

**Legislative Assembly.**

Wednesday, 30th November, 1904.

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THE SPEAKER took the Chair at  
3.30 o'clock, p.m.

**PRAYERS.****PAPERS PRESENTED.**

By the PREMIER: Papers relating to the prosecution of G. F. Fraser, late Treasury Cashier, Coolgardie, as ordered by the House on the 16th November, 1904.

By the MINISTER FOR MINES: Report of Royal Commission on Boulder Deep Levels, laid on the table after some discussion (as reported later).

**QUESTION—SENTENCE REMITTED, CASELEY AND PEAKES.**

MR. A. J. WILSON asked the Minister for Justice: 1, Were two men, named respectively Caseley and Peakes, sentenced to five years' penal servitude in March Criminal Sessions, 1902, for robbery with violence? 2, Has Caseley's sentence since been remitted? 3, If so, on what grounds, and by whom, and when recommended? 4, Has Peakes received similar consideration? 5, If not, why not?

THE MINISTER FOR JUSTICE replied: 1, Yes. 2, Yes. 3, (a) On the decision of the late Attorney General that on prisoner's behaviour remaining good until November, the balance of his sentence should be remitted; (b) On the expiration of the term, the prisoner's conduct having been good, this decision was carried out by His Excellency the

Governor on the recommendation of the Minister for Justice; (c) Recommended 29th July, 1904. 4, All particulars in Peakes's case are now being considered by the Crown law officials. 5, See answer to No. 4.

**BILL, THIRD READING.**

FACTORIES ACT AMENDMENT, read a third time and transmitted to the Legislative Council.

**BILLS, FIRST READING.**

ROADS ACT AMENDMENT, introduced by Mr. Foulkes.

DISTRESS FOR RENT RESTRICTION, introduced by Mr. A. J. Wilson.

LICENSING ACT SUSPENSION, introduced by the Premier.

**MOTION—LANDS DEPARTMENT AND MR. W. WILKINSON, TO INQUIRE.**

MR. R. G. BURGESS (York) moved:

That a select committee be appointed to inquire into and report on the subject matter of a correspondence between the ex-Premier (Mr. W. H. James) and Mr. William Wilkinson, laid on the table of the House last session (1903).

Mr. Wilkinson, some years ago a suitor in the Supreme Court, claimed that he had lost his case because the Lands Department took the stand that they could not assist him to obtain relief; and the jury were led to believe that they were obliged to give a verdict against Mr. Wilkinson. In support of his statement Mr. Wilkinson pointed out that the Judge who tried the case ordered that each side pay its own costs. Last year the James Government superseded the Canning Roads Board, thus proving, according to Mr. Wilkinson, that the Government could in his case have granted the relief asked for. Mr. Wilkinson maintained that had it not been for the statement by the Lands Department that they had no power to intervene, he would have got a verdict. He now considered himself entitled to an inquiry by a select committee as to whether he had received justice, or whether the Government were within their rights in refusing to interfere. He (Mr. Burgess) did not know much about the matter; but Mr. Wilkinson was confident that if heard before a select committee he could

prove his case up to the hilt. True, many select committees had already been appointed this session; but as Parliament was the ultimate court of appeal, the same consideration should be extended to Mr. Wilkinson as to other persons. Mr. Wilkinson's evidence before the committee would probably be brief.

MR. T. F. QUINLAN (Toodyay) seconded the motion.

THE PREMIER (Hon. H. Daglish): To appoint a committee would not be wise. This was an old matter which some 10 years ago was the subject of an action in the Supreme Court. A few months ago it was revived by correspondence between Mr. Wilkinson and the ex-Premier, Mr. Walter James, and subsequently between Mr. Wilkinson and him (Mr. Daglish). It seemed impossible for the House to inquire into all cases of persons who imagined that they had not received fair treatment from the Government, and subsequently that they had not received justice in a court of law. While fully recognising that Parliament was, after all, the highest court of appeal, he did not think it wise, unless a strong case was made out in favour of a parliamentary inquiry, to enter upon such inquiries; and he very much questioned whether it would be possible during this session for a select committee to call for and consider the evidence on this case. The circumstances being of intricate nature must necessarily be puzzling to the ordinary layman. He did not intend to go into the merits of the case; but the correspondence had already been laid on the table and, if the hon. member desired to press for a select committee, the matter should at all events be adjourned to allow members to make themselves acquainted as far as possible with the particulars of the case before judging whether an inquiry was justified. It was well known these papers remained on the table for a considerable period without being referred to except by the person calling for them.

MR. BURGESS: These papers were laid on the table late last session.

THE PREMIER: Even the hon. member forgot to look through papers when they were available. The hon. member should not press the motion.

MR. BURGESS: The motion would be pressed if the Premier did not give an

assurance that the debate could be adjourned.

MR. MORAN: Take the adjournment, by all means.

On motion by MR. RASON, debate adjourned.

#### MOTION—RAILWAY FINANCE.

##### SECTIONAL DETAILS WANTED.

DR. ELLIS (Coolgardie): I beg to move

That in the opinion of this House it is desirable that the Minister for Railways should direct the Commissioner of Railways to disclose in his annual reports the following particulars, namely:—The actual traffic expenditure on locomotive power, maintenance of permanent way, traffic expenses, compensation, electrical, signalling, and interlocking generally, specifically in respect of each of the Government Railways, that is to say the Eastern Railway, Eastern Goldfields, Northern, Great Southern, and South-Western.

This motion will doubtless appeal to all sides of the House as one demanding at least grave consideration. At the present moment these details and sectional returns on the railways are not furnished, and to all those members who believe in handling local moneys in the shape of trading concerns without sectional returns the position is practically one of complete ignorance. I agree that the present report on the railways—the one which in the future I desire to see altered—does a considerable amount of credit to the Railway Department. They have saved a large sum of money this year; but they give us no information as to the lines on which that saving has been made. They have saved £100,000 in their method of administration, and they have carried a million more passengers and a quarter of a million more goods at less than last year. That in itself is a very satisfactory condition of affairs; but they have likewise given us no farther information on the whole question of railway administration. In the early part of this session some statements were made that many of the schedules published under the Railways Act were misleading. Now they have withdrawn every one of those schedules, and thereby admitted that the statements thereon made were perfectly accurate. They have consequently laid themselves open to the charge that if they were publishing erroneous and improper statements

before so that an appearance of sectional returns should be given, now they should at least, having discovered their error, publish these sectional returns in detail in order that we may have an opportunity of finding out the true condition of affairs. The present report might very easily be covered by four lines: the receipts, the expenditure, the gross profit, and the name of the Commissioner. There is practically nothing in the whole of the report except the statement of the receipts and expenditure and the gross profits. [MEMBER: Is the Traffic Manager there?] Yes; but he has withdrawn many of his most important reports. There is no capital statement. Practically they have withdrawn the capital statement this year, and they have withdrawn the sectional interest statement which was previously presented. Consequently the report is one vast amount of withdrawals.

MR. RASON: A funny sort of a report, that.

DR. ELLIS: I agree with you. There did happen to be in previous years one correct report which was valuable from a sectional point of view. That was the ways and works report, which was accurately published. This year, however, they have carefully left it out, so that now there is no sectional knowledge whatsoever and no capacity for arriving at the position. I may quote this year's report to show members the view that was taken on the matter:—

I have this year omitted all particulars in which the cost of working the several sections of the system has been separately concerned. My reason for this important change is that the only means by which such expenditure has been arrived at was on the basis of the expenditure per train mile . . . . . To me it appeared that to publish statements of sectional expenditure based on such a rough and ready method was entirely misleading for any purpose of accurately considering results.

They withdrew these reports, and replaced them with no others. The report of the Commissioner goes on:—

Table 2, as published last year, is also omitted. It purported to represent the capital cost of construction and equipment of each section of the railways, and the profit and loss thereon after payment of working expenses and interest. Pending the investigation of the capital account, and in view of the unreliability of the sectional expenditure based on train mileage, the figures do not

appear to be sufficiently reliable to be serviceable.

These are the figures with which this House has been regaled during the last six years, that in this present report are stated to be entirely unreliable and misleading. If the statement made in the past that the Railway Department published incorrect and misleading returns has now been admitted by them, it may be advisable for this House to consider what form the returns should take in future, so that these unreliable and improper statements should not be repeated and so that, at the same time, definite information may be given to the House and to the country as to the manner in which the railways are being worked. I should like to deal with these questions pretty fully, and I want to deal with them under the headings of interest returns, capital returns, and the sectional returns proper. When we come to the interest returns we find a most interesting and at the same time a most remarkable condition of affairs. Members are quite aware that there are two forms of capital invested in the railways—capital derived from revenue and capital derived from loans. The loan capital itself is divided into two sections. When the general Loan Act came into force in 1896—that was the year Mr. O'Connor gave up control of the railways and the present indiscriminate management started—what was the position as regards the interest charged under three separate heads? In the first section all loan money before 1896 is charged to each separate loan, and is charged under the correct interest of that loan; but since the year 1896 we have found the most interesting and remarkable development. We all know that in 1896 money was very cheap, and the price we got our loan moneys at was 3 per cent. The railways thought that was a very good arrangement, and since 1896 they have never charged themselves a penny more than 3 per cent. for the money that has cost the State 3½ per cent. and 4 per cent. If we make a little arrangement of that character, it is quite easy to make the Railway Department pay.

HON. F. H. PIESSE: That is only since the amount for the large expenditure. The money was borrowed at 3 per cent.

DR. ELLIS: The first £3,000,000 were borrowed at 3 per cent., but there are nearly £6,000,000 charged at 3 per cent. now. Very large sums of money have cost the State  $3\frac{1}{2}$  per cent. Last year's sums have cost the State 4 per cent. Anybody who is directly interested in this has only to turn up page 47 of the report, and he will find the details of the amount of interest charged. We find that even in the figures for 1893 and 1894, a time when we were paying 4 per cent. for the money, they are charging themselves 3 per cent. Therefore we find that the railways, as far as interest is concerned, are not presenting the country with a straight position as to what the money cost. And to show you how important this can come to be, we find in a certain return, Schedule 12 published by the Treasury, that the interest on the railway debt amounts this year to a sum of £308,000, whereas they only charge themselves with the sum of £277,000, thereby making a clear net profit of £31,000. From that has to be deducted, it is true, some money for railways not yet taken over; but even so, anybody who would look at the matter from a trade point of view would understand that if interest is not charged to interest it ought of necessity to go to capital account; and to publish a report showing a saving of £31,000 by a process of ledgerdmain bookkeeping cannot be considered an accurate and proper way of publishing railway figures. If we were holding this matter as a trading concern, any interest on moneys, if not employed in earning, would naturally be put to the capital account, and that is what I claim should be done in any capital account statement as to the position of the Railway Department. We have no right to publish statements showing that we are earning more than our interest by the Railway Department, when we are not debiting to ourselves a proper and correct amount of interest. It is one of the ways in which we are constantly practising deception upon ourselves by improperly keeping our accounts, so that we do not know what really is the position of affairs. And the same holds in regard to the case of recent loans. Here again one of the most interesting bits of bookkeeping finance comes up. They do not charge

the cost of raising loans nor the deficiency in those loans—that is, loans other than the amount of the stated value—consequently there is a sum probably of over £300,000 which ought to go on to the railway capital which does not go on to it now. In one return of the Treasury they deal with this matter in a very simple and at the same time somewhat effective way. Any repayment of loan money is taken away from these debits, and instead of the whole of the loan money being put together and the amount taken away afterwards, that debit is taken away before the sum total is added up, and consequently we are again concealing the true position as to the money. We are again presenting to the country an improper and heavy understatement of the railways as they stand. I have another charge against the present method of administration which is even more serious than the ones I have made. The hon. gentleman does not think it is a serious thing to publish statements that the Railway Department are deliberately undercharging themselves with interest, and pretending that works are repaying works when they are not so. I consider that is a very serious charge indeed. The next charge is even more serious. That is that they tamper with figures after the figures have been laid on the table of the House. Anybody who knows about these railway reports in days gone by knows that they carefully have not done it this time, because they have wiped the figures out altogether; they get out of the difficulty in that way. Yet up to this year anybody would have thought that figures once laid on the table of the House would not be altered; but those figures are altered year by year to suit circumstances. Those figures are changed round from one schedule to another until now they are in such a position that the accounts will not even balance themselves, and I will proceed to prove that later on. To my mind any system of bookkeeping which allows of changing figures once they have been laid on the table of this House is erroneous and highly dangerous, and I think I cannot possibly make a more serious charge against any department or Government than that they have altered the figures without any notice or information after these have been laid on the table of this

House. I admit that at present Parliament is open to a certain amount of blame. Figures are laid on the table of the House and very little attention paid to them. They are never contrasted with another year, and the result is that nobody is really acquainted with them, and I am sorry to say that even the officials of the Government service themselves are not acquainted with the present position of the loan figures. The figures are published by each department separately to suit itself. They take into consideration their last report, but they take into consideration no other report. These figures are in each department published; consequently they are published concerning each separate line; yet in spite of that no two sets of figures published by any two separate departments agree, the difference being not hundreds or thousands, but hundreds of thousands of pounds. Conditions like this must, one would think, demand some inquiry, and a system which has produced such an effect can hardly be looked upon as a system above suspicion or a system that does not require some alteration; because to any man who values his position as an accountant in the Government service, to any man whose reputation hangs on the Government figures, I submit the statement is very serious and important. It is necessary to deal with the matter in considerable detail, so that I shall prove to this House that the statements I am making are absolutely correct, and that the present position of affairs is very little short of disastrous. It was only a short time ago I was accused of misrepresenting the position when I said the condition of the public accounts was scandalous. I again seriously repeat that statement. The position of the public accounts at present is scandalous, and I shall proceed to prove that matter before I sit down. I shall take very good care so that my friend the leader of the Opposition, the late Colonial Treasurer, shall have every opportunity of analysing the figures in detail, that the whole of the figures and how they are arrived at shall be fully laid on the table of this House.

**MR. RASON:** Life is too short.

**DR. ELLIS:** If members think life is too short to publish correct figures concerning our loan expenditure, concerning

the greatest asset of this State, it would be better for them to retire and for others to be returned in their place. I say that the present position does not tell us as far as railway capital is concerned, what the amount of that railway capital is. It does not tell us what it costs to raise nor what it costs to invest that. Figures are interpolated after they have been laid on the table of this House, and changed without any note as to the reason of that change. This condition of affairs has not always existed. Up to 1896 the sectional returns on our railways were published, and there was no difficulty in arriving at any conclusion on the figures one desired. The position of affairs was correctly presented to the House. But now I am sorry to say all that is altered. To show how this is arrived at, what ground I have for justification in the statement I have made, I think it would—especially as I am given to understand there are some new members in this House who have not had an opportunity of seeing the variegated way in which the figures percolate in passing from one department to another—be advisable to explain what is the method at present of publishing the Government figures. Of course I would not suggest that any old member of the House was not intimately acquainted with the method, not intimately acquainted with the variegated way in which they are published, and not perfectly cognisant of the curious position at present existing. The first thing in money is that it is passed on the Estimates, and every year in addition to the suggested expenditure there is an accurate account of the expenditure of the previous year. I am talking now of Loan Estimates—there is an accurate account of the expenditure of the last year published at the same time. That is the first schedule I took up. In the next place you find what ought to be the same figures are in the Treasury, where the money is paid away. Naturally one would suppose—and in many cases it does hold—that the estimated figures and the Treasury figures are the same; but I can prove to the House that figures published as spent in the Estimates and figures published as paid away in the Treasury Department do not agree, and in many cases one will meet with four,

five, or six large items which do not agree. Next, those who take up the money are the Public Works Department. They take the money, and until recently had the entire expenditure of that money. So I think one would turn up the Public Works Department figures to see if the figures published by that department agree with those published by the Treasury, and agree with those published on the Estimates. Last of all the money passes to the Railway Department, and if the accounts were properly and accurately kept one would find the same money in the Railway Department as was left on the Estimates; but we find that not any two of them agree. Even worse than that, sometimes we have two statements published by the same department which do not agree. It appears to me that such a condition of the public accounts is very serious, and I should like to say that I have in my hand carefully prepared—life is not too short for me—figures which I hope the late Colonial Treasurer will have the pleasure of looking into.

MR. RASON: I will take them as read.

DR. ELLIS: I have no doubt the hon. member will take them as read, as I am afraid that is the way the late Colonial Treasurer did most of the business when he was in office. That is exactly why we have got into the serious position we are now in. As far as I understand, every Minister took the figures as read, and consequently none of the figures agree or are co-ordinate. I do not take the figures as read. I have before me in detail the Estimates, from 1896, as regards the loan expenditure on the railways. I have been carefully into this matter to form a uniform schedule, so that there is no difficulty in comparing one department with another; and as showing this schedule is more or less accurate, the Treasury have adopted it, because they have recently published a return to this schedule. I will have extreme pleasure in comparing the recent Treasury figures with the figures published by the Treasury previously and the figures published by the Public Works Department, also those on the Estimates; and we shall find that there is a curious difference, in some cases a difference as high as £300,000. When one makes a statement that sets of figures are pub-

lished in which we get a difference of £300,000 between one set of figures and another, it deserves the serious consideration of the House, in spite of the diminishing life of some members. I think it is important that these figures should be published and that members should take the position seriously, become acquainted with the figures, and see if they can be refuted or proved. I shall be astonished if they are refuted. I have gone into them carefully and checked them. For the purpose of comparison, the Railway Department is divided into schedules, as mentioned in the motion, the Eastern Goldfields, Eastern Railway, Northern Railway, and Great Southern Railway; and we find in many items they agree right through, and in many items they entirely differ. The statement may be made that the figures are not meant to agree or to tally; but when we find an item like rolling stock on the Estimates, in 1897, amounting to £273,000, if we turn to the Treasury figures we find still the amount £273,000, and we still find it so in the Public Works statement. That being so, one naturally expects the totals to agree; but I will tell members what the totals are, and they will be astonished to find how much they disagree. The Estimates make the total amount of money spent from general loan funds since the establishment of the general loan fund in 1896, when the special loan funds were done away with, as £5,916,000. Before I give the accurate amount, I had better inform members what is the difference between the Treasury detailed statement and the Treasury statement which is carried forward year by year. Every year the Treasury publish the details of the money spent; but at the bottom of the column there is a total of figures which is carried forward to the next year. One naturally supposes, if he be an ordinary person, that there would be no difference between the amount of money carried forward and the amount of money mentioned in the details. We find there is no one year in which the figures are accurate and in which the sum total is the same as the details mentioned in the Treasury returns. I have before me a return of the details of the Treasury, I have likewise a return of the amount carried forward; and

now I have a third return, published the other day, of the details of loan money expended since 1896 published by the Treasury Department, and which differs from the other two returns. The Treasury have now to face three sets of figures presumably dealing with the same matters, and each one differs from the other. The Treasury details total the amount as £5,800,000. The Treasury total carried forward is £5,980,000, and the supplementary Treasury figures give the amount as £5,600,000. I think it is only a fair thing for members to know how it comes about that such an extraordinary difference can exist in Treasury figures; and just to show that these matters, although now to a certain extent engaging the attention of the House for the first time, have engaged the attention of others, especially I imagine since the recent change in the accountancy branch, I would like to read the following statement:—

The railway capital figures quoted in the foregoing statements and in table No. 4 (p. 47) have been calculated as nearly as possible with the information available. The matter is, however, not in a satisfactory position. A thorough investigation into the whole account is in progress and will be continued during the present year. Information and records are disconnected, meagre, and in some instances apparently unobtainable. The object of investigation has been and will be to arrive at the details of expenditure, and to reconcile the amounts so obtained with those contained in Treasury statements. The latter object has hitherto been attained by debiting a proportion of the expenditure and charging the rate of interest on such proportion for the full year. In making up the accounts now presented, however, it appeared to me that the more correct method would be to debit the whole amount and calculate interest accordingly, but for the proportionate period only during which the department had had use or benefit of such expenditure.

Members can see from this that the Railway Department admit, for the first time if I may so put it, that the figures published by the various departments are erroneous, or cannot possibly be reconciled. I can assure members that the position is a very serious one, when we find such serious discrepancies as those presented by the statement. Now we come to the next set of figures, the Public Works statement, and whatever may be said against the public works figures before 1896, since that date the figures have been kept very

well and accurately: they agree very closely with the Estimates. There is only a difference, which is nothing in a Government department, of some £30,000 between the expenditure during the eight years under review. But that is the only case in which the figures approximate to the sum of money passed by the House. Now we come to the most interesting statement of all I have here, that is the railway statement, and the railway statement of the capital amount of money is extremely interesting. [MEMBER: Why interesting?] It differs to the tune of £400,000 in the two statements. I would like the Minister for Railways to explain how such an extraordinary position of affairs has existed for eight years, there being such an enormous difference in the two sums named. There are two ways of arriving at the different amounts spent in the Railway Department from loan funds. We know the Railway Department give a sectional capital return of the railways and give the total for each year. If one subtracts the amount for each year from the total, one naturally expects to get the amount of the fresh loan money expended. There was one item—an amount of money not yet taken over by the Railway Department—and I see this year for the first time details of that item are published in the railway report. I had a question on the Notice Paper in reference to this, and the Railway Department have been good enough to think it worthy of consideration, because this year, for the first time, they have published the details of the money taken over by the Railway Department. We find that the Railway Department, making due allowance for the £400,000 which had not come to them at the time when Mr. O'Connor gave over the railways in 1896, admit a sum of £6,000,000, which is above the Estimates and above every other statement of the railway position at present, the estimated amount being £5,900,000; but when we come to the amount of the general loan fund—money invested in various sections of the Railway Department—we find, instead of the £6,000,000 as stated in one place, it is only £5,740,000. It appears to be very curious how such a sum as this could be lost or strayed. I do not suggest that it has been stolen, because we know that it

was not; but in the railway figures which are published seriously and definitely, it appears that in one item the amount of money credited to the department is £6,000,000, and in another place that amount is given as £5,740,000. That is a discrepancy so great that it should at least have some consideration, and I think the House will agree that there is no need for me to go at present through all the figures—I have some consideration for the member for Guildford—but when the figures are printed there will be an opportunity, not only for members of the House but for civil servants and others engaged on these accounts, to go into the matter and explain the extraordinary and serious discrepancies whereby the same department can publish figures as £5,800,000, £5,900,000, and £5,600,000, and in another case where they publish the same figures there set out as £6,000,000 and £5,700,000. I do not think I am overstating the case, that is presuming these figures are accurate, and I have taken every conceivable care that they shall be accurate; but the position is one that suggests that the condition of the public accounts is such that they demand instant remedy. To my mind, properly to handle railway figures from capital account, all the money should be debited to the Railway Department, and any interest not earned should be debited to capital. If there are any lines not yet taken over on which the State has to pay interest, that interest should, as in all private concerns, be debited as capital. In addition, the capital account should take cognisance of the cost of floating the loans, and the difference between the sums realised and the face value of the loans as they are floated. The House is, or ought to be, a body of directors looking after the interests of the State; and being such directors, should demand that the capital account be published in such fashion that hon. members may have some cognisance of its real condition. I quite agree that the present state of affairs is the result of slow growth. The existing officers are not entirely responsible for the matter; but the defect should be remedied at the earliest possible moment. I should now like to state what, so far as I can ascertain, is the present true position of the railway capital. So far as I can see, the

railway capital is nearly £9,450,000. The Treasury has stated the capital at £9,200,000. Mr. Gardiner, who when Treasurer made certain statements in Melbourne as to loans, stated the capital as £8,900,000, to which ought to be added £440,000 from loan expenditure this year; so that Mr. Gardiner's figures approach mine more closely than do any other published figures at the present moment. There is no doubt in my mind that when the railway capital comes to be truly stated, as I suppose it will be some day, we shall find it stands at 9½ millions. The next point to which it is necessary to draw attention, in this statement of the manner in which returns of loan expenditure are published, is the peculiar method of issuing departmental reports. Naturally, one would suppose that reports made to a body of directors by various branches of a business would be made at something like the same time. But what do we find? The Estimates are published in October of the year after the money has been spent; portion of the railway figures is published at the same time; but the department did not till this year take cognisance of the details of the money not yet taken over. Those are two statements of account published during the year immediately after the expenditure of the money. The Public Works figures are not published till August of the subsequent year. The financial year of that department ending in January, the figures for that year will not be published till the following August; consequently one is unable till August to compare the Public Works statement with the Railway statement. The Treasury returns have in the past taken over a year to publish; but I understand that this year we shall have an innovation, though until this year the figures were never published till the year following that to which they related; consequently, no person could become cognisant of the railway figures for purposes of comparison till 18 months after the money had been expended. It seems to me that this condition of affairs should be changed. Figures should be published within a reasonable time after the expenditure of the money. They should all be published about the same time, so that one set may be compared with another; and till that is done, there



is no reasonable hope of the public finances being put in such a condition that anyone may find out their true position. I wish to put on record the fact that these figures, which I am quoting are the figures up to June, 1903, some of the figures subsequent to that date having not yet been published; consequently I cannot bring my returns up to date. I think that in itself is a reason for altering the present procedure. Again, the Railway Department maintain that sectional returns are difficult and in fact impossible of preparation. I shall read the statement from the Commissioner's report:—

The question of accurately arriving at sectional expenditure, in fact, bristles with difficulties; but one thing appears to me to stand out prominently, and that is that so far as the railways of this State are concerned, the train mileage basis is unreliable and misleading for such a calculation.

I must compliment the Commissioner on his arriving at the conclusion which I stated so emphatically a short time ago in this House. I am glad of his endorsement of my statement that his figures are wrong. But I still differ from him, because I say that sectional returns are not only possible of preparation, but comparatively easy. I may say that such returns are now published in New South Wales; and what is more important, they were at one time published accurately in this State. Prior to the year 1896, accurate sectional returns, showing the interest earned by each line and the working expenses of each line, worked out not on a general train mileage for the whole State but in detail, were published by Mr. O. Y. O'Connor; and all I ask is that we shall go back to the conditions existing before 1896, and shall stop the system of hoodwinking which is now practised. I have here a return comparing the position of the railways in 1896 with their position to-day. In other words, it compares the position of our railway administration when the sectional returns were published with the position when the accounts are made absurd by the present publication, and when no real knowledge can be acquired, even by the department, as to the expenditure on the various sections of our railways.

Comparative Results of Working for Years 1895-6 and 1903-4.

Reference No.	Particulars.	1895-6.	1903-4.
1	Total amount Debited on Capital Account	£2,595,733	£3,955,929
2	Average number of miles worked during the whole year	598	1,535
3	Cost per average mile worked	£3,995	£2,534
5	Gross Earnings	£229,616	£1,588,084
6	Working Expenses	£263,705	£1,179,624
7	Surplus of Earnings over Working Expenses	£265,911	£408,460*
9	Percentage of Working Expenses to Earnings	49.79	74.28
10	Percentage of Surplus to Capital	11.48	4.56
11	Earnings per average mile worked	£913	£1,034
12	Working Expenses per average mile worked	£455	£768
13	Net Return per average mile worked	£458	£266
14	Train miles run	1,541,750	4,594,234
15	Earnings per train mile	82.44d.	82.98d.
16	Working Expenses per train mile	41.00d.	61.62d.
17	Net Return per train mile	41.00d.	21.34d.

No. of train miles per mile of line ... 2,600 | 3,000

\* 1901-2, £28,505.

In this return which I have before me, the figures compare curiously; and to show how carefully they are compared, I should like to mention two points—first the earnings per train mile last year in pence, and the earnings per train mile in 1896. Curiously enough, the amounts are almost alike. The amount earned in 1896 was 82.44d., and in 1904 82.98d., showing that the earnings per train mile remain exactly the same as they were at that time. But what do we find when we consider other figures? We find that the expenses per train mile have risen by a full 50 per cent. To show that this is not due to the number of train miles per running mile being materially altered, I have prepared a return showing these in the two years in question. In 1896 the number of train miles per running mile was 2,600, and in the year just finished 3,000; so if there is any advantage from a traffic point of view, last year ought to show a lower expenditure per train mile on account of the increased traffic, the train mileage being more per running mile than in 1896. What do we find as against that? The net working expenses per train mile in 1896 were 41d., whereas in the year just finished they were 61d., an increase of 50 per cent. The earnings per train mile in Mr. O'Connor's day were

£913, whereas the earnings per average mile now are £1,000. In other words, there is no great difference in the earnings and no great difference in the number of train miles run. That is, we are now earning more per train mile per day than we earned then; consequently one would think the expenses should be proportionate. But the working expenses per train mile were in 1896 £455, whereas to-day they are £768—an increase of over 50 per cent. Now that is a very serious matter; and when we come to the profits per train mile we find a natural result. In days gone by, every average mile worked returned £458 profit, whereas now every average mile worked returns only £266 profit; consequently we are practically 50 per cent. to the bad.

MR. HEITMANN: Is the hon. member in order in putting various other members to sleep?

THE DEPUTY SPEAKER (Mr. Bath): The hon. member interjecting is not in order in raising such a point. He must be careful, for he is ridiculing the rules of the House. He must not do so in future.

DR. ELLIS: I am sorry that this House cannot take more seriously an explanation of the working of our greatest asset, one which we are sent here to protect, and on which the prosperity of the State depends. I contend that any member who goes to sleep when such a question is under discussion should go where such questions are not considered. Any member who takes the trouble to seriously investigate the financial position of this country—a subject which has been woefully neglected—should command the indulgence of the House. I demand members' attention, and demand that the defects which I point out shall be rectified. When I am making such grave complaints of the manner in which the public accounts are published, this House should take the matter seriously. I did not go into it for pleasure or for profit. My figures represent many hours' work; and I am doing my best for the country, and doing what my constituents sent me here to do; doing what may before very long save this State from disaster. I wish to point out the disastrous result of giving up the preparation and publication of sectional returns. I have here, and hope to have published in *Hansard*, accurate

figures fully representing the position; and members will see that, take it on the rough, whereas our traffic is the same per running mile as it was in 1896 and our traffic returns are the same, yet the expenses have risen fully 50 per cent. That is what would naturally be expected by anybody who is acquainted with the disaster which always follows carelessness of sectional administration and carelessness in the management of a railway. There is no way by which money is more certainly and legitimately saved than by comparing the returns of one section with another. It is held in the Railway Report now that our reports and our figures cannot compare with those of the other States; and this statement is made although in the year 1896 we were able to put the most favourable railway figures before this House as compared with the railway figures of any State in Australia, while to-day we are 20 per cent. the worst State in Australia. It appears to me that such a tremendous transition from being the best railway figures in Australia to being the worst requires some explanation, and demands the serious consideration of this House as to whether the Railway Department in their treatment of the accounts should not return to the methods which achieved such results in the days of Mr. O'Connor as compared with the methods which have made the position 50 per cent. worse to-day. [Interjections.] As far as the absolute amount of money got out of the State for railway traffic is concerned, our figures are the best in Australia; but the very fact that our expenses are 50 per cent. more than they should be makes that position worse, and makes it more desirable to return to the previous method. The increased cost of wages is only 5d., and that does not go a long way to explain the situation; and, curiously, last year's working on behalf of Mr. George brings out a point that is well worthy of consideration by any person who thinks it is dangerous to pay high wages and to improve the working of the railways. I should like to give the member for Katanning (Hon. F. H. Piesse) a little information from the Railway Report of this year, in which he will find these words:—

It is worthy of note, for comparison with former years, that expenditure has had to bear

the following—Extra pay to station masters, officers in charge, and night officers; extra pay under Industrial Agreement relating to Traffic wages staff and others of the Way and Works, Electrical, and Interlocking branches; overtime payments to Loco. Running staff under Industrial Agreement; the operation of the eight-hour day to practically all grades; heavier maintenance charges on permanent way.

Yet in spite of that, we are able to carry one million more passengers and a quarter of a million more of goods, at less cost than last year, or they made a saving by comparison. So this does away with the idea that the increase in the rate of wages is the cause of the trouble. The real cause can be arrived at very simply, by working it out; and the real reason is the careless way in which the railway figures are published, and the careless way in which the sectional lines are managed. Up to the year 1896, which ended Mr. O'Connor's period of railway management, the capital cost per mile of all the railways was steadily decreasing; every line was materially improving in every direction; the local charges were getting less, and every detail of expenditure was getting less. But from 1896 onward, the capital cost per mile has been running up, until it is now half as much again. So I say, when you get a big line of demarcation like that, you naturally expect that it has a good deal to say in accounting for the present bad condition of the railway system as compared with the position in the period ending with 1896. From that time everything has been getting more expensive, and we have been doing what is probably the most dangerous thing—we have been increasing instead of diminishing the capital per running train mile. We are increasing it by over £150 per mile per year, and we have actually increased it by £1,800 per mile in eight years. The chief cause is partly the increased cost for rolling-stock, partly the improvements in railway lines, partly in doing foolish things for the purposes of making a better show in the annual report. A line is taken up and relaid, and no debit is made for the old rails and the old sleepers. When a line goes bad, they relay it, and then they increase the cost per mile over the whole system. [Injection.] Yes; if you choose to make up your accounts in that way; but

I do not believe in that form of jerry-mandering. They sell sleepers and sometimes relay a line, and as far as I can see there is no debit for relaying, there is no debit against the line, no money put away. If a certain amount was put away, then when they found the traffic was so great as to wear out the line unduly soon and require relaying, there would be the money available for relaying it, and the amount could be debited to wear and tear. That would be a proper plan; but what I contend is that now loan money is being charged with what ought to be running expenses, and by that means the railway figures are made better than they should be for what practically amounts to maintenance; and that is why the present unsatisfactory condition of increasing the capital cost by £200 per mile per year is being continued. That practice is bound to bring disaster in the long run. We have had more miles of railway opened up at a cheaper cost since 1896 than before; and to-day the capital cost for all the lines stands at £5,800 a mile, as compared with about £4,000 a mile at the time Mr. O'Connor ceased to have charge of the railways, the end of 1896. It has absorbed the difference in the capital, absorbing also the additional £200 per mile; and as long as accurate details are not published concerning the loan expenditure on each individual line, you have an opportunity for such a position. It is not fair to the Commissioner of Railways, it is not fair to this House or to the country, to take 9½ millions of money for the Commissioner to do what he likes with, and to publish accounts respecting that money in any manner that he chooses. Parliament may have no power of interference; but if any board of directors of a privately-owned railway were brought up before a court for doing this kind of thing, the members of that board would be held criminally liable. Yet we have practically a body of directors in this House, each paid £200 a year to look after the interests of the country; and until the members do look after the interests of the country, and see that these reports of railway accounts are properly and accurately published, and that the general manager is holding things in a reasonable, fair, and wholesome manner, there is no hope of the country getting out

of financial difficulty. It is bound to come in time. Not only have the local expenses risen to a large extent, but the same thing holds throughout the service. Take it in the maintenance of permanent way: the Northern line cost 23d. per train mile, the Great Southern cost 23d. per train mile, and the goldfields line, with its extra shilling a day in wages, cost only 8d. per train mile for maintenance. I say therefore that the goldfields line, which is referred to by some persons as a standing reason why our figures will not compare favourably with those of other parts of Australia, is the one line that does compare well with the rest of Australia; and until the local figures are published for each line showing the train miles run, we cannot get a satisfactory explanation of the position. [Interjections.] I want to ascertain the actual cost of these various things, as was shown in the time when Mr. O'Connor had charge of the railways; and there should be no difficulty in obtaining it. The man in charge of a locomotive ought to put in certain figures from each run, which would show accurately the cost of everything as regards a sectional line; and there is no difficulty in doing that, as far as the cost of running is concerned. It is only a question of giving the engine-drivers instructions to make the necessary returns as part of their regular duty; and I may remind the House that when Mr. Commissioner Eddy took charge of the railways of New South Wales he saw the necessity at once of this system; and I am sure also that Mr. Tait in Victoria will do, or is doing, the same thing. [Interjection.] There is no evidence before this House on which it can form a reasonable opinion, if any question comes up, say, in regard to relaying a line with heavier rails. The South-Western line last year was to be laid with heavier rails; but at present members of this House have no information to show whether heavier rails are justified by the traffic on that line. We are absolutely in the hands of the railway experts, to an extent which no private railway company in the world would tolerate. [Interjection.] If I found that light rails on a line were not paying for the axle grease, I should consider the question of relaying that line with heavy rails to be absolutely settled. These are questions which every

private railway company has to decide. Is there any directorate in England who would publish returns like those published by the Railway Department? Would any directorate allow a general manager to lump together the expenses of half a-dozen mines and hand those expenses in as a correct statement? Would they not require a separate account of each mine, to see how much they would be justified in sinking in any particular mine? What holds good in regard to mining companies holds good in regard to every other company. We should require each department to set out the figures relating to that department, as is done in every properly conducted business. If such is the case in every industry, can we as a body of directors in this country afford to neglect a principle that exists everywhere?

MR. BOLTON: Has the Commissioner refused to give the information?

DR. ELLIS: He cannot give the information; he does not possess the figures. I want the House to pass this motion, but I do not expect the figures to be presented next July—I expect to see them in the following year. The Commissioner should be able to obtain some of the figures, so that if we ask what is the cost of locomotives on the Darling Range, the Commissioner will be able to give some idea of what it is; but he can give us no decent information now. Suppose the House wishes to find out the cost of running a line, there are no figures existing to-day giving the particulars, unless we go back to Mr. O'Connor's time, and those figures are eight years old. The House is passing on in ignorance, and if we continue in that ignorance long enough it will mean disaster. I do not care for Mr. George. It is the right of the country to demand that when we place nine and a-half millions of money in the hands of one man, he should say how that money has been expended. The position is to my mind so disastrous, so fraught with danger that I cannot conceive how anyone can say, "I will let a man remain in charge of nine and a-half millions of money, and chuck a report of four sets of figures on the table and be done with it." I want the House to pass a mandate so that the figures shall be published whether Mr. George likes it or not. They were pub-

lished in the past, and why should they not be published now? I am not unreasonable. I do not want to be wearying the House constantly with railway figures, but while I remain a member of the House, until the figures are published I shall worry the House, in season and out of season, till I get those figures.

MR. MORAN: Will that cease you?

DR. ELLIS: I will cease then.

MR. BOLTON: Then I will support you in it.

DR. ELLIS: This is a matter, I hold, on which the whole future of the country hangs. We must have the whole of our trade accounts set out separately. I think it is necessary that each of the trading accounts of the State should be published in a separate return. The Government cannot publish those returns unless they have accurate figures. Members on this side of the Chamber seem to be sufficiently interested to consider the question for the future. I am proud to be a Labour member, because I believe the Labour members intend to have true, straight, and accurate figures published; not figures that a man himself says are erroneous, misleading, and wrong, yet which the House continues to tolerate. I hope the Labour party will insist that the present state of affairs shall cease. That is why the country believes in the Labour party. The public desire that the old method of publishing the figures shall cease for ever, and that no occupants of the Treasury bench shall have the insolence, I was going to say, of publishing such figures as those that have been placed before the House in the past. If that position is taken up—and that is the position I firmly believe the House will take up—I promise members that we will be able to save anywhere from £100,000 to £300,000. If our railways are to be carried on like the railways of New South Wales are carried on to-day, we shall have a profit of over £200,000 more than we are making to-day. That is a very serious position. We cannot see how we are going to save money until we know how we are spending money. When we place this money in the hands of a Commissioner we place it, not in the hands of a railway expert, but

in the hands of a man who knows nothing about railways. We are not placing it even in the hands of a decent apprentice. When we take a man away from a foundry and put in his hands nine and a-half millions of money, why then do we not ask for a report? It is the maddest and most inconceivable thing that ever a State could do.

MR. MORAN: But the man has proved himself.

DR. ELLIS: The man has made a fist of things, but it is a very poor fist. He has shown no improvement for the next year. Now the House is asked to decide whether in the future we want our trading concerns kept as trading concerns should be, and that the figures shall be published accurately in regard to each department, so that we shall be able to see whether we can save money. The question of finance is the rock on which all democracy has split. If the Labour party are true democrats, we must look to the future of democracy; we must take care and be warned by the past, and see that the financial statements are above suspicion, and see that the financial statements are accurate. If that is not done, nothing can save democracy from destruction. It lies to Australia to settle the question whether we can commercially and financially invest a large sum of money in trading concerns. But I say there is no hope of being able to continue this policy, no hope of a successful issue to democracy, until we turn over a new leaf and publish our trading concerns in a business way and in the manner that any responsible trading company would do. If this is done we shall not be afraid of spending any amount of loan money. I commend the motion, that sectional returns be published, to the House. I do not expect to see these returns before a year next July; but I want the mandate of the House, so that the Commissioner can take it as an order to keep the necessary information and schedules, so that anyone who may ask for accurate information as to returns may be able to get it, and not as at the present, to be completely in the dark except as to a few capital figures.

On motion by the MINISTER FOR RAILWAYS, debate adjourned.

*ADDENDA—TABLES Nos. 1 to 6, referred to in Dr. Ellis's Speech.*

No. 1.

## ESTIMATES CONSOLIDATED.

	1897.	1898.	1899.	1900.	1901.	1902.	1903.	1897—1903.
Eastern ... ..	73	...	16,826	4,731	24,673	10,799	6,512	62,619
Goldfields ... ..	62,682	151,986	93,166	7,181	77,176	115,411	79,167	586,769
Northern ... ..	49,970	51,536	70,078	3,000	5,944	16,113	62,167	258,808
South West ... ..	66,501	80,324	79,830	5,951	4,800	...	12,547	249,953
Great Southern ... ..	...	800,000	...	...	...	...	...	...
Rolling Stock ... ..	273,479	561,498	179,210	102,882	57,347	215,576	559,351	1,949,343
Rails and fastenings ... ..	94,816	177,179	19,985	48,654	63,513	113,764	106,309	624,220
Workshops ... ..	10,467	13,842	12,022	73	13,417	27,720	97,355	174,896
Surveys ... ..	...	...	...	...	3,734	2,693	8,892	15,319
Land Resumption ... ..	...	...	...	...	...	...	49,428	49,428
Improvements ... ..	525,797	301,399	32,769	52,082	81,494	66,519	85,380	1,145,440
Totals ... ..	1,063,790	1,337,764 (2,137,764)	502,886	224,554	332,098	568,595	1,067,108	5,116,795 800,000 5,916,795

	1897.	1898.	1899.	1900.	1901.	1902.	Act 1903, Suspense.		Total 1903.	1897-1903.
Eastern ... ..	77	...	15,825	4,742	24,673	10,799	385	6,127	6,512	62,628
Goldfields ... ..	61,682	151,987	93,167	7,181	77,127	115,412	8,822	70,345	79,167	585,723
Northern ... ..	49,970	51,536	70,078	3,000	5,944	8,886	62,167	...	62,167	251,581
South-West ... ..	66,501	43,697	79,830	5,951	4,799	275	...	12,547	12,547	213,600
Great Southern ... ..	...	800,000	...	...	...	...	...	...	...	800,000
Rolling Stock ... ..	273,479	561,498	179,210	102,882	57,347	215,578	559,351	...	559,351	1,949,343
Rails and Fastenings ... ..	94,816	177,179	19,985	48,654	63,513	113,764	106,308	...	106,308	624,219
Workshops ... ..	10,467	3,727	12,022	73	13,417	27,719	97,355	...	97,355	164,780
Surveys ... ..	...	...	...	...	3,733	2,692	3,946	4,946	8,892	15,317
Land Resumption ... ..	...	...	...	...	...	...	...	49,427	49,427	49,427
Improvements ... ..	525,797	301,399	32,769	62,081	81,494	66,519	85,380	...	85,380	1,145,439
Totals ... ..	1,082,789	2,091,023	502,886	224,564	332,047	561,642	923,714	143,392	1,067,106	5,862,057
Treasury totals carried forward ...	1,126,795	2,185,794	564,128	151,110	333,138	578,577	...	...	1,069,417	...

No. 3.

## TREASURY ANALYSIS.

UNDERTAKINGS.	EXPENDITURE FOR EACH YEAR SINCE FORMATION OF FUND.								
	1896-7.	1897-8.	1898-9.	1899-1900.	1900-1.	1901-2.	1902-3.	1903-4.	
	Contin- gencies.	Contin- gencies.	Contin- gencies.	Contin- gencies.	Contin- gencies.	Contin- gencies.	Contin- gencies.	Depart- mental.	Contin- gencies.
Departmental (distributed as below) ... ..	£ s. d. 71407 6 1	£ s. d. 106815 18 11	£ s. d. 63558 3 1	£ s. d. 42409 10 11	£ s. d. 47949 13 9	£ s. d. 63580 16 2	£ s. d. 61670 5 6	£ s. d. 42756 0 2	£ s. d. ...
<b>RAILWAYS.</b>									
Additions and Improvements, Opened Railways ... ..	525797 18 6	301399 12 9	32352 7 1	52023 10 9	78161 9 6	63309 9 10	80896 4 4	2366 14 9	65839 18 5
Boulder-Brown Hill—Loop Line ... ..	...	...	...	...	4045 3 2	12851 19 6	719 13 4	3 10 0	94 1 10
Boulder Railway—Duplication ... ..	...	...	...	3389 10 7	36946 13 2	230 16 4	12 19 11	...	18373 12 6
Collie—Collie-Boulder Railway ... ..	28560 14 2	21396 10 4	15512 18 6	29 0 2	21 15 6	...	...	193 4 6	15110 2 9
Collie-Narrogin Railway ... ..	...	...	...	...	...	...	...	...	...
Donnybrook-Bridgetown Railway ... ..	37931 11 5	22800 10 3	64023 6 9	5922 9 7	4776 6 9	...	...	...	...
Extension Beverley Station ... ..	77 19 6	...	25 6 3	...	...	...	...	...	...
Geraldton-Murphison Goldfields Railway ... ..	49070 9 4	51536 14 4	69149 14 10	2999 19 11	5914 15 5	16104 5 4	81768 13 2	474 10 0	10169 9 10
Greenhills Railway ... ..	...	...	16676 13 3	205 10 2	...	...	...	...	...
Kalgoorlie-Boulder Railway ... ..	...	15926 6 3	2434 15 4	202 11 10	2375 13 9	9 7 1	...	...	...
Kalgoorlie Railway ... ..	616 13 0	22104 12 7	18487 10 10	3 10 2	...	...	...	...	...
Malcolm-Laverton Railway ... ..	...	...	...	1731 5 5	33890 14 10	85288 2 9	5691 11 9	3377 0 0	27098 16 4
Menzies-Leonora Railway ... ..	...	...	...	1837 13 7	398 7 7	834 19 11	...	35 15 0	53674 19 7
Monrovia Railway ... ..	2533 10 8	82542 9 8	67299 19 6	4526 8 4	24614 13 3	10473 14 0	385 4 5	16 12 7	6549 6 3
Norham-Goomalling Railway ... ..	...	...	...	...	...	...	...	...	49741 15 1
Purchase of land, Cottesloe-Fremantle Deviation ... ..	...	900000 0 0	...	...	...	...	...	...	...
Purchase of Great Southern Railway ... ..	...	...	...	...	...	...	...	...	...
Rails and fastenings ... ..	91816 5 6	172179 0 0	9108 3 4	43560 8 2	62963 9 6	89056 18 1	100108 1 8	2144 2 6	48071 2 6
Railway Workshops ... ..	10967 3 6	3727 14 4	11804 6 1	73 15 0	13417 17 5	27719 19 6	96399 0 0	9778 8 1	199039 13 4
Rolling Stock ... ..	273479 5 3	561498 7 6	177328 4 8	99894 18 5	56016 2 11	213467 11 6	549491 18 9	...	80503 9 7
Surveys, New Lines ... ..	...	...	...	...	3718 13 9	2677 0 11	3928 3 11	2946 10 2	5344 10 9
South-Western Railway ... ..	10 0 0	500 3 0	123 19 4	...	...	...	...	...	...
Southern Cross-Kalgoorlie Railway ... ..	58533 6 9	31413 19 4	4938 6 10	17 8 1	50 0 0	...	...	241 11 6	9516 18 0
Transcontinental Railway, Water Supply ... ..	...	...	...	...	...	...	...	...	...
Total Railway Contingencies ... ..	1683794 17 6	2092026 0 7	486865 12 7	316216 1 2	324765 17 3	541244 4 11	899760 1 8	...	...
Total Departmental ... ..	43000 13 0	38773 8 2	22323 19 3	7098 8 8	9157 14 2	17923 10 2	19628 11 9	21577 14 1	589126 14 9



No. 4.

## PUBLIC WORKS DEPARTMENT.

	1897.	1898.	1899.	1900.	1901.	1902.	1903.	Total 1897-1903.	To 1896.	To 1896, all accounts.
Eastern Goldfields ... ..	611,146	318,542	115,206	13,412	130,264	252,328	135,360	1,576,258	1,316,930	1,530,003
Northern Railway ... ..	137,762	60,051	72,764	3,312	6,273	16,669	67,077	363,908	467,888	488,291
South-West ... ..	100,840	142,945	46,454	6,570	5,234	...	14,630	316,673	394,354	430,340
Great Southern ... ..	...	800,000	...	...	...	...	...	800,000	...	...
Rolling Stock ... ..	277,046	564,575	252,917	38,304	57,347	218,229	562,628	1,971,046	416,611	146,150
Rails and Fastenings ... ..	...	...	...	...	...	...	...	...	...	...
Workshops ... ..	...	...	...	...	...	...	...	...	...	...
Surveys ... ..	...	...	...	...	3,305	5,178	8,604	17,177	...	...
Land resumed ... ..	...	...	...	...	...	...	...	...	...	...
Improvements ... ..	...	301,399	70,883	105,418	139,157	114,551	176,772	908,180	...	...
Totals ... ..	1,126,794	2,187,512	558,224	167,016	341,580	606,955	965,161	5,953,242	2,596,783	2,594,784

Railway Finance:

[30 NOVEMBER, 1904.]

Sectional Details.

1533

	1896.	1897.	1898.	1899.	1900.	1901.	1902.	1903.	Not taken over.	Totals.	
Eastern ... ..	...	266,405	327,586	124,171	21,487	18,237	28,977	30,664	...	817,537	The penultimate column is not added to totals.
Goldfields ... ..	...	246,000	182,964	245,815	182,872	103,051	138,349	308,979	144,518	1,408,030	
Northern ... ..	...	123,796	2,266	245,346	3,009	6,714	372	10,477	76,754	391,980	
South-West ... ..	...	17,112	20,820	245,427	89,075	4,511	2,841	3,163	14,631	382,949	
Gt. Southern ... ..	...	468,016	348,548	10,862	3,279	7,066	1,234	164	...	837,169	
Rolling Stock ... ..	...	237,665	418,335	376,457	144,920	77,830	135,530	388,658	280,210	1,779,415	
Improvements ... ..	...	...	...	...	...	...	...	...	78,929	...	
Surveys ... ..	...	...	...	...	...	...	...	...	18,577	...	
Land Resumption ... ..	...	...	...	...	...	...	...	...	49,428	...	
Workshops ... ..	...	...	...	...	...	...	...	...	176,962	5,617,060	
Total Expenditure ...	...	1,358,994	1,298,519	1,248,078	444,652	217,409	307,303	742,105	840,009	840,009	Total exp.
Not taken over ... ..	428,316	995,938	1,096,288	329,678	140,076	257,820	549,927	837,066	...	6,457,069	1896
										428,316	
										6,028,753	

## RAILWAY STATEMENT—GENERAL LOAN FUND.

Eastern ... ..	...	199,982	312,585	124,172	27,123	18,237	28,977	30,664	...	741,740	The penultimate column is not added to totals.
Goldfields ... ..	...	977	182,964	245,815	182,872	103,051	138,349	308,979	144,518	1,163,007	
Northern ... ..	...	26,176	2,266	245,346	3,009	6,715	371	10,478	76,754	294,361	
South-West ... ..	...	8,842	20,821	115,686	44,086	4,511	2,841	3,163	14,631	199,950	
Great Southern ... ..	...	...	14,564	10,862	3,279	7,066	1,234	164	...	37,169	
Rolling Stock ... ..	...	124,203	418,335	376,457	144,920	77,830	135,530	388,658	280,210	1,665,933	
Improvements ... ..	...	...	...	...	...	...	...	...	78,929	...	
Surveys ... ..	...	...	...	...	...	...	...	...	18,577	...	
Land Resumption ... ..	...	...	...	...	...	...	...	...	49,428	...	
Workshops ... ..	...	...	...	...	...	...	...	...	176,962	4,102,160	
Total ... ..	...	360,180	951,535	1,118,338	405,289	217,410	307,302	742,106	840,009+	840,009	
										4,942,169	
										800,000	
										5,742,169	

Add Great Southern ...

No. 6.

RAILWAY CAPITAL ACCOUNT—SUMMARY OF DIFFERENT STATEMENTS.

	1896/7.	1897/8.	1898/9.	1899/0.	1900/01.	1901/02.	1902/03.	1896—1903.
	£	£	£	£	£	£	£	£
Estimates ... ..	1,063,790	2,137,704	502,886	224,554	332,098	568,595	1,067,108	5,916,795
Treasury Detail ... ..	1,082,789	2,091,023	502,886	224,564	332,047	561,642	1,067,106	5,862,057
Treasury Total carried forward ... ..	1,126,795	2,185,794	564,128	151,110	333,198	578,577	1,059,417	5,980,959
Treasury Surplus ... ..	1,083,794	2,092,026	486,865	216,218	324,765	541,244	899,760	5,644,872
„ Deficit ... ..	43,000	49,773	22,393	7,038	9,157	17,928	19,626	168,915
Public Works ... ..	1,126,794	2,187,512	558,224	167,016	341,580	600,955	965,101	5,953,242
Railway Total ... ..	1,358,994	1,630,503	916,094	444,652	217,409	307,303	742,105	6,028,753
						not later	840,009	
Railway Loan Fund ... ..	360,180	1,751,535	1,118,338	405,289	217,410	307,302	742,106	5,742,169

# PRINTING OF REPORTS OF ROYAL COMMISSIONS.

Report of Royal Commission on Boulder Deep Levels, presented by the Minister for Mines.

Motion made that the report, with evidence, be printed.

**THE SPEAKER:** I would like to draw the attention of the House to the fact that on one or two occasions our printing bill has been considerably increased by the fact that the House has ordered the printing of reports of Royal Commissions. I hardly think that expenditure should be undertaken by the House, but by some other department. It has not been customary in the past to print the reports of Royal Commissions, and as this is a new practice, it is right that I should mention it before I put the motion.

**MR. MORAN:** I think some notice should be taken of the remarks of the Speaker on this matter. The Speaker is granted a certain sum of money for carrying on the business of the House, and if the Speaker does not think it right that the printing of reports of Royal Commissions should be put down to the printing bill of the House, we might at least discuss the matter.

**THE PREMIER:** The object of the Government is to make this report available at the earliest possible moment, and the only way the report can be made available to-day, the day it reached the Government, is by placing it on the table, and if it is placed on the table to-day it becomes the property of the House, and cannot be removed, as I understand, without an order of the House. If the motion for printing this document be carried, we have the papers on the table, and can at the same time, under the authority of that order, remove the report for the purpose of having it printed.

**MR. MORAN:** But the charge?

**THE PREMIER:** I wish it to be understood that the sole object in taking this procedure is to enable the Government to present to the House at the earliest possible moment the report of that Royal Commission, and it could not be presented to the House to-day had the course been taken of moving for the

printing of the report as an order of the House. The question of charging up to the vote is one that I think need not be found in any way difficult of adjustment. All the money comes from a common purse, and the administration expenses can be thoroughly protected if necessary by placing a special item on the next Estimates showing the cost of the printing as a special item.

**MR. GREGORY:** Or of any similar work.

**MR. MORAN:** You will have some people saying that the expenses of the House under the Labour Government have gone up, if you do not.

**THE PREMIER:** That will probably meet the wishes of the Speaker, and perhaps allow the report to be made available at the earliest possible moment for the information of members.

**THE SPEAKER:** I would like to point out that this is the second time the House has been asked to order the printing of a Royal Commission's report. The practice in the past has been for the evidence to be printed and laid on the table of the House. The new practice, that all reports of Commissions are to be laid on the table, will mean doubling our printing expenditure; and I think it my duty to point this out to the House. The new practice is to allow the House to decide whether it will order the printing of these papers.

**MR. GREGORY (Menzies):** I hope that not only the report but the whole of the evidence taken by this Commission will be printed, and that a large number of copies will be printed so that the evidence can be well circulated throughout the old country. The matter is a most important one, and the Commission has cost a good deal of money to the present time; but no doubt the report and the evidence will do a great deal of good to Western Australia. I hope the Government will have the whole of the evidence and the report published and well circulated. As to the payment for this work, I hoped that the Government would have charged the cost up to the Commission. It is part of the work of the Commission, and can well be attached to it.

**THE PREMIER:** It is already arranged that we shall send a large number of copies away.

**THE MINISTER FOR MINES:** Seeing that there is some trouble in connection with this motion, I beg leave to withdraw it, and will lay the report on the table. With regard to the wish of the member for Menzies, we shall have a large number of copies of the report and the evidence, and I can assure the hon. member that a fair amount of them will be distributed outside West Australia. If this printing can be charged to the vote of the Commission, the hon. member can depend on it that will be done.

Motion by leave withdrawn.

Report formally laid on the table.

**THE MINISTER FOR MINES:** I understand we will have no difficulty in getting a copy of this report.

**THE SPEAKER:** There will be no difficulty.

#### MOTION—STATE FIRE INSURANCE, TO ESTABLISH.

**MR. T. H. BATH (Brown Hill):** I move

That in the opinion of this House it is desirable that a State Fire Insurance Department should be established.

For some time throughout this State, especially on the goldfields, a considerable amount of objection has been raised to the premium rates charged by fire insurance companies operating in West Australia, on the ground that the rates are excessively high; and the result has been that, failing redress from the companies concerned, a considerable number of people throughout the State have advocated a system of State fire insurance. I will admit that, when this proposition is put before the public, the cry will at once be raised that it is a new departure in State socialism, and therefore one to be regarded with a considerable amount of care, and from their point of view suspicion. In fact, I have heard these very same gentlemen who have advocated a system of State fire insurance, very carefully disclaiming any connection with State socialism. I find it difficult to see how these persons, who acquiesce already in the State undertaking a considerable number of enterprises and who give an enthusiastic support to these enterprises, can disclaim any connection with what is known as State socialism. State socialism is not a new growth coincident with the State undertaking the

work of running railway lines, State savings banks, or agricultural banks; but it is practically coincident with the advance of civilisation. If one wants to find a really true genuine individualist, he will have to go to the most primitive savage he can find, one absolutely guiltless of tribal custom and one who relies absolutely on his unaided efforts for practically his whole existence. The ground of contention, therefore, in viewing this question, is not one of individualism *versus* socialism, because all the individualists whose works I have read practically acquiesce in such an institution as the post-office; while in these States so-called individualists acquiesce in the running of State railways. So we have gone beyond the stage where any question of this kind can be viewed from the attitude of socialism or non-socialism. It is to be viewed on the basis of whether the State can embark on these undertakings with a possible view to success or with probable success in the future. I think I have only to prove that, so far as the operations of private fire insurance companies in this State are concerned, their rates are excessively high, and that these rates have been maintained by means of combinations or a ring amongst the companies, and that the efforts which have been put forth in the past to endeavour to secure a reduction in these rates to reasonable amounts have not met with any success. In Melbourne, where the citizens maintain that the rates are very high, we find that the average premium rate for insurance is about one-eighth per cent. In Broken Hill, where they have not got such a good water service as now exists in Kalgoorlie and Boulder, rates average one per cent. I have heard many business men in Perth say that the rates are too high to be reasonable. The average rate is about one-half per cent. In Kalgoorlie the rates average three and a-half per cent. I can give specific instances of two buildings of a similar kind. The Swan River Institute in Perth, which is surrounded by buildings, effects its insurance at a rate of 16s. per cent. In Kalgoorlie, the Kalgoorlie Mechanics' Institute, a well-built brick and stone building isolated by some feet from the buildings immediately to the right and left, is rated at 51s. 6d. per cent.; and right throughout the

Eastern Goldfields the rates average from 40s. to 70s. per cent., whereas the rates should be from 15s. to 35s. per cent. if insurance rates in Perth are taken as a criterion. Of course, it has been asserted that the companies have found it necessary to insist on these rates in order to make profitable undertakings of their insurance departments; but I have only to quote the figures for the purely Australian companies operating throughout the Commonwealth to show that they have made enormous profits from fire insurance throughout Australia. Of the New South Wales companies, the Mercantile Mutual for 1903, the last year in which they made returns, made a profit of £6,936, declared a dividend of 20 per cent., and added £1,067 to reserves, the total reserves amounting to £80,912. The Australian Mutual made a profit of £12,936, declared a dividend of 16½ per cent., added £4,688 to their reserves, which total £166,221. The United Fire Insurance Company made a profit of £21,686, declared a dividend of 12½ per cent., added £12,946 to reserves, and the total reserves amount to £119,256. Of the Victorian companies the Victorian Fire Insurance Company made a profit of £28,195, declared a dividend of 36 per cent., added £10,000 to reserves, which total £79,308. The Victorian General made a profit of £3,957, declared a dividend of 20 per cent., added nothing to reserves, the reserves totalling £12,237. The Australian Alliance made a profit of £7,415, declared a dividend of 16 per cent., added nothing to reserves, which total £91,193. Of the New Zealand companies the South British made a profit of £43,925, declared a dividend of 25 per cent., added £27,768 to reserves, the reserves totalling £302,693. The New Zealand Insurance Company made a profit of £55,526, declared a dividend of 15 per cent., added £25,526 to reserves, which total £320,000. The National Company made a profit of £27,622, declared a dividend of 15 per cent., added £12,622 to the reserves, the reserves totalling £175,746. Since I compiled these figures, I have obtained the return of the South British Company for their last year's operations, during which they made a profit of £75,532, declared a dividend of 30 per cent., added

£56,144 to reserves, the reserves totalling £358,729, on a capital of £64,628.

MR. RASON: There are other companies.

MR. BATH: These are the 15 colonial companies operating in Australia.

MR. HARDWICK: We have over 30 companies in this State.

MR. BATH: But those are foreign companies, British, American, German, and others. I am speaking of purely Australian companies with, in most instances, a capital of £50,000 or less. For instance, the South British Company have only a capital of £64,628, and they made a profit of £75,000, which was practically 117 per cent. on their paid-up capital. The reserves they have accumulated amount to five and a-half times the capital. These figures conclusively prove that, as far as the operations of these companies in Australasia are concerned, the business is an eminently profitable one. It also proves that, even if they reduced rates to what is considered a fair amount and in proportion to the amounts exacted in the Eastern States, they could still declare a very fair profit on their operations. It is not likely that these companies will agree to reduce rates, because by means of a combination they have been enabled to raise rates, and there is no power of which I know that could be brought to bear to compel them to reduce their rates. Of course it has been stated that it may be possible, so far as West Australia is concerned, for a local company to be established which would base its rates on a fair amount, and which would therefore enter into competition with these other companies, and so compel them to insure our businesses at reasonable rates. But we have found, regarding the establishment of local companies in the other States, that whilst possibly this may have been the primary object why they have been first established, it has not been long before either they have been bought out by other companies, or else have agreed to combine with others and to raise their rates to those agreed upon by the combination. I do not know that we can introduce any legislation with any hope of successfully regulating the rates charged by these companies, and as far as I can see the only remedy left to us is to adopt the same course as they have adopted in New Zealand: establish a fire

insurance department on lines similar to those established in that country. Where Western Australia will have the advantage of such a course is in the fact that there is no local company operating in this State which is a purely Western Australian company, so we would not be likely to meet what may be called the sentimental objection that by the establishment of a State fire insurance system we should be entering into competition with a private company, made up practically of citizens in Western Australia. By the establishment of that insurance system we would prevent what is now going on, that is the profit earned by excessive rates in Western Australia going to shareholders and outside companies existing in the other States and in foreign countries. The one great objection which was urged in the circular issued by the combined companies was that in the event of a big fire, the taxpayers of Western Australia would be called upon to bear the loss resulting from such a catastrophe. But I have pointed out that as far as the Australian companies operating here are concerned they are all established on small capitals—capitals in some instances reaching from £50,000 downwards—and the same question can be asked of them, what would they do in a similar event? I think that in bringing forward this against State fire insurance they are raising a very serious objection to their own institutions. Of course they point out that they are in a position to reinsure, and also that they have the benefit of having experienced men as their managers and other officials with considerable skill gained through years of experience in the working of fire insurance companies. But I maintain that the Government would be in a position to secure just as competent officers, if prepared to pay a reasonable salary commensurate with that paid by the private companies, and that if it were decided to establish such an institution there would be no difficulty in getting the skill and experience which would enable the State to operate in just as successful a manner as apparently these private companies have done. In looking up the debate which took place when the State Fire Insurance Bill was introduced in New Zealand, I find that the opponents there urged precisely the same objection, saying that if a big fire

occurred the taxpayers in New Zealand would be saddled with the loss, and it was stated that whereas the fire insurance companies could reinsure their business and so protect themselves from loss occasioned by a heavy fire, the State department would find it absolutely impossible to get any company to underwrite their business. I find that since the State fire insurance department has been established in New Zealand and has got into active operation, Lloyd's, the big firm of underwriters, has agreed to underwrite its insurance business on very favourable terms. So, as far as that is concerned, that objection is met. In conclusion, I think that if the large class throughout this State who avail themselves of the fire insurance business were consulted, if their views were obtained as they have been obtained by myself and other members who have given some study to the question and have advocated it on the platform, it would be found there is a very considerable section throughout the goldfields at least who are in favour of the State undertaking the work of establishing a State fire insurance department. It will be found that the number includes persons who on many other occasions perhaps are opposed to the State embarking on various enterprises. I really believe, in fact I know, that as far as the department in New Zealand has gone the statement has been made that it has every possible chance of success; indeed, that it is successful so far. We know they have made a great success of their life insurance department in New Zealand, because we find that, taking the figures of the Australian companies operating throughout the Commonwealth into account, the State department comes second to the A.M.P. in regard to the soundness of its business. I believe that the New Zealand fire insurance State department will be successful, and that Western Australia is in an even better position to undertake such a system, because, as I have pointed out, we have no local company to compete against, which will remove a considerable objection. And another argument is that, with the numerous public buildings, we shall be able to start with a considerable amount of business, apart from that which we shall be able to get from private insurers. I really believe if this question

is considered on its merits by this House, the motion I have moved, that it is desirable to establish such a department, will be carried. I have only to point to the fact that the ex-Premier (Mr. James) was in favour of the establishment of a State fire insurance department, that he advocated it on the platform, to commend it to the members of this House, irrespective of the side on which they sit.

MR. C. C. KEYSER (Albany): I second the motion.

On motion by MR. GREGORY, debate adjourned.

#### MOTION—KIMBERLEY TICK BOUNDARIES.

MR. F. CONNOR (Kimberley) moved :

That in the best interests of the State the boundaries between East Kimberley and West Kimberley should be defined, and if necessary surveyed and fenced, so as to prohibit or prevent as long as possible the spread of cattle ticks into the last-named district.

It would be rather a lonely session of Parliament which passed by without this question appearing on the Notice Paper, and that in itself should be sufficient reason why it does appear; but there are other reasons why this question must be referred to and tackled again by this House. As far as the tick question is concerned in relation to the southern parts of this State, I have no hesitation in saying it is proved now, beyond the shadow of a doubt, that there is no possible danger to be apprehended from ticks, whether they are brought here from Kimberley or not. I refer now to anything this side of Geraldton, because in the last ten years a number of cattle with ticks have come here, and ticks were distributed by these cattle all along the districts south of the Murchison, and indeed also in Geraldton. To my knowledge ticks were distributed there from stock landed in very considerable numbers many years ago. But the question of whether or not ticks must be kept from going and spreading in the far north of this country, to what are now clean districts, from at present infected districts, should be gone into seriously. There is a very huge industry, the cattle industry, at present in one of its initial stages. In the far north we have great numbers of cattle, but nothing compared to what the numbers will be in the next few

years. I think we can look forward to the time when the cattle in the Kimberley districts will number anything up to one million head, and any State and any country that has such a possibility as this before it deserves condemnation if it does not take every possible care that this great industry is protected. I wish to draw attention to a district known as the Fitzroy district, that is the principal watercourse in West Kimberley. At present, as far as we know, that district is clean from tick. We know also that if the tick do get there, they will become a scourge, because the country is very well stocked. Where tick are introduced into a country that is not properly stocked up, there is not much danger, for there are not many cattle there. When the tick are introduced the cattle become immune by inoculation. If, on the other hand, a district is thoroughly stocked up, when tick get in they spread very rapidly. We should find there would be a very serious loss in such a district as I have mentioned. Moreover, the district I am anxious to protect against this invasion of tick, the West Kimberley district, is particularly adapted to the tick. It is malarial country; it is low, marshy country, with heavy vegetation and very heavy grasses; and it is an ideal country so far as tick are concerned. Certainly, if the tick once get there they will propagate to the great loss of the cattle owners of the State. I will read the opinion of some of the leading pastoralists in that particular district, men I think whose opinions we have a right to regard as being worthy of attention:—

At a very representative meeting, comprising amongst others settlers from Lennard and Upper and Lower Fitzroy Rivers and also Broome district, a resolution was passed protesting strongly against Sturt's Creek or any other cattle being allowed to come from East Kimberley through the West Kimberley district either for shipping or breeding purposes. We understand that the department has an inspector in East Kimberley with the object of passing cattle as clean, and allowing them to pass from East to West Kimberley. Some members of this meeting are thoroughly conversant with the whole of East Kimberley district, and well know that the herds are so intermixed that it is impossible for the cattle to be free from tick. Ord River and Sturt's Creek station herds mix on the top boundaries. We learn that there is a petition being presented to the House, and as persons



mostly interested members of this meeting have not signed the petition, and also know that there are names of persons on the petition whose signatures were given. We must urge you to strongly support this protest, and consider it would be advisable to have the boundary properly defined by a fence instead of an imaginary wire, as at present.

That is signed by Awcock, Rosepipe, Gadbraith, and others, leading station owners and managers in the western district. I believe some cattle were taken across last year from Sturt's Creek to West Kimberley. They came from the Ord Waterfall and were put on the Fitzroy Waterfall. They came from a station which we then knew was clean, and as far as we know is clean now; but the adjoining stations are not free from tick, as we can now prove by the fact that the fat cattle from the Sturt's Creek station, to which the West Kimberley people objected, were brought through the East Kimberley country, and on the way down became stricken with tick fever, proving that they were not immune. Though it is only a question of time when ticks will be all over both the East and West Kimberley districts, it is our duty to try to keep the tick from getting into any country where we know it will do damage. No doubt it will be said I am moving against the best interests of my constituents; but I am here not so much to represent the people whom I have represented for the past 12 years, as to represent the best interests of the State, and whether or not I hurt the people I represent, to do that which I consider best; and I ask the House to be the arbiter, and to say what shall be done. Personally, it would pay me much better not to move this motion; for I have the opportunity of going up North in the course of my trade, and of bringing down cattle from Kimberley at a large profit. But I do not think it would be just; and although my old constituents will not thank me for the action I am taking, still as representing a wider field than the old East Kimberley electorate—nearly one third of Western Australia, and a district which contains, or which will soon contain, the biggest cattle industry in Australia in proportion to area—it is my duty to ask the Government to carry out to the best of their ability whatever regulations are possible, with the object I have mentioned set forth in this petition

and this telegram, to protect West Kimberley from East Kimberley, so long as West Kimberley is proved to be free from tick.

On motion by the PREMIER, debate adjourned.

#### RETURN—RAILWAY SAVING, HOW EFFECTED.

MR. A. A. HORAN (Yilgarn) moved:

That a statement be laid on the table of the House, showing how the Railway Department arrives at the alleged economy of £4,000 said to have been effected by the transfer of railway men from Southern Cross.

The motion needed a slight alteration. Some time ago the department altered the system of working between Northam and Kalgoorlie, for which at one time Southern Cross was the principal centre; all engines being stationed there which were used on the section between that place and Kalgoorlie. When the eight-hour system was introduced many men were removed from Southern Cross. Deputations waited on the ex-Minister and the present Minister, and gave what appeared to them cogent reasons for believing that when the eight-hour system was introduced on the railways it was not intended that the men should work for only eight hours a day, but that the week's work should consist of 48 hours.

MR. RASON: Oh!

MR. HORAN: That might be open to question and the interjector might be the best authority on the subject; but that was the view taken locally by most of the men who were agitating for an alteration. The removal of the 100 men was a great blow to Southern Cross, leaving a large number of houses empty. In view of the information supplied from time to time by deputations to the Minister, which information was doubtless accurate, it would be interesting to know how the Railway Department concluded that the alteration of the system of working had brought about an economy of some £4,000 a year. If it could be proved that the alteration was made in the interest of economy, he as member for the district would not again raise his voice against it. But that had not yet been proved; and with the object of ascertaining the facts for himself and his constituents, he moved the motion.

**THE MINISTER FOR RAILWAYS** (Hon. J. B. Holman): The motion was hardly correct. No report ever issued by the Railway Department could lead the hon. member to believe that it was the removal of the men from Southern Cross which effected a saving of £4,000. The report sent to the hon. member stated that this saving was effected by the alteration of the system previously in vogue, and by bringing into use heavy engines. There was no objection to a return showing how the saving was made. The men were removed from Southern Cross because they, in working the train service between Southern Cross and Northam and between Southern Cross and Kalgoorlie, worked excessively long hours. Time after time they had complained of this, and said they wished to work eight hours a day and to avoid all overtime. They stated that the work was fatiguing and the journeys were long. The department sought for a remedy, and provided barracks at Merredin and Karalee. Prior to the erection of these barracks the men were working 14 to 16 hours per day. They now worked about eight hours per day between Northam and Merredin, and the same between Merredin and Karalee, and eight hours between Karalee and Kalgoorlie. The wages paid prior to the provision of barracks were abnormal owing to overtime. The following were a few examples of the earnings. The normal wages, without overtime, would equal £4 4s. a week or £220 a year; whereas one man earned £310 a year, another £306, another £275, another £287, and another £280. The men were removed from Southern Cross in order to introduce the eight-hour system. In some cases great hardship was inflicted by removing married men. But immediately the management ascertained this, instructions were issued that as far as possible only single men and married men without children should be removed to out-stations, and that married men with children should be allowed to remain at Southern Cross, where schooling and medical attendance were procurable. It had never been stated that the saving was effected by the removal of the men from Southern Cross. Let the hon. member alter his motion accordingly, and it would not be opposed. Though

Southern Cross residents had complained of the removal, it was not effected to injure Southern Cross, but to introduce the eight-hour system and reduce overtime; and it had resulted in a better system of working. The estimated saving of £4,000 was brought about by the introduction of the new tonnage loading, which came into operation on 1st August, 1904. The department had never informed anyone that this saving was effected by the removal of the men.

**MR. HORAN:** There was no objection to amending the motion; but with some of the Minister's statements he could not agree. The removal of the men from Southern Cross took place long before the new system of tonnage loading was introduced.

**THE SPEAKER:** If the hon member wished his motion amended, that could not be done if he replied at this stage; and he could not amend his own motion.

**MR. A. J. WILSON** (Forrest) moved an amendment, that all the words after "that" be struck out and the following inserted in lieu:—

A return to be presented to the House, showing how the saving of £4,000 alleged to be effected by the altered running of the engine between Northam and Kalgoorlie has been arrived at.

Amendment passed, and the motion as amended agreed to.

#### MOTION—RAILWAY INSPECTORS, HOW APPOINTED.

**MR. A. J. WILSON** (Forrest) moved:

That there be laid on the table of the House all papers in connection with the appointment of Messrs. Gatherer and Gregg as inspectors in the Railway Department.

He desired to take strong exception, if he might do so without infringing the rules of the House, to the action of the autocrat who presided over the destinies of the railway system in this State, in regard to the appointment of two inspectors. These persons had been appointed to very responsible positions in the service without having (in the case of one) had practical experience in the railways of this State, and the other having practically a very brief connection with these railways. The answer obtained from the Minister for Railways, the other day, in reply to a question as to the length of local service of these two

persons, was as far as Mr. Gatherer was concerned exceedingly indefinite and vague, to the effect that he had had 20 years' experience in the railway services of Victoria and Western Australia. According to that answer, Mr. Gatherer might have had six months' experience in the service of this State and 19½ years in the service of Victoria. But the principle in connection with these two appointments to which he (Mr. Wilson) took strong exception was the action of the Commissioner in passing over the claims of men who had given many valuable years of service to the railways in this State, working at a small remuneration in what might be termed the more menial grades of the service, gradually rising in accordance with their schedules of promotion until they attained the highest grades open to them in consequence of their length of service and their proved capacity in the performance of their duties. If this system of making appointments was to be tolerated, it would have the effect of destroying the desirable ambition of employees in the lower grades of the service who had qualified themselves for occupying higher and more responsible positions; and under these circumstances we were justified in objecting to appointments of this nature. The Minister for Railways should see that the Commissioner gave every encouragement to those who had length of service and qualifications which justified them in expecting promotion, and should see that they got the benefit of promotion when it became available. Inspector Gatherer had had considerable experience in the public works of this State. About the year 1898 he was engaged in the gold-fields water supply in connection with the construction of certain dams, and from then until recently he had been engaged in the onerous and responsible position of caretaker of the dam at Kanowna. Subsequent to a visit of the Commissioner of Railways to Kanowna, Mr. Gatherer "folded his tent like the arabs and silently stole away," down to a comfortable position as a railway inspector.

**THE MINISTER FOR MINES:** The Commissioner did not visit the dam.

**MR. A. J. WILSON:** No; the Commissioner visited Kanowna as being the more important place. The other inspector, Mr. Gregg, came directly from

Tasmania, where he might have had excellent qualifications and an excellent experience; but according to Mr. Gregg's own statement, he came here not to obtain employment in our railway service, but partially to engage with the Timber Combine in this State. As the demand for timber had fallen off, the company could not employ him, and so he managed to ingratiate himself in the good opinion of the Commissioner of Railways and obtained appointment as a railway inspector, thus passing over the heads of many men in the service who were competent to do this work and willing to accept the position if offered them. It had been said there were no competent officers in the railway service to whom these particular appointments would have been promotion. But surely the persons who desired these positions and were willing to accept them were in the best position to say whether such positions would have been promotion or not; and as they regarded these positions as promotion, even though the remuneration might not be more and possibly might be less than they were receiving, still these persons in the service being willing to accept these positions might desire them because they were practically the first rung in a ladder leading to other and more profitable promotions. He was informed that plenty of men who had practical experience and a long connection with the railways of this State would have been glad to obtain these positions. These men should have been entitled to receive the promotion, in preference to persons brought in from outside the service. If the Commissioner of Railways was beyond parliamentary influence, it was at least right that members of this House should say what they thought of such action and such practice in the administration of the Railway Department. If men in the service could not depend on getting adequate protection from the Commissioner, this House would be justified in seeing that justice should be done to these men. There were other members in the Chamber who had long connection with the railway service who would be able to deal with the facts in relation to these special cases much more succinctly and lucidly than he had been able to do. After members had heard the explanation,

they would no doubt come to the conclusion that there would be no justification in refusing to lay the papers on the table of the House.

**THE MINISTER FOR RAILWAYS** (Hon. J. B. Holman): There was no objection to the motion, and if the member had asked to see the papers, he would have been allowed to do so. The hon. member had come forward to make some remarks which someone had asked him to do. The statement that the only public service that Mr. Gatherer had rendered in Western Australia was looking after a dam at Kanowna was incorrect, for Mr. Gatherer was employed in 1894 and received a reference then from Mr. Dartnall, the Engineer for Existing Lines, certifying that Mr. Gatherer had been employed on the Mahogany Creek line as an inspector for a period of nearly two years, and speaking in the highest praise of his ability and good judgment in carrying out the work entrusted to his care. The bridges and culverts on that line were under the care of Mr. Gatherer, and he had to supervise the work in connection with the tunnel. Mr. Gatherer had given complete satisfaction in the discharge of his duties. An inspector like Mr. Gatherer was required for special work, and in the service at the time Mr. Gatherer was appointed there was no officer capable of taking the position to whom it would have been promotion. On account of the good services rendered by Mr. Gatherer, and also the department requiring a man such as Mr. Gatherer, he was appointed to the position. He (the Minister) was not in favour of any person stepping over the heads of others in the service. He believed men should work up by merit alone, and if there was a man in the service who was justly entitled to the position, he should receive it. Mr. Gatherer was engaged in a similar class of work in Victoria 20 years ago, and the file showed that he was a capable officer and had good references. Mr. Gregg was a native of Western Australia, though he had been away some years engaged in special work on railways, similar to what he was now engaged on in Western Australia. Mr. Gregg was with the Silvertown Tramway Company in 1888 and was promoted to the position of inspector of works and buildings in 1891. In 1893

he received the position of inspector of permanent way and works, which position he held to the day of leaving. Mr. Gregg also had references from Tasmania and other places, and no one could desire better references than Mr. Gregg had. At the time these two persons were appointed there was no officer in Western Australia to whom the appointments would have been promotion. The Commissioner did quite right in appointing these men to the positions.

**MR. A. J. WILSON:** Why not advertise the vacancies?

**THE MINISTER FOR RAILWAYS:** The positions were not of great importance and it was not considered necessary to advertise them. One officer was receiving £4 a week and the other £200 a year. For positions such as that no one would think it necessary to go outside of Western Australia for persons to hold them.

**MR. BOLTON:** Who recommended these officers?

**THE MINISTER FOR RAILWAYS:** These two officers had been employed in Western Australia and the Eastern States, and the credentials they held were such that the men required no recommendation. If there had been any persons in the State at the time capable of filling the positions, those persons would have had the first call; but there was no one. These two persons had received higher salaries in the past and their appointment had resulted, to the present in a great saving to the State. We should not blame the Commissioner for making such appointments. If it were proved that the Commissioner made the appointments through personal favour, he had done wrong. Until there was farther evidence that such was the case, he (the Minister) would remain of opinion that the appointments were satisfactory.

**MR. NEEDHAM** (Fremantle), notwithstanding that the Minister did not oppose the motion, desired to enter a protest against the appointments of Mr. Gregg and Mr. Gatherer. Having listened carefully to the debate, and also having listened to the answers given on a previous occasion to questions asked by the member for Forrest, he was quite confident when the appointments were made there were other men in the railway

service competent to fill the positions. With all due deference to the opinions of the head of the department, there were men at present in the railway service, men who had been there for years who were competent to fill these positions. There was in Western Australia to-day the cream of the railway service of the Commonwealth, and he failed to see why men who happened just to drop into the State should be placed in positions in the service when there were officers in the service qualified to fill the positions. He did not know either Mr. Gregg or Mr. Gatherer, but he was confident there were men in the service who were more capable of filling the positions these gentlemen held. Why should not these men start at the lowest rung of the ladder and work their way up? for there were men in the service who had no chance of rising. In every walk of life some encouragement should be given to men to rise. Notwithstanding that there were men in the department with faithful service and of approved ability, outsiders could be introduced and placed over their heads, while no encouragement was given to those who had long service. Did it not follow that men would become indolent, when there was no reward in store for the men in the service? There was no necessity for the appointment of these two men, or for promotion of any individual to the two positions. If the matter was thoroughly inquired into it would be found that the billets had been created for the two men. Whether or not that was the case, if there were vacancies Mr. Gregg and Mr. Gatherer should not have been appointed, but persons in the department who had served long service should have been promoted to the positions. This was only another example of the arbitrary manner in which the present Commissioner dealt with promotions and dismissals in his management of the railways of Western Australia. If members considered that the charges he was making were too grave and considered there was necessity to inquire into them, he thought the assertions he had made could be proved up to the hilt. It was hoped that the discussion would be the means of preventing in the future this particular kind of favouritism which existed in the service.

At 6-30, the DEPUTY SPEAKER left the Chair.

At 7-30, Chair resumed by the SPEAKER.

MR. H. E. BOLTON (North Fremantle) sympathised with the motion, and was glad the Minister was not going to oppose it. It was strange the officers controlling the railway service did not study their own interests and appoint men from the ranks of the service instead of importing men—that was what it really meant, notwithstanding the statement of the Minister—for the higher positions. Men in the department should have the natural ambition to rise to higher positions. One of the real objects of a man entering the State service was that there was always a chance of promotion. If there was not that chance of promotion there would not be so many applicants for this so-called Government-stroke work.

MR. KEYSER: The hon. member was giving the show away.

MR. BOLTON: Yes. It was generally noticed that the excuses put forward for these appointments were special duties and special work. He did not place much faith in these statements, because they were made in any case. The work these men were wanted for was no more special to them than to the majority of those entitled to the positions. There were plenty of men in the service even better qualified than these men. The Minister said that Mr. Gatherer joined the service in 1894, and that in 1896 he received a recommendation which the Minister was pleased to say any man would be proud of; but any man leaving the service after conducting himself in a proper manner and carrying out his duties properly usually got such a certificate. When asked who had recommended the appointments, the Minister did not have the information. Perhaps he had not been prepared to bring the information. The Commissioner appointed these men. Very well; but if the Commissioner required two inspectors he would naturally call for applications through the heads of the branches, from all persons capable of filling the positions, and would take the recommendations from the heads of the branches. Naturally the Commissioner would not go into the

details of the matter himself. This was, however, not done in this case. Had the heads of the branches been asked to recommend certain men well qualified to fill these positions, they would have found a number in the service quite as qualified and certainly more entitled to take the positions. It might be a recommendation that Mr. Gregg was born in the country and that Mr. Gatherer had done some special service. He (Mr. Bolton) did not look at it in that way. He well remembered an appointment made in the railway service some years ago which was unfortunate for the man and most unfortunate for the department. Mr. Main had been brought out from England in connection with the Loco. Department. That gentleman might have possessed a knowledge of special work, and might have been brought out for the special work; but that special work could have been done better by somebody already in the service. From start to finish Mr. Main had been absolutely a failure, knowing nothing of Australian conditions and finding it impossible to get on with English ideas. Eventually the department had to pay him off and send him back to England. It was far better to get men in the service, and to let men in the service have the ambition to rise higher. When a man was imported and put over his head, no matter what the salary might be, the employee would naturally lose that good feeling of ambition and would go about his work in an indolent manner. Somebody interjected when the Minister was talking "Why not advertise for persons for these positions?" and the Minister in rather a peculiar voice said, "Would you advertise for inspectors at £200 a year?" The Minister forgot that a few weeks ago he had advertised for an inspector of factories at £250. There was not much difference between the two sums. If it was right to advertise for an inspector of factories, it was right to advertise for inspectors in the railway service; but we should not go outside the service in making appointments. It was said these billets were created for these men. He (Mr. Bolton) could not admit it; but there was a certain amount of suspicion when we found that the men were not recommended by anybody in the service, and that they were simply put in the

positions by the Commissioner. There were men in the railway service who had started on the bottom rung of the ladder as night officers. He (Mr. Bolton) did not wish to air the grievances of the night officers, who usually worked 12 hours a day under the conditions of their employment; but these men naturally looked for these higher positions. They were entitled to them if they worked 12 hours a day for less than a living wage, and whenever inspectors were appointed over their heads they naturally felt discontented. Until it could be proved there was no one competent in the service to take positions, there was no justification in going outside the service. If there was no one competent in the service he (Mr. Bolton) would not cavil at going outside, but we only had the bare statement of the Minister from the Commissioner that there was no one qualified in the service to fill the duty, as it was work of a special nature. He (Mr. Bolton) placed no faith in the statement. The same statement was always made when an appointment was made from outside the service that should be made inside the service. The Commissioner had not backed up the statement that there was no one qualified within the service by calling for applications. These things were never made known until the persons were appointed, and then it was too late to object; and if anybody did object he was not thought much of, and got his deserts if he happened to be in the service. The member for Forrest was to be complimented on bringing this matter before the House. All members would agree that where there was a man qualified in the service to fill a position it was the duty of the Government to appoint him. It was said that there was no one qualified in the service who would receive an increase of pay by an appointment in this instance. One could not accept the statement that men with lower positions were getting £200 a year. Some of them got half that amount. It was absurd to say it would not be a rise. There were men in the service who had previous experience on railways in other States and who were found to be very useful to the department. Many years ago they had joined the service with the idea of promotion, but they found they took

their places behind those who got promotion before them. In spite of their additional experience, they got no more money. They started at the lowest wage, and, owing to their having an all-Australian experience, their services were the more valuable.

MR. H. GILL (Balkatta): The member for Forrest was to be complimented on bringing up this matter, which was of great importance to a large number of public servants. Of course the papers would be laid on the table; but it was not altogether satisfactory to let the matter rest there. The principle ruling the appointment of these two officers was one to which he (Mr. Gill) was totally opposed. In the past we had heard many complaints as to persons outside the service being appointed to fill vacancies or to take new positions; and generally speaking such outsiders were not appointed save when the positions were worth having. This practice should cease. He had opposed it ever since he landed in the State. Though in years past there was perhaps some excuse for employing outsiders, owing to the rush of traffic and the fact that some of our railways were under construction, there could be no excuse now; for we had numerous experienced men capable of taking any positions it was necessary to fill in the department. The two positions in question were, he understood, newly created; but whether they were created for the purpose of giving these men employment did not appear. He challenged the Minister to inform the House of the duties of these officers. He (Mr. Gill) had inquired. He could get no information except that the men were seen travelling about the country. He was satisfied they had no definite duties to perform; and consequently he believed that the positions had been created for the purpose of employing them. The excuse made for the appointments, that no competent men were available in the service, was an insult to the intelligence of the House. Would anyone believe that just as such officers were needed, two suitable men happened to come along? The men who had built our railways and our ten times more numerous public works were still available; yet they were not considered competent to fill these vacancies. That was farcical; and surely the House did

not wish to see such outsiders appointed. This caused great discontent throughout the service, and was grossly unfair to men who were here for years, and who had perhaps entered the service at low salaries, looking forward to working up to superior positions; yet when such positions were vacant, outsiders filled them. Take the case of Mr. Gatherer, an old friend of the Commissioner. This friendship might be a coincidence; but it had previously been found that the Commissioner's friends were the most suitable candidates for good positions on the railways. That was peculiar, and naturally aroused suspicion. He would not say that Mr. George was not doing his duty; still, he considered such appointments unfair. Mr. George had much power, and was not using it judiciously. As to the allegation that no officers in the service were capable of carrying out the work, Mr. George was hardly the best judge of the ability of his officers. Quite recently, two men who had given faithful service for a number of years, and could be trusted as well as any others in Australia, were suspended on the spot, one on the evidence of two witnesses and the other on the evidence of one, without a word of explanation. The Commissioner, being impulsive, took inconsiderate action. True, he might mend as he grew older; but while he was growing old the railway men had to suffer. Let us hope that in future, when vacancies were filled and when new positions were created, outsiders would not be appointed without good and substantial reason. When the Commissioner was appointed he expressed the intention of reducing the number of officers; and he did abolish some offices, including that of the District Superintendent; but there were now more men employed in that office than were ever employed before. He (Mr. Gill) protested against the passing over of men who had laboured in the department for years past, and who were fully competent to do the duties which new men were brought in to perform.

MR. A. J. WILSON (in reply): The speeches of members experienced in various departments of the railway service fully justified the motion. He had been informed that the heads of branches were not aware that any such

vacancies existed in the department, and were never consulted before these two men were appointed. The appointments were made direct from the Commissioner's office. If that statement were doubted, ample opportunity would be given for its disproof. It was very doubtful whether the appointments were necessary; and one was led to believe that they were made as matters of convenience.

Question put and passed.

# MOTION—EARLY CLOSING ACT, TO AMEND.

MR. W. B. GORDON (Canning): I move:

That, in the opinion of this House, it is desirable that "The Early Closing Act, 1904," should be amended so as to include fruit shops under Part III. of Schedule I.

I should like to point out that the business of fruit shops is done principally in the summer. These shops have now to close at 10 o'clock, whereas oyster saloons, fish shops, and other eating-houses are open till 11. The closing of fruit shops means that theatre-goers and boating people cannot buy fruit; and many a man is thus prevented from taking home a peace offering. Many of us can always "make things up" when we stay out late by taking home some fruit for our children. I know this, for I am often out late when the House is sitting. But the question has many serious phases, and affects one of the principal industries of the State—the fruit industry. Only during certain seasons can fruit be placed on the market; and in curtailing the sale of fruit as we curtail it now, we seriously interfere with the industry. Fruit kept overnight in a shop is of little use; and if disposed of at all, it must be disposed of by hawkers in the street—a matter that was discussed the other evening. Most of the fruit that is slightly decomposed and not of the prime description is disposed of by hawkers. I do not intend to labour the question. This will not affect the question of labour. It is not a matter of making anyone work overtime. If the shops are allowed to keep open until 11 o'clock instead of closing at 10 o'clock it means extra hands being put on. Section 23 of the Early Closing Act of 1902 says:

The Governor may, by proclamation, temporarily suspend the operation of the Act in so

far as it applies to the closing time fixed or appointed for any shop or shops.

I think the Premier might see his way clear, without bringing forward an amendment, to avail himself of Section 23 of the Act 1902. Up to the present the Government have not seen fit to do that. It is a pity the Minister for Lands is not in this House or he would support the clause, as it is a matter affecting the fruit industry. I think I have made a case out which is a fair one, that fruit shops should be allowed to remain open until 11 o'clock at night.

THE MINISTER FOR RAILWAYS AND LABOUR (Hon. J. B. Holman): The Government have considered the question, during the last few months, to allow fruit shops to remain open until a later hour than at present. There is a provision in the Act of 1902 which allows the Governor by proclamation to suspend the operation of the Act so far as the closing time for shops is concerned. The question has arisen whether it would be wise to allow any shops to remain open longer than stated in the Act of a later date. The intention is to bring down a short Bill to amend the Early Closing Act of 1904, so as to allow fruit shops to remain open for a longer period than at present.

MR. GORDON: Until 11 o'clock?

THE MINISTER FOR RAILWAYS AND LABOUR: It was thought until half-past 11 o'clock. That would allow people leaving the theatre to take home some fruit. It is better to allow people to purchase fruit when going home of an evening than to compel them to obtain refreshment at a hotel. The more we encourage the consumption of fruit the better it is for the health of the people, for agriculturists, and for everyone else. I think fruit is an absolute necessity not only in Perth but on the goldfields. I have not the slightest hesitation in saying that so far as I am concerned I do not intend to oppose the motion. Provision would have to be made to limit the hours of those working in fruit shops, and that is the main thing, to protect those engaged in the industry. So far as allowing fruit shops to remain open until a later hour than at present is concerned, there is not the slightest objection to that.



MR. A. J. WILSON (Forrest) : While this matter is under discussion there is one phase of the early closing business that should engage the attention of the Government, and that is the position brought about in the case of shops where awards in the Court of Arbitration may affect the starting or finishing time of work in those shops. For instance, take the case of butchers. We find that an award of the Arbitration Court says that the hours of labour shall be from 5 a.m. until 5 p.m.

THE SPEAKER : The motion deals only with fruit shops. I do not think I can allow the discussion to go outside that.

MR. WILSON : The same difficulty may arise in the case of employees who would be engaged in fruit shops. If an award of the Arbitration Court states that the hours of labour for employees in fruit shops were from a given time to a given time a difficulty might arise. It seems to me in order to overcome that difficulty it would be necessary to so amend or alter the existing statute as to make the closing time or the opening time, as the case may be, of a shop to be governed by an existing award. If an award of the Arbitration Court says that a shop shall be closed at a certain time, or that labour shall cease at a certain time, that ought to be the determining factor in fixing the opening and closing time of that shop.

MR. MORAN (West Perth) : I cordially support the member in having the restriction removed from the sale of fruit. This matter appeals to the House, and I do not anticipate any opposition to the motion. I am in favour of it from my experience in Perth and the suburbs.

THE PREMIER (Hon. H. Daglish) : I would like to say a word as to the point raised by the member for Forrest. I do not see how it would be practicable for us in dealing with the early closing law to make any alteration of the law if it is to be in accord with an award of the Arbitration Court. If we adopted that practice it would be necessary, whenever a new award was made by the Arbitration Court, to carry an amendment of the Act through Parliament.

MR. A. J. WILSON : Not necessarily.

THE PREMIER : If it be not necessary, what advantage lies in doing it at

all ? If it be necessary, then undoubtedly we would require to alter our Act in order to suit the new awards from time to time given.

MR. A. J. WILSON : Because the court has no jurisdiction to interfere with the closing time of shops.

THE PREMIER : Quite so ; but the Arbitration Court having absolute power to deal with the hours of employment, and having machinery at its disposal to enable it to enforce awards, has sufficient power for the purpose of carrying out the provisions of the Act under which it works. I think the member will find no useful purpose served by introducing into the the early closing law any provision that will really be foreign to the purpose of that law. There is a farther consideration. If effect is to be given to the motion of the member for Canning (Mr. Gordon), a suggestion that I am in fullest sympathy with, the only way of doing that is by preventing the introduction of any debatable matter into a Bill dealing with it. At this stage of the session the introduction of debatable matter may interfere with carrying the will of the House into effect. There is another matter which it may be necessary to incorporate in the Bill, and I hope it will be possible to bring forward a measure of a very few clauses, and I trust the House will see the desirability of helping us to carry it through. I think the power contained in Section 23 of the Act 1902 is a power which it was never intended any Government should apply in a case like this. It was intended to be used only temporarily, as the section provides for special and temporary purposes. It would not be right for this or any Government to use that power for the purpose of practically amending the Early Closing Act itself. If we adopted the suggestion of the member, we would be taking upon ourselves to override an Act of Parliament definitely fixing the closing hours of these shops. I think it would be wiser to keep in the usual track, and have legislation to deal with the matters instead of legislating by Order-in-Council.

MR. W. B. GORDON (in reply) : I am thankful to members for receiving the motion in the manner they have done, and I am thankful to the Government for supporting it. Having got so much

from the Government, I do not want to appear greedy in any shape or form ; but the fruit season is now in, and the profits of this season will be lost to the vendor and the producer, and the convenience to the consumers will be lost, unless action be taken immediately. Seeing that the motion is to be accepted by the House, I think the Premier might with confidence, according to his own argument, bring into force the temporary power at once until an amendment of the Act is carried. I would like an assurance from the Government to that effect, so that immediate action may be taken or that an amending Bill be brought in at once. I think the Premier might use the temporary power given in the Act of 1902, because he is assured of the support of members.

Question put and passed.

#### MOTION—PUBLIC SERVANTS, RETROSPECTIVE INCREASES.

MR. C. J. MORAN (West Perth) : I beg to move :

That all the papers in connection with the retrospective increases promised to the civil servants through the Association by Mr. James, in accordance with a previous promise made by Mr. Leake, be laid upon the table of the House.

Very few words will be necessary in introducing this motion. It is a formal motion and really ought not to be discussed, except that the other evening the leader of the Opposition let fall an observation which let in a flood of light from my standpoint. When the Royal Commission was appointed to inquire into the salaries of the public servants, certain recommendations were made as to advances. Mr. Leake, the then Premier, in discussing with the public servants' representatives, agreed that certain of the advances recommended should be made retrospective, and he also agreed that they were reasonable. When the change of leaders took place, the late Premier, Mr. James, had a somewhat long and animated conversation with the representatives of the public servants, with the result that Mr. James agreed to faithfully adhere to the promise of Mr. Leake. We had in turn two Premiers and two Cabinets agreeing to these respective advances on the ground of justice. I was somewhat surprised that in the Budget

Speech the Premier said he considered the matter as closed, and decided not to accede to the request already agreed to by two Cabinets. Some light was thrown on the subject by the leader of the Opposition interjecting that as far as the late Cabinet were concerned they had not considered the matter closed. I am to gather from it that the Premier at present must take the responsibility for considering the matter closed, and differing with the expressed intention of two Cabinets. I strongly advocate the adoption of the just recommendations of the gentlemen who went before. It cannot be said that two Governments were unduly favourable to the claims of the civil servants, or went out of their way to meet every demand of civil servants. But this is one of the demands which they considered just, and they agreed that it should be granted. I formally move for these papers, with the intention of bringing under the Premier's notice, as the Estimates go through, these anomalies arising out of the long-deferred increases recommended by a Royal Commission and agreed to by two Governments, who made an effort to reduce expenditure by what they called retrenchment in the civil service, and nevertheless considered that these increases were justified.

MR. F. CONNOR (Kimberley) : I second the motion.

THE PREMIER (Hon. H. Daglish) : I do not intend to offer any opposition to this motion. Speaking for myself personally as well as for the Government as a whole, I am anxious to see the fullest justice done to all classes in the public service. My statement made in the Budget Speech was made on the authority of the ex-Premier (Mr. Walter James). It took me by surprise to hear to-night the statement of the leader of the Opposition ; and I can only assert that my statement was made in good faith, the ex-Premier having informed me that the matter had been finally dealt with by the preceding Government. If I find cases not definitely dealt with, I am prepared to investigate them, and to see that adequate justice is meted out to all officers concerned.

MR. C. H. RASON (Guildford) : As to the member for West Perth's assertion that I have thrown a flood of light on this subject, I think the hon. member

went out of his way to compliment me. I did not throw on the subject any light but the light of truth. The question of retrospective increases to civil servants was not finally dealt with by the Government of which I was a member. I accept without any reservation the assurance of the present Premier; but the papers themselves will show that my statement is absolutely correct.

**THE PREMIER:** I am not questioning it.

**MR. RASON:** I am merely relating a statement of fact. The papers will show that we did not deal with the recommendations of the Commission. Those recommendations were utterly impossible. The difficulty was that in order to be just to the members of the civil service, we had to try to find out what officers would have received increases had not the Commission been sitting; in other words, what members of the civil service had been prevented from receiving increases by the fact that the Commission was inquiring into the service. It must never be imagined for a moment, and I hope the present Government will not imagine, that it was ever intended to give general increases throughout the whole service. It was very difficult, as the member for West Perth will realise, to determine who was and who was not entitled to an increase, who would or who would not have received it had not the Commission been sitting; and therefore we could hardly rely on the permanent heads of the departments, because had we asked them, I need not explain that they would at once have recommended everyone in the service. I wish if I can to render the situation more clear, and to make possible a solution of the problem by the present Government. They will have some difficulty in determining, as we had, who are fairly and justly entitled to increases. The papers which the hon. member moves for will show that the matter was not settled; that it was under consideration. The same difficulty will face the present Government as faced us—the difficulty of determining, in the ordinary course of procedure, who would or who would not have received increases.

**MR. H. GREGORY (Menzies):** There was no desire by the James Government to make these increases in every respect retrospective. That is, it was not

intended, when certain officers had received increases during the last three years, that they should when classified receive arrears calculated on the basis of the increases given them. After this discussion it may be thought that we decided that all increases should be retrospective. Take the Mines Estimates alone. When I assumed office there was an accountant receiving £340, and when I left office he was receiving £400, the increase having been made while the Commission was sitting. I do not think it would be held by any member that those increases should be retrospective. Again, the inspector of boilers received last year an increase of £50. It will hardly be held that his increase should be retrospective. The Ministers were asked by the ex-Premier to consider carefully the claims of all officers whose increases had been deferred owing to the appointment of the Commission. There was a large number of officers in the Mines Department whom I recommended for retrospective increases totalling in all, I think, some £200. I notice that several retrospective increases have been granted in these Estimates; but they have not been granted in all the departments.

**THE PREMIER:** They have been paid in every case.

**MR. GREGORY:** I hope all these recommendations of the late Ministry will be carefully looked into, and justice done to the officers concerned. But it was never intended by the late Ministry that these increases should as a whole be retrospective. To make them retrospective an enormous sum of money would be needed. During the last two years a large number of increases was granted in the Mines Department, which increases were made because they had been previously deferred owing to the appointment of the Commission; but when we made them, there was no suggestion that they should be retrospective.

Question put and passed.

#### RETURN—RAILWAY WAY AND WORKS, MAINTENANCE.

**DR. ELLIS (Coolgoordie)** moved :

That there be laid upon the table of the House a return showing the actual cost of maintenance of the Way and Works Branch of the Railway Department for the five lines

for the year 1903-4 as compared with the year 1902-3, as provided every other year in the report to the Commissioner by Mr. Dartnall, Chief Engineer for Existing Lines, omitted this year for the first time.

For a considerable number of years this information had always appeared in the annual report of the Ways and Works Branch; and there was no apparent reason for its omission this year.

MR. A. J. H. WATTS (Northam) seconded.

THE MINISTER FOR RAILWAYS (Hon. J. B. Holman): The hon. member had not given any reason for his motion. If Parliament decided that the return be presented, every possible effort would be made to get it. However, its preparation would occupy much valuable time, and would entail a heavy cost, while the return would not be of material benefit. All recognised that the railway system must be worked as a whole. Sectional returns did not properly show the results of railway working. They contained such items as the cost per train mile, the total cost of maintenance, and the renewals for the year. In the return asked for, one line that was not paying might on the face of the return appear to be in a much better position than a line which was paying well, and *vice versa*. Railway experts had proved that the return was of no benefit to the people of the State. The motion should not be pressed, as it could do no good; and if it could, the hon. member should have shown what good would result from laying the return on the table.

Question put and passed.

#### MOTION—PRISON WARDERS, EIGHT HOURS.

MR. E. NEEDHAM (Fremantle): I move:

That in the opinion of this House the time has arrived when the hours of the warders at the Fremantle Gaol should be reduced to eight hours per day.

I recognise that there are other members who have very important motions to put forward, so I will be as brief as possible in asking the House to assist me in seeing that the hours of warders at present engaged in the Fremantle prison be reduced to eight per day. Some time ago I called for a return showing the hours worked by these warders and the

amount of wages they received. That return was placed on the table of the House, and I have here a few figures which I think will conclusively prove that the hours worked at present by warders in the prison are far too long. I appeal to every member in moving this motion, because I think that at some time or other during their public career all members have affirmed the necessity of having an eight-hours day as far as practicable in all occupations. I contend that the hours worked by warders at present engaged in the Fremantle prison are excessive, and I will quote these hours as shown by the return. In the cell division in the first period the maximum is 63½ hours and the minimum 60½ hours; in the divisional duty by day the minimum for the week is 57½ hours, and the maximum 68½ hours. The figures are given in this way: first period, 62½ hours; second and third periods, 63 hours 45 min. Divisional duty by night—first period, 53 hours; second period, 51½ hours; third period, 50½ hours. Reception and discharge of prisoners—first period, 63½ hours; second period, 66½ hours; third period, 68 hours. Charge of trial and of youthful prisoners—first period, 65 hours; second period, 63½ hours; third period, 65 hours. Charge of prisoners under separate treatment—first period, 58 hours; second period, 61 hours; third period, 64 hours. Infirmary—first period, 58 hours; second period, 61 hours; third period, 64 hours. Cook-house—first period, 62 hours; second period, 65 hours; third period, 68 hours. Charge of gates and prisoners at night—first period, 77 hours; second and third periods, 73½ hours. Orderly—first and second periods, 63½ hours; third period, 65 hours. Charge of works—first and second periods, 56½ hours; third period, 59½ hours. Public works—first and second periods, 57½ hours; third period, 60½ hours. Inside guards and sentries average weekly 56 hours, and the matron in charge 60 hours. Day and night duty changes weekly, seven nights per week, averaging 68 hours. In this return also we have a suggestion from the present superintendent of prisons, stating that by an increase in the present staff the hours would be reduced, I think, two or three hours per week. This is the proposed alteration, by an increase of

three in the staff. Charge of cells division—first period, 57 hours; second and third periods, 60 hours. Duty by day—first period, 58½ hours; second period, 61½ hours; third period, 58½ hours; and so on. Right throughout the whole of the divisions I have already gone into there will be a reduction of hours by an increase in the staff of three, which would necessarily mean an increase in the amount allotted for the conduct of the prison. I may also just mention for the information of members the wages at present received by these men. They are divided in this fashion: first grade, second grade, and temporary. For first grade warders the maximum annual wages received is £224 15s. and the minimum £177 15s., always including quarters, uniform, and sanitation. In the second grade and temporary, the annual wages received is a maximum of £142 7s. 6d., which evidently is also the minimum, apparently being a standard wage. I dare say it has been argued on former occasions when similar motions have been moved, and that it will be argued now, that the work of these men is not physically laborious. Notwithstanding this, I contend that the very fact of these men being on duty so long and that there is always the necessity for them to be continually on the watch is a strain upon their system which is just about as much a strain as if they were labouring under hard physical conditions. Perhaps members may not altogether get from the figures I have read the real position of affairs. Warders in some instances, particularly when on night duty, do about 14 hours out of the 24. They are continually at the beck and call of the prison authorities, which I consider is sometimes necessary in cases of emergency. If a man is on night shift he is called upon at midday to get up and do one hour's duty and then go back again. This occurs every time the man is on night duty. He must get up six days of the week for one hour at midday, and this I consider equivalent to two hours' work. The man who is on duty at the entrance gate, who has invariably to patrol the yard with a rifle, works from about 6.30 in the morning to midday. He is then four hours off duty, which he can spend in his home. He gets back to the prison at 4 o'clock, and from then

until midnight or after he is in the precincts of the prison. This is a state of affairs that ought to be changed, and I think that, with an increase of the staff of three or four, we could have an eight-hours system introduced into the prison. I dare say this motion will be opposed; but if we have an eight-hours system in other portions of the Government service I think we ought to have it in the prison. I do not advocate it simply because warders are Government servants. I have always advocated and always will advocate an eight-hours day for any kind of labour, I care not what it is, as far as it can possibly be introduced. I think if this question is faced fairly and squarely an eight-hours system can be introduced. In the Eastern States the hours of the warders are, as far as possible, kept down to eight hours per day, and in a few instances their wages are somewhat higher than are received in this State. A great amount of stress is laid on the fact that warders have quarters. I do not think that the quarters at present meted out to the warders are the most desirable that we could have. The buildings have been erected for over 50 years, and we find warders with families of from four to five living in three or four-roomed houses with very small rooms, eight by eight. They have not the necessary conveniences in these houses that other people have who may perhaps be in the same position. For instance, bathing has to be done in the rooms in which they live. I do not think this ought to be allowed to exist from a sanitary point of view. Medical men say that six hours on night-work is sufficient among sleeping men, particularly when they are confined in cells. We depend on warders in prisons to materially assist those in charge of the prisons in helping to watch over the prisoners, not only to see that they do what they ought to do, but to make them better men and women when they leave the establishment; for it does not simply mean that persons go in there and serve a certain term and come out as bad as when they went in. If we reduce the strain of these men and reduce the hours they work, it will be an incentive to them to study the welfare of those committed to their charge for the time being. This is a point I think worthy of consideration. Again, I contend that

the present system in Fremantle gaol necessitates the warders doing duty that is not required of them. If there was a reorganisation of the system I dare say we should have an eight-hour system without an increase of three and with perhaps an increase of only two in the staff. There is a warder in charge of the gang of prisoners pumping water; but the Fremantle water service is laid all over the prison, and I fail to see where the good effect comes in. I think I have occupied the time of the House sufficiently long when I consider that other members have to follow me with other important motions; but I appeal to members to support my motion. Perhaps some members are under the impression that by carrying this motion it will mean 48 hours per week. It will not mean that, for the warder has one Sunday off in a fortnight. The terms I have mentioned allow for the Sunday off, and the hours I have quoted are the exact hours the warders would work according to the official return. Consequently the Sunday off would not affect the hours I have mentioned. In the event of this motion being carried it will mean that one week a warder will work 56 hours and the next 48 hours, an average of 52 hours per week.

MR. KEYSER: That is against your motion.

MR. NEEDHAM: No. My motion is that the hours be reduced to eight per day; and I want to put the motion as plainly as I possibly can before members of this House.

MR. A. J. WILSON (Forrest): I desire to support the hon. member for Fremantle in his laudable desire to institute what has now come to be recognised throughout Australia as a very sound and practical principle. It may be urged by some that it may add to the cost of the administration of this particular department. I think such a proposition as that ought not to be urged against so laudable a project as the initiation of a principle which is almost universal as far as Australia is concerned—the principle of an eight-hours day. I am under the impression that warders in other departments are equally deserving of consideration, and I hope that not only will this motion be carried, but that if it is at all practicable—and I see no insuperable

obstacle in the way—it will be given effect to, and will not be confined to warders in this particular department, but extended to all the warders in the various departments of the State. I have much pleasure in supporting the motion.

MR. C. C. KEYSER (Albany): I rise to move an amendment:

That the words "the Fremantle Gaol" be struck out, with a view to inserting "all gaols in the State" in lieu.

I was rather surprised that the member moving this motion confined the principle to the Fremantle Gaol. If the principle is good, why confine it to one gaol; why not apply it to all gaols? For that reason I move the amendment.

MR. M. F. TROY (Mt. Magnet): I second the amendment.

DR. ELLIS (Coolgardie): I am very glad this motion has come forward. It is practically the corollary of one I had the honor to move before, which has been referred to the Colonial Secretary for consideration. I can see no difference between one class of employment and another. I think that if the principle of eight hours a day is good for one man it is good for another, and I want to see it right through the Government service from one end to the other. When anyone introduces a motion in favour of the principle of eight hours a day, I shall always be ready to support it. I should be willing to support it for women; for I see no reason why women should not have the eight-hours day system as well as men.

MR. M. F. TROY: My reason for seconding the amendment was that after all there are only certain places in this State where gaol warders are employed, and since in most cases more than one are employed I think the eight-hours principle can be introduced without any great disadvantage. The member for Coolgardie supports the motion because there is a similarity, in his opinion, between the amendment and the motion which he introduced concerning hospital nurses. I do not see anything in common between the two questions. There are places in the State where hospital nurses are employed very irregularly, and where an eight-hours system would not be advantageous. I know of hospitals where the nurses during whole months of the year have nothing at all to do; there are no

cases to attend to. The case of warders is entirely different. Unfortunately, as the member who introduced the motion knows, a warder has too much to do in this country. Were hospital nurses in the same position as warders, I should certainly be in favour of the same principle being applied to them. I have no doubt the member for Kanowna agrees with me in that. I shall support the amendment, and am very pleased it has been brought forward.

HON. F. H. PIESSE (Katanning): To ask that the eight-hours principle shall apply to the warders in the Fremantle Gaol or to the gaols of the State seems to me to be asking that which is altogether unreasonable. If it should apply to the gaol at Fremantle, it cannot very well apply to the gaols in other parts of the State. If it is to apply, it will lead to a great increase of expenditure, because, as has already been pointed out by one member in reference to nurses in hospitals, there are some distant places where there is not sufficient occupation to provide for an eight-hours service in regard to the warders. Of course in Fremantle it may be applicable, but if we apply it here we shall have to apply it to many other services throughout the State; and although I may desire to see the eight-hours day introduced in regard to what may be termed labouring work, I am entirely in accord with that, and I think members of this House have heard me say before that I have introduced it in my own business wherever it can be introduced, and I certainly believe that an eight-hours day is quite sufficient for the man who works hard at laborious work, provided one gets eight hours' good service, yet I am positively opposed to adopting this principle in every instance, and this is one of the instances in which I think it should not be adopted. The work is not of a laborious character. These men certainly have longer hours, which may be reduced, bringing them down to 10 hours or something of that kind; but to have the eight-hours day seems to me an absurdity and likely to defeat the very object the strongest advocates for an eight-hours day have in view. I ask the House to pause before agreeing to adopt such a motion as this, because I am quite confident it would land the House in a difficulty, for any

Government administering the affairs of the State to have an eight-hours day right throughout every part of the service. There are many cases in the public service where an eight-hours day is not necessary. It is necessary in certain instances, and there is no stronger advocate than myself, but I shall not support such a motion as this.

THE COLONIAL SECRETARY (Hon. G. Taylor): I have no desire at this stage to oppose the motion. I am collecting data in connection with the matter, and when these returns are at hand I will supply them to the House. In the meantime I desire to move the adjournment of the debate.

Motion passed, and the debate adjourned.

#### PAPERS—PRISONER CASELY, RELEASE.

MR. A. J. WILSON (Forrest)  
moved:—

That there be laid on the table of the House all papers in connection with the release of a prisoner named Casely on or about the 5th November, 1904.

At the outset he desired to inform the House that he was not animated with any animosity at the release of this unfortunate man Casely, but solely with the desire to do what appeared to be an act of justice to a person who was convicted at the same time for precisely the same offence, and who now was languishing and lingering in gaol. The circumstances of the case were that two persons, Casely and Peakes, were found guilty at the criminal session in March, 1902, of the very serious offence of robbery and violence, and the evidence in connection with that affair and the subsequent report on the whole case given by the Assistant Crown Solicitor clearly proved that the person who was the prime factor in the unfortunate incident was the person who had received the clemency of the Crown, and the person who was more or less merely an accessory to the committal of the crime was still serving a portion of his sentence. It was interesting to know that a petition on behalf of Casely was circulated and signed by certain reputable and respectable people in the community with a view of having Casely's sentence commuted, to permit him to be allowed out

on ticket of leave. The Premier and Attorney General of the day, in August, 1903, felt it incumbent on him, on the evidence supplied to him and the report of the Crown Prosecutor, who made an extensive review or statement of the whole case, to advise His Excellency the Governor to refuse to grant the prayer of the petitioners. Nothing more appeared to have transpired until the period shortly after the recent general elections, when we found the Attorney General of the day within a fortnight, approximately, of the declaration of the poll and the result of the general elections, wrote a strong minute urging that if this man Casely continued to be of good conduct for a period of three months, he (the Attorney General) recommended that the man should be allowed out on ticket of leave. This recommendation in due course came under the review of the Comptroller of Prisons, Mr. Burt, and it was pleasing to be able to say that Mr. Burt took what was to his (Mr. Wilson's) mind a very fair and honourable view of the situation. Mr. Burt was not afraid to tell the Attorney General that the recommendation could not be carried out, as certain regulations prescribed that a certain period of time would be allowed as a rebate on account of the sentence. That period of time amounted to 204 days so far as Casely was concerned. Those 204 days had been curtailed by 17 days on account of a variety of offences during the incarceration of the prisoner. The minute of the Comptroller General of Prisons went on to say that at the very earliest this man would only be entitled to be out on ticket of leave on the 10th November, 1905. After correspondence and a little dispute between the Comptroller and the Attorney General, we found that the Attorney General insisted, not upon the prisoner being allowed out on ticket of leave, but finally made a recommendation that the prisoner's sentence should be remitted in November, 1904, if he continued to be of good conduct. Although the present Minister for Justice was the person who in the ordinary course of his duties was compelled to make the recommendation to the Government, he (Mr. Wilson) entirely exonerated the Minister for Justice in regard to his action on the whole matter.

The Minister was simply redeeming a promise made by the Attorney General. What appeared to be exceedingly and manifestly unfair in the whole business was that a prisoner sentenced to the same term of imprisonment for precisely the same offence as Casely, and who, if the records of the department could be relied on, was less guilty of the offence than the man who was released, should be still confined in the gaol at Fremantle. If undue generosity was extended to Casely, common justice and humanity demanded that the same generosity should be extended to the other prisoner. Since the matter was brought under the notice of the Minister for Justice an inquiry was being held into the whole question. A petition naturally came from Casely's fellow prisoner Peakes, and it was on account of that petition praying for the same treatment to be meted out as was meted out to Casely, that the inquiry was being held. When the House was possessed of all the information in connection with the case, members would come to the conclusion that if justice was to be done, then the man languishing in gaol should be released and placed on the same footing as the man Casely was. A good deal had been said in regard to the whole affair, and some suggestions made in regard to the matter were not creditable to those who were party to the business. The whole matter should certainly, in the interests of all concerned, be cleared up for the purpose of placing the position rightfully and honestly before the people of the country. That was the sort of thing that tended to bring about a very unsatisfactory state of affairs in regard to the administration of our prisons. In view of the information that the papers would disclose, he was justified in moving the motion, and asking that the papers be laid on the table of the House.

MR. M. F. TROY (Mt. Magnet) seconded the motion.

THE MINISTER FOR JUSTICE (Hon. R. Hastie): There was no objection to the motion, in fact he would be glad for the papers to be laid on the table; but he wished to take the opportunity of saying that the course pursued by the hon. member was not altogether a wise one. It was not likely in this case to do any harm, but it was liable to be



taken as a precedent. It was not wise that all papers dealing with persons who got into trouble should be placed on the table of the House, and open to the Press. It was to be hoped that members in future would be careful how they dealt with cases of this kind. So long as he was Minister for Justice he would be glad to show papers to any member of the House who applied to him for them. Had the hon. member seen the papers and understood the case before giving notice of motion, the hon. member would not have brought the matter before the House. In future it was to be hoped the House would not be treated as a court of appeal against the decisions of the various Judges. It was not wise, and he felt certain members would consider that it would be better to leave cases for the remission of sentence in the hands of the responsible members of the Government. In most cases, if not all, the Government would act more satisfactorily than if *ex parte* statements were made in the House. The hon. member stated he was not very much concerned as to what was done in the particular case for which the papers were asked; that another man was convicted at the same time, and that man should be treated in the same way as Casely had been. The hon. member also said that the case was being considered at present. That being so, the motion was more likely to prejudice the case than if the hon. member had not brought the matter forward. The question was being considered, and if justified the man would be treated with the same clemency with which the other prisoner was treated. The member for Forrest stated that the prisoner who had not been released was the least guilty. The hon. member had evidently not read the whole of the papers. The Chief Justice who tried the case spoke of the man who had not been released as one who had used every means in his power to place all the blame on the first man, while in the opinion of the Chief Justice the second man was equally if not more guilty than the first man. The Chief Justice was no doubt in a better position to judge the case than the hon. member. He did not ask the House in any way to exculpate him for having released the prisoner. He found a minute written by the late Attorney General saying that if the man was of good

behaviour until November, he should be released at the end of November. He (the Minister) received a report from the prison authorities saying that the prisoner's behaviour during the preceding three months was excellent; therefore he carried out the promise of the late Attorney General. He did not inquire into the merits or the demerits of the case, but it was sufficient for him to say that the Attorney General had on two or three occasions inquired into the merits of the case, and on the last occasion declared that after three months' probation the man should be liberated; therefore he was bound to carry out the recommendation of the Attorney General. The member for Forrest assumed that there was some influence at work in connection with this case. One did not know if that was the case or not, but he knew the person who had taken the keenest interest in the matter was the mother of the prisoner, who was a woman of persuasive eloquence, and probably induced the Attorney General to take a milder view of the case than he otherwise would have done. If the House ordered the papers to be placed on the table, that would be done; but he appealed to members not to call for papers until they had used their privileges in asking the Minister in charge of a department to be allowed to see papers.

Question put and passed.

#### MOTION—GOLDFIELDS MINING MONOPOLY, TO INQUIRE.

Mr. W. NELSON (Hannans): I move

That inasmuch as many people, both miners and merchants, allege that a monopoly is growing up in connection with the mining industry of the Eastern Goldfields, to the serious injury of the said industry and of the community generally, this House is of opinion that a select committee should be appointed to inquire into the allegations and report accordingly.

I do not intend to enter at any length into this question, but wish to impress on the House that the object of the motion is simply to provide that information which will enable the House and the public generally to form a rational conclusion on the subject. It is unnecessary for me to say that the alleged monopolists are known as Bewick, Moreing, & Co. I need not remind the House that some

short time ago the operations of this company and the manner in which it conducted those operations excited considerable public attention; indeed, on the goldfields we had for some time a considerable agitation. The Minister for Works (Hon. W. D. Johnson) and a number of other public men addressed meetings on the question. It was then alleged that this firm was not only assuming menacing proportions, was not only getting mine after mine under its own control and management, but that it manifested an unfortunate proclivity for the employment of Italian labour. Indeed, I need hardly remind the House that only recently a parliamentary committee furnished a report which, among other things, declared that the ratio of increase of mine workers was greater in the case of Italians than in the case of Britishers or Australians; that while the ordinary white population was increasing at a ratio of about 20 or 30 per cent., the ratio of increase of Italian miners was considerably higher. When the ex-Premier (Mr. Walter James) visited Kalgoorlie, he referred to the subject, and declared that if he was furnished with satisfactory evidence that a monopoly really existed, he believed that the State would find parliamentary means of dealing with the evil. Of course, as was natural, a number of people defended this firm, just as a number denounced it; and even now the firm has many defenders. Some allege that the firm has succeeded in introducing considerable improvements in the management of the mines under its control. The members of the firm appear to be personally men of high character and of great engineering capacity; and I think it is admitted on all hands that the result of their application of what may be called their scientific engineering attainments to mining has been an undoubted benefit to the industry. But a number of merchants have declared, possibly from interested motives, that this firm, by purchasing on a gigantic sale, has seriously injured those merchants' business enterprises; in fact, some agents have been compelled to go out of business. I quite admit that this of itself is not necessarily an evil. When a combination of mines, by buying more cheaply than each mine can

buy individually, reduces by such co-operative effort the price of mining material, and makes profitable low-grade propositions that would otherwise be unprofitable, the industry may be benefited. When the agitation was in progress on the goldfields, I always took care in my public utterances to say that the mere fact of this monopoly indirectly injuring other firms was not of itself a sufficient reason for objecting to its existence. Unfortunately, however, there is another and a more serious aspect of this firm. It is well known that prior to the advent of Messrs. Bewick, Moreing, & Co., if through some reason or other a miner was discharged from one mine, he could without difficulty find employment on another. But it was at once seen—and this is how the miners themselves view the matter—that if this firm continued to take over mine after mine, there might ultimately come a time when the whole mining industry would be practically under the control of a few men; and then the discharge of a miner from one mine would mean not merely his having to go to another, but ultimately that he would have to leave the field. Such a monopoly would undoubtedly be a serious danger, firstly to the State, and in a special degree to the workers on mines. When I was in Queensland I had an example of what may be done when a comparatively few men have absolute industrial authority. In the Queensland town of Mount Morgan, where there was but one mine, the sole reason for the town's existence, I have seen the men go in rows to the ballot boxes on polling day, under the superintendent and guided by the shift bosses; and it was only after a long and bitter struggle that we succeeded in organising the workers to such an extent that they could resist the undoubtedly unfair and unjust influence of this one company, which in the circumstances necessarily exerted over them an enormous influence. While therefore I view with great concern the existence of such a monopoly, I am also quite willing to admit that, given sufficient safeguards, the mere fact of a firm having large and extensive operations need not necessarily be an evil; and I therefore wish members to understand that I desire this inquiry, not because I seek in any way to bias the

House, and not because I am anxious for a report of a particular character. I ask for inquiry because I believe it may be the means of providing such information as will enable us to understand whether this monopoly is an evil, and if it be an evil, how we can cope with that evil.

MR. GREGORY: What do you wish to inquire into?

MR. NELSON: That is a perfectly pertinent question. I need not remind the hon. member that some time ago allegations were made against his own personal character, in connection with the Empress of Coolgardie lease. Some people declared in the public Press that the hon. member was justly blamable; others declared that to be neither a wise nor fair view of the matter; and a select committee was appointed for the express purpose of discovering whether those charges were true or false. I want to remind hon. members that this motion seeks to do for Bewick, Moreing, & Co., what a select committee some time ago did for the hon. member himself.

MR. HEITMANN: Did the company ask for it?

MR. NELSON: That makes no difference. This company did not ask for an inquiry. I am asking for the inquiry.

MR. GREGORY: It makes all the difference in the two cases.

MR. NELSON: It makes not the slightest difference in the two cases. I want that to be clearly understood. The fact that in one case there was a request for an inquiry and in the other case no request from the parties concerned does not alter the principle. The request comes in this case from those who have as much right to know as even the member for Menzies had in the other case. There is a public feeling that this combine, as it is called, is not the kind of thing we should encourage in our midst. There is a feeling that it ought to be regulated in some way, and that we should know exactly what is its nature and the nature of its operations, and above all, whether it is not the public evil that some people urge it is. Therefore, the motion is one that even the member for Menzies may support. I want it to be clearly understood that I am not taking a prejudiced view of this question. I know that six months ago the feeling in connection with it was very strong;

and I know that the agitation which was the product of that feeling has already done good. It was by virtue of the agitation that Bewick, Moreing, & Co., took steps to discharge those Italians they were undoubtedly putting in place of white workers in many mines. The very fact that the firm had to undo what it was doing and that it discharged these men it was employing was clear evidence that in its own opinion it was doing what it ought not to do. This firm controls the Great Fingal, the Cosmopolitan, the Sons of Gwalia, where the Italians were employed in numbers, the Lake View, the Brown Hill, and a large number of other mines. The very facts that the Minister for Mines referred to this matter on his visit to the fields, that a large number of merchants have expressed themselves as being seriously affected by this firm, and have even impugned the alleged nature of their operations, and above all the very fact that a large number of the mining community have declared on public platforms that the firm has exercised a certain amount of arbitrary power which is a menace to their liberties, justify the House in supporting the motion. If the firm is a legitimate firm, and if it is not as alleged by some a monopoly, and if its operations are what they ought to be, and if it is really a benefit to the mining community and the industry, the committee can report accordingly, and the great bulk of the intelligent public will be satisfied that the accusations made against the company are without foundation. If on the contrary it should be found there is a danger in any way connected with this company, and if it should be found that its operations are not legitimate, the committee can report accordingly. I do not wish to weary the House in speaking on the subject any farther, so briefly move the motion which I have made.

MR. SCADDAN: I second the motion.

On motion by MR. GILL, debate adjourned.

#### MOTION—WORKMEN'S WAGES ACT, TO AMEND.

MR. P. J. LYNCH (Mt. Leonora): I move:

That, in the opinion of this House, it is desirable that the Workmen's Wages Act be

so amended as to insure the payment of wages by employers when through the intervention of contractors from any cause workmen are defrauded out of their earnings.

The Workmen's Wages Act of 1898 was intended by the framer of the measure to reasonably adjust relations between employers and employees, and that measure repealed *in toto* the Workmen's Lien Act of 1897; but it was unfortunately forgotten to include one of the most beneficial provisions of the Act repealed. The Workmen's Wages Act took into consideration the intervention of contractors in carrying on many matters of industry; and though in the main in its operation the Act has been found to work satisfactorily, it has been found there are instances which render it necessary to so amend the Act as to insure that workmen shall not be defrauded out of their wages, either through dishonest contractors or through contractors incompetent to tender for whatever they may be disposed to tender for. This motion has been prompted in order to cover the case of a contract lately let in the back country for shaft sinking, where a sum of £300 was due to a party of workmen, but where, owing either to the dishonesty of the contractor in this particular instance or to his incapacity to fairly judge of the value of the work he had tendered for, the workmen are now defrauded of their wages. They have made a futile appeal to the employer at the place and to the superintendent of the company in the distance; but their efforts have, according to my latest advices, proved entirely fruitless. This is not a solitary case of the kind in the history of industrial matters in this State since the passage of this Act. There is at least one other authenticated case of the kind of which I know; and there are a few more I have heard rumours of on a small scale. Workers can be done out of their wages notwithstanding the intention of the framers of the measure.

MR. GREGORY: Did the contractor get paid and then refuse to pay the men?

MR. LYNCH: I think those were the circumstances of this case. In the Workmen's Lien Act which was repealed it was obligatory on the employer, before paying over any portion or the entire cost of the work the contractor had done, to

receive an attested declaration from the contractor to the effect that all the wages of the workmen had been paid. Unfortunately, the author of the Act that repealed the Workmen's Lien Act did not consider this very important proviso; and the result has been that the only means the workmen have now at their disposal to seek redress is to take advantage of the seven days provided by the statute in order to apply to the local employer to obtain their wages. Workmen as a rule are very forgetful of what is enjoined on them by Act of Parliament, and the seven days slip by very easily before men are prompted to take advantage of the law; so that this proposal of mine is intended to bring under the special notice of this House the necessity for reintroducing that very salutary provision found in the Workmen's Lien Act which was repealed. I think it would be a wise thing also to extend the Act a little farther. I have in my mind a very clear recollection of a contractor who tendered for work, and before that work was completed got all the materials requisite to carry out his work to a successful consummation, but before the work was finished filed his schedule, with the result that all the traders concerned in supplying the stuff and confiding in him were done out of their money from that day to this. Therefore, while an effort is being made to insert adequate provision for the protection of workers against dishonest or incompetent contractors, it is also of importance that some measure of protection should be extended to confiding traders, the necessity for which has in one instance been prominently brought under my notice. In briefly leaving this matter in the hands of the House, I can assure members that it is not sought to insert an idle and needless provision in the already cumbered statutes of this country, but is to meet a glaring instance where men have been done out of their wages through not taking advantage of the seven days provided in Section 7 of the Workmen's Wages Act. Section 7 is to the effect that "Any workmen whose wages remain unpaid for three days after they become payable and have been demanded may, within seven days, make a statutory declaration of the amount of wages due, and serve the same

upon the employer, and may serve the employer or his attorney or agent with a notice of attachment in the form No. 1 set forth in the schedule," and so on. So that the Act as it stands at present is not altogether imperfect in the matter of securing wages to men defrauded of them by a dishonest contractor or by a contractor altogether incapable of judging of the value of the work. I have also hinted that the measure should be so framed as to give some help to a trader who may with good intention, good heart, help out a struggling person, but who is afterwards left in the lurch through the dishonest action of a contractor. I have much pleasure in moving the motion standing in my name. The amendment simply means a restoration of the old salutary section which was found to work so well in the Workmen's Lien Act of 1897.

MR. E. P. HENSHAW (Collie): I have pleasure in supporting the motion, as I recognise the necessity for it. As an instance I would just like to briefly refer to an occurrence which has taken place very recently at Collie. A contractor, a man of straw, took a contract for trucking coal from the mine, and after he had gone on for some time he got behind in paying wages. A number of men were paid short to the extent of £3 or £4, and some of them up to £7 and £8. These men ceased work, thinking it was not good enough to go on under these conditions. They took legal advice on the matter and found they could not recover the money owing to them. In this instance the mining company got the full benefit of the labours, the full value of the work that had been done by the men, and yet there was no legal obligation resting on the company to pay the workmen's wages. This instance in itself to my mind is quite sufficient to show that the Act should be amended so that the worker can get that to which he is entitled.

MR. GREGORY: You would make the employer pay twice, would you?

MR. HENSHAW: I would not stand by and see the men robbed.

MR. H. GREGORY (Menzies): I have no objection to the motion on the lines mentioned by the member for Leonora. I think that old section which

provided that the employer should obtain a statement from the contractor that the workmen had been paid was a very good section; as it prevented a dishonest contractor from getting the whole of his payments in reference to his contracts, and possibly robbing the men employed to the value of their wages. Any amendment of the present Act giving that power would have my fullest support. But if we are to go as far as the member for Collie seems to desire, and make it imperative that in the case of a contractor being a man of straw the employer would have to pay two wages—

MR. HENSHAW (in explanation): In this instance I should have said the contractor had been paid, because he took advantage of a very low price to let the work for considerably less than he was paid.

MR. GREGORY: The hon. member may wish to build a cottage. He may call for tenders for its erection and receive one for £200. Finances may enable him to enter into that contract feeling that he perhaps could not go farther than that. That price may be a particularly low one, and the contractor may fail; would the hon. member think it right for him to be compelled to pay other debts in connection with that work, and more especially wages, even though he had paid the contractor? If the hon. member wishes to have legislation for such purposes as that, I would not agree to it; but if he only require that special care be taken by the employer to retain money until the workmen are paid, I am quite with him. I could not see my way to go farther than that. I have no objection whatever to the suggestions brought forward by the member for Leonora, especially in regard to business people giving a contractor credit for goods with which to continue his contract. In the past there has been very little, if any, relief in reference to any person supplying such individual; and I think the motion by the member for Leonora very pertinent indeed and well worthy of consideration on the part of the Government. Provided it is only thus far the hon. member proposes to go, I will give him every support.

MR. M. F. TROY (Mt. Magnet): If this is placed on the statute-book, we may have an employer in one instance

paying a contractor and in the next instance compelled to pay the employees employed by the contractor. That would hardly be fair. I think if the member for Collie were to introduce a motion which would protect the employee by providing that the employer in the first instance should withhold certain moneys so that the employee of the contractor should be paid his wages, it would be a fair way of doing things. In my opinion that could be provided for in the measure, and it would do all that is required by the member for Leonora. If we accept this motion it may do grievous harm, and I hope the hon. member will agree to some amendment providing that the employer in the first instance shall make provision that the employees of the contractor shall receive their wages.

**THE MINISTER FOR LABOUR** (Hon. J. B. Holman): I am very pleased the hon. member has brought forward this motion, because I think members of this House recognise it is necessary to protect as far as we possibly can a person who works for wages. We desire not only to protect the worker but also the employer, so that the employer shall not have to pay twice by having to pay the contractor who may clear out, and then the wage-earner himself. This motion is hardly the safeguard I would like to see. Still, it is a matter which will receive serious consideration, and the question will be gone into fully. Any such principle brought into this Chamber should not only be in the direction of protecting the employee but also the employer of labour, to see that he has not to pay twice through the action of a contractor who clears out with the moneys earned by the workmen engaged by him. We recognise in a question like this that every protection must be given to both parties. As to the persons who sank a shaft and lost £300 wages, and also those who did not get proper wages for work at Collie, the fault was not that of the employer, but of the swindling contractor who cleared out with the wages. Any action we can take in bringing to book a person who does a thing like that cannot be too strong. I have no intention of opposing this motion, and I can assure the hon. member who brought it forward that every consideration will be given to the matter, and every effort

made to see this Act amended to protect workmen and also the employer from being swindled by being done out of money paid to a contractor.

**HON. F. H. PIESSE** (Katanning): I am in sympathy with the motion of the hon. member, but I do not think the object will be attained by the method he proposes. He proposes that a statement shall be made by the contractor that he has paid the men. A statement could very well be made by a contractor, and the contractor could leave the district and not pay the men. He could go out of the colony if needs be, and escape payment. Unless we had some verification from the men themselves there would be a difficulty in this direction. The present Act provides that where three days wages are due the person to whom they are due shall within seven days take action, if he considers it necessary to do so; therefore he has protection under the existing law which he can exercise in regard to wages due to him, so that he is not altogether without redress. At the same time I quite see the point by the hon. member that in some instances—I hope there are not many cases, I do not think there are—perhaps the contractor may receive his money, and as has been already stated go away without paying the men. He could still do it, as I just now pointed out, by making a statement just as the hon. member proposes. We should go farther, and afford additional protection by also having some statement verified by the men themselves. I take it there are very few contractors who would make a false statement, because, after all, it would probably be a statutory declaration, thus rendering any man liable to prosecution for making such false statement by way of perjury. He could be proceeded against. Still after all, if one were so inclined to avoid payment of money, he might come forward and run the risk even of making such a statement. I take it the matter will be looked into. It needs looking into, as mentioned by the Minister, with a view to the protection of the employee and employer. Perhaps it will give some farther point in dealing with the matter, which, after all, is an important one.

**MR. LYNCH** (in reply): I am glad the House has received this motion in a sensible spirit; because it has seemed to

members that there has been a very glaring act of injustice. Certainly, to the honour of contractors, there are not many of the description I have mentioned, but there are quite sufficient to warrant the House in moving, and in moving quickly. The objection of the member for Mt. Magnet is not serious, because it is based on a misapprehension. The contractor, when he furnishes a statement that he has paid the wages, provides a sufficient safeguard against the employer being charged doubly for the work done. As to the suggestion of the member for Katanning that there should be a statement from the workmen, that is desirable. If a contractor choose to be so dishonest as to make a false declaration, we should have a declaration by the workmen.

Question put and passed.

#### TRANSFER OF LAND ACT AMENDMENT BILL.

##### SECOND READING.

Debate resumed from the previous day.

MR. C. H. RASON (Guildford): In reference to this Bill, I can hardly regard it as the innocent measure the Minister for Justice made out it was. If this amending Bill becomes law, it will render it possible for any land to be sold for rates, without due notice to the other parties interested—without notice to the mortgagee, for instance. It will render it possible for there to be two certificates of title to one property. Clause 2 provides that the registrar of titles shall issue a certificate of title, free from encumbrance, to the purchaser of land sold for the non-payment of rates. The parent Act provides that the production of a certificate of title is conclusive proof of the ownership; so that we may have an absentee owner, properly possessed of his certificate of title, having the property referred to in his title sold for non-payment of rates, and another certificate issued to another party. Therefore there would be two certificates of title for the one property. The Act provides that the mere production of either title is conclusive proof of ownership. I am much interested to know how the Minister for Justice proposes to get over that difficulty. Even if it could be surmounted, I submit we are likely to do a great deal

of harm by passing the Bill. I should like to know why it is sought to introduce the amendment? What has prompted it? I know some cases have occurred in the past in which some legal difficulty has been caused to certain individuals, but I trust it is not because of these difficulties that this Bill is introduced. Depend on it, if security of title is to be exposed to damage in this way, people possessed of property in Western Australia, or a man striving to get on in the world by borrowing money on property with the object of building on that property or for other purposes, will find it extremely difficult to borrow at all. No person having money to lend would lend that money on real property if he knew that without the slightest warning to him, and without due notice, that property could be sold for the non-payment of rates. It will be readily seen this will open the door to all sorts of scandalous transactions. A man might appoint an agent to pay rates on property, and that agent, if a dishonest person, might not pay those rates, and if the land was sold the agent might purchase the property himself for that matter.

MR. BURGESS: That has happened.

MR. RASON: It has happened, and is likely to happen again. The amending Bill makes it more easy to happen. The agent would then, having purchased the property, get a certificate of title, and the previous owner would retain his certificate. There would be two persons each possessed of a certificate of title for that property. The parent Act provides that the mere production of a certificate is proof of ownership. I trust the House will take time to consider this question before allowing the second reading to pass. The Minister for Justice referred us to the Queensland Act, or rather said that this Bill was copied from the Queensland Act, but there is no reference in the Bill itself as to what Act that is; and members are in this difficulty: that, although I have striven to find a copy of this particular legislation on the Queensland statute book, I have been unable to do so. It may still exist, but I have been unable to find it. I do not doubt the Minister's word, but if he had given us the particular Act referred to, and if, as is usual, the Act copied from was stated in a marginal note, every member of the

House would have been able to compare this Bill with the Act it is supposed to be copied from. I think I have already, without labouring the question, shown cause why at least the House should pause before passing legislation of this kind, and I ask—and indeed I am sure the Minister for Justice will agree—that we should not hurry the second reading of the Bill until we have, at all events, an opportunity of hearing the opinion of the legal member of this House, other than the Minister for Justice, on this subject.

**THE PREMIER (Hon. H. Daglish):** The object of the Bill is only to enable transfers to be given. As it has been imagined for years past that they could be exchanged for certificates of title, and I believe it is essential to remove the difficulty, unless the provision in a number of our Acts is to be entirely worthless. The Bill relates to only two cases which come under certain Acts, which Acts provide for the sale of land for the non-payment of rates. Before any sale of land can take place on account of the non-payment of rates there must be repeated notices given, first of all to the person by whom the rates are due. Subsequently to that, there must be an application made to a Judge of the Supreme Court, for an order to sell. That is the second protection. When the Judge is referred to, he does not give an unconditional order to sell, but he gives an order to sell with conditions in regard to the method of notifying the owner by advertising. It is not merely to post a letter, or even a registered letter to the person, but it is likewise necessary to advertise in certain papers.

**MR. RASON:** Local newspapers.

**THE PREMIER:** Not necessarily. Papers which are supposed to be local in places where the person lives, or papers that may be chosen by the Court. The Judge of the Supreme Court, before making an order, satisfies himself that every protection has already been given to the owner, or orders such advertisements as, to his mind, appear necessary, in order to give that adequate protection. That is the second, and in my opinion, an all-sufficient protection to the person owning the land. After the advertising, the sale takes place. Sales have taken place in some cases, and persons in all good

faith have bought, as municipalities have in all good faith sold, these lands for the non-payment of rates. Subsequently new certificates of title have been refused, on the ground that the old certificate is in existence. In order to produce the old certificate, either the municipality, or the vendor, or the Titles office would be bound to obtain the old certificate from the proprietor of the land. I think members must recognise the difficulty and the impossibility, as far as either the purchaser or the municipality is concerned, of obtaining a title from the owner of the land who previously refused to pay rates to retain the title. I am quite aware there may be cases such as that mentioned by the leader of the Opposition where a person has an agent, who either is dishonest or negligent and who receives the rates and does not pay them in. The question arises as to whether for that dishonesty the municipality or the person who appoints the agent should suffer. It seems to me a much more reasonable position that the person who appoints the dishonest or negligent agent should himself suffer for the culpability or negligence of the person he has selected to represent him. That is the rule through commercial life. If a person in business engages a dishonest servant, and the dishonest servant misappropriates money, it is not the person from whom he has obtained the money who has to make it good, but the person engaging him, because that person is responsible for the character of the person employed. That is exactly the case in matters of this description. Rightly the responsibility for the honesty and faithfulness of the person employed is cast on the employer and not on the municipality, who otherwise would be the loser by his action.

**MR. RASON:** What about the certificate being proof of ownership?

**THE PREMIER:** In regard to that, the position is the same in connection with a municipality as in connection, at the present moment, with forced sales by the Sheriff. Supposing the original certificate cannot be obtained, through the absence of the person by whom it has been held, then already our laws provide for the existence of dual certificates; and the difficulty referred to by the hon. member has already been overcome by



the law relating to forced sales. Here the only difference is in the circumstances leading up to the forced sale. We have as much right to insist on persons realising and fulfilling their responsibilities to public corporations as on their realising and fulfilling obligations to private persons. That is the whole point in question: whether we are to allow persons to get all the advantages of municipal expenditure, all the advantages of payments made by other ratepayers; and, simply to set the municipalities at defiance, refuse to pay rates, and to be irresponsible. Because, after all, we are making non-resident ratepayers irresponsible if we do not provide machinery for levying on their properties in the event of their neglecting to pay rates. Municipalities have already very full powers over resident ratepayers. There is power to levy on the property, not of the owner of the land, who may be primarily regarded as the person who should be responsible for the rates, but on the property of a tenant who in some cases through a change of residence may not have received the ordinary notice. If notice has been served there is power to levy on the goods of a tenant; therefore as a person resident in a municipality is penalised for not paying his rates, then, if we refuse to enact this measure, we shall make it impossible to enforce the payment of rates by non-residents. I speak with considerable experience of the difficulty of collecting municipal rates on unimproved lands held by persons not resident in the municipality. In a large number of cases it is impossible to collect such rates without threatening the most stringent measures, and impossible in some cases to collect them unless proceedings other than mere threats are taken. We must give the municipalities that power or we shall seriously restrict the possibilities of municipal improvement. This is not a question which affects one municipality more or less than another. It is a question in which all are widely interested; and we have not only to conserve the interests and the rights of the defaulting ratepayer: we ought to give even more consideration to the interests and the rights of the persons who cheerfully fulfil the obligations of citizenship in providing the funds which help to

build up the municipality. And if we are to consider those people who pay, we must provide means of enforcing the obligations of those who of their own accord insist on refusing to pay. I therefore trust that the Bill will be accepted by the House.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

MR. BATH in the Chair; the MINISTER FOR JUSTICE (Hon. R. Hastie) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Registration of purchaser on sale in default of payment of rates:

THE MINISTER moved an amendment:

That the word "the," in line 7, be struck out, and "any" be inserted in lieu.

Amendment passed.

HON. F. H. PIESSE: The clause provided that the registrar should "if necessary" order the publication of such advertisements as were provided in the case of dealings with land when the certificate of title was lost or not produced. Surely such advertisements were in all cases necessary.

THE MINISTER: No. Ample provision for advertising was made under the Municipalities Act, the Roads Act, and the Water Boards Act, etcetera. In many cases farther advertising of the property of the defaulting ratepayer would be unnecessary; but if the registrar thought past advertising insufficient, he could by this clause direct additional advertising. This power might safely be left with the registrar.

MR. RASON: Surely it was absolutely necessary that the same notice should be given in this as in other cases. There was difficulty in issuing a dual certificate of title for one property. The principal Act provided that the certificate of title should be received in all courts as evidence of the particulars which it set forth, and should be conclusive evidence of the proprietorship or the interest of the holder. Whatever errors might have occurred in the past, there was no need to increase the danger by having two persons each of whom could produce a certificate of title to one property, each certificate being in a court conclusive evidence of ownership, the first man being the original

owner, and the second the owner by reason of the sale of the property for non-payment of rates. By this clause, under the Municipalities Act, the Roads Act, the Goldfields Water Supply Act, the Water Boards Act, and the Metropolitan Water and Sewerage Act, a property could be sold without the owner's knowledge. None wished to put obstacles in the way of recovering rates due; but the owner or other person having interest in a property should be protected against its being sold without his knowledge. The clause should be altered to provide for due notice. The last paragraph of the clause provided that it should not apply to certificates of title given in respect to sales effected before or after the passing of this Act. He had a vivid recollection of a dispute as to retrospective legislation. This was purely retrospective legislation to which there was grave objection. The Minister should explain this, and should give reasons why it was not advisable to give a little more thought to suggestions advanced in no antagonistic spirit, but with a desire to assist the Government in the recovery of rates due to local governing bodies. It must be remembered that we should protect the rights of property as well as other rights.

THE PREMIER did not desire to push this matter, seeing that there was a request for farther consideration. In regard to advertising, it must be borne in mind that the Judge did not make an order without satisfying himself that reasonable notice was given to protect the rights of any person having an interest in land desired to be sold. In regard to the question of notice, where the duplicate might not be produced, power was given to the Registrar to require that certain notice should be published; but where the duplicate was produced it became unnecessary to advertise. There might be cases where valueless blocks of land were sold on which the cost of advertising would run to the value of the land. In regard to providing that the Bill should apply to sales effected before the passing of the Act, this was intended to cover the sale of some land by the Cottesloe Road Board about two or three months ago. The board complied with the requirements of the Act, advertisements were

made, and the persons bought in good faith, believing that they could obtain the title and the vendors believing that they could give a title, but when the transfer was presented it was found for the first time that there was no power to obtain a title through a defect that should undoubtedly have been provided for by our law. Seeing that we gave the power under the Roads Act to sell land, we should have given power under the Transfer of Land Act to render these sales effective; otherwise we should mislead the corporations and the purchasers. In the cases referred to we were justified in providing the remedy given in this Bill. The leader of the Opposition was only anxious to see that the law was made as effective as possible, and the Minister in charge of the Bill was quite willing that progress should be reported.

On motion by MR. RASON, progress reported and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 22 minutes to 11 o'clock, until the next afternoon.

### Legislative Council,

Thursday, 1st December, 1904.

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THE PRESIDENT took the Chair at 4.30 o'clock, p.m.

#### PRAYERS.

#### PAPERS PRESENTED.

By the MINISTER FOR LANDS: Return showing Shipping Agents' charges on