour market, and continued the dislocation. Nevertheless in May, 1903, within 12 months after the close of the war, the number of natives employed on the mines and in the towns was upwards of 100,000, showing a deficiency of only 11,000 natives. Now I submit to this House that is not a very serious deficiency, bearing in mind how many agencies were at work on account of the war and of the work to be done immediately after the war, to diminish the supply of native labour. But although there was only this total deficiency of 11,000, there was a shortage on the mines of 32,000; obviously due to the fact of an increased demand for labour in the town, where rebuilding operations and extensive improvements were being carried on, in respect of which the wages paid were so high that these works successfully competed for labour with the mines. In 10 months only, from July of last year to May of this year, the output of gold increased from 152,000 ounces to 234,000 ounces, an increase of nearly 80,000 ounces per month in that period of 10 months. And in May, 1903, the figures for which month are the latest available, there were employed on the mines 64,480 natives and 11,429 whites, giving an average of one white to five natives. I submit that what was done between the declaration of peace in June of 1902 and May of 1903, instead of showing that the local labour was insufficient for the purpose, is in itself a marvellous instance of what can be done in organising native labour, and in making up for some of the losses which were bound to be sustained in that long and exhausting war. When one bears in mind the dislocation that the war occasioned, that competition arose in connection with the public works policy, in building up the losses and the ruin caused by the war, during the interval that elapsed between June, 1902 (when peace was declared), and May, 1903, I should have thought there was ample evidence that the old native labour at all events had given no evidence of being insufficient to reach within a reasonable time the position occupied before the war. It is indeed open to question whether any serious attempt has been made to obtain from the local market the necessary amount of labour. Wages were increased, then reduced; the reduction, I believe, being justified on

the ground that representation was made to the mine owners by those employing native labour in the towns that undue competition for black labour existed. The fact remains that although this had been done between the declaration of peace and May of this year, the wages had not been increased. They were first increased and then reduced. Again, piecework was tried for a certain period, and during the period in which it was tried it resulted in an average improvement of 10 per cent. It was not continued, but dropped, and as this piecework was, under trial, satisfactory, one naturally asks, why was this method not more fully tested and applied? These facts leave in one's mind the impression that at that time there was *already existing* the opinion that it was necessary to introduce Asiatic labour, and the desire was to make a case for the Chinaman rather than the native. Perhaps the member for the Murchison can now see the point I have been endeavouring to make. In that connection I should like to read an extract from a speech made by Sir Percy Fitzpatrick, chairman of the Chamber of Mines in Johannesburg. It is a very moderate speech, and it appeals to me very strongly and convinces me that at all events some of the influential men in the Transvaal realise as strongly as we do the effect of the introduction of Chinese labour. Sir Percy Fitzpatrick deals with that question and with the question of piecework. He proceeds:—

> In the middle of last month, however, it was decided by your committee to restore the old schedule of wages. We are now, therefore, back into the position in which we were before the war. The pressure from all sides on those responsible for the mines to do everything, and to do it immediately, in order to restore the industry to its previous position, was so great that, notwithstanding the shortness of the period in which the piecework system had been in vogue, it was decided to revert to the old schedule. This was in accordance with the view of the great majority. The other view was that, as we are re-laying the foundations of the industry, and as efficiency is of quite as great importance as the rate of wages, it would be wiser to give a more extended trial to the piecework system, and to resist the pressure of those, be they general public or shareholders, who, although perfectly sincere and perfectly convinced in their criticism, are necessarily not so competent to decide these matters as those who make the study of them the business of their lives.

This point I wish particularly to draw the attention of members to:—

> Any attempt to solve so difficult a problem should have a patient and exhaustive trial, not merely upon the general principle, but because the premature abandonment of any serious attempt, or an abandonment which may afterwards appear to have been premature, may afterwards be regarded as one of those short-cuts to a predetermined conclusion, and an effort to show but not to prove that the first and the natural field for our recruiting exertions—Africa—has been exhausted, and that we must at once look elsewhere. Gentlemen, it is to the future, and not to the past, that I venture to direct this observation, because it is clear that pressure will not cease here.

In that extract members will observe Sir Percy Fitzpatrick throws out the suggestion that this reduction of wages and this sudden cessation of piece-work might be open to question, as indicating a determination to secure Asiatic immigration by those in favour of that class of labour. That speech was delivered in February of last year.

MR. BATH: They advocated that before the war.

THE PREMIER: I am quite prepared to judge him, and I think members will be prepared to judge him, by the observations reported in the speech I have read.

MR. NANSON: There is a later speech, in May of this year.

THE PREMIER: I am quoting from a speech by Sir Percy Fitzpatrick, and if the hon. member has any later speech recanting his former observations, I shall be glad to hear it, for I attach importance to his remarks, because the reading of his speeches has satisfied me that he is a fair-minded moderate man. That speech was delivered in February of this year, when the majority of members of the Chamber of Mines were raising the contention that they were not able, with the available sources of supply in Africa, to carry out the ordinary mining operations so as to resume the old position. Since February last, for three months the monthly output had increased by 39,000 ounces, and the natives employed had increased by 11,000. We find therefore that from February last, since that speech was delivered, there has been a great and very appreciable increase in the monthly output of gold, and an appreciable increase in the number of natives employed.

These facts appeal to me as indicating that the supply of native labour in South Africa is by no means exhausted, and I should think that in South Africa no party would seriously argue in favour of the introduction of Asiatic alien labour until they had proved that they could not get sufficient labour in South Africa. I have previously pointed out how anxious the mining companies are to get back to the position they occupied before the war. I have pointed out, from the observations of Sir Percy Fitzpatrick, that in his mind there was a certain doubt as to whether any serious effort had been made to use the native labour which was available; and the increase in the number of natives employed since February last lends additional colour to that suggestion. When one turns to statistics of the native population of South Africa—I will take a few cases only—we find that in Cape Colony there is a native population of a million, in Natal a population of 800,000, in the Transvaal a population of 700,000, in Mashonaland a population of upwards of one million; showing in these four places a population of three and a half millions of coloured people. In addition to these there are other countries where millions of natives are available, countries under British and foreign flags, which have been drawn on for years past to supply natives for the mines. It appears to me that although there are difficulties and always have been difficulties in obtaining native labour for the mines, these difficulties are largely due to the fact that the ordinary native in South Africa does not like work: he prefers to live on his wives; he is too lazy to work, and evidently he needs the lash of taxation to make him work. This difficulty, so far as I can see, reading the figures and the results, have been overcome to a large extent since the war ceased. It is not so much that the difficulty which exists to-day is insurmountable, but it is the unreasonable haste exhibited by people to attain in a few months the same position as after years of effort the mining industry was in before the war, instead of exhibiting that patience and earnest effort referred to by Sir Percy Fitzpatrick. Again I should like to refer to Sir Percy, and I am glad to quote the observations of a man living in the Transvaal and who has not identified himself as an advocate with the question of Chinese labour: one who has shown himself to be a man of sterling powers, with a good grasp of Transvaal questions. The position he takes up, and the position we ought to take up, is that the labour market of Africa should be exhausted before any attempt is made to introduce cheap Asiatic labour into that country. The case they are endeavouring to make in South Africa is that they have exhausted that market, but I have been trying to show that this they have not yet proved. What is said here by Sir Percy Fitzpatrick:—

> Many suggestions and many proposals for the introduction of Chinese labour have been before the Chamber, one way or another. None has been accepted, and none has been seriously considered or discussed. We adhere positively to the position already defined by us, namely that the resources of Africa have to be exhausted before we shall look elsewhere for unskilled coloured labour.

That is a position we can all accept and indorse.

> There are, as you must be aware, those who do not believe that it is possible for us to get sufficient labour in Africa, and who consider that we have already reached the limit, or almost reached the limit, that Africa can supply. There are others, of whom I am glad to say I am one, who do not share this conviction, who do not at all believe that we have yet drawn back to the industries of this country either the same number or the same individual natives whom we employed here before the war, and who confidently expect to get them back by degrees, and to get many more as well. It is my hope and belief that we shall obtain from this continent, even in the near future, sufficient to enable us to develop our industry and the collateral industries, to the extent to which we have heretofore anticipated, and, eventually, by the application throughout Africa of a uniform and rational and just native law and policy (and that is the vital condition), to have always sufficient unskilled labour to do all the work that lies before us.

That is a position, we should all take up. If when the time comes for the Transvaal to assume representative government they decide on a line of action, well and good, we must accept the result, but in the meantime discussion is relevant and it is important as enabling us to form a correct opinion, to ascertain whether the case that has been made out for the introduction of Chinese labour is based on the contention that the South African labour market is exhausted. I

have endeavoured to show that is not the case, and whilst I have used figures I have also used the observations of Sir Percy Fitzpatrick in support of this contention. I have been considerably reassured—and on this I say at once that I feel as strongly on the question as the member for the Murchison does, and while I do not want to point to one speech in Queen's Hall, I can point to expressions extending over eight or nine years, by the speech of Sir Percy Fitzpatrick on the position in South Africa, because it places the question in just the attitude that we should adopt were we there, and which we should adopt now.

MR. NANSON: They have abandoned that position.

THE PREMIER: Perhaps the hon. member will be able to show that.

MR. NANSON: I refer you to a speech by Sir Percy Fitzpatrick to the Chamber of Mines.

THE PREMIER: Perhaps the hon. member will read it. This information is most useful to members as showing his opinion as recently as February, and will enable us to judge for ourselves whether intervening facts and circumstances have justified the complete reversal to which my friend refers. It is to be said at all events in favour of Sir Percy that he knows infinitely better than outsiders can know the requirements of the Transvaal; and it is difficult to believe that one so closely and intimately connected with that industry for so many years, and who has occupied so prominent a position, should change his view from what it was in February last. This matter is being fully discussed. There are the two parties: the party which says there is not in South Africa a sufficient available supply, and the party which says labour is sufficient. I want to point out that there is a good deal to be said in favour of the contention that the local labour is available, and that no case is yet made out for the introduction of Chinese. I believe we are much more likely to obtain beneficial results by placing before members of this House the actual facts in connection with the case than we are by making declamatory speeches about it. Not only do people in South Africa appreciate the importance of the issue as to whether local labour is sufficient, but they are also aware of some of the dangers in connection with the introduction of an Asiatic race for labour purposes. Again let me quote on that point from the speech to which I have referred. In dealing with the question Sir Percy says:—

> The proposed safeguards might be sufficient, but if they were to fail, either through inefficiency or through whittling down, owing to the weakness and blindness of those who might afterwards relax them, would it not be a pitiful thing that this country of ours should become a field for the yellow man's enterprise, that its industries should be machines run by Chinamen with white overseers, to ship dividends to other lands.

Let me repeat that observation, "That its industries should be machines run by Chinamen with white overseers, to ship dividends to other lands."

MR. BATH: They would not have even white overseers.

THE PREMIER: They have them in every case where the industry is run by Europeans.

MR. BATH: They would not have so many.

THE PREMIER: I am sure the member for Hannans (Mr. Bath) agrees with these observations:—

> That is not the just reward of a people for great efforts and great sacrifices. Realise, gentlemen, the fears of others. They see in the neighbouring colony of Natal the white men ousted by the Indian in the lower walks of trade and commerce, in the market gardens and fruit-growing, in town property and land, in classes of labour which the white man could do even there, in Government employment, in offices, and on the railways. In a hundred ways they are cutting out some of the most desirable classes of white settlers. Legislation and contract may safeguard against it here, but is it unreasonable for some people to fear that if the Chinaman be as good and as desirable as his advocates say, other classes and individuals in the community will want the same privileges as that extended to the mines, and will ask why should this most desirable class of labour be granted to them as a monopoly? Is it unreasonable for them to fear that the safeguards will gradually be broken down, and that little by little the Chinaman would spread like a blight across the country, encroaching upon every enterprise, as his intelligence and industry would no doubt enable him to do, in which white men and British settlers should find profitable, useful and honourable occupation?

These are observations which will be indorsed by every member of this House. They are observations of a man occupying

a most responsible position in the Transvaal. I refer to them because they are so much to the point and convince me that there must be others who, like Sir Percy Fitzpatrick, occupying prominent positions, realise as we do the evils and the dangers of introducing into the Transvaal this enormous body of Chinese labour. Our duty is to do all we possibly can to assist that body of public opinion, and to take particular care that in criticising this proposed action we do not create a hostile feeling instead of helping those, whether they may be a majority or a minority, who would be with us in our contentions. We have to bear in mind that the Transvaal Government is a provisional Government, and not an elective one. It has been said on more than one occasion that the system of elective Government will be introduced at an early date. This proposed step, however, will when taken, have lasting and permanent effect upon the Transvaal, and I think we should be justified in expressing, I say again, not here as members of Parliament but as public men outside Parliament, our strong hope that no step will be taken in this direction, until people in the Transvaal have been able to discuss it and express an effective opinion upon it.

MR. DAGLISH: They expressed a unanimous opinion months ago in public meetings.

THE PREMIER: It will then be for them to determine the course the future shall take for the Transvaal. Personally, my own strong hope is that Chinese labour will not be introduced. On the other hand I fully recognise that the ultimate determination of this question in the Transvaal must rest in their own hands, whatever we may think or hope. At present, however, there is merely a provisional Government and that being so I desire to indorse the observations which appeared in the London *Spectator* on the 27th of June. The paragraph expresses an opinion which we shall all unanimously indorse:—

> It is stated that the magnates of the Rand have determined they must have Chinese labour, and that ordinances will soon be adopted authorising the importation of Chinamen under very strict conditions against their settlement. We sincerely trust that this news is untrue, and that the Government of the colony, as long as it is a Crown colony, will absolutely refuse to allow the importation of Chinamen. When self-government has been established on a free and popular basis, and all white men have the vote, the Colonial Government must of course have the right to reject or to receive Asiatic labour; but till the colony can choose freely for itself the importation of Chinese labourers should be strictly forbidden. The mother country stands in the position of a trustee, and she must not prejudice the decision of the Transvaal electors on this vital point. If they with their eyes open determine that it shall not be a white man's country, but a yellow man's, well and good; but the Imperial Government must certainly not be made the instrument of so doubtful a policy.

I submit to the House that these are observations which express our views. I believe these views to be sound, and I believe also that if in future in the Transvaal they have full responsible government, the majority of their electors will not, after full discussion, allow the importation of the Chinese labour. It does not rest with us to stop it. We shall regret the fact if they adopt a line of action so entirely in opposition to the line adopted by Australia, but we shall fully appreciate the fact that the determination rests with them, and all we can do in the meantime is to assist in the formation of public opinion in this State. But let us be fair, and acknowledge that not all mine owners, or those interested in mines, are so unscrupulous as some would lead us to believe. I believe there are men who appreciate the difficulties and dangers as keenly as we do, and I want the House to avoid any course that will prejudice the action of those men. It is difficult and most improper for the House to interfere, and I hope the House will not. And even when outside the House we are speaking as public men I hope we shall appreciate how sensitive we are when we have ill-founded though sincere criticisms hurled against us from other portions of the Empire. We have felt more or less that injustice has been done to us, because people speak without that full local knowledge which is essential. I do not for one moment yield to any member in this House in my sincere desire to see not only Australia but Africa itself kept as free as possible from the domination of Asiatic labour. On the other hand I do not want to take any step to prejudice the position of those in the

Transvaal who are doing their best to carry out views which they hold and which we hold. I have expressed therefore my views in sympathy with the substance of the amendment. I express my personal opinion strongly in favour of it. I express the strong hope that the Imperial Government will not, while it stands trustee for the Empire, adopt a step which may largely render useless the sacrifices of the late war. I believe it would be a thousand pities if in the very infancy of these new States a step were taken which would militate against their full and free development. When the real wishes of the people of that State can find expression through a representative Parliament, the decision then arrived at will be loyally accepted, I believe, by all parts of the Empire, even by those of us in Australia, although we may strongly differ from them on that particular point. I believe that in the meantime, until they have obtained full parliamentary responsibilities, no question fraught with such momentous consequences should be needlessly hurried. There should not be this undue anxiety for Asiatic labour until an earnest, patient, and serious effort has been made to deal with the local supply. I ask the hon. member not to press this amendment, because I am anxious to take no step which would create in the Transvaal the feeling that we desire as a Parliament to interfere with the internal affairs of that State. As individual members of the Empire, we all have a common interest in every part of the King's possessions. As a Parliament our duty is, I believe, to honestly conserve the best interests of this State and to avoid any impertinent interference with the internal affairs of another community.

MR. NANSON: Mr. Speaker——

THE SPEAKER: The hon. member cannot speak.

MR. NANSON: I do not wish to reply to the hon. member.

THE SPEAKER: The hon. member cannot speak at all. The mover of an amendment has no right to speak a second time.

MR. NANSON: I am not allowed to ask leave to withdraw?

THE SPEAKER: The hon. member can do that, but he must not make a speech when doing it.

MR. NANSON: I do not want to do that.

MR. R. HASTIE (Kanowna): As I was the seconder of this amendment, I may as well say a few words. I shall not traverse the ground which has been gone over by the Premier, who has particularly well explained the position. After listening very carefully to what he has said, I am still puzzled as to what course he intends to adopt. I assume that his principal objection to this amendment is the wording of it. This amendment, for example, says that we demand that imported coloured labour shall not be employed in the mining industry of South Africa. I assume that the Premier believes the motion would be regarded on the Rand as somewhat offensive. If that be the hon. gentleman's principal objection, I can only express the belief that the member for the Murchison (Mr. Nanson) will not object to a modification of the wording of the amendment; but even if that hon. member should demur to alteration, the Premier has in a large measure exaggerated the degree of possible offensiveness, and that because, as the Premier himself has said, the Rand has not responsible government. True, the hon. gentleman said that we in Western Australia had often objected to dictation from people outside the State as to what course we ought to pursue in the internal economy of this country. We have a right to so object while we are responsible for the manner in which the industries of the State are conducted; but, surely, the case is far different in South Africa. The Rand has no responsible government of any kind. The last say in the matter will not be with the people of the Rand, nor even with the provisional government of the Transvaal, but with the Colonial Office in London. The Premier has said that we should be extremely cautious as to the manner in which we speak; but he did not quote to us the last deliverance of Mr. Chamberlain on this subject. The Colonial Secretary said that before consenting to the introduction of Asiatics into the Transvaal, he would first have to consult local opinion. Afterwards the right honourable gentleman said that many people in Great Britain, and most probably the people of Australia, would

seriously object to the proposed importation of Asiatics. The people of Australia are now in this position, that unless they do protest against the introduction of Asiatics into South Africa, Mr. Chamberlain will be perfectly justified in assuming that the Australian people do not care what is done in the Transvaal. Farther, there is no difficulty whatever—if the Colonial Secretary is serious in expressing a desire to consult South African local opinion—in letting the people immediately concerned have a say in the matter. There are two modes in which local opinion can be consulted anywhere: first, by appealing to a popularly elected council of state; secondly, by taking a referendum. Unless one or other of those courses be adopted, it is absolutely beside the question to say that the people of the Transvaal favour the importation of Chinese. If the Premier and other members object to the stating of our opinion in the way the amendment words it, I wonder would they be agreeable to the adoption of a suggestion that we should inform the Colonial Secretary that in our opinion to follow the course contemplated would be exceedingly bad for the South African people. We might strongly urge on the Colonial Secretary that before allowing the proposed importation to be made, responsible representative government should be established in the Transvaal, or else the whole question submitted to a referendum of the people. If either of those courses were adopted, there is not the slightest doubt, I think, as to what would be the result. One or two other remarks of the Premier I wish to refer to, but not in a critical spirit; on the contrary, I wish to refer to them because I heartily agree with the hon. gentleman. The first of these remarks referred to the mining industry. The Premier stated clearly and concisely that the mining industry of South Africa is almost entirely the same as ours. In this country we have many rich mines, and the same remark applies to South Africa. South Africa has many very poor mines, and Western Australia also has many very poor mines. Whatever applies to the one State applies equally to the other in this connection. Therefore, in considering the mining industry, we may look on the circumstances of the two States as being entirely the same. For example, we in Western Australia have been able to develop the industry largely because we have not worked the particularly poor lodes. In South Africa, however, speculation has gone on to such an extent that at the present time there exist many hundreds, if not thousands, of mines which never ought to have been started, which will never pay to work either with native African or with Chinese labour. In considering the question, we must always keep in mind the fact that the majority of South African mine-owners dare not work their properties, and that they are particularly anxious to get an excuse for not working them. No labour conditions whatever obtain in the Transvaal; and so it has come about that hundreds, if not thousands, of mines have been floated which have never been worked in the past and will never be worked in the future. Certain observations of the Premier as to the reasons which render mining not a particularly popular employment amongst the Kaffir population are very appropriate. We may be perfectly sure, however, that there is no scarcity whatever of Kaffir labour in South Africa. Whoever affirms that there is a scarcity, states what is absolutely untrue. The only scarcity existing is a scarcity of labour at a price. The Kaffir, like the white man, like everyone else, can value his labour; and until the Kaffir has been offered and has refused a fair rate of remuneration, no man is justified in saying that the Kaffir will not work. Like the Premier, I have read a good deal of what has been going on in Natal and in certain South African centres of population. There Kaffirs are not scarce, for the simple reason that they are paid wages two or three times as high as those offered by English-owned mines. The whole question is one of cheap labour, and not particularly one of Chinese labour. It is believed that Chinese labour will be cheap, and I have no doubt that, within a few years of the introduction of Chinese, the mine-owners will be able somewhat to reduce expenses, largely because of the expectation that the Chinese, besides doing the work which Kaffirs do just now, will be able to do some of the work of white men. One great point appears to me to be this: whatever motion we pass is not

directly a motion against anything done by South Africa. The Transvaal is an Empire State, and we are part of the Empire. If Chinamen are introduced into the Transvaal, we are just as much responsible for it as are the people of England and the people of South Africa. We are responsible, and if we do not protest, and protest most strenuously, the Colonial Secretary, so far as I see, will be quite justified in permitting the proposed influx of Chinese. I have no desire to labour the question farther. I had expected that there would be some discussion. I believe that all of us, with one possible exception, hold that the introduction of Chinese labour would be a great evil to South Africa. That being so, I am particularly anxious that some form of unanimous protest should go forth from this House, and also from various parts of the country. If some understanding could be arrived at between the mover of the amendment and the Premier to allow the amendment to lapse, and to let a substantive motion to the same effect pass, the result would be much greater than that of this amendment, even were it carried by a majority.

MR. NANSON: I am willing to take that course, but the Premier will not agree.

MR. HASTIE: That was unfortunately what I understood from the remarks of the Premier. Still, I believe that now the matter has been broached, some understanding may be arrived at even yet. I trust hon. members will not continue to look on the motion in such an indifferent way as they appear to have done so far. I trust we shall take means to express our opinions as to the extreme danger of admitting Asiatics into South Africa.

MR. S. C. PIGOTT (West Kimberley): First, I should like to say, with respect to the amendment, that I do not think any member of the House can regard it as being in any way a party question. It appears to me that most members are in sympathy with the wording of the amendment, while they do not feel inclined to support it as an amendment to the Address-in-Reply. The member for the Murchison (Mr. Nanson) in my opinion has taken upon himself a great deal in moving the amendment. He has set himself up as an authority on all questions concerning the mining industry in the Transvaal. [MR. TAYLOR: On the importation of Chinese.] He has set himself up as an authority of no mean quality, as an authority to be believed by all members of the House to know far more about the business of mining in the Transvaal than is known by such men as Lord Milner. However, as no one has risen to contradict the hon. member's statements, I think we may assume as a basis that the figures and facts he has presented to us are all absolutely correct. For my part I admit my utter ignorance of Transvaal affairs. [MR. TAYLOR: And of a good many others, too.] I could not, however, refrain from examining into some of the statements advanced by the hon. member in moving the amendment. I have taken the trouble to work out one or two little sums on the basis of the hon. member's figures, and they seem to me to reduce the position to this. If the hon. member be correct in his assumptions, the prohibition of the employment of cheap labour in the Transvaal mines will mean the shutting down of all those mines. The hon. member has not brought forward this amendment with the object of doing any good in respect of the employment of natives in the Transvaal. We must take the effect of his speech, wherein he has said distinctly that we should protest against the importation of 200,000 Chinese to the Transvaal, in order that 200,000 white men should have employment. Is that correct?

MR. NANSON: I should cordially like to see them employed.

MR. PIGOTT: Well, we can take these figures as correct. The hon. member says that if Chinese are shut out we shall obtain employment for 200,000 white men on the mines. [MR. NANSON: I hope so.] If that will be the result, I think the hon. member's amendment is absolutely justified. But he tells us in another part of his speech that a reduction of 7d. a day in the wages of each man on the Transvaal mines would amount to a saving of a million pounds per annum on the cost of working those mines. Now this is only a simple sum for the hon. member to work out. If a reduction of 7d. a day in each man's wages means a saving of one million sterling per annum, what will be the extra

cost of labour if white men are employed on those mines at, we will say, a living wage of 10s. per day?

MR. NANSON: Those are the mine-owners' figures.

MR. PIGOTT: I am accepting the hon. member as an authority on this subject.

MR. NANSON: They are quoted figures. I did not evolve them from my inner consciousness.

MR. PIGOTT: If the hon. member had said when speaking that he was not sure of his facts——

MR. NANSON: I mentioned my source of information.

MR. PIGOTT: The hon. member led us to believe that if we raised our voices in protest we should probably be the cause of the employment of white labour on the Rand in place of coloured labour. As to the importation of Chinese, I hold with everybody in this House that if it is possible for those mines to be worked without Asiatic labour they should be so worked. But I think there is something at the back of the amendment, more than the hon. member has told the House. I think he has seen a chance of waving the flag and beating the tom-tom. He has to do a certain amount of fighting in view of the approaching general election; and it appears to me most remarkable that when he called a meeting of the public of Perth in the Queen's Hall, he should get an army of men whom he accuses of fighting in the Chinese fashion to stand alongside of him to wave the banner. I am positively certain that Chinese labour could be introduced to the Transvaal at a wage of 1s. per head per day. Besides that 1s., the employer would have to find the Chinaman in food, which would also be covered by 1s. per day. So that if 200,000 Chinamen are employed, they will cost the mines 2s. per head per day.

MR. NANSON: Is that the cost in West Kimberley?

MR. PIGOTT: No matter where: in Perth if you like. I think it an acknowledged fact that a white workman can ordinarily do a little more than a Chinaman; I think he is a poor specimen of a white man who cannot—that is in the ordinary capacity of a labourer. But when we come down to that class of labour at which a Chinaman is unsurpassable—I now speak of coolie labour, the lowest class of labour in the world—I do not think a white man can compete with a Chinaman; and even if he could, I think it would be a very bad thing if he did. But let us assume that in all work connected with mines a white man can do just twice as much work as a Chinaman; and I think I am giving a good deal away in admitting that, if whites are to be employed in place of the Chinese asked for, there will be employment given to 100,000 whites, who will cost, to do the same work as the 200,000 Chinamen, 4s. each per day. Are we to ask white men to work in those mines for 4s. per day? I say we cannot. It would be a disgrace to the whole British Empire if white men had to do that.

MR. NANSON: You need not fear.

MR. PIGOTT: The hon. member says I need not fear. That exactly bears out my argument that he was not sincere in bringing forward this amendment.

MR. NANSON: White men were working there at 20s. a day.

MR. PIGOTT: We know that; and we know that no matter whether Asiatics are or are not brought into the mines, white men will still be employed in them. But who will ask white men to work there for 4s. per day?

MR. NANSON: They are working for a much higher wage now.

MR. PIGOTT: If the hon. member will not ask them, he is asking the mine-owners to employ white labour, and to burden their mines with an annual extra cost for labour of over 10 million pounds. Now I put it to hon. members: are we, leaving alone our own affairs, in a position to decide the proper policy for the Transvaal to pursue in regard to those mines? Are we in a position to give an opinion on this matter? I hold that we are not; and it is extremely likely that any protest from this House will be looked on as a piece of impertinence. It appears to me that this is not a question of a white Australia. It is a bigger question—a question of interfering with the policy of another country. The Premier put the matter in a few words when he asked members what they would do if our internal policy were criticised by people in South Africa. If this amendment goes to the vote, I intend to oppose it.

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

Ayes...	9
Noes	20
Majority against ...	11

Ayes.	Noes.
Mr. Bath	Mr. Atkins
Mr. Daglish	Mr. Butcher
Mr. Hastie	Mr. Ewing
Mr. Holman	Mr. Foulkes
Mr. Johnson	Mr. Gardiner
Mr. Nanson	Mr. Gordon
Mr. Reid	Mr. Gregory
Mr. Taylor	Mr. Harper
Mr. Jacoby (*Teller*).	Mr. Hayward
	Mr. Hicks
	Mr. Hopkins
	Mr. Illingworth
	Mr. James
	Mr. Phillips
	Mr. Pigott
	Mr. Rason
	Mr. Smith
	Mr. Stone
	Mr. Wallace
	Mr. Higham (*Teller*).

Amendment thus negatived.

Question—that the Address-in-Reply be adopted—put and passed.

THE SPEAKER intimated that arrangements would be made for presenting the Address to His Excellency the Governor.

At 6·16, the SPEAKER left the Chair.

At 7·30, Chair resumed.

RAILWAY TRAFFIC BILL.

POSTPONEMENT.

THE PREMIER (referring to the order for second reading of this Bill) said: Mr. Speaker, in view of your ruling this evening, I think it advisable to adjourn the second reading of this Bill until to-morrow, so that in the meantime I can place upon the Notice Paper those amendments which are embodied in the second print that was placed before hon. members and has since been withdrawn. In my second-reading speech I purpose to address my remarks entirely to the Bill with those amendments, which will then be in exactly the position I desire it to be.

Order postponed.

CONSTITUTION ACT AMENDMENT BILL.

SECOND READING (MOVED).

THE PREMIER (Hon. Walter James), in moving the second reading, said: The Bill which has been before members some days now will be found, on perusal, to be substantially the measure which left this House during the course of last session. Members will no doubt recollect that the Bill as introduced by the Government was in its passage through the House modified to a very slight extent; the most important alteration being the increase of the proposed number of members of the Assembly from 47 to 48. I think I may say, with that exception, the Bill as introduced passed through all its stages. I pointed out in the remarks I made in the House last year on the second reading that the main object of the Bill was to secure an effective redistribution; that the Government were not anxious to secure a mere reduction. So far as we were concerned we were not of opinion that 50 was too large a number: the reason we reduced it to 48 was that we found some difficulty in effecting a redistribution without at the same time effecting some slight reduction. We have now the same object in placing this Bill before the House. We merely desire to effect a redistribution, because we believe that a redistribution is demanded. Whether a redistribution be effective without a reduction or not will be for the House to decide; but in turning the matter over in various ways, endeavouring to see how a redistribution could be effected, it appeared to the Government somewhat difficult to suggest any redistribution which would not involve a reduction as proposed by the Bill or an increase. In dealing with the subject of redistribution we have had in mind the local difficulties that surround the consideration in this State of any question involving constitutional reform. We have a population extending over a very large area; although the population is small, it is very scattered; and there is no other State in Australia that has its population, if compared with the area of land, so widely distributed as is the population of Western Australia, which contains nearly a third of the whole of the Commonwealth, and has its people scattered from our southernmost shores up to the northernmost point. We have by reason of that fact special difficulties to deal with in deciding such questions as are involved in the Bill before us now; and that is one point which members must always bear in mind

when instituting a comparison between representation in Western Australia and representation in any other State of the Commonwealth. We have a population of 220,000 people. If we compare it with that of South Australia, which is the next largest State, we find the latter much smaller in area. If in dealing with South Australia we include the Northern Territory, there is a very large area of country; but we know as a fact that the population of South Australia, as compared with Western Australia, is not very widely scattered, because there is an enormous extent of territory between the northern-most settlement of South Australia and the most southern settlement in its Northern Territory; a large intervening area, which is a mere desert with no population upon it.

MR. TEESDALE SMITH: Not desert.

THE PREMIER: I gather from that observation that my friend Mr. Smith is going to tender for the line from Port Darwin. I shall not therefore use the word "desert" but substitute "large area of uninhabited land." If we pass away from South Australia and compare Western Australia with any other State—Tasmania, Victoria, New South Wales, or Queensland—the contrast is at once striking and obvious. I think we are apt to overlook the fact, when we are considering the question of redistribution in this State, that we have special conditions applying here in Western Australia; and have a special need to bear in mind our local conditions. This consideration appeals to us with greater force when we bear in mind that in Western Australia, we are developing at various points all over the State. The whole of our future depends upon the extent to which these scattered centres of population carry on the work of development which lies before them. Although we owe a great deal indeed to the more central areas of population which are carrying on their work of development, all of us admit that in a great State like this our future must to a large extent depend upon the prospector, whether he be a mining prospector or a prospector in connection with other industries. There are therefore special reasons why in Western Australia, in dealing with the question of representation, we should pay particular regard to these small communities scattered throughout the length and breadth of this land, and upon whose future efforts depend so much the success of Western Australia. It is by paying special attention to them, by making them appreciate the fact that although they are small, although they are far away from the centre of Government, we none the less appreciate the value of the work they are doing, that we shall tend to stimulate and encourage farther development in mining, farther development in pastoral, and farther development in agricultural pursuits. Then as opposed to the special claims of our scattered centres we are justified in taking up a common attitude in regard to the metropolitan area, and the areas surrounding the Golden Mile by treating them both on the same footing. These considerations, in relation to these two populous centres, are not considerations that apply specially to Western Australia, but they apply throughout every State, namely, that large centres of population do not require the same proportion of representation as the smaller and more scattered centres where the people are engaged in developing and opening mining, pastoral, and agricultural pursuits. In regard to populous centres in Western Australia, we have the metropolitan area including Guildford, Fremantle, and Perth, and we have the area in and around Kalgoorlie and Boulder. In dealing with these two centres we have in the Bill as closely as possible placed them upon the same basis. If there should be any difference, any question of doubt, I think that doubt should be solved in favour of the area in and around Kalgoorlie and Boulder as against the metropolitan area. Applying these principles, I ask members to approach the consideration of this Bill. In the remarks I made when introducing this Bill last session, I pointed out most emphatically that I did not believe in representation entirely based on a purely population basis. I endeavoured to make it as clear as possible that I did not for one moment say that in considering the question of representation, population must be ignored. I merely said that we must not let the whole of our views be coloured by that one principle, namely that representation must be controlled entirely by a population basis. I say that

again. Whilst we must always give undoubted weight to the right of population to have adequate representation, we must not let that control us entirely in any State of Australia, and certainly not here in Western Australia, where so much of our future success depends upon those men who are scattered throughout this State living in small centres, and working for the future development and prosperity of Western Australia. It is of special importance to bear that in mind in Western Australia, because none of us must by a system of representation allow the affairs of the State to be controlled by a combination between the metropolitan area and the Golden Mile area. I have a great respect for the public opinion of both of those centres—I need hardly emphasise the fact, seeing that I represent a metropolitan centre—but I do not think it desirable that these large centres of population should be able to dominate the smaller centres of population, which do just as good work, contain just as good men, and perhaps on the whole effect developments just as valuable to the State. I think the House agreed with me in the main when dealing with that question. I pointed out, when introducing the Bill last session, that if one started with the determination to apply to it one principle of representation and one principle only, one could easily discover defects in the measure. If one starts off with the assumption that representation must be purely on a population basis, inconsistencies can easily be found. If one starts off with the assumption that industries, and industries alone, should be represented, then equally one can discover inconsistencies in the Bill. Whatever basis can be imagined, if one considers this or indeed any other representation Bill, entirely upon that basis inconsistencies will be found. They will be found in this measure, because it has not the defect but the saving strength of every Constitution Bill ever introduced in British communities. It is a compromise between conflicting principles, and is animated by the saving common sense of the race rather than by the desire to secure mere theoretical perfection by the logical application of any one principle of representation. In the present Bill we propose a Legislative Council of 24 and an Assembly of 48. In dealing with the Legislative Council, one is placed in a peculiar position. A feeling is no doubt growing—I do not say now whether it is rapidly growing or slowly growing—that any reform which takes place in connection with the Legislative Council should be in the direction of abolition rather than in reduction. In dealing with the question, we have to bear that fact in mind as we should not take up in regard to the Legislative Council an attitude which is out of touch with the views of a great majority of electors. We suggest a reduction there, because in the Commonwealth Constitution, in the South Australian Constitution as amended the year before last, and in the Victorian Constitution as more recently amended, the proportion between the Upper House and the Lower House has been fixed as one to two, the Upper House being half the number of the Lower House. If we accept that principle in fixing the numbers in the present Bill, the determining factor being the number in the Lower House, I shall be justified in saying that in dealing with the question on the assumption that we have two Houses, it is advisable that we should follow the proportion laid down by the Commonwealth Parliament, and since adopted by South Australia and Victoria. Some proportion should be fixed: that proposed is the best. We have, however, made one change in dealing with the Upper House in the present Bill. Instead of having, as last year, 12 provinces of two members each, we now take eight provinces of three members each. That is to say, we retain the same number of members, but instead of having two members each for smaller provinces we have three members each for larger provinces. Before passing from the provisions dealing with the Upper House, I desire to say at once that the main object of the Government is to secure a redistribution of seats as it affects the Lower House: a redistribution of seats is what the electors desire to see accomplished. I believe, and I think the majority of members believe, that the occasion for effecting an amendment of the Constitution of the Lower House might well be seized for effecting any necessary amendment of the Constitution as regards the Upper House. We are,

however, moved to amend the Constitution not so much by a desire to reform the Upper House as by a desire to effect an amendment so far as this House is concerned; and I hope, this being the main motive for the Bill, that we shall not, either in the course of this discussion or in the course of whatever discussions may arise in connection with the measure, overlook the fact that the main desire of Ministers and of the country is to effect an amendment of the Constitution so far as it deals with this Assembly. Passing to the Assembly, I have to point out that this Bill is much the same as it left the House last session. Let me say again, as I have previously said this evening, and as I said several times during the course of last session, that the Government do not want reduction for mere reduction's sake. We want to secure redistribution of seats; and if members in their consideration of the Bill and in the discussions that will ensue can suggest any method by which the present number of 50 may be retained and at the same time adequate redistribution secured, the Government will be glad to have the matter discussed and to give it favourable consideration. The main desire is to secure adequate representation on the redistribution of seats. In dealing with that question, the Government will ask the House to bear in mind that we must not give undue consideration to populous centres, but must have fair regard to the smaller and struggling centres of population. The claims of population must be duly recognised but not made an absolute guide. When one comes to that part of the Act which deals with joint provisions applying to both Houses, it will be found that the provisions dealing with joint sittings have been slightly amended from what they were in last session's Bill. I am dealing now with Clause 51, the provisions of which require that any Bill in connection with which a dispute arises—this clause, of course, cannot be brought into operation unless a dispute does arise—must be passed by the Assembly and rejected by the Council, whereupon there follows a dissolution of the Assembly; then, if the Bill is again placed before the Council and again rejected, the Governor has the power at any time, not being less than six months or more than twelve months after such dissolution, to dissolve the Council and the Assembly simultaneously.

MR. ILLINGWORTH: Is that the same provision as is contained in the Commonwealth Act?

THE PREMIER: Practically the same. but this Bill makes the provision somewhat stricter. Then comes the joint dissolution, and following that comes the joint sitting if the dispute continues. The most important alteration to which I desire to draw attention is contained in the third paragraph. It provides that—

> Any Bill by which an alteration may be made in the Constitution Act shall not be within the operation of the foregoing provisions of this section.

That paragraph provides that if an attempt is made to interfere with the Constitution, the provisions for joint sitting shall not apply, and the dispute must be settled in the ordinary way by reference to public opinion, and by public opinion making its influence felt indirectly on the Legislative Council as in the past. [MEMBER: How long will that take?] When public opinion is strong and united on a question affecting the constitution, it does not take long to make its influence felt on the Legislative Council. At all events, that has been the experience of the past; it has always been the experience so far as our Legislative Council is concerned. I must say that on the whole we have had very little cause to complain of our Legislative Council, which has not on any occasion placed itself very violently in opposition to public opinion. The difficulty, as a rule, is to get public opinion sufficiently aroused on matters not affecting the constitution. The result is a gradual weakening of the influence of the Council by reason of its want of sympathy with public opinion in this class of legislation. Clause 49 deals with the provision introduced last year to give Ministers power to speak in either House.

MR. HASTIE: What about the joint sitting?

THE PREMIER: I have just dealt with that. I am not now referring to features of this Bill which are identical with those of last year's measure, because I assume that hon. members do not want

me to travel over the same ground again. [MR. HASTIE interjected.] No; penal dissolution is provided in connection with disputes between the Houses, but simply an intervening dissolution. The first dissolution need not be a penal dissolution, but simply a dissolution in the ordinary course. Suppose this Clause 51 were enforced; suppose, for instance, we pass this session a Bill which is rejected by the Council; then, applying those facts to this clause, the hon. member will see that the dissolution following at the end of this session in the ordinary way by effluxion of time would be the one dissolution mentioned in the first part of the clause. In the Victorian Act the first dissolution is a penal dissolution. To that extent this Bill is more liberal. The variation between this clause and the corresponding clause of last session's Bill is that the present provision guarantees that there shall be a dissolution of the Assembly to test public opinion before this House can force a joint dissolution. The clause will insist on the members of the Assembly obtaining from their electorates a mandate in favour of a particular Bill, which they will be in a position, after the general election, to press on the Upper House, saying "Accept this or there will be a joint dissolution that the electors may decide between us." I think it is only right that there should be some method by which public opinion can be tested before the House is placed in a position where it can control not only its own dissolution but that of the Legislative Council. Under the clause the position, I take it, will be this. If a matter of importance came up, and if the provisions of Clause 51 were operative it would be desirable that the change proposed should be brought forward when we are on the eve of a general election, and when the public take more interest in and pay more attention to parliamentary discussions than is the case during a first or a second session. If such a matter be brought forward during the third session and a dispute arises, a dissolution will follow in the ordinary course. The only distinction between the old provision and the position to be created under this clause is that the Governor in the proclamation dissolving Parliament will state that a dissolution has been granted in consequence of the disagreement of the two Houses. If, as a result of the general election this House comes back pledged and confirmed in its policy, the Bill will again be sent to the Upper House. On rejection by that House it will be competent for the Assembly to claim a joint dissolution or to drop the matter.

MR. HASTIE: It is the joint sitting I refer to.

THE PREMIER: What I want to make clear to members is that there is only one penal dissolution. The first may be and should be the ordinary dissolution by effluxion of time.

MR. ILLINGWORTH: Suppose the dispute arises in the first session?

THE PREMIER: If the dispute arises during the first session and this House thinks it of such vital importance that it should be forced on at once, then a dissolution will be granted. The hon. member will see, however, that if the matter is of so much importance it is not likely to have cropped up suddenly between the general election and the first session of the new Parliament. Most probably, in 99 cases out of 100 it will arise on the eve of a general election, and during the last session of the preceding Parliament. It will, therefore, have come up for discussion during that last session, and will have been dealt with in the first stage at all events. I wish to point out to members that the corresponding provision of the Victorian Act makes the first dissolution a penal dissolution. Here, however, we do not provide for the first dissolution being necessarily a penal dissolution.

MR. ILLINGWORTH: If you dissolve the House, you make it a penal dissolution so far as this House is concerned.

THE PREMIER: We should not make it a penal dissolution if we presented a Bill during our third session. Suppose these clauses were now law, and we were dealing with a new Bill which we had sent to the Legislative Council and which the Council had rejected, we should then be in a position to take the first step rendered possible by the machinery provided in Clause 52; in other words, dissolution under Clause 51 would synchronise with an ordinary dissolution by effluxion of time; and I think, as a rule, that would

be the case, and as a rule I think it should be the case, unless in exceptional circumstances. In the case of a Bill discussed during the life of a Parliament, and coming two or perhaps three times before the same body of members—a Bill which is familiar to them and of which they have full knowledge—they are during their third session in a better position to form an opinion as to whether the Bill is of sufficient importance to go to the country on, and whether they should take up the attitude that they must continue to press it when the House reassembles after the general election. That clause is certainly not so favourable to this House as was the clause of last session; but I think it fairer, and for that reason more likely to obtain acceptance in the Legislative Council; at least, I hope so. Clause 49 deals with the question we discussed last session—the power of Ministers to speak in another House. As members are aware, that is copied from a similar provision in the Constitution of Cape Colony.

MR. ILLINGWORTH: The only case in the world.

THE PREMIER: So far as I know. I do not know whether the provision is to be found in the American or Canadian States. A member says it was abolished in England 200 years ago; but a great many laws abolished 200 years ago are now being re-enacted—the sumptuary and labour laws, for instance.

MR. FOULKES: Last session we decided that every member of this House should have the same privilege.

THE PREMIER: On that occasion some members ran riot, and decided that not only should a Minister have the right to do this, but that every private member who introduced a motion should have a similar right. I suppose the fact of that hon. member having then been new to Parliament accounts for the enthusiasm with which he advocated the idea.

MR. FOULKES: The House were practically unanimous.

THE PREMIER: The particular majority obtained at that moment on that point were not, I fear, impressed with the fact that they were dealing with a Constitution Bill, and that it should be dealt with seriously. This clause is now modified to the extent that a Minister's right to speak in the other House depends on his securing the consent of that House. Therefore it rests with the House to say whether a Minister in the Council shall have the right to address us on any Bill of which he has charge; and it rests with the Council also to say whether a Minister in this House who has charge of a Bill shall have the right to address the Council. I do not agree with the member for Cue (Mr. Illingworth) in his opposition to the clause. The hon. member always takes a high constitutional stand, and the least departure from existing practice he regards with some horror. I like to follow constitutional usage as closely as I can; but if I think a useful amendment can be made I like to make it, because I believe that even in our Constitution the secret of success must depend on growth. Even in our Constitution we cannot stand still: we must constantly keep it in touch with the changing and expanding needs of the people. [MR. ILLINGWORTH: Follow Natal.] And if even Natal or Cape Colony can afford us a good example, our duty is not to be unduly self-satisfied, not to think we know more than anybody else knows, but to look abroad to see where we can learn useful lessons, not forgetting that even the small State of South Australia has taught a useful lesson in its Torrens Act, and in its Ballot Act. If in those instances we had not followed the useful example of South Australia, we should have neither our Torrens Act nor our Ballot Act; and if the mother of all Parliaments shows that she is "prepared to learn from the humblest of her children," shall we be too vain to learn from a State like Cape Colony? I take it that we are not blindly to follow precedent. It strikes me that we should be guided by common sense. We often introduce Bills here which are of a controversial nature. We know that when a Bill passes through this House much discussion arises, and by means of that discussion the Minister in charge not only gets into touch with the views of the individual members who discuss the Bill, but can form from their various opinions a fairly accurate idea of the force of the opposition which will have to be met in another place. When that Bill has passed through this House,

in some instances carrying on its face the evidence of the compromise arrived at to meet conflicting views, why should it pass from this House to the Council, to fall into the hands of a Minister who is a stranger to its history and its provisions, who cannot explain the various compromises embodied in the Bill as it passed through this Chamber, and who is really unable to grasp it, because *Hansard* debates themselves—and I think this will be a good argument to the member for Hannans in favour of a *verbatim* report—do not contain reports sufficiently detailed to enable the Minister in charge of the Bill in another place to ascertain the exact nature of the discussion in this House, and why certain amendments were made or certain original parts of the Bill omitted.

MR. ILLINGWORTH: Why should the Government have this double power?

THE PREMIER: If I could convince the hon. member that there is good ground for the principle——

MR. ILLINGWORTH: There is not.

THE PREMIER: Then it is not much good my answering his second question as to the extent of the application of the principle.

MR. FOULKES: Last session you were frequently unable to convince your own Minister in the Upper House.

THE PREMIER: But then I cannot undertake the impossible. A man can only adduce reasons: he cannot compel their acceptance.

MR. ILLINGWORTH: Your only reason is that the practice obtains in Natal.

THE PREMIER: I was endeavouring to prove my case by contending that this clause in itself is good. It is the member for Cue who scoffs at the idea merely because it comes from Natal. But I say, setting aside the fact that it comes from Natal, the clause is on the face of it a reasonable clause. The hon. member says "no." For what reasons? What is the objection to a Minister who has full control and full knowledge of a Bill having the right to present that Bill to another Chamber?

MR. ILLINGWORTH: Bring in the man who drafted it.

THE PREMIER: This also must not be forgotten. There comes before this House a Bill which is part of the Government policy; and it is the duty of the Government to endeavour to pass that Bill, not through this House only, but through another Chamber also. And the obligation which by constitutional usage rests on the Ministry does not cease when they pass that Bill through this Chamber: it continues until the Bill is passed through the other House. But those who insist on constitutional usage being so rigorously followed in relation to the responsibility of a Minister for the passage of a Bill through both Houses refuse to give to a Minister the right to go to the other Chamber to urge the adoption of the Bill, which is part of his Government's policy. My friend would say, "You, as Premier, are responsible for that Bill"; and I say, "Yes; I have convinced the Assembly that it is a desirable measure, and I wish to go the Upper House to convince them, as I am held responsible for the measure." But the hon. member says, "We will not let you do so. We will make you intrust the whole of your Bills to one Minister in the Upper House." It must not be forgotten that the conditions in a small State like Western Australia are not found in the larger States, and certainly not in the old country. Here we have in our Upper House one Minister only. Such is not the case elsewhere, except in South Australia.

MR. FOULKES: There are two in the Council.

THE PREMIER: Is the hon. member prepared to have two Ministers in the Upper House out of six? Quite apart from constitutional usage, is it fair to ask one Minister in the Upper House to discuss and carry through adequately all the Bills? If, to endeavour as far as possible to overcome this obstacle, we appointed an honorary Minister last session, does that justify members here in taking up the attitude of the member for Claremont, and saying that because we went out of our way to do so at that time we are bound to do so always? I thought some members objected to the appointment of honorary Ministers. We are now dealing with the Constitution Bill, which provides for only six Ministers. Six are considered sufficient. I therefore ask members to deal reasonably with this problem, and to say that as we have six Ministers—six are all for

which the country will pay—we do not want to insist upon the honorary labour which is evidently desired by the member for Claremont. Is it fair to ask one Minister to do the whole of the work in the Upper House? I advance three reasons for the clause, the last being in my opinion absolutely conclusive. The first reason is that as the obligation rests on the Government to carry through its legislation, the Government ought to have a right of access to either House, with the consent of the House to which access is desired, for the purpose of putting through legislation.

MR. FOULKES: You make Ministers paramount in one House.

THE PREMIER: No. If their arguments are good, Ministers ought to be paramount for that very reason. My second reason is that it is not fair, under present conditions, to ask one Minister in the Upper House to be in close touch with all the Bills, and be able to follow them not only as they left the draftsman's hands but also as they passed through the Assembly. And thirdly, I submit as the most convincing reason of all that when this House passes a Bill, it represents the views of the majority who desire to see that Bill through Parliament. And surely, it is only a matter of common sense, that the Minister who has been able to convince them, and who by his arguments has identified the House with the Bill, ought to have the opportunity to go to the other House to see whether his arguments can bring hon. members there to the same conclusion.

MR. ILLINGWORTH: But suppose the Assembly pass a Bill against the wish of a Minister, he then goes to the other House and reverses the decision given here.

THE PREMIER: That is another point. My friend has apparently retreated from his first ground. He admits that my argument is good, but that it ought to be applied all round. [MR. ILLINGWORTH: No; I do not admit that.] Then if my friend does not admit the principle, it is no use my arguing with him about its application. I shall therefore leave it to the House to say whether it is good or not; and I hope they will agree with me on that point. I think that, with these exceptions to which I have referred, the Bill before the House is substantially the same as that introduced last session. It has been before members for at least a week, and I shall be glad if the discussion can be continued to-night; if not to-night, that it should be continued at the next meeting of the House, that is to-morrow.

MR. PIGOTT: What about Clause 41?

THE PREMIER: That is a new clause which arises in this way. By an oversight last session we forgot to repeal the Act which was passed about three years ago and which prevented members of the Federal Parliament standing as candidates for election to this House. We repeal that by schedule, and we put in Clause 41, providing that when a member in this House is elected to a seat in the Federal Parliament, he vacates his seat in this Parliament upon taking his seat in the Federal Parliament. Under the Federal Constitution, a State legislator cannot stand for the Federal Parliament until he has ceased to be a member of the State Parliament during a certain term. We passed an Act that no member of the Federal Parliament could stand for the State Parliament unless he ceased to be a member of the Federal Parliament for some time. By the schedule, that Act is abolished, and we put in Clause 41: that is how it appears as a new clause. If we pass the Bill with Clause 41 in it and repealing the Disabling Act, there will be no disqualification as far as our State is concerned. There is, however, a disqualification so far as the Federal Parliament is concerned. Members will recollect that when that provision was passed through the Commonwealth Parliament—and I suppose it is one of the narrowest-minded pieces of legislation ever passed in the Commonwealth Parliament—the only justification for it was that there happened to be some similar legislation in the States. If, however, the Commonwealth Parliament cannot rise above that kind of retaliation, the sooner we have a change in the *personnel* of that parliament the better. No doubt the Disabling Act passed in this and the other States was an undesirable Act, and I am glad to have the pleasure of repealing it as I had the pleasure of originally opposing it. At the same time narrow-

mindedness on our part hardly justified retaliation on the part of the Federal Parliament, which is supposed not to be actuated by small and petty motives, but is supposed to be actuated by high principles and to give us broad and high-minded legislation. In anticipation of this Bill, I have noted observations by members in the Council to the effect that there has been no demand for reform of Parliament. They assure us there should be no change in the Constitution during the last session of a Parliament. It is very difficult indeed to convince some members that there ought to be any reform of Parliament at all, because if reform is suggested in the first session, we are assured then that there is no need for a change, because members having just been elected, if we pass a Reform Bill a new election will have to be held, and we will then have two general elections in 12 or 18 months. If we face the question in the third session, we are told then that it is an inopportune time, because a general election is coming on when the question can be discussed. In my opinion this is peculiarly the proper time to bring up an amendment of the Constitution. It always has been the practice for a general election to follow an amendment of the Constitution; that has been the rule here with one exception, and we know why it did not apply on that occasion. We do not want two general elections if the work can be done by one. I deny entirely that an amendment of the Constitution is not demanded. The question of redistribution of seats was before the electors in several electorates at the last general election and was discussed widely. The question arose in the first session, it was discussed in the second session, and it has come on again. We ought to deal with the question now. No doubt in the various electorates different views are held. In the country electorates they want the dominant vote; the goldfields electorates want the dominant vote; and the metropolitan area wants the dominant vote. The fact remains that there is a need for a change in the Constitution, and it should be dealt with now. If it is not dealt with now, we shall simply introduce into the next general election a disturbing element which has nothing whatever to do with the general policy or views of the various parties. I do not know how many parties there are in the House—I think we have half a dozen, so far.

MR. CONNOR: There are more than half a dozen on the Government side.

THE PREMIER: There may be half a dozen here, but on the opposite side each man is a party to himself. If all these various parties go to the country at the next general election ——

MR. TAYLOR: You will come out of it very badly.

THE PREMIER: I will gladly risk that. In addition to these various parties with their policies, we shall have the country disturbed by the question of the amendment of the Constitution, and we shall have, as the result, a House meeting that will be at sixes and sevens on general matters, and whose first work will be to discharge that duty which members are endeavouring now to shirk. Unless we deal with the question now, we shall find that in the first session of the next Parliament we shall have to deal with it, and deal with it at once; and directly it is dealt with, another general election must follow. The result of not dealing with it now is that we shall have a general election next May, followed by the introduction of this question at the elections, and the elections largely depending on that question. In the first session following, that question will have to be dealt with, practically that question only, and following on that there will be another general election.

MR. JOHNSON: But this Bill will not satisfy the people.

THE PREMIER: It all depends on how you define "people": some think the "people" are the persons who shout loudest and talk most. The Bill may not satisfy them. I should like to see the question disposed of during the course of this session, and I should like to see the next general election fought out on lines which will enable the party which will come into power—it will be this party, members need not worry about that—with a sufficient working majority to enable them to carry out their policy. We do not want members sitting on the Government side who will listen to the blandishments of the member for Beverley or of the leader of the Opposition, nor do we want members who sit in opposition but have no faith in their party. We ought to deal with this question of

reform now, because the country demands it. We ought to be able to go to the general election free from the disturbing element introduced by the question of constitutional reform, so that the various parties may be able to place before the electors a policy for their acceptance or rejection; and when Parliament meets, the country may look forward to three years of good, useful, progressive work. I am prepared, in connection with the Bill, to listen with a desire to learn from the views of members and to join with them in an anxious effort to get a Bill which will meet with the wishes of the reasonable people in the State. No Bill will meet the wishes of everybody in the State. The man who is a member of Parliament is very inexperienced, and his parliamentary life will be very short, if he endeavours to meet the wishes of everyone in the community. The endeavour to do that has ruined hundreds of politicians, and will, I fear, still continue to do so. I hope members will make up their minds to do that which is fair and reasonable in connection with this Bill. If members do that, they will find a great majority of the electors supporting their choice. It is only the members who have no convictions beyond those picked up at street corners who are misled on a question like this, by failing to distinguish between the electors who gossip and those who think. I beg to move the second reading.

On motion by MR. PIGOTT debate adjourned.

ELECTORAL ACT AMENDMENT BILL.

SECOND READING.

THE PREMIER (Hon. Walter James), in moving the second reading, said: I hope my work in introducing this Bill will be as pleasant as it was on the last occasion when it was brought before the House, and that members will be as unanimous, as they were then. This Bill is much less contentious than the Constitution Bill. It is a measure which every member approves of. Whether members agree with an amendment of the Constitution or not, all members agree that we can improve the existing legislation dealing with parliamentary elections. The Bill provides, so far as the Assembly qualification is concerned, for six months' residence and immediate registration. It provides, so far as the Council is concerned, for the qualification of £12 as a leaseholder, the occupier of a dwelling-house of the rental of £12, and £50 freehold. It provides that a person can register his vote directly his qualification arises and directly he has been six months in the State. He is entitled to vote at any election following immediately after he makes his application. When the revision court is held and it is found he is not so qualified, his name is taken off the roll. The position, therefore, is that he applies for his vote, and he is placed upon the roll at once, and his name is struck off only by the revision court or in case of death. It may happen that a person is registered, and an election comes on, and when the election is held, there being no intervening revision court, he gives a vote which it may afterwards be found he was not entitled to give. That, of course, is a risk you must run. You cannot avoid running some risk like that when dealing with this question by liberalising the law. We provide for the preparation of new rolls, and we have the right of using the existing rolls, roads board rolls, municipal rolls, census returns, and Commonwealth rolls. We shall be able, directly the Bill is passed, to provide new rolls for all the electorates, and use this material for the purpose of making the new rolls complete. We deal with the transfer of votes, making liberal provision under Clause 38. In Clause 43 a slight alteration is made from that which existed last year, because by the clause now introduced we provide that claims and applications to transfer must be received by the Registrar not later than fourteen days before the issue of the writ. Last year we proposed that claims and applications should be received by the Registrar at any time before the issue of the writ. The alteration is made because to allow claims and applications for transfer up to the date of issue of the writ would, I think, open the door to fraud. It would enable persons before the issue of the writ, when they knew an election was coming on, to at once put in their claim to vote and application for transfer. It applies

more particularly to claims for votes. Under this measure we provide that a man, directly he claims a vote, shall be able to vote at once, unless a revision court sits in the meantime. By the clause last year, supposing he knew an election was coming on at, say, North Fremantle, and knew that the writ was not issued, he could go and claim a vote to-day. The writ might be issued to-morrow, and that person could vote at the election, although when the revision court sat a month or three or four months afterwards it might be found that the man had no right to vote at all.

MR. ILLINGWORTH: How would he get upon the roll?

THE PREMIER: The name is put on. Directly a man applies he is registered.

MR. ILLINGWORTH: It is the same condition as in the old Act.

THE PREMIER: No; under the old Act he had to be a certain time on. Now he has not to be a certain time on, but can vote at once. The qualification for voting is to have the name on the roll. Under Clause 37—

> If the claim is in order the Registrar shall, pursuant to the claim, immediately enter the claimant's name and the particulars relating to him on the roll, and shall file the claim.

[Interjection.] Printing is only provided from time to time. You must print before a general election, for convenience sake. Clause 43 has been amended in the way indicated, and instead of having the right to claim now for the vote to be transferred up to the date of the issue of the writ, one only has that right up to 14 days before the issue of the writ. The Bill provides again for voting by post, limitation of expense, and various other matters covered by the last measure. I will not refer to this now. There are two changes, which are in Clause 43 and also in the qualification for a vote for the Legislative Council, which is now £12 for a leaseholder and £50 for a freeholder. I move the second reading of the Bill.

MR. HASTIE moved that the debate be adjourned. After a pause he withdrew the motion.

Question put and passed.

Bill read a second time.

INSPECTION OF MACHINERY BILL.

SECOND READING (MOVED).

THE MINISTER FOR MINES (Hon. H. Gregory), in moving the second reading, said: I may state that the object of this Bill is to protect life and property. For some time past we have had in this State an Act called the Steam Boilers Act, and that provides for the inspection of steam boilers. We have had no provision whatever in Western Australia to provide for the inspection of machinery, and we think that a Bill of this kind is very essential. We are having a lot of machinery of the most complicated designs erected in this State; and it is necessary that some provision should be made for the inspection of this machinery, so that there should be a minimum of danger with regard to it. In this Bill we provide for a repeal of the Steam Boilers Act, and also for the repeal of certain sections of the Gold Mines Regulation Act dealing with the certificates to engine-drivers. Clauses 5 to 13 are simply administration clauses. Clauses 14 to 19, which are in reference to machinery, are quite new to the State. Many clauses of the Bill are simply a repetition of sections of the Steam Boilers Act; but Clauses 14 to 19, dealing with the inspection of machinery, are, as I say, quite new. Therefore I would like members to peruse those clauses for the purpose of dealing with them when we get into Committee. Clause 14 is rather an important clause. It gives the Governor-in-Council very large powers indeed. The second schedule states what machinery shall be held to be machinery under this Bill, and the Governor-in-Council has power not only to exclude any machinery which may be in that schedule, but also power to declare other machinery to be within the scope of the measure. By reading the second schedule one might imagine that tram cars and motor cars would come within the provisions of the Bill; but under the measure we can exclude any machinery from coming within its scope. The powers that are given are considered necessary. The measure leaves a very great deal to administration, and I think that is being done wisely, because one could not well describe all the various machinery that would come within the definition of "machinery" under this

Bill; and, as I say, we not only have the power to include other classes of machinery, but also to exclude any class of machinery which is described in the second schedule. Clause 16 deals with the employment of young persons about machinery. This would be quite new legislation, and somewhat on the principle suggested in our Factories Bill. It is provided that no young person under the age of 14 years shall be employed in working or assisting to work any machinery. It also provides that nobody under the age of 15 shall be allowed to assist in cleaning any of the gear parts of any machinery, and it also provides that nobody other than males over the age of 18 shall be allowed to be in charge of any boiler or any machinery. I think these are very wise provisions, and I hope the House will agree to their being embodied in this Bill. Clause 17 deals with fencing of all dangerous parts of machinery. I can assure hon. members that this is very necessary indeed. There have been very serious accidents in connection with machinery on our mines through negligence in not fencing off dangerous parts of machinery. It is all very well possibly for people to imagine that through being continuously working and moving about amongst machinery they get more careful, but I think that the more one is working amongst machinery the more careless he gets; therefore there is the greater necessity for careful examination of any dangerous machinery. Clause 20 and subsequent clauses contain provisions affecting boilers, and they are in nearly every instance similar to those in the old measure. There are only a few small alterations of our present Boilers Act. The principal one will be the inspection of boilers. Under the old Act it was compulsory for a boiler to be inspected every six months. Under this Bill boilers need not be inspected more than once in each 12 months, unless in the opinion of the inspector a second inspection is necessary. We have found that this is a wise provision. With new boilers, or with boilers in good condition for which a good certificate is granted, it is not necessary to have an examination every six months; therefore we have decided to make the provision that an inspection be made only every 12 months unless in the opinion of the inspector inspection should be made oftener. We find that some few people throw all the obstacles they possibly can in the way of an inspector. Although they get their notice, when the inspector goes to make the inspection of the boilers possibly steam is up and there is no chance of a man getting inside the boiler. We provide that in future seven days' notice must be given to the owner, and in the event of the owner not having everything in readiness for the inspection, all the costs of delay must be borne by the owner. I do not think I have had more than two complaints from people during the last two years in connection with the inspection of boilers within the State; and as the Act is one which to some slight extent presses upon the private owner, I think this speaks volumes for the way in which the Act has been administered.

MR. HARPER: If you are going to inspect all the windmills in the country you will want a big staff.

THE MINISTER FOR MINES: There are many classes of machinery in respect of which I think it necessary we should have inspection. Of course I do not pretend to supervise windmills, just now. At the same time, if the hon. member were to go among the mining machinery on the goldfields—he, being a constant reader of the newspapers, I do not doubt will have observed that serious accidents have occurred in connection with lifts and other classes of machinery—he would recognise the necessity for inspection. It is necessary that the law should be a little clearer as regards the functions of the inspector in connection with boilers ascertained to be defective or dangerous. He will have power under this Bill to issue instructions that the owner of a defective or dangerous boiler shall wholly desist from working or using the boiler, or that the owner shall desist from working or using it until certain repairs or alterations have been made, or that he shall not work it at greater pressure than stated in the notice served on him. This is a little more explicit than the law has been in the past, and I think it makes for better working. Clause 33 provides that where two or more boilers are connected, the pressure of the weaker must be considered as the pressure of all boilers connected. That provision I

consider wise, and accordingly I have included it. One clause here will appeal to my friend opposite (Mr. Harper), Clause 46, even if the other clauses of the measure do not. No doubt a great many accidents occur through the negligence of owners, but a great many also occur owing to the negligence of the men employed. In the first instance we can attack the owner of the boiler; but if it can be shown that the accident occurred through no fault of his, then we take power to proceed against the workman responsible for the mishap. It is clearly pointed out that if the owner can show that the workman is responsible, then proceedings can be taken against the actual offender. Clause 47 provides:—

> Where it appears to an inspector, at the time of discovering the offence, that the owner had used all due diligence to enforce the execution of this Act, and also by what person the offence was committed, and that it had been committed without the personal knowledge, consent, or connivance of the owner, and in contravention of his orders, then the inspector may proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the owner.

No such power exists under the present Act, and I think the power a very necessary one, because undoubtedly the person responsible, whether owner or workman, should be proceeded against. The subject of examination and certificates of engine-drivers will be materially changed by this Bill. The present system will in a large measure be reversed. Under that system, which exists by virtue of the measures relating to regulation of goldfields and coalfields, a board is appointed to grant certificates to engine-drivers. The course adopted in the past has been that the Government appointed a chairman, that the mine managers appointed a nominee to act as their representative, and that the engine-drivers appointed a nominee as their representative. Thus, we have had one person acting on behalf of the Government desirous of seeing the Act carried out; but we have also had a representative of the mine managers who in every case has been only too anxious to grant certificates; and we have farther had a representative of the engine-drivers who, on the other hand, has done everything possible to prevent the granting of certificates. Thus on the one side there has been the mine managers' representative desiring to issue as many certificates as possible, whilst on the other side there has been the engine-drivers' representative anxious to make the association as conservative as possible. Under this Bill I desire to depart as far as possible from that system by making the board a purely departmental board. The cost will be considerably less, moreover. In the first place I want to show the necessity for the change. We consider it essential that the men placed in charge of such machinery as winding plant on gold-mines, for example, and in fact all persons in charge of steam engines, should pass an examination, whereupon they will receive State certificates proclaiming that they have shown sufficient knowledge to qualify them to work a steam engine. It has been the practice to appoint boards in Perth, at Collie, Kalgoorlie, Menzies, Cue, and indeed all over the State. Hitherto local boards have been appointed, and the system of examination has not been uniform. I want as far as possible to standardise the examination, so that the system may be uniform. Accordingly, I propose under this Bill to constitute the board, as regards two of its members, by appointing the Chief Inspector of Machinery and the State Mining Engineer. The third member will be a qualified engineer, and if possible a member of the public service, but for that I have not made provision in this Bill. Under the existing system the State has to pay examiners all over the country, at a cost of from £400 to £600 per annum. Under the new system the cost will be almost *nil*. Examination papers will be arranged in Perth, and examinations held in various parts of the fields, with a magistrate sitting as chairman, whilst the Inspector of Machinery and the Inspector of Mines will conduct an oral examination. The papers will be sent to Perth and there inspected by the board of examiners, and certificates will be issued accordingly. The same system at present obtains in New Zealand, Queensland, and Tasmania; and also, I believe, in Victoria.

MR. ILLINGWORTH: The system will apply only to new certificates?

THE MINISTER FOR MINES: Yes only to new certificates. By this system we should have a uniform standardised

certificate for the whole of the State. Great difficulty has hitherto existed in out-back places. For example, we have had to appoint a board at Marble Bar. Every endeavour has been made to give adequate facilities, but in future we shall get over the difficulty by appointing an Inspector of Mines and an Inspector of Machinery to visit these places. The papers will be worked out in their presence, and then referred to the examiners resident in Perth. Thus, a great saving will be effected, and at the same time a valuable certificate will be furnished to competent engine-drivers. The Bill applies only to certificates relating to the working of steam engines. It does not apply to electric motors, or anything of that sort. Various classes of certificates will be granted. One special class of certificate will entitle the holder to call himself an engineer. The certificates will be of the first class, the second class, and the third class. The first-class certificate entitles a man to work any stationary engine and also a winding machine. Of course, any person who has obtained the title of engineer will be entitled to work a winding engine. I am desirous of getting this power to enable the board to grant special certificates, and the examination will be high-class; therefore any person gaining a departmental certificate can feel assured of being able to take any position amongst machinery, so far as steam engines are concerned. The first-class certificate, as I have pointed out, will qualify a man to work any stationary engine and also winding plant. The second-class certificate will qualify the holder to work any stationary engine, but not a winding machine. The third-class certificate will entitle the holder to work an engine with an area of cylinder not exceeding 144 circular inches. The object of having three certificates is to afford an easy means of examination for persons working small engines, more particularly such as are used in the Perth woodyards. These certificates may be granted for service as well as for competency. If a man has been in charge of such an engine for a period of 12 months prior to the passing of the Bill, he will get a certificate of service and will be able to carry on his work. I do not think the measure will work any injustice to those who can show their fitness to manage machinery; at the same time, I hold that in the interests of the safety not only of those working with them, but of the persons themselves, it is necessary that these certificates should be obtained.

MR. ATKINS: Does the measure refer to stationary engines only?

THE MINISTER FOR MINES: No. We are going to make these certificates necessary for the drivers of locomotives and traction engines, and also for the engineers of boats trading on the rivers of Western Australia. I remember some time ago an accident occurring on a private railway, when the man who was driving the locomotive had no certificate. He has never obtained a certificate as an engine-driver, and we have no power to compel him to obtain one. Under this measure we shall make it compulsory.

MR. JACOBY: Was the man a Government servant?

THE MINISTER FOR MINES: No. The accident did not occur on the Government railways but on a private line. This Bill has nothing to do with any steam engine under the control of the Commissioner of Railways. I do not think it necessary to apply the measure to the Government railways, because the engineers of the department will take good care to place their locomotives in the charge of only such men as are specially expert in their work. I do not think we should try to force on the Railway Department regulations for locomotive drivers drawn up by the Mines Department. The railway engineers ought to be the better judges of the men they should employ.

MR. ATKINS: Do you think mining inspectors are fit to judge of the qualifications of locomotive drivers?

THE MINISTER FOR MINES: The chairman of the board is a practical engineer, who has gone through the workshops; the second member is the State Mining Engineer, who has a theoretical knowledge, and who understands the whole theory of steam engines; the third man, who is not yet appointed, will be a qualified engineer. Therefore, I think the board will be the most competent which can be appointed within the State, apart from the engineers of the Railway Department. I say my department would not be justified in asking for power to interfere with railway administration;

but we are qualified to license engineers appointed by private persons.

MR. ATKINS: What about the locomotives themselves?

THE MINISTER FOR MINES: Provision for their inspection can easily be made when appointing the third officer of whom I have spoken, who must necessarily be an engineer with special knowledge. I was pointing out that the Bill provides for certificates of service. Any person who has been driving a steam engine for 12 months prior to the passing of the Bill will have the right to a certificate of service which will enable him to continue to drive that engine. Special provision is made for a person rising from one grade to another. He cannot rise from the third grade to the second, nor from the second to the first, save after the lapse of a certain time. On a mine, for instance, before he can reach the first grade he must have a certain amount of practice at a winding machine under the care of a man who holds a first-class certificate. I think the Bill takes every needful precaution. The only special provision we make is a complete alteration in regard to the appointment of the board. I think we shall have a better board under the system I propose; we shall effect a considerable saving to the State; and we provide for one class of certificate higher than was granted in the past. I do not think anything else in this Bill calls for special notice. I feel satisfied such a measure is required, for there have been too many accidents in mines and with machinery generally throughout the State to permit of anyone maintaining that this small instalment of new legislation is unnecessary. I would point out in reference to the inspection of machinery that this will not entail a heavier charge on the general public unless the machinery inspected is driven by some motor other than a steam engine. If it be driven by electricity, then we charge an extra fee; but if we have to inspect a steam boiler, say at a brewery, we charge a fee for so doing, but there is no additional charge for inspecting the machinery, although we grant a certificate that the machinery is safe. If, however, the machinery be driven by electricity, a fee will be charged for inspection. When we go into Committee I shall do my best to explain any clause which may not be sufficiently clear. I have gone carefully through the measure, and do not think that in any sense it can be deemed oppressive. I have made every possible provision so that if we find any of the clauses regarding machinery unduly harsh, and that there is necessity for giving some relief, the power of giving that relief is in the Bill. In the circumstances, I hope members will give the Bill their favourable consideration, and I move its second reading.

On motion by MR. HAYWARD, debate adjourned.

ADJOURNMENT.

The House adjourned at six minutes past 9 o'clock, until the next day.

Legislative Assembly,

Wednesday, 5th August, 1903.

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

PRAYERS