

Government must have a powerful voice in their management. The works will then be a success; the meat will be frozen at Wyndham and shipped to Perth. But if we allow those works to be taken in hand by the people who now hold the bulk of the cattle in East and in West Kimberley, I say we shall build up a worse monopoly than we have to-day. But though there be a monopoly in the meat business, I do not say nor do I think that the people who enjoy that monopoly are to blame for their actions. I do not think we can blame them for trying to forward their own individual interests at the cost of the whole community. But it is our duty to take every means in our power to give the small holders of cattle a chance of getting at the market direct, and to reduce the price of meat to the public I move as an amendment—

That all the words after "be," in line 2, be struck out, and the following inserted in lieu: "maintained, and that immediate steps should be taken to induce the establishment of freezing and chilling works at Wyndham, on such conditions as may provide the full advantages of the process to all cattle owners within the district."

MR. MORAN: Somebody should explain what is meant by "inducing" the establishment of freezing works.

MR. ILLINGWORTH took the Chair.

MR. W. ATKINS (Murray): I second the amendment, because I think it is in the best interests of the whole country. I do not perceive how freezing works can harm the stockowners in East Kimberley; and I think much good will be done if the establishment is properly managed, so as to provide cheaper meat and a larger supply; that is, to get more meat and better meat from the number of cattle killed. As the member for West Kimberley (Mr. Pigott) says, freezing works and chilling works should be started and operated immediately, and in the most approved manner possible; and they should not be allowed to be conducted by any one set of people: they should be managed in such a way that the whole country shall get the full benefit of them. I do not think this question has been much considered, and in the circumstances I move that the debate be adjourned.

MR. MORAN: I object that the hon. member cannot do so, after a speech of that length.

Motion passed, and the debate adjourned.

#### ADJOURNMENT.

The House adjourned at 9:45 o'clock, until the next day.

### Legislative Assembly.

Thursday, 3rd September, 1903.

	PAGE
Bills: Trans-Australian Railway Enabling Bill, first reading	798
Redistribution of Seats, in Committee <i>pro forma</i>	798
Inspection of Machinery, in Committee resumed, progress	799
Factories, second reading concluded	805
Railway Traffic, second reading resumed, adjourned	825

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

#### PRAYERS.

#### PAPER PRESENTED.

By the MINISTER FOR MINES: Report (annual) of gaols and prisoners.  
Ordered, to lie on the table.

#### TRANS-AUSTRALIAN RAILWAY ENABLING BILL.

Introduced by the PREMIER, and read a first time.

#### REDISTRIBUTION OF SEATS BILL.

##### IN COMMITTEE *PRO FORMA*.

On motions by the PREMIER, the amendments recommended by the Select Committee were adopted *pro forma*, for the purpose of being reprinted in the Bill before discussion.

Bill reported with amendments.

Ordered, that the Bill be reprinted accordingly.

# INSPECTION OF MACHINERY BILL.

## IN COMMITTEE.

Resumed from 1st September.

MR. HARPER in the Chair; the MINISTER FOR MINES in charge of the Bill.

Clause 56—Examinations:

THE MINISTER FOR MINES: An amendment had been moved by the member for Hannans (Mr. Bath), to strike out all the words after "be" in line 6, and insert "an experienced qualified winding-engine driver recommended by the engine-drivers' [association]." To the suggestion that one member of the examining board should be nominated by the Engine-drivers' Association the Government could not agree; but he assured the Committee that this member of the board, whether or not a qualified engineer, would have practical experience of a winding engine; and he (the Minister) would move an amendment to permit the appointment of a first-class driver who was not an engineer, should a suitable engineer be unprocurable.

MR. JOHNSON: Make the clause to read "a certificated winding-engine driver;" else a second-class man might be appointed.

THE MINISTER FOR MINES: None would be appointed but a first-class man with practical experience of a winding plant.

MR. TEESDALE SMITH: To strike out "qualified engineer" would be a mistake, as the position and the attainments of an engineer were higher and better than those of a mere engine-driver. The result of the amendment could not be satisfactory.

Amendment withdrawn.

THE MINISTER FOR MINES moved that the words "qualified engineer" in line 6 be struck out, and "certificated engine-driver" inserted in lieu. If a qualified engineer with practical experience of a winding plant were procurable, he would have the preference; but such practical experience was essential for the position, owing to the necessity for all holders of first-class certificates having a thorough knowledge of winding-engines.

MR. TEESDALE SMITH: This amendment would be satisfactory so far as the goldfields were concerned, but not satisfactory to the South-West. It was

like taking an engine-driver and giving him a higher place than a qualified engineer. The Chief Inspector of Boilers was perfectly qualified, and was a good man; but in the case of flour mills and in places away from the goldfields, the insertion of the words "qualified engineer" would give the Minister power to appoint a qualified engineer if he thought it advisable. Otherwise the Minister would not have that power.

THE MINISTER FOR MINES: According to the Bill, the person appointed could not get his certificate without experience.

MR. TAYLOR: The desire of the member for Wellington (Mr. Teesdale Smith) was to create two laws, one for the goldfields and one for the coast and South-West. This was unreasonable. The engine-driver appointed would need to be in possession of a first-class certificate. The board would be composed of the Chief Inspector of Boilers, the State Mining Engineer, and the next best man we could get, a first-class engine-driver. It was a board to examine engine-drivers; and it was good to get a first-class engine-driver, backing up his experience with that of the other two members of the board.

MR. TEESDALE SMITH: It was all right for the goldfields.

MR. TAYLOR: It was as good anywhere else. It was as necessary to take precautions in the matter of engine-drivers in the South-West or in the coastal districts. The board would be a very good one.

MR. TEESDALE SMITH: The Chief Inspector of Machinery would represent the theoretical part and the State Mining Engineer everything that was necessary on the goldfields. A qualified engineer was needed to make up the other part. The member for Mount Margaret (Mr. Taylor) and the Minister wished to give the goldfields double protection, leaving out of consideration the other parts of the State. An engine-driver, be he ever so good, was not a mechanic, and knew nothing about engineering. The engineer should examine the engine-driver, and not the engine-driver the engineer.

MR. TAYLOR: The board was to be appointed to examine engine-drivers. The Chief Inspector of Boilers would represent more than the theoretical part.

He would also have practical knowledge. He (Mr. Taylor) would be sorry for the machinery and for the lives of men if the Chief Inspector of Boilers was only a man of theoretical knowledge. The State Mining Engineer was armed with a double amount of theoretical knowledge, making it all the more necessary to have an engine-driver on the board.

Amendment passed, and the clause as amended agreed to.

Clauses 57, 58—agreed to.

Clause 59—Certain engine-drivers to be deemed to hold certificates under this Act:

MR. BATH moved as an amendment,

That all the words after "Act," in line 5, be struck out.

The granting of certificates under the Boat Licensing Act of 1878 was done in a slipshod manner, and we should not allow those who held them to rank as holders of second-class certificates under this Bill.

THE MINISTER FOR MINES: It was intended to strike out the word "second-class" in the last line, and insert "marine engine-driver's." Members would see the Bill gave power to grant first, second, and third-class certificates; then the locomotive or traction engine-drivers' certificates; then marine engine-drivers' certificates. He desired to keep good all the certificates. If we left the wording as it stood, those who held marine engine-drivers' certificates would be called second-class men, and they would not be allowed to carry on their calling as marine engine-drivers; but at the same time a marine engine-driver's certificate stood exactly in the same sense in the Bill as a second-class certificate. If his amendment were passed, not only would the holder of a certificate granted under the Boat Licensing Act be entitled to continue his calling, but under a clause we had already passed he would be entitled to do any work as the holder of a second-class certificate. Under the Boat Licensing Act no certificates were granted at all except by examination, but under the Mines Regulation Act certificates were granted for service.

MR. BATH: Now we were making a uniform system of examination and granting certificates, we should ask those who held certificates under the Boat

Licensing Act to go through the process of examination to get a certificate. If they were competent, they would not have the slightest difficulty in obtaining these certificates by examination, and if they were incompetent—and it had been proved that many of them were—the fact of their not being able to pass the examination would show it. If men were compelled to leave their occupation to undergo an examination, we could dispense with the payment of fees in their cases.

THE MINISTER FOR MINES: Did the hon. member advise us to cancel all the certificates granted under the Boat Licensing Act?

MR. BATH: No.

MR. TEESDALE SMITH: There were a number of engine-drivers who, if it were not for their length of service, could not possibly obtain a certificate. To ask men who had been from 25 to 40 years driving engines to come up for examination was an absurdity, and men would be thrown out of employment.

MR. JOHNSON: If a man held a certificate and was competent, he would have no difficulty in getting a second-class certificate. Labour members wanted to protect the employer against incompetent men. Incompetent men should not be in a position to take the same rate of pay as competent men, and there was no way of deciding who was competent and who was incompetent except examination.

MR. TAYLOR: Was the examination under the Boat Licensing Act as severe or stiff as the examination under this Bill?

THE MINISTER FOR MINES: One would naturally consider that any board appointed for the purpose of granting certificates to engine-drivers would say that a person applying for a certificate as a marine engine-driver would have more ability than a man working an ordinary stationary engine. It should be harder to obtain a certificate granted under the Boat Licensing Act than to obtain one as an ordinary engine-driver. If members who raised objection regarding the intention as to marine engine-drivers asked that every certificate of service granted under the 1895 Act should be cancelled, and that all those engine-drivers upon the fields who had been

granted certificates under that Act should pass an examination, he would think they were in earnest.

MR. JOHNSON: If the Minister for Mines would support that, he (Mr. Johnson) would move it.

THE MINISTER FOR MINES: That would be opposed by him for the same reason as that for which he was trying to get this clause passed. Men who had been engaged in their calling for many years, and were perhaps 50 or 60 years of age, might not be able to pass an examination to-day such as would be required, and he was not going to ask them to do so.

MR. TAYLOR: What provision was going to be made with regard to those who had certificates under the Boat Licensing Act, and who were second-class drivers now? Was any provision being made for them?

THE MINISTER FOR MINES: There was no second class.

MR. TAYLOR: Why should the provision be inserted here?

THE MINISTER FOR MINES: Because it was equal to a second-class certificate. He intended to move later on to strike out the words "second class" and insert "marine engine-drivers" instead. A man holding a second-class certificate under Clause 153 would not be able to drive a marine engine.

MR. TAYLOR: The idea of the Minister was to place a marine engine-driver on the same footing as the man who had a second-class certificate; but not to place the second-class engine-driver on the same footing as the marine engine-driver.

THE MINISTER FOR MINES: Because the marine engine-driver had to pass a special examination.

MR. TAYLOR: The Minister thought that the marine engine-driver's examination was stiffer than that for a second-class certificate?

THE MINISTER FOR MINES: Certainly. Amendment put and negatived.

THE MINISTER FOR MINES moved that in line 7 the words "second class" be struck out, and "marine engine-drivers" inserted in lieu.

MR. JOHNSON: One or two evenings ago the Chairman ruled that it was out of order to move an amendment in this portion of the clause. The member for

Hannans (Mr. Bath) had moved that all words after "Act" in the clause be struck out; now the Minister moved that a portion should be struck out.

THE CHAIRMAN: The hon. member was quite right; the amendment was out of order.

Clause put and passed.

Clause 60—Certificates of service may be granted:

THE MINISTER FOR MINES: It would be well if the member for Hannans (Mr. Bath) in moving his amendment only proposed to strike out the first portion, because he (the Minister) desired to strike out Subclause (a), which gave the right to the board to grant certificates of service to persons under the 1895 Act. Under that Act persons had eight years of service, and he now objected to any person coming along and saying he had had charge of an engine eight years ago and desired a certificate of service. If a person was in charge of an engine eight or nine years ago, and had been away from his calling for several years, it would be improper now to grant the person a certificate of service without examination. The member for Hannans desired to strike out the whole clause.

MR. BATH: Only Subclauses (b) and (c).

THE MINISTER FOR MINES moved as an amendment:

That Subclause (a) be struck out.

A man who had been eight years away from an engine should not have the right to obtain a certificate. Under the Coal Mines Regulation Act and the Gold Mines Regulation Act, engine-drivers were bound to obtain certificates by examination, but it was not compulsory for engine-drivers at saw mills and flour mills to obtain certificates of service.

MR. TEESDALE SMITH: How would a man at a saw mill get on now?

THE MINISTER FOR MINES: Subclause (d) provided for such cases.

MR. TEESDALE SMITH: He could only obtain a second-class certificate.

THE MINISTER FOR MINES: It was not proposed to give a first-class certificate to any person who had never seen a winding-engine, because a first-class certificate entitled a driver to take charge of a winding-engine.

MR. BATH: The Minister desired the Committee to agree to the striking out of Subclause (a), but he wished to retain Subclauses (b) and (c). It was unfair to strike out Subclause (a), and then under Subclauses (b) and (c) give certificates of service without an examination. Under the Bill it was provided that persons driving various classes of engines should have certificates, and it was illegal for a person to be in charge of an engine without a certificate; yet under the whole of the subclauses we were practically placing a premium or encouraging people to break the law by granting certificates, because they broke the law by driving engines without a certificate. He (Mr. Bath) was desirous of striking out Subclause (a), but he would not agree to strike it out unless the Minister would give an assurance that he was prepared to strike out Subclauses (b) and (c). The same argument which the Minister used in reference to the striking out of Subclause (a) applied to Subclauses (b) and (c).

THE MINISTER FOR MINES: If the member for Hannans would give his assurance that he represented the Engine-drivers' Association, then he (the Minister) was prepared to leave Subclause (a) in; he was not particular about it. He wished to give certificates of service to those men who came under Subclauses (b) and (c). A man might have been employed on a sawmill for several years.

MR. TEESDALE SMITH: There had been no compulsion for a man to get a certificate up to date.

THE MINISTER FOR MINES: No; he had never been asked, and there was no Act making it compulsory that one should hold a certificate.

MR. TAYLOR: If the member for Wellington (Mr. Teesdale Smith) had his way these men would never hold certificates.

MR. TEESDALE SMITH: They would do just as well without them.

MR. TAYLOR: For the hon. member.

THE MINISTER FOR MINES: In future every man would have to hold a certificate, but it was only fair when men had been working engines for a lengthy period—over 12 months—they should be granted a second-class certificate.

MR. TAYLOR: It was breaking the law.

THE MINISTER FOR MINES: No; he was not breaking the law.

MR. TAYLOR: But the men had been breaking the law.

THE MINISTER FOR MINES: It was compulsory to hold certificates in connection with coal mines or gold mines, but there was no law which made it compulsory for an engine-driver at a sawmill or a flour mill to hold a certificate: that was why he wished to give certificates to those people now. In future, anyone driving a small engine at a woodyard would have to take out a third-class certificate under the Bill.

MR. TAYLOR: A man would not have to pass a very stiff examination for that.

THE MINISTER FOR MINES: A man who had been working an engine which had a cylinder over 13½ inches in diameter, for 12 months, would have to hold a certificate. If a man was capable of doing that work for 12 months we should give him a certificate of service. If the goldfields members thought that Subclause (a) should remain in, he would withdraw his amendment.

MR. BATH said he desired to move an amendment to strike out the whole clause, and he did so for the reason that the Minister was very disingenuous in saying that he desired to retain Subclauses (b) and (c), and desired to encourage members to reject Subclause (a). There was no desire to retain Subclause (a), but he wished to see the matter placed on an equal footing: if there were to be certificates of service, then they should be given right through. The Minister was wrong when he said that he (Mr. Bath) was anxious to treat one section of the community better than another; to allow those who had certificates of service before 1895 to continue to hold them, while he refused certificates to others. Many who held certificates of service had certificates of competency. He had no doubt 90 to 95 per cent. of those holding certificates of service had certificates of competency.

THE MINISTER FOR MINES: That was not correct.

MR. BATH: It was correct, and he was in a better position than the Minister to know.

THE MINISTER FOR MINES: The information which he had came from the chairman of the board.

**MR. BATH:** To test this matter, he moved to strike out Clause 60.

**THE CHAIRMAN:** The amendment could not be accepted, as there was an amendment already before the Committee.

**MR. JOHNSON:** The member for Hannans (Mr. Bath) could attain his object by supporting the amendment and subsequently moving to strike out Subclauses (b) and (c). He (Mr. Johnson) would vote for striking out all three, for the Minister's argument in favour of striking out (a) applied with equal strength to (b) and (c.) But as Subclause (a) applied to the goldfields, the Minister opposed it, and supported (b) and (c) because they favoured the agricultural districts.

**THE MINISTER FOR MINES:** No man's certificate would be cancelled; but the striking out of Subclause (a) would prevent his becoming qualified by saying that eight or nine years ago he had worked on a mine.

**MR. JOHNSON:** But the Minister had frequently referred to the fact that when the 1895 Act was passed, goldfields engine-drivers were pleased to accept their certificates without passing examinations, and to the fact that on the coast engine-drivers never had certificates. This could not be said of the goldfields; for prior to the 1895 Act drivers on the goldfields were certificated men from the Eastern States, principally from Victoria; and by virtue of their certificates they were entitled to certificates in this State without passing examinations. For sawmill and other engine-drivers in the agricultural districts there was no examination, the drivers held no certificates; yet now the Minister proposed that anyone driving or connected with an engine for 12 months before the passing of this Bill should be given a certificate. Such men, never having been certificated, had no claim; whereas the goldfields drivers held certificates from the East.

**MR. ILLINGWORTH** supported the Minister in striking out Subclause (a), and regretted that the whole clause could not be struck out. If certificates were to be given under the clause, they should be given after examination only, or injustice would be done to men working for years to qualify for certificates who would suddenly find that other men, after 12 months' experience, could be certificated.

**MR. TEESDALE SMITH:** To refuse a certificate to a man who had for years driven an engine would be a gross injustice. One man he knew had been engine-driving since 1874, and was thoroughly competent, but being illiterate could not pass an examination. The Minister was to be congratulated on his firm stand.

**THE MINISTER FOR MINES** withdrew his amendment, so as to let the Committee decide whether the whole clause should be struck out. When the 1895 Act was passed, any applicant holding a certificate of competency from the East was granted a certificate of equal value in this State; and when the issue of certificates commenced, about three certificates of service were granted to one of competency. Let members be consistent; and if they provided that a goldfields engine-driver should not get a certificate of service, make a motion that every certificate of service granted under every Act be cancelled.

**MR. TAYLOR:** Of what use our moving in face of the Minister's brutal majority?

**THE MINISTER FOR MINES:** The hon. member would hardly move to cancel all certificates of service, thus preventing men who for many years had earned a living under these certificates from continuing to do so unless they passed examinations.

Amendment withdrawn.

**MR. BATH** moved as an amendment,

That the clause be struck out.

The Minister had withdrawn from a very illogical position. As for his challenge to move a direct motion that all certificates of service be cancelled, that would be somewhat unjust; for it would prevent some men from following their occupations unless they had an opportunity of passing the examination. Striking out the clause would not work injustice; for drivers would be allowed a reasonable time to go up for examination, and no competent driver could fail to pass, not even the illiterate man mentioned by the member for Wellington (Mr. Smith), for the examination was largely oral. Insist, by striking out the clause, that men who had secured their certificates before 1895 must pass the examination before being certificated under this Bill. It was illogical to say that a man who was illegally driving an engine for 12 months, not having a certificate, should

be encouraged in that course and given a certificate for having acted illegally. If he was competent, he could pass the examination.

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

Ayes	...	...	...	8
Noes	...	...	...	23

Majority against ... 15

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Hastie	Mr. Burges
Mr. Holman	Mr. Butcher
Mr. Illingworth	Mr. Ferguson
Mr. Johnson	Mr. Foulkes
Mr. Reid	Mr. Gregory
Mr. Taylor	Mr. Hassell
Mr. Daglish (Teller).	Mr. Hayward
	Mr. Hicks
	Mr. Jacoby
	Mr. James
	Mr. McDonald
	Mr. Nanson
	Mr. Piesse
	Mr. Pigott
	Mr. Purkiss
	Mr. Quinlan
	Mr. Rason
	Mr. Smith
	Sir James G. Leo Steere
	Mr. Wallace
	Mr. Yelverton
	Mr. Higham (Teller).

Amendment thus negatived, and the clause passed.

Clauses 61, 62—agreed to.

Clause 63—Certificate from beyond the State recognised:

MR. BATH moved to strike out the whole of the clause. Clause 61 practically provided for the same thing by granting interim certificates, so that it would not be necessary to grant a certificate of service under this clause. A man coming to the State with a certificate from another State should be compelled to go up for examination within a reasonable time. It was probably a matter of reciprocity, but we did not know the class of examinations conducted in other States. No injustice would be done to men coming to this State by giving them interim certificates and then asking them to go up for examination.

MR. TEESDALE SMITH: This would be another injustice. A man, who had gone through his examination in another State and who held a certificate might come to this State at the age of 45 or 50, and the member for Hannans (Mr. Bath) would compel him to take up his books again and go through a theoretical examination. At this age a man was past book learning, but he might be a thoroughly competent engine-driver, and

it would be an injustice to put him out of work by striking out the clause.

THE MINISTER FOR MINES: The member for Hannans was always willing to tell the House of the very liberal legislation in New Zealand. This clause was taken from the New Zealand Act. A certificate from the other States should have the same force here.

MR. BATH: Had the Minister in drafting the Bill taken the New Zealand measure and copied the whole of it, he would not have gone far wrong, and he (Mr. Bath) would have accepted with the greatest pleasure the section the House was now debating. Although the New Zealand Act provided for a uniform examination, it did not provide for any exemption from examination such as this Act provided. There were other States in the Commonwealth which granted certificates, but in many instances the examinations were not of a very satisfactory nature.

THE MINISTER FOR MINES: Did not the hon. member say that the board of examiners in New Zealand was a travelling board?

MR. BATH: Yes.

THE MINISTER FOR MINES: The hon. member was wrong, though he had been accepted as an authority on the New Zealand legislation; and in view of the incorrectness of his statement with regard to the board, how could we accept his statement with regard to examinations in other States? In New Zealand the board was wholly departmental, sitting at Wellington, and did not traverse the country. He (the Minister for Mines) had gone a little farther than the New Zealand Act and insisted on two inspectors, instead of one, conducting examinations.

MR. BATH: The New Zealand section to which he had referred was in the Inspection of Machinery Act, 1892, which stated that all examinations should be conducted by a board consisting of the Chief Inspector of Machinery and the Inspecting Engineer of the Mines Department.

THE PREMIER: The hon. member had said that it was a travelling board: what he had now said did not answer the question.

MR. BATH: If examinations were held in various centres and the board

conducted them, the board must necessarily travel to those centres.

**THE MINISTER FOR MINES:** That was not the case.

**THE PREMIER:** The hon. member's statement had not been justified.

**MR. JOHNSON:** All that the Labour members desired to alter was the word "supervise." They desired to insert the word "conduct," which was used in the New Zealand Act. Some States held good examinations, and drivers passing them would have no difficulty in passing the local examination; but in Queensland there was a lax system, and the Queensland certificated drivers should not be put in a position to claim a certificate in Western Australia, because, not having passed an examination equal to that in Western Australia, they did not deserve the certificate.

**MR. TAYLOR:** Was there reciprocity in the Eastern States in this matter, so that the holder of a Western Australian certificate could be admitted to any other State?

**THE PREMIER:** There ought to be reciprocity.

**MR. TAYLOR:** If there was no reciprocity in other States towards Western Australia, there was no necessity to press the clause.

**THE MINISTER FOR MINES:** On recomittal if we found we could not get reciprocity with certain States, we could exclude certificates from those States. New Zealand and Tasmania held similar examinations.

**MR. HOLMAN:** Would it be inserted in the clause that the examinations in the Eastern States must be as severe as those in this State, before a certificate be granted in Western Australia to a man arriving from another State?

**THE MINISTER FOR MINES:** That would be absolutely impossible. One could not discover the class of examinations held in other States.

**THE PREMIER:** Examinations depended very much on how they were held.

**MR. TEESDALE SMITH:** It was regrettable that the Minister was going to narrow the question down to what obtained in other States. There was no reason why we should object to the certificates of other States on the ground

that those other States would not grant certificates to Western Australian drivers.

**THE PREMIER** disagreed entirely with the hon. member.

Amendment negatived, and the clause passed.

On motion by the **MINISTER**, progress reported and leave given to sit again.

# FACTORIES BILL.

## SECOND READING.

Resumed from 11th August.

**MR. S. C. PIGOTT (West Kimberley):** On looking through this Bill I am glad to be in a position to state that the measure up to a certain point will receive the support of members of the Opposition. I have been carefully through the Bill, and I find in most regards it follows out the lines of the present factory legislation in force in Great Britain. I think that with one or two exceptions the Bill may be accepted, and I hope that the alterations which we consider necessary will be made in Committee. I would like to refer to a few remarks passed by the Minister for Works when he made some reference to this Bill. He said:—

Surely the hon. member does not wish to go back to those dark ages in which the conditions of the worker were simply horrible, where in their surroundings men, women, and children were little better than brute beasts.

This was saying that anybody who opposed factory legislation wished to go back to that time.

**THE MINISTER FOR WORKS:** The first quotation was correct.

**MR. PIGOTT:** The Minister also said:

Surely a Factories Bill, which goes no farther than to say that the conditions of the worker shall be as clean and healthy as possible, puts no disabilities on any man who is trying to do that which is right.

To that extent I think I can perfectly agree with him, but when we have to go into the details of the Bill and to go through the definition, we find that the definition is exceedingly wide, and it is very difficult for anyone who is not in the legal profession to say how far that definition may go. In most cases there are in this Bill amendments on the old Bill which were suggested in Committee last year. I will admit in regard to many amendments that were passed last year in Committee that the Premier, in my opinion, will be very wise in omitting

them. I do not wish to go back to the time when this Bill was so sharply debated in this House, but I would like to say that in some respects it deserves a certain amount of opposition, because it is not altogether what it purports to be. If we come to Clause 50, for instance, we have sandwiched in amongst other clauses a clause that has nothing whatever to do with factories, a clause which deals with the hours of work of carters. I cannot for the life of me see any reason why that clause should be inserted.

THE PREMIER: The Committee put it in.

MR. PIGOTT: I know the Committee put it in, but the Premier has not returned to this House the Bill with all the suggestions.

THE PREMIER: Nearly all that passed.

MR. PIGOTT: The Premier might very wisely have left this clause out. I do not think he is really of opinion that this clause should be in, and I hope that before the Bill is passed the clause will be eliminated, because I distinctly believe that matters of this kind should be left to be decided by the Arbitration Court, as they can be decided and should be decided according to the laws which we have passed. Then there are Clauses 23 and 51. These clauses place certain restrictions on a particular class of people. I do not want members to consider that because the word "Asiatic" or "Chinese" is before us in any form whatever in the Bill I wish to take exception to it, but I hold that whatever we do with these people we should treat them fairly. We should look at this matter from a straight-out point of view, and if we are going to prevent this class of people, who have been in our midst for many years, from obtaining a livelihood at all, if that is our intention, we should not starve them out of the country, but find means of getting them out of the country in a decent way.

MR. TAYLOR: Send them pearl-diving.

MR. PIGOTT: If we do not put them there, I should be glad if they would go there.

MEMBER: It would bring down wages.

MR. PIGOTT: I can assure the hon. member that as far as wages go, at any rate in the North-West, the ordinary Chinese cook gets a better wage than the

white man cook does in Perth. The wages paid to these men in the North-West are not low. When I say it is almost impossible to get a coloured man to cook in the North-West at the present day under £3 to £5 a week, perhaps members will admit that it is not a cheap class of labour.

MR. TAYLOR: You are selecting one particular class of labour.

MR. PIGOTT: I am selecting one particular class of labour. I will refer to another class, carpenters. I know there is a Japanese in the North-West now who has been taking contracts for building boats. There are also white men in the district who have been taking contracts for building boats, and the most remarkable point about it is that the Japanese carpenter will not take a contract at as low a price as a white man.

MR. DAGLISH: Do they get contracts in spite of that?

MR. PIGOTT: They both have work to do because there has been a big demand. There is another curious point about this question. The Japanese carpenter, who is a contractor at the present time, has discharged his own countrymen because they will not work for the same amount of wage as the white men work for, and to-day he is employing white labour. In that particular instance I say the white labour is cheaper than that of the Asiatic.

MR. TAYLOR: You are the only one I ever heard argue from that standpoint.

MR. PIGOTT: I have white men employed, and I always give the white man the preference, and do not take wages into consideration. It is not a question of wages at all, and I hope that when a question of this kind crops up members will take note of what I say, and will admit that I for one do not put the whole of this question down to the matter of wages; but I think in this matter that where the question is brought forward in a Factory Bill it should be treated with an open mind. We must admit that since Federation has taken place we have agreed that there shall be free intercourse and freedom of trade between the whole of the States of the Commonwealth. That being the case, we cannot prevent any Asiatics who are living in one State from travelling to the

others; and what are we to do? Are we to say we are going to drive these people out of the country by starvation? I say confidently that such a procedure as this will not be carried out. If it is the wish of the people to get rid of these Asiatics, then they should, and I am quite certain they will, treat them fairly and pay their passages out of the country. It is not a proper thing to starve them out of the country.

**THE PREMIER:** Which clause do you object to?

**MR. PIGOTT:** I certainly object to the provisions dealing with the future employment of Asiatics. In Clauses 50 and 51—I think they are the clauses without looking at the Bill—it is stated that on and after the passing of this Bill no more Asiatics are to be employed in factories.

**THE PREMIER:** That does not do any injury to those who are employed.

**MR. PIGOTT:** No. I am talking on the general question. These men are in Australia.

**THE PREMIER:** Cannot they remain in the other portion?

**MR. PIGOTT:** They may, but why should they not have liberty to come here the same as anywhere else in Australia? The hon. member knew the position when he advised Australia to go in for federation. Why did he not stand up and say that these men have as good a right to get employment as others?

**THE PREMIER:** That is what I have said.

**MR. PIGOTT:** I have been objected to as treating this factory measure as class legislation. These clauses prove conclusively that it is class legislation. If these clauses and the clause with regard to the hours of labour for carters are withdrawn from the Bill I will give the measure my support. We talk about class legislation. The Minister for Works says this is not class legislation. We are going down lower than class legislation, to my mind, if we pass this Bill in its present form. With regard to that clause relating to the hours of labour for carters, we are legislating for only one particular class of carter, and that is the man who is employed by a factory. What about others? Are they not to be treated in the same manner? I say this clause ought never to have been in the Bill.

If I ever had any doubt before—and I admit that I did have a doubt—as to the advisability, as to the necessity of factory legislation being introduced into Western Australia, I admit to-day that such doubt does not exist. I think that the report which has been laid on the table of this House from the Department of Public Health will, if read by members, prove conclusively that factory legislation is necessary, and it is upon that report I base my position to-day. I think that no fair-minded man in Western Australia, if he will take the trouble to read that report, will object to the present Bill in its main features.

**MR. J. L. NANSON (Murchison):** I did not intend to take part in the second-reading debate on this Bill but for the remarks in which the Premier indulged when moving the second reading of the measure. It will be within the recollection of members that last session when this Bill was introduced by the Premier, the second-reading debate was of the very briefest description, and instead of being contributed to by members who took a foremost part in improving the Bill in Committee, was contributed to by members on the Labour benches and on the Government side of the House.

**THE PREMIER:** What is your definition of “improving”?

**MR. NANSON:** I will deal with my definition of improving the Bill later, and I hope before I have finished I shall have fully satisfied the Premier as to the improvement that last session we sought to introduce into the Bill. On this occasion the Premier, instead of endeavouring to recommend the Bill to the House by explaining its provisions, indulged in what was little more than a personal attack on myself for the part I took in dealing with this Bill last session. I should not have noticed the attack of the hon. member were it not for the fact that he repeated the absolutely unwarrantable statement that he had already given voice to on the platform of the Town Hall some months ago, when I happened to be outside the State, and which therefore I was unable at the time to take notice of. I may charitably suppose that when the hon. member referred to obstruction he was labouring under some sort of mental hallucination, and I still charitably suppose

that the hon. member is labouring under hallucination. [THE PREMIER: Oh, no.] The Premier denies the soft impeachment. It is useless to endeavour to be kind to the hon. member. He would prefer perhaps that I should tax him with absolute untruthfulness; he would prefer perhaps that I should say of him that he accused me of obstructing the measure when he must have known, if he knew anything of political practice and political methods, that he was stating what was absolutely untrue.

THE PREMIER: No; I believed you were obstructing, and I believe so still.

MR. NANSON: If the hon. member believes I was obstructing, it says very little indeed for the intelligence with which he followed the debates of last session. I go farther, and I shall not have the slightest difficulty in proving, if the hon. member really believes what he says he believes, that either the hon. member's intelligence is limited, or as I have already hinted he is labouring under hallucination of a peculiarly insidious character. It was admitted last session—I suppose it will be admitted this session—that a Factory Bill, no matter under what circumstances it may be introduced, is necessary, a measure of the utmost importance to this or any State; but the Bill now before the House, and which was before the House last session, is peculiarly important to Western Australia and to the infant manufacturing industries of Western Australia. We are face to face with a competition growing more serious every year with the Eastern States, thanks to the efforts of the Premier and those other gentlemen who succeeded in persuading this country to enter into Federation, and who now apparently, judging by their most recent actions, regret exceedingly the step which they have taken. [THE PREMIER: No.] Thanks to those members, the manufacturing industries in the State have to compete with the manufacturing industries in the Eastern States of Australia; and as the sliding scale diminishes, that very limited amount of protection which they enjoy under the sliding scale, so limited as to be almost infinitesimal, with the abolition of the sliding scale that limited protection will disappear as it is disappearing year by

year. It would be wise, therefore, in dealing with a Factory Bill that we should not necessarily reject it, that we should not throw it out without examination, nor that we should throw it out at all, but to scrutinise it very closely, to go through it clause by clause, and consider it very carefully, and the bearing of each clause on the infant industries which hardly yet have had an opportunity of firmly establishing themselves in this State. That is the view I take, and I think I may say with confidence that nine-tenths of the members who look at the matter calmly will take that view also, and admit that legislation of this kind should not be hurriedly rushed through the House, and not be passed without the fullest consideration. As I pointed out last session when dealing with this measure, legislation of a similar kind in the United Kingdom and in the Parliaments of the other States has been debated night after night, has formed, in fact, almost the whole bill-of-fare for an entire session. Yet last session the accusation, which was renewed a few days ago by the Premier, was made that we were obstructing the Bill. I venture to say if the Premier will look at the official reports—the *Hansard* reports—of the House he will find it impossible to discover a single sentence or a single word uttered by myself or the member for West Perth (Mr. Moran) in dealing with that Bill which could readily be called obstruction, or considered anything but honest and a well-intentioned endeavour to enlighten the House on the seriousness and importance of the issues brought up in the Bill. If there were obstruction in regard to the Factory Bill last session it might have been thought that the measure would have occupied a long time in passing. We know what obstruction means in other Assemblies, and we know when an attempt is made in the mildest degree to do anything in the nature of obstructing a Bill, it is to attack it at every stage, and to attack it vigorously and at length. We would suppose if obstruction was intended it would have begun with the second reading. Now how long did the second reading last session occupy the House? There was the speech of the Premier in introducing the Bill, and then the adjournment of the House was moved, and when the second-reading

debate came up again we had speeches from the member for Cue (Mr. Illingworth), the member for South Perth (Mr. Gordon), the leader of the Labour party, the member for Subiaco (Mr. Daglish); and of the members on the Opposition side of the House only one spoke, the member for Beverley (Mr. Harper), and he spoke for about two minutes. He did not deal exhaustively with the Bill, but only spoke on one small feature of it that cropped up during the second-reading debate.

**THE PREMIER:** If you wanted to attack the principle, why not on the second reading?

**MR. NANSON:** I am glad the Premier has put that question. We did not, on the Opposition side of the House, wish to attack the principle of the Bill. If the Premier knows anything of the history or of the agitation for factory legislation in the State, he will know that his predecessor in office, the member for Coolgardie (Mr. Morgans), made factory legislation a portion of his programme. And the hon. member knows perfectly well, if he is honest on the subject, that with regard to the principle of factory legislation I am just as strongly in favour of it, and the members on this side of the House are just as strongly in favour of the principle as he is. But because we have the courage to expose the defects of the hon. member's Bill, and because we exposed those defects in a way and with a severity which does not meet with the wishes of the Premier, he attempts to pillory us, not only in this House but on the public platform in the Town Hall and elsewhere in the city, as opponents to factory legislation and the principle of factory legislation. If the hon. member says we are opposed to the principle of factory legislation, then I have no hesitation in saying he is entirely wrong, and is saying what is untrue.

**THE PREMIER:** I judge by your words; I am sorry I made a mistake.

**MR. NANSON:** Let the hon. member not indulge in these wide-sweeping generalities. My words are in *Hansard* to be quoted by the hon. member, and I defy him to find any single sentence, unless he tears it absolutely from its context, opposed to factory legislation or to the

principle of factory legislation. The hon. member is too fond of indulging in wild and sweeping accusations. It is not the first time in the House I have had to challenge him to back up his accusations, to bring chapter and verse; and considering the legal training the hon. member has had, he should be more careful when he makes an accusation against the political character of another, and be prepared to substantiate that accusation from *Hansard*. I hope that when the hon. member replies on the Bill, without wringing my words from their context he will be ready with extracts to show where I opposed the principle of factory legislation. I am a truer friend to factory legislation than the hon. member. I endeavoured last session, and I intend to endeavour this session, to get a Bill, a workable Bill, a Bill that will not place the entire power in the hands of the Government of making legislation, for that is what the Bill intends to do as I will show later on. I will endeavour to secure to the country a Bill that will place the power where it should be, in the hands of Parliament, and not leave it in the hands of a Government to say whether they will have no factory legislation, or apply it oppressively, and make the Bill the sport and plaything for every Government that may come along, whether such Government be fanatically in favour of carrying the measure to extremes, or whether fanatically in favour of improving it at all. I hope the hon. member will point out where he improved the Bill last time. I challenge him, and he will have an opportunity of showing it when speaking in reply to the motion for the second reading.

At 6:30, the **SPEAKER** left the Chair.

At 7:30, Chair resumed.

**MR. NANSON (continuing):** I was dealing with the charge of the Premier that when this Bill was before the House last session obstructive tactics were indulged in by the Opposition. I have pointed out that in the debate on the second reading of the measure, with the one exception of the member for Beverley (Mr. Harper), who spoke for probably not more than two minutes, no member of the Opposition took part in the debate; and the reason why they refrained from

taking part in it is sufficiently obvious. Notwithstanding what the Premier has said as to my being opposed to this measure and to the principle of factory legislation — and I suppose his denunciation extends to the members who were then under my leadership —

THE PREMIER : You were responsible : they simply followed a bad example.

MR. NANSON : We in Opposition were as fully persuaded as the Premier himself of the justice of the principle of factory legislation ; and it was because we agreed with that principle that we refrained from taking part in the debate. Although we should have been fully justified in attacking the Bill on the second reading, yet because we favoured the principle we thought it wiser to refrain, and to deal with the Bill when we came to the details in Committee. It might have been thought that, for our attitude, we should have obtained some thanks from the Government ; but instead of a tribute being paid us for the fact that though we felt it our duty to oppose the Bill in some details we were in favour of its principle, we are accused of being opposed to the principle of factory legislation ; accused of doing everything in our power to prevent the Bill from becoming law. If the Government had been generous and just to us, they would have admitted that although we differ from them in regard to details we are at one in regard to essence. However, on this occasion I do not intend to imitate that restraint which I exercised when the Bill was first before the House. I did not then speak on the second reading, did not take any part in the debate ; but on this occasion I intend to do so, only to show that the Premier when he moved the second reading the other day had absolutely no warrant for the accusations he made against members sitting in Opposition. It is perfectly true that when the Committee stage was reached last session the Opposition did fight this Bill as to details ; but one would think from the observations of the Premier that the fight was so stubborn and so prolonged that the Bill was in Committee for long days and long nights ; that day after day and night after night the Government were battling for the very existence of this Bill, confronted by stern and unrelenting Oppositionists who were not opposed to

it in detail merely but opposed to the very spirit and essence of the measure.

THE PREMIER : You do not appreciate how the time drags, when one has to listen to your long speeches.

MR. NANSON : That is the position as it appears to the imagination of the Premier ; but what is the position as laid down in that cold, that calm, that impartial record of events—the official debates of this House ? Why, we find that the Committee stage, for so important a measure, was remarkably brief. The Bill first reached the Committee on the 21st October ; and on that occasion Clause 2, one of the most important clauses in the Bill, was discussed. The whole of that sitting was occupied in dealing with Clause 2, which defined the term “factory.” One sitting, and not a long sitting, was occupied in discussing what was surely an important question, what is a very vital question in all factory legislation, namely what meaning was to be attached to the word “factory.” On the following day, the 22nd October, consideration of the Bill in Committee was resumed. On that occasion Clauses 3 to 21, inclusive, were passed—surely not a very bad record ; and yet that is, I suppose, the one solitary occasion on which it is possible for the Premier, with the slightest shadow of justification, to base the charge of obstruction. Yet on that occasion, when the sitting extended beyond midnight into the small hours of the following morning, we succeeded in passing 18 clauses of the Bill, and those the most controversial clauses—clauses in respect of which we in Opposition obtained important victories over the Government, and succeeded in widening the scope of the measure.

THE PREMIER : Those victories were obtained in the early hours of the morning, and were rectified by cooler judgment later on.

MR. NANSON : If the Premier will look at the *Hansard* reports of that sitting, he will find that in no single instance, in the clauses attacked and debated, was there not ample ground for the discussion which took place ; and, indeed, were I permitted to quote the remarks made by the Premier, during his second reading-speech a few days ago, I should easily be able, out of the mouth of the Premier himself, to confute

his own charge of obstruction; because he admitted in that speech that the speeches on this Bill delivered by Opposition members last session dealt with subjects of importance, and that those members stuck closely to the questions at issue.

**THE PREMIER:** I wished to soothe your feelings.

**MR. NANSON:** I am glad that the hon. member should wish to soothe me; but I am not particularly solicitous that he should do so. I should be better pleased if he would stick closely to absolute facts, regardless of whether my feelings were ruffled or unruffled. After disposing of 21 clauses of the Bill on the 22nd October, the House did not again consider the measure till the 6th November, when Clauses 22 to 47, inclusive, were discussed. On the 11th November the Committee stage was again resumed, and the remainder of the Bill then passed through Committee. It was recommitted on the 19th November, in order to reverse the previous judgment of the Committee.

**THE PREMIER:** Not to reverse their judgment: that is an abuse of terms.

**MR. NANSON:** If we take the whole number of sittings, this Bill which was obstructed with such terrific force by the Opposition, which stands as a memorial of obstruction during last session, this measure of vital importance to the manufacturing industries of the State was passed in seven sittings of the entire House. Now factory legislation has been considered in other States and other countries; but I much doubt whether, if we looked through the official reports of the Commonwealth or of the British Parliament, we could find a single instance of a Factories Bill of the importance of this measure being dismissed with so little consideration as was accorded here to the Bill of last session. Why, if we count the number of hours spent in discussion, we shall find, taking the clauses of the Bill, that the consideration accorded to each clause probably averaged only a very few minutes. The battle was practically fought in the early stages of the Bill; and as soon as that battle had been fought and decided, the Opposition, true to their belief in the principle of factory legislation, abandoned anything which could be regarded even by Government members as in the

nature of obstructive or opposing tactics. On the contrary, the Premier knows well that in the later stages of the Bill, when the more controversial points had been disposed of, in more than one division he had to thank Opposition members for coming to his assistance in order to make that Bill a workable measure. To this aspect of the question I have devoted some time, because the Premier saw fit in moving the second reading of this Bill to refer to what took place last session. Personally, I should have preferred to allow his reference made on the public platform to pass without comment, and should not have again dragged the subject before the House, if the Premier had not offered the provocation, and had not seemed to challenge the reply of myself who, as leader of the Opposition at that time, was in a large degree responsible for the manner in which the Factories Bill was treated from this side of the Chamber. The principal points on which the Bill of last session was debated by the Opposition remain in the Bill of this session; and it is interesting to look back and to see what were the grounds upon which we threw the gauge of battle to the Government. In the first place we endeavoured—with-out success as it then appeared—to postpone the date on which the Bill should come into operation. The Government pointed out, if my memory serves me right, that the Bill could not come into operation within three months after the time it was passed. The Opposition pleaded that a little longer time should be given; that considering the importance of the measure, considering what it meant to the manufacturing industries, the time might well be extended to six months; and I venture to think that, had the recommendation of the Opposition in that particular been acceded to, had the Government met us in a more conciliatory spirit than they did, it is quite possible that the Bill, instead of being summarily rejected elsewhere, might to-day be law. The attitude of the Government in opposing the reasonable request of the Opposition to delay the coming into operation of the Bill for a period of six months, no doubt contributed in a very considerable degree to the defeat of the measure, and to the fact that during this session we shall be compelled to go

over the ground covered last session. However, the responsibility for that rests, not upon members on this side of the House, but on the Government who, when a perfectly reasonable proposal was made, refused to meet Opposition members half-way, and refused anything in the nature of a compromise. I do not know what the intention of the direct Opposition may be during this session, I do not know whether they intend to ask the Government to agree to postpone the coming into operation of the Bill; but there can be no question that, in the meanwhile, circumstances have changed considerably. If the Opposition on this occasion were to ask for a delay, they would not have the strong grounds on behalf of that request that they had last session, because the Bill we are now dealing with is substantially the same measure as before us last session, so far as the factories portion of it is concerned, and because the delay pleaded for last session by the Opposition has been given by a power superior, in our present circumstances, to that of the Government. Therefore, speaking merely as an individual member, I think that point can very well be dropped in the discussions in Committee during this session. Another point on which very considerable discussion arose was as to the exception of butter factories from the operation of the Bill. No one who has studied the course of factory legislation in the Eastern States and the wages paid in the butter industry, and who knows the condition of that industry, can hesitate to say that there were not very good grounds indeed for having this question debated, as to whether the operation of the Act should not be extended outside the towns to these butter factories. I am perfectly prepared to admit that there is a good deal to be said against the proposal, but, on the other hand, it is the duty of the Opposition to bring out these points; and the Opposition on that occasion were perfectly justified in drawing the attention of the Committee to what has been argued elsewhere. If it is an easy matter to have sweating in towns, if it is an easy matter to work employees too long and pay them too little in large centres of population where public opinion readily finds a means of expressing itself, and where

you have the vigilance of the Press always open to correct abuses, we might be sure that it is a ten times easier matter to have these abuses flourishing in a thinly populated district, where public opinion has not that force, and where there is not upon the operations of industries the same searchlight of the Press you have in large populations. Another point on which the Opposition laid very much stress was as to whether all the industries to be affected by this Bill should be mentioned in a schedule to be added to the Act, instead of leaving it to the discretion of the Government to say what industries should come under the Act and what should not. Now personally I still hold to the opinion that to allow the Government to exempt any industry they like, or any district of the State they like, from the operation of this Bill, is placing in the hands, not necessarily of this Government but of any Government, infinitely too much power. While I am fully in sympathy with factory legislation and legislation of this description, I think it is very possible and easy, as in this Bill, to place too much power in the hands of the Government; and I still see no reason to retreat from the opinion I advanced last session that every industry to be affected by this Bill should be mentioned in the schedule added at the close of the Bill. We then know where we are. It will not then be left to the caprice or power of any Ministry or Government to say this industry shall be included in the Act and that industry shall be excluded from it; but it is left to the wisdom and decision of Parliament in full debate and after mature consideration to say which industry shall be included in the scope of the Bill and which shall not. Another point which was debated at very great length was as to whether the Bill should be extended to the entire State, or whether it should be left to the Government to say to what portion of the State it should apply; and in that respect I contend, as I contended last session, the same principle should apply, that Parliament should say to which districts the Factories Act shall extend, and not the Government. Members on either side of the House, no matter to what political party they belong, whether they belong to those specially favouring the

claims of Labour or to those specially favouring the claims of capital, should at least unite in seeing that a Bill of this kind is not imperilled through leaving this matter to the fancy and caprice of a Government who may lean unduly either to the side of labour or to the side of capital. Let it be stated in the four corners of the Bill definitely as to whether the Bill is to apply to the whole State, or, if not, to what portions of it, so that it will not be possible for the Government to favour one portion of the State at the expense of others, or industrially to restrain one town and not place the same restrictions on another town, giving advantage to the one town over the other where the Act will prevail. Another question which was debated, and which I venture to think should be debated this session, was as to the qualification of inspectors. The duties cast upon inspectors by this Bill are of a peculiarly heavy and onerous character. It is not merely required of an inspector that he shall have a knowledge of sanitation, a knowledge of health legislation, and a knowledge of labour conditions; but it is also required of him that he shall have a very intimate knowledge of many technical questions in connection with manufacturing. When this Bill was in Committee last session, when the Opposition were engaged, we are told, in obstructing the passage of the Bill, that was one of the matters in which that obstruction took place, because they demanded that before an inspector was appointed he should give some proof of his competency, and that it should not be possible for the Government of the day to appoint a man to satisfy a demand for political patronage, but that the appointment should go to someone who had proved by examination in the industrial legislation of the State his capacity to carry out the onerous duties of inspector. I venture to think it was a very reasonable demand to make, and I shall be disappointed, when the Bill goes into Committee, if, considering the enormous powers in the hands of the inspectors, it should be left to the Government to appoint whom they choose. The man appointed should be able to prove by examination that he is qualified to fulfil these very onerous duties. As showing, when this Bill was attacked in Committee by the Opposition with

regard to detail, that there were very good reasons for attacking it, what do we find when, on the salient point, a division was taken on the question of extending the definition of factories in a direction that would have widened the scope of the Bill and made it more liberal, not merely protecting one class of employees but every class? The Opposition had, as they had a right to expect, the support of the hon. members of the Labour benches, and they carried that division against the Government, after debating it at considerable length.

THE PREMIER: What motion was that?

MR. NANSON: A motion to extend the definition of factories so as to include something much wider.

THE PREMIER: The motion was to relieve the House of the tedium of your speeches in the early hours of the morning.

MR. NANSON: The hon. the Premier has a facility with which I cannot compete, in misquoting *Hansard*.

THE PREMIER: Quote *Hansard*.

MR. NANSON: He is simply indulging in one of his characteristic witticisms in which inaccuracy sometimes takes the place of wit.

THE PREMIER: You talked so much that you did not know what was going on.

MR. NANSON: On another important point we had the support of the Labour members. On the first occasion we endeavoured, if hon. members will recollect, to extend the provisions of the Bill to the entire State. The Bill is one that deals very largely with questions of sanitation, of which hon. members will be reminded by the report laid before us yesterday; and we contended, and not without reason, that if there was necessity for the provision of a sanitary measure in Perth, there was necessity for the observing of such a measure for sanitation in even far-north Roebourne, where the tropical conditions of the climate made it more necessary than in Perth. While I do not want to go back at length on the arguments used on that occasion, I may say, without undue conceit, that we used them with very great effect; and they were so cogent and convincing that, on that occasion also with the help of the Labour party we defeated the Government, and gave rise to that

baseless and imaginary charge of obstruction the Premier still revels in. Unfortunately, between the interval of the first passage of the Bill through Committee and the recommittal stage, malign influences were at work; and the Labour party, who went into battle with high spirits, flags flying, and trumpets blowing (general laughter), on that occasion when we got them to our fighting line and to stand up to their places, when the shock of battle came, turned ineffectually and fled.

THE PREMIER: They were afraid of their fellows.

MR. NANSON: At the recommittal there was a display of infidelity to their convictions which was even more lamentable. They turned tail, frightened by the threats of the Premier and his colleagues. It is perhaps not for me to say to whom the blame is due for that transaction. The Labour members, and those who returned them to this House, are the keepers of their own consciences; but it may be said that the fault of that Bill not being what it should have been, not being so liberal as it might have been, not being so broad-minded or just, or so even to every class of the community, does not lie with the then Opposition, does not lie with those who fought the Bill step by step, but with those members of the Labour party who, in the stress of battle, after withstanding the first assault, did not prove themselves capable or had become too affrighted to stand up to a second, but displayed the white feather and scuttled away from the field of battle when their aid was most needed. Before I conclude I should like to say a few words in regard to a somewhat remarkable document which has been presented by the Government in support of the Bill as it has been introduced during this session. We have before us a report headed "Department of Public Health: Report on Factories and Workrooms in Perth and Fremantle." I am somewhat interested to learn by whom this report has been compiled.

MR. DAGLISH: It is a very good report.

MR. NANSON: It is addressed to "The Honourable the Premier, Perth," and it is signed by J. R. Campbell, secretary—apparently of the Department of Public Health. I asked the Premier

whether Mr. Campbell was responsible for this report; that is, I asked him in private conversation, not publicly in the House, and I suppose I am breaking no confidence when I say the Premier informed me that the report, so far as he was aware, was not the result of data gathered by Mr. Campbell himself, but was the result of information collected by the inspectors of the board. In the first place, surely when charges of the nature made in this report are put forth to the public it is well we should know by whom those charges are made. I have had some doubt myself as to the qualifications of the secretary of the board to enter into an investigation, a very difficult and a very delicate investigation, of this character. I should like to know whether the gentleman who was intrusted with the task of making this difficult and delicate investigation had any qualification for the purpose. I should like to know whether he was conversant with the existing legislation in regard to health; whether he was conversant in regard to what had been done in other countries in relation to such legislation; whether he had any knowledge of the technicalities of factory work, and in fact whether he possessed those qualifications that would entitle his report to respect on the part of this House. The leader of the Opposition (Mr. Pigott) has seen fit, I regret to notice, to accept this report practically as gospel. It seems, when one looks into the matter, that even the Premier himself does not know who is responsible for this report, and while it is not for me to say whether it is true or whether it is untrue, still I think I am justified in uttering a protest, however mild it may be, against allowing a State officer to be permitted to formulate an indictment against the manufacturers of Perth and Fremantle as a whole. The great Edmund Burke said on one occasion that you could not lay an indictment against a nation. I submit it is equally true that you cannot lay an indictment against the whole of the manufacturers of Perth and Fremantle. Surely if some manufacturers have offended in regard to sanitation, we are entitled to know who these manufacturers are, for the stigma should not rest upon the whole body but only upon the guilty parties. It seems to me that the Government make

a very ill-advised and a very pernicious use of the power that is vested in them when they instruct one of their servants to prepare a report, and the servant who is instructed to prepare it knows perfectly well it is intended to lean in a certain direction. Are we to suppose that if that civil servant had been bold enough, daring enough, to give a report saying that no factory legislation was required, that report would have been laid on the table of the House, and would have been printed and given every publicity in order to show that factory legislation was not needed? Nothing of the kind. It would have been impossible even for the fertile imagination of the Premier to conceive the depths in those pigeonholes to which the report would have been sent, had it been unfavourable to factory legislation. This report, as I have indicated, is wanting in the first essential of a reliable report, in that we do not know from whom it proceeds. It bears the name of the Secretary of the Central Board of Health, but presumably he is no authority on these matters, and presumably, unless the Premier informs me otherwise, he is not strictly speaking responsible; in other words, the gentleman whose name is at the end of this report did not himself conduct the inquiry. What also strikes me is the extraordinary fact with regard to a report of this kind that instead of being so much an indictment against the manufacturers of Perth and Fremantle, it is the strongest possible indictment you can have against the administration of the Health Act of this State. We are brought into this House and kept here long hours passing Bill upon Bill to impose restrictions upon every kind of industry, to appoint inspectors without number and piling regulation upon regulation, and yet what do we find? We have the evidence of the Government officials themselves to show that the Acts we have already passed are absolutely dead letters. Is any better fate to await this Factory Bill? Surely the efforts and the energies of the Government would be better directed in seeing that the legislation already on the statute-book is carried into force, rather than cramming down the throat of this House a whole mass of legislation which it is utterly impossible, no matter what

the intellect and physical capability of members may be, to adequately digest within the limits of a single session.

THE PREMIER: It is proposed under the new Health Bill to give the Central Board more power to prevent these abuses. You will be glad to hear that.

MR. NANSON: The hon. gentleman tells us it is proposed in this Factory Bill—

THE PREMIER: No; the new Health Bill.

MR. NANSON: Well, I have yet to learn that under the existing Health Act there is not ample power given to remedy at least the most glaring abuses complained of in this report. Let us look at this report a little minutely. Mr. Campbell, who puts his name to a report for which he is not apparently responsible, tells us that some legislation is necessary beyond doubt. We have come to this fact, that this House is not to be instructed so much by the Government as to what legislation is required, but subordinate officials are to be called into requisition and are to be asked to instruct the House as to its duty. Some legislation, says the secretary of the Central Board of Health, is required beyond doubt, "and that legislation should either form part of the Health Act or be the subject of a separate Act, as is the case elsewhere." That is an axiom laid down by the secretary of the Central Board of Health. He goes on to point out, quite reasonably I will admit, that while a Health Act would be a proper place to make adequate provision for protecting the health of those employed in factories, it is not the usual place in which to insert the necessary provisions relating to the protection of life and limb. Certainly not. Only a few hours ago we were discussing a Bill making provision for the protection of those employed on machinery. We have the Workmen's Compensation Act in force, which gives full protection to the working man, and we have the Arbitration Act, which also allows the conditions of employment to be laid down in the most minute particular.

THE PREMIER: If you say you are pledged to a Factory Act, why criticise this report?

MR. NANSON Because I think that if I were bringing forward a Bill of this kind instead of the hon. gentleman, I would advance reasons in favour of it that would probably commend themselves to the House a good deal better than the reasons the hon. gentleman has brought forward. I suppose the Premier forgets that while one may be in favour of the principle of a Bill, it is the duty of those of us who sit on the Opposition side of the House to allow no measure to pass without its being shown that there is necessity for that measure. One may be perfectly in favour of the principle of a measure, and yet the peculiar circumstances existing in Western Australia at the time may not make that measure necessary. Just at present I do not say it is the case, but I say it is incumbent on the Government when they introduce any Bill to show the House it is required, and I am at present arguing the point that whatever need there may be for a Factory Bill it is not disclosed in the report to which the leader of the Opposition, I regret to say, appears to give such unqualified support. The secretary of the Board of Health points out that factory legislation is required with regard to the hours of labour. That is not a very startling discovery. I suppose we all know that where factory legislation has been imposed it deals with the hours of labour; but one would suppose, as he has made that discovery, that if we turned over the leaves of the report we would find that sweating was rampant in Perth, that men were worked too long hours, and therefore it was necessary that the law should step in and prevent the cupidity of employers. Let us see what he says upon the hours of labour. He says this :—

The standard week's work, so far as inquiries elicited, may be taken as 48 hours per week, i.e. 8½ hours per day for five days, with ½-hour as an average lunch time, and 4½ hours on either Saturday or Wednesday.

Then with regard to the question of overtime, it may be said that while the ordinary hours are not excessive, the manufacturers are employing their employees far longer than is necessary in regard to overtime. Here also Mr. Campbell says, "It cannot be stated with any degree of certainty whether this is practised to any extent." Then he goes

on to say that instances where there has been overtime, where night work has been rendered necessary, would only apply to a few factories, and he points out what every man with a practical acquaintance with the subject must have known all along, that very few establishments are fitted with any provision for lighting, and if workmen have to work at night time the lighting must be a temporary expedient, in which case it would be both dangerous and undesirable. But the very fact that no provision is made for lighting is the very strongest possible evidence that overtime is very seldom availed of. We find, therefore, from the evidence of the man who is brought forward to support this legislation, and who says that the Health Act is unable to cope with it, that in regard to the question of hours of labour, so far as his investigation has gone there is no need for any legislation of the kind. That is a point one was contending for or reiterating last session in regard to sweating. The trouble had not arisen, and there was not the slightest chance of its arising, for the simple reason that the working people were masters of the situation, or if they were not masters of the situation, we have a Conciliation and Arbitration Act in force which enables them to go before the Court and secure for themselves a fair and equitable means of employment. Undoubtedly some grave charges are made in this report in regard to cleanliness of the factories; in regard, that is, to the whole question of sanitation. If members look through the Health Act of 1898 and the subsequent amendments, they will find, as pointed out by the member for the Moore (Dr. O'Connor) when dealing with this aspect of the question last session, that ample power is given under the existing legislation to deal with the evils which have arisen apparently in some instances, according to this report from the secretary of the Health Board. I do not want to labour the point, but those hon. members who are interested in the question, and wish to follow it a little farther, should refer to Sections 38, 54, 92, 93, 139, 144, 145, 146, and 142 of the Health Act. I am not going to take sections one by one and go through them. Let me take as a sample Section 139: that section provides the

power to abate nuisances, and what are described as nuisances?—

Any house or premises in such a state as to be a nuisance or injurious to health.

Can any member who has taken the trouble to read the report through say that in even the first subsection of Section 139 it is not possible for the board to proceed against the owners of these factories. Again we have Subsection 4—

Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of same family.

It may be objected that the word "house" does not apply to factory; but if any member wishes to take that objection, let him refer to the definition in the Health Act. If he looks at a definition of the word "house" he will see that it means—

Tents and dwellings of any kind, and churches, schools, hotels, licensed victuallers' premises, factories, workrooms, common or other lodging-houses,

and a large number of other definitions. "House" in the Health Act gives almost every possible definition, so that it will not be possible to say to any person who keeps premises in an unsatisfactory condition that the law is not able to compel him to carry out provisions of decency and sanitation. If we go into the question of construction, with which the report deals, we find in the Health Act ample powers given to condemn buildings of unsuitable character, either dwelling houses, or factories, or offices; therefore I contend now, as I stated earlier, that this report, instead of being a condemnation of the manufacturers of Perth, is the very strongest condemnation we could have of the administration by the Board of Health under whose aegis the report has been prepared. Ardent as one may be in the cause of social legislation, and however desirous to improve the social condition of the people and the life of the worker, one is almost inclined to despair when he sees an Act like the Health Act, widely embracing as it is, so as to deal with almost every conceivable condition of sanitation, and yet sees it disregarded in every particular. And when a remedy is required, we do not find the Government insisting on the persons responsible for the carrying out of the Act doing their duty, but we find the

Government employing these officers to bring up a report that will help the Government to carry through this legislation that we have before the House. It does not say very much for the intelligence of the gentlemen who control the Central Board of Health when they allow a report of this kind to go forth. Some few days ago, I believe a recommendation was made by a Municipal Conference, or some public body, that the Central Board of Health should be abolished. In this report, if we attach any weight to it at all, the Central Board of Health sound their own death knell. I wish to conclude as I began, by saying that to the principle of factory legislation I am in no sense opposed; but I am opposed to that principle to which the Government seem wedded, that of bringing Bill after Bill of length and magnitude into the House, making it quite impossible for members to adequately digest and deal with them. I protest with all the power and indignation at my command that when an honest attempt is made to submit legislation of this kind to the fullest criticism in this House, instead of receiving thanks as we are entitled to do from members of the House and the Government, we should have not once but again and again levelled against us the charge of obstruction, the charge of being opposed to progressive legislation; when those who levelled the charge knew in every particular that for the welfare of the people we on this side of the House, and those who believe with me on this subject, are as well-intentioned, honest, and determined to see that justice is done as those members who sit opposite to us. I challenge, as I did earlier in the speech, the Premier to show in any single particular in my opposition to the Bill of last session, that I deviated from what I regarded as best in the interests of the measure, best in the interests of the workers of the State. Looking back on the report, as I have carefully read through the official records of the debates, I see no word, no sentence, and no speech which I desire to have recalled; and I assure you, Mr. Speaker, and through you the House, that if I thought a good purpose would be served by fighting the Bill in Committee as I fought it last session, I would be here to do what I conceive to be my duty, no matter what may be the

taunts, no matter what may be the insinuations of the Premier and those of his colleagues in the Government.

MR. F. WALLACE (Mt. Magnet) : I desire to deal with one or two clauses of the Bill, particularly Clause 51, which the leader of the Opposition referred to ; and I would like that member to hear a few quotations I shall make from the report of a committee appointed by both Houses of Parliament in Victoria in 1901 and 1902. First, I want to say that remembering the remarks of the member for the Murchison (Mr. Nanson) with regard to the necessity for a Bill of this sort, it does strike one that having a Bill before the House such as the Inspection of Machinery Bill, having a Health Act on the statute-book, and the Arbitration and Conciliation Act on the statute-book, perhaps there was no urgent necessity for such a Bill as this. But if one is influenced in any way whatever by the report recently presented to the House, the report of the Central Board of Health, I may say it certainly demonstrates to everybody who sees it that the board have fully justified the suggestion by the Municipal Conference the other day, which was also suggested by myself to the Colonial Secretary, that if the board were abolished really it would be no loss to the State. For all the years the board have been in existence there has been a factory or some factories of some kind in the State, yet never before have I seen or heard of a report touching so minutely the affairs in connection with factories as this report does. I would like to say to the member for the Murchison that I have to a certain extent to disagree with him in so far as his remarks refer to what the member for the Moore (Dr. O'Connor) said in the House last year. The member for the Moore, like many other politicians, says a lot which he does not mean, and if he spoke in an opposite direction to what this report does to-day he must certainly have made false statements some time or other. It will be remembered that I was perhaps laughed at last session in reference to a complaint which I had against the Central Board or the City of Perth Board of Health ; yet by the City Board, the Colonial Secretary, this House, and the Central Board, not once was I told there was power under the Health Act to take

action. I was told there was no power under the Health Act to take action against a person or persons for living in insanitary conditions. The member for the Moore, an officer of the Perth Board of Health, did make some inquiry into a case which I reported ; but not having got any redress I went to the Colonial Secretary, and he could do nothing, but referred me to Dr. Blackburn, the chairman of the Central Board, who told me that he was utterly powerless, although he knew the nuisance existed. In order to show that there was necessity for some farther amendment of the Health Act, I was under the impression there was a provision in the Health Act which empowered anyone having occasion to complain of a nuisance to lay a complaint against the board and take action in a civil court ; but after paying the usual lawyer's fees I was told there was nothing in the Act which empowers anyone to lay an information against the board which could be dealt with by a court of justice. If there are a lot of officers who can present such a report as the one before the House, who can sit down in an office and draw some thousands—I think over £8,000 a year is the cost directly for that office, and I think the administration of the Health Act costs the country £40,000 or £50,000 annually—and allow Health Acts to be passed, and not say a word as to whether farther machinery is required for the administration of that particular Act, then I join with the members of the Municipal Conference and ask that this body be abolished altogether. Perhaps some hint was given to the Central Board of Health that the Municipal Conference were up in arms, and intended to move in the direction which they did ; and this report is the result. If this is the result, then I have no sympathy with it. I agree with the member for the Murchison that 77 factories being dealt with by this report, is a fact sufficient for the House to base any expression of opinion they wish to make. It is a singular thing that attached to this report should be a photograph, and the premises shown in the photograph, it is singular to find, belong to such an industry as a timber yard—a manufacturing industry. It is strange to say that where timber is so plentiful sufficient

boards could not be found to make a couple of doors which were not provided, and which were absent in the picture. [MEMBER: The doors are there.] But the hinges are not fastened to the door jambs. The Central Board of Health, as soon as they have the power, would be justified in taking action against the owner of the premises shown in the picture. What I particularly want to deal with, and I only wish to deal with it in order to reply to the member for West Kimberley (Mr. Pigott), is Clause 51, referring to Chinese or other Asiatic races. The member for West Kimberley tried to impress on the House that in the North-West of this State these people are paid extremely high wages, and I believe as far as the hon. member is personally concerned he does pay a handsome wage to his Chinese or Japanese cook. But it does not follow that it is anything near the ruling wage to this class of people. He went on to say that on one occasion in the locality to which he was referring—I presume that was Broome, which seems to be the home of the coloured people—two contracts were taken, one by a Chinaman and the other by a European. Apparently the Chinaman outdid the European, and finally employed some Europeans on his job. Now I do not see that there is much in that, for it probably exemplifies the cunning of the Chinese in employing European labour. We know that the Chinese are most peculiar in their desire to imitate, and most expert at imitating, anything which they see; and in order to get the ideas of the European builders, it was policy on the part of this particular Chinese contractor—[MR. BUTCHER: He was a Japanese]—Chinese or Japanese, to employ Europeans, thereby having a chance of gaining a knowledge of carpentry as performed, not in China or Broome, but in ordinary English-speaking parts of the world. These people, as they ever do, realising the value of the white man's class of work, endeavour as nearly as possible to copy that work. We have instances of it here every day, as one might see if one had time to look round furniture shops and factories. We know that almost all the refuse timber discarded in the yards by white workers is bought by

those Chinese and Japanese. They are so expert at filling in and polishing, that unless one in buying furniture rubbed off the polish and replaned the wood to find where they had been using putty and other filling materials, one would be deceived. And we know that Chinese-made furniture does not bear any comparison whatever with European-made furniture as regards durability. That it does look as well I agree with the member for West Kimberley. [MR. PIGOTT: Why do you want to brand it?] I wish to brand it, and I wish I had the power to brand each Chinaman. I should like to do the branding, too. The gentlemen forming the commission of which I have spoken have names well known to many. I do not think it necessary to mention all their names, but simply state that they include the Hon. Sir Alexander Thomas Peacock, the late Sir Frederick James Sargood, Sir Robert Reid, and many other gentlemen of repute. They were appointed to inquire into the factory and shop laws of Victoria; and dealing with the furniture trade, they recommended that every person should have power to lay an information against and prosecute the Chinese for breaches of the factories law, as that would insure far more convictions than could be obtained at present. They even went farther, and I should like to see their recommendation given effect to here: they would prevent by law the admission of any Chinese recruits into the trade, and would make the Chinese factories bonded stores, to be opened and closed by a Government official. I do not know that I shall move in that direction when we go into Committee, but it is probable that somebody will; and I hope the good sense of those members who are favourable to their own race of people will support the amendment. I wish to show how the Chinese workers in Victoria have steadily increased during the last 16 years. They started about 1880, when those employed in the furniture trade numbered 66. I shall not give the numbers for each year; but in 1901 the number of Chinese employed in the furniture trade was 574. During the last 20 years in Victoria, owing to the apathy of the different Governments of that State, the Chinese had been allowed to gain such a hold that at last it was deemed necessary for the protection

of the white workers to appoint this commission to inquire into the whole thing, and bring up recommendations.

MR. PIGOTT: But these people are now prevented from entering the country.

MR. WALLACE: The hon. member fears that the legislation I suggest would deter them from entering the country.

MR. PIGOTT: No; I say they cannot come in.

MR. NANSON: Is the number you mention the maximum for Victoria?

MR. WALLACE: No; I think the number in 1889 was 584. Then the depression set in; and in 1893 the numbers were 471 Europeans as against 219 Chinese. Then there came a steady increase both in Europeans and Chinese; but the numbers in 1901 are 1090 Europeans to 574 Chinese. Even some of the better class of Chinamen complain of the mode of living of the bulk of their countrymen; and I dare say there are a few Chinamen who, as Chinamen go, do not appreciate the mode of living which the majority of Chinamen adopt. I think it was the member for Pilbarra (Mr. Isdell) who remarked a few days ago that he had had an opportunity, accompanied by a detective, of going through some of the Chinese portions of the town; and I think he was told that about 600 Chinese lived on an acre of land. [MR. PIGOTT: "Close settlement."] Well, I suppose we are advocating close settlement; but unless the close settlement is to closely settle the Chinese in and around Broome, I shall certainly oppose it.

MR. PIGOTT: We are talking about Perth.

MR. WALLACE: But I do not want 600 Chinese on an acre; nor would there be 600 Chinese in Western Australia if I had my way.

MR. PIGOTT: What about Asiatics generally?

MR. WALLACE: If there is such a difference between a Chinese and a Japanese, a Malay or a Cingalese, the hon. member need not quibble about it; because when I speak of Chinese I speak of those coloured races whose presence does not uplift our own people. And we know that many of our own people of the opposite sex are by the habits of the Chinese brought down to degradation far more quickly than they could be degraded if the Chinese were rooted out. The most

degraded women in the world will be found in Chinese dens, where they are encouraged; and it is not so with our own people. I hope the hon. member will not try in Committee to lead members to believe that the presence of Chinamen in our midst will not in any way affect our future welfare.

MR. PIGOTT: What will you do with Chinamen?

MR. WALLACE: As far as I can, I shall restrict every avenue of employment for them. [MR. PIGOTT: How?] The hon. member asks me unfair questions. It is not within my power to starve the Chinese, nor to feed them. I do not suppose that I should pass by a starving Chinaman more quickly than I should a starving European; at the same time, I wish to see the law made so that it will be more difficult, if not altogether impossible, for Chinese to enter the State. It is no use our waiting, as Victoria waited, till they have taken a firm root, and then think of a scheme to oust them. Let us start at once.

MR. TAYLOR: Perth is a very good place to start in.

MR. PIGOTT: Surely to goodness you recognise federation?

MR. WALLACE: The hon. member, after that trip to the Eastern States, during which he conferred with his confidential friend, Sir Edmund Barton, has come back here; and now no one dares to discuss the Chinese. The hon. member has, I believe, a special permit from Sir Edmund Barton to bring in as many Chinamen as he likes. I leave that point for the Premier and other Ministers to discuss with him. I have given a brief outline of the serious position in the furniture trade. The commission's report recommends that in this trade the number of factories employing Asiatic labour be limited to not more than 20; and in a similar way it is recommended that not more than 25 Asiatic laundries be licensed, with a minimum number of five Asiatics in each, and the aggregate number in the whole of the factories to be not more than 150. I hope that in Committee we shall endeavour to limit the number of Asiatics employed in furniture-making, in laundries, and in every industry in which they are now occupied, even down to gardening. I believe that in the interests

of future generations it would be far better if we did without vegetables rather than encourage these Chinamen as we do by our large consumption of their garden products. I believe that those of us who lived for a quarter of a century would then find that by exercising a little self-denial from this time forth we had benefited the young people growing up during that period. I have on the Notice Paper an amendment to move in Committee, and I intend to deal as far as I can with the furniture manufacturers and also with those people who are endeavouring to deceive their European brethren by selling Chinese-manufactured furniture as English-manufactured. Perhaps if some of those Chinamen were to launch out into the fruit-growing industry, or if permits were issued to enable them to work as miners, I believe we should have such an outcry as would suddenly bring about the final eradication of such people from the State. As a goldfields representative, I have to say that I am not casting all the accusations of apathy against the people of the towns. I accuse also the people whom I represent, and other people on the goldfields; because while we in this House are fighting for a white Australia—the great cry with which we go to the country at every election—the very persons for whom we are fighting are steadily and surely helping the Asiatics up the ladder of success. My remarks do not apply solely to the member for West Kimberley (Mr. Pigott), and to persons of his calibre, who believe that a Chinaman is equal to a white man, but also to people on the goldfields, including those whom I represent. The Bill, with the exception of one or two omissions, is much similar to the Bill we had here last year, and it is regrettable that when a Bill has been amended and sent from this House to the other, copies of it, showing the amendments made in the previous session, are not obtainable by members, so that we may see such amendments and compare their provisions with the necessities of to-day; for perhaps amendments which looked necessary last year would be found this year to work a little more harshly than they would have worked then. Now we have nothing to go on unless we read *Hansard*, and unfortunately what is said on the floor of this House is not recorded

in *Hansard*. Not only is this true of interjections, which I believe have been removed from *Hansard* by instruction, but it is true of the main speeches on a Bill. One cannot take *Hansard* and say, "This is the speech of the member for Murchison, of the Premier, or of any other member." One cannot say, "This is what he said last year." But if we had a Bill showing the amendments—and I believe we had an example in the Commonwealth Constitution Bill—in which such amendments were printed in italics with the original clauses, that would be a guide to members. But to-day, as things are, we have to rush through half a dozen different statutes to find out the clauses to which marginal references apply; and we have to turn to *Hansard*, and we find there are not sufficient copies in the House when a number of members require them at the same time. If the cost of printing is going to be considered for all time, I fear we will have many inconveniences; and I would like the Government to consider the matter. In many instances if the conditions of this Bill in its present state are applied to factories, these factories will be very much harassed, and industries now being built up at great cost to their proprietors will be to a great extent seriously interfered with. I hope in Committee every member will bring forward his ideas; and let us thresh matters out, even if the Bill takes three or four weeks, because I think we are going too rapidly in this matter. We have other Bills which, in my humble opinion, give us sufficient power to do everything that comes within this Bill. Still I have no alternative but to support the second reading, for I know from hon. members that an attempt will be made in Committee to make it a thoroughly good Bill.

MR. H. DAGLISH (Subiaco): I do not think there need be too much said to justify a Factories Bill at the present time. The interference of the State for the benefit of employees in factories has been recognised as a proper plan by all classes of political thinkers and writers. In fact most of the conservative writers in the old country, as well as I believe some of the conservatives in Australia, now believe that it is quite proper that legislation of this nature should be placed on the statute-book. The only question

raised in this discussion is that raised by the member for the Murchison (Mr. Nanson), as to whether the present circumstances of Western Australia really necessitate such legislation being passed during this session. I understand the hon. member argues that the conditions here, as far as factories are concerned, are already satisfactory, and that this legislation is therefore unnecessary. I think that was the gist of his argument.

MR. NANSON: No; it was that the Government had not proved the case.

MR. DAGLISH: I understand his case is that the Government have not proved the factories here to be in such a condition that legislation is necessary or that existing legislation is not sufficient. In regard to existing legislation, we can only judge by the experience elsewhere. In almost every British-speaking community, health laws exist with equally stringent regulations; but it has likewise been found necessary, where factories spring up, to have a Factories Act in addition, because in this measure provisions can be included which cannot properly be included in a Health Act. The present Bill deals, amongst other things, with the hours of work for women and children, a subject which should be dealt with in some Act other than a Health Act. These hours cannot be fixed by the administration of the Arbitration Act, because unfortunately the labour in which women and children are concerned is, in a large number of cases, not represented by unions, and unions are necessary to obtain the benefits of the Arbitration Act.

MR. NANSON: You have women's unions. You have the Tailoresses' Union.

MR. DAGLISH: I am willing to admit that there are women's unions, but the Tailoresses' Union covers only a small proportion of the women workers of the State and a very small fraction of the women in the factories. Other classes of women employees in these factories have, up to the present time, found it impossible to form unions to represent their interests. I am quite sure the member for the Murchison is as anxious as those on this side of the House to see that reasonable conditions prevail with regard to the employment of women and children; but I know no means of insuring the prevalence of these con-

ditions except by following the example of other countries in passing this Factories Bill. The question has arisen as to whether sweating exists in this State or in Perth particularly; but I do not think it is necessary to go into this matter to prove the existence of sweating before we legislate on the subject. I do not admit for one moment that cases could not be brought forward which have occurred in the past, and which are occurring now; but are we to contend that sweating must be proved before legislation is brought forward to prevent it? We know that Parliament is slow to move, and that the present measure has taken twelve months and is not yet on the statute-book. The argument that sweating must be proved before legislation is initiated to prevent it means that some of our fellow creatures must stop for many months under the sweating system before we make an effort to do so. My argument is simply that prevention is better than cure. We should not wait until it finds an entrance and then realise that already some of our workers have suffered. The hon. member recognises that the question, as to whether this Bill covers every case of sweating, is somewhat beside the issue. Even if the Bill can only stop, say, 20 per cent. of sweating, surely the member for the Murchison will admit it is better to do so than to leave the whole hundred untouched. I am quite with him that there is a certain amount of sweating in offices, warehouses, banks, and commercial institutions, and I would like to see some legislation to put a stop to it; but I do not want to kill the Factories Bill with proposals foreign to those that should be found in such a Bill. If the hon. member will induce the Government to initiate any measure to cover those cases to which he refers, I can assure him of my personal support, and of the support of those with whom I am associated on the Labour benches; but, at the present time, we are anxious to take advantage of the measure of good afforded to us. I claim there can be no contradiction of my statement, when I assert that the present measure is so moderate that no persons, howsoever deeply interested in our infant industries, can object to its clauses. I recognise, as well as the member for the Murchison,

the necessity for considering the welfare of our industries and the interest of our manufactories; but I do not think we would, if the success of an industry depended upon the ill-treatment, overworking and underpayment of employees, for a moment be warranted in upholding them. An industry which cannot live, and at the same time pay proper wages under proper conditions to workers, is not worth a place in the State, and the sooner it loses its place the better for all. I believe at the present time the bulk of our industries can live under reasonable conditions, also the bulk of those run by Asiatics, of whom the member for West Kimberley (Mr. Pigott) seems to be so strong an admirer. I was astonished at his doctrine to-night. He objected to the very moderate clause dealing with the Chinese, which provides that all Chinese engaged in a factory or working at any inside occupation shall be registered, even if only one man be working. The hon. member objects to this, and to the limitation provided in the Bill that no Chinese coming into the State after the first registration under this Act shall be allowed to work in any of the registered industries. I cannot understand the anxiety of the member for West Kimberley to safeguard the interests of the Chinese at the present time in Victoria or other Eastern States to the detriment of white people in our own State. Although Federation has been accomplished, we are not here to legislate for those outside the bounds of Western Australia, or to consider the wider federated country, but to consider particularly the interests of the people in our own State. If there is to be any conflict between those inside Western Australia and those inside the Commonwealth but outside this particular State, then I contend it is our duty, as representatives of the people of the State of Western Australia, to first look after the interests of our own community. Where there is a conflict, so far as our powers will allow us we should do all we can to husband the claims and interests of our own people. I am particularly surprised at the member for West Kimberley preaching a doctrine that we should consider those outside the State in preference to those within it. Even had his doctrine applied only to Europeans outside the

State as well, it would not be so bad; but he goes farther and virtually tells us that we should consider the interests of the Chinese in the Eastern States in preference to the interests of the white people of Western Australia. I am almost dumbfounded. The hon. member urges that, because federation exists, we should provide for the employment in Western Australia of any Chinese who may choose to come to this State from other States at any time hereafter. I have no hesitation in saying that, if it be necessary that anyone should be starved in this State, the Chinese should be the object selected for starvation. Unfortunately it seems to be the experience of Australia, and also that of America and South Africa, that if Chinamen come into competition with the white worker, one of them is starved, and generally it is the white worker. Our duty is to legislate first of all for the protection of our own people, people of our own colour. I therefore differ from the member for West Kimberley (Mr. Pigott) in this, that I think the clause in regard to Chinese labour does not go far enough. In my opinion we might well go farther and fare better than by introducing the clause as embodied in the present Bill. I intend to follow the example of the member for Mt. Magnet (Mr. Wallace) and invite the attention of this Assembly to one or two reports from Victoria. I intend first of all to ask the attention of members to a report issued by the Chief Inspector in 1901, in which a large amount of stress is laid upon the Chinese evil in Victoria. The inspector points out:—

By the Factories and Shops Act, 1896, the manufacture of furniture is prohibited before 7:30 a.m. and after 5 p.m. on ordinary week days, and after 2 p.m. on Saturdays. The same provision applies to laundries carried on by Chinese. The European manufacturers of furniture, as a whole, comply strictly with the law in this respect, and very few cases of evasion were brought under my notice, and in no case was there sufficient evidence to justify a prosecution. The Chinese are, however, constant offenders. Heavy fines were inflicted during the year, but hardly a week passes without prosecutions. In the furniture trade this seems very clear evidence that piece-work and not a wage rate is being paid, and it is hardly probable that the Chinese employee would work overtime in the interests of his employer unless paid for such overtime. It has been suggested that a heavy annual license-fee should be imposed before permis-

sion is granted to any furniture-maker to commence work in a factory. It would certainly reduce a number of small factories in which two or three Chinese work, and where most of the overtime work is detected. There is, however, the great objection that it would prevent any poor man commencing business for himself. And it certainly seems most unfair to make the European who is complying with the law pay a heavy fee because a few Chinese refuse to comply. The only way to compel the Chinese to comply seems to me to be by making the already severe penalties still more severe. In the making of furniture a certain amount of noise is inevitable, and consequently evasions of the law are often detected. In laundry work no noise is necessary, and there is no doubt that the provisions of the Act under consideration are constantly evaded without fear of detection. As stated last year, the restriction of the hours of work in Chinese laundries is of little use, since it can be and is so easily evaded.

We shall be trying exactly the same limitation of hours of work in Chinese laundries as they have in Victoria if we adopt the clause in this Bill. But I think that the measure suggested by the member for Mt. Magnet is one that might be considered, and that is handing over the control of these Chinese workrooms to officers of the Government (inspectors under the Factories Act), in order that they may absolutely limit effectively the hours during which Chinese work is carried on. I want to invite attention to the report which the member for Mt. Magnet spoke about, and to bring under the notice of the House some of the proposals which that hon. member did not invite attention to, dealing with Asiatic labour. I lay stress on the recommendations so far as they refer to Asiatic labour, because they are of great importance to us in framing a measure in regard to Asiatic labour which we shall enforce here. The recommendation is that—

From the 1st of January, 1904, no Asiatic to engage or be employed in the State of Victoria in any industry, or in any work or employment connected with agriculture, grazing, dairying, gardening, mining, domestic service, or any other work or employment whatsoever without being duly licensed by the Chief Secretary. Every license to clearly set out the trade, calling, or occupation for which the holder is licensed. Provided that no license be issued to any person of Asiatic race under the age of twenty-one years to work as an apprentice or improver in any manufacturing industry. Every license required to be taken out under this provision to have full force and effect for twelve calendar months from the aforesaid

date, and to be applied for and taken out by the applicant during the month of December, 1903. The renewal of such license to be applied for during the month of December, 1904, and during the same month in each subsequent year.

There are similar provisions in regard to the furniture trade, French polishing, etc., and there are strong recommendations in regard to the stamping of furniture, and in relation to the laundry trade. What I want to impress upon this House is that these recommendations must receive very careful consideration because of the representative character of the Royal Commissioners who made them, as they provide that every Chinaman must have a license no matter what calling he follows, before he can pursue that calling, and with regard to the furniture and laundry trade, they provide that the number of the Chinese or other Asiatics who are licensed shall be limited. The natural consequence of this legislation, if enacted, will be to lead to emigration from Victoria to the other States of a large number of Chinamen; and if we make no stronger restrictive provisions than are contained in the measure before this House, we shall be suffering from an influx of these Chinese, and our white workers will be farther handicapped than they have been in the past. I contend that, apart altogether from the weight we should attach to the report of a moderately constituted and a moderate Royal Commission like that which sat in Victoria, we should give due attention to the results likely to accrue to us from the legislation which they recommend should be carried into effect, and we should take steps when the Bill is passing through Committee to more efficiently protect our workers against the Chinese than we propose to do in Clause 51. I trust that the Bill will pass through Committee with a slight alteration in the direction of increased stringency as far as the Asiatic clause is concerned, and I feel satisfied that if it be passed through both Houses we shall have cause to congratulate ourselves that our first Factories Act will be a very moderate and at the same time quite a satisfactory measure.

THE PREMIER (in reply): As no other member apparently desires to make farther remarks, I want to take this opportunity of thanking members for the

manner in which they have received this Bill, and the kindly sympathy they have shown on this occasion, as they did last session. I only hope that we shall have better success in Committee, and that we shall put this Bill through more promptly, and not with those scenes which were witnessed on the last occasion, which I recall with a certain amount of misgiving, but which my friend the member for the Murchison (Mr. Nanson) recalls with so much pride and pleasure. All of us who supported this Bill last session must be pleased to hear the recantation of the member for the Murchison, and his keen wish to assure the House and the country that on the last occasion his one desire was not to destroy this Bill by introducing amendments which he knew would make the measure impossible, but to liberalise the Bill and make it far wider-reaching than the Government intended when they introduced it. I hope that now he has explained his position in the matter he will assist us, when the Bill gets into Committee, to make it not as far-reaching as he desires, but as far-reaching as we are likely to have it after it has passed the ordeal of another Chamber. In some parts of the world, not of course in this country, when members desire to wreck a Bill they do it by introducing amendments to make it so far-reaching and so extremely novel that they have a sure and certain hope that another Chamber will reject it because it is so democratic. Unhappily for such people we have to make allowance in legislating for the fact that we have another Chamber, and we have always to bear in mind that a Bill passed through Parliament represents the views of two Houses and not the view of one House only. I do not propose to traverse the remarks of the member for the Murchison. I want to thank him, indeed, for his promise to assist us during the course of this session in regard to the Factories Bill. I believe his statement to-night is due to the fact that the country appreciates that this legislation should be adopted, that there is now a more lively sense of the need of this Bill than there was 12 months ago. On both sides of the House members will appreciate the fact that the country wants this class of legislation, and if we are going to do our duty to the country the sooner we set about passing

it and introducing such clauses of the Bill as will make it in touch with our requirements, so much the more satisfactory will our work be to the constituents, and I believe so much more satisfactory will it be to ourselves. So far as the report is concerned I should like to say at once that there was no intention at all to injure those factory owners who have observed the law, or who, perhaps I should rather say, have given all reasonable facilities to their employees, by not mentioning the names of those who have been responsible for the acts referred to in that report. When the report came to me it had the names of the owners of the various factories which had been inspected; but I thought it inadvisable to mention the names, so that the report itself could deal with facts as they exist to-day and allow members to say whether they would pass legislation of this nature. I think it is necessary, and I do not care what provisions you have in a Health Act or in an Inspection of Machinery Act, if you want to make factory legislation effective you must have a separate Act, and separate machinery for the purpose of seeing the provisions are carried out without abuse. I hope the Bill will pass through Committee. I shall be glad to consider every amendment which is reasonable and practical, and to give it my earnest care with the sincere desire to make this Bill as effective as possible, but I hope members will not allow themselves to be consumed by too great a zeal for factory legislation. I do not want members to sacrifice themselves and the Bill by too close an adherence to high and important theories; but what I want them to do is to endeavour to assist us in passing a measure of practical legislation which will commend itself to the common sense of the community.

Question put and passed.

Bill read a second time.

#### RAILWAY TRAFFIC BILL.

##### SECOND READING.

Resumed from 6th August.

MR. W. ATKINS (Murray): I have little to say on this Bill generally. The measure is one which is badly wanted in this country, but on looking through it I am afraid it is aimed directly at the

Midland Railway Company. [THE PREMIER: Oh, no] I think the Bill is hardly fair, and that is very much the case regarding the Midland Railway Company. Speaking of the matter generally I have nothing to say about the Midland Railway Company as far as their land goes, but I must say that I think the Midland Railway is a benefit to this country for many reasons; one being that it is a constant object-lesson to the Government railways of the way in which a railway can be run cheaply; not perhaps carrying it to the bitter end, as some have done, but in making a better percentage than the Government railways do. I do not think it was a fair deal for the Government, or whoever did it, to subsidise a steamer to run between Fremantle and Geraldton. Why not subsidise a steamer to Bunbury? There is just as much reason for the one as the other. Why should not a private railway have as good a show as a public railway? One portion of the Bill is very good, and should be commended. There should be some arrangement or some legislation compelling companies to provide fair accommodation for people who reside near and on private railways. But if this Bill is carried to its bitter end it will leave it in the power of the administrators to kill any private railway they choose.

THE PREMIER: How so?

MR. ATKINS: By the drastic regulations and arrangements.

THE PREMIER: It is all subject to the board of arbitrators.

MR. ATKINS: Is Clause 11 fair? It says:—

No railway company shall make or give any undue or unreasonable preference to or in favour of any particular person or any particular description of traffic whatsoever, nor shall any railway company subject any particular person or any particular description of traffic to any undue or unreasonable disadvantage in any respect whatsoever.

THE PREMIER: Is that not fair?

MR. ATKINS: It means that everything must be carried at the same rates practically.

THE PREMIER: No; it does not.

MR. ATKINS: It does not allow any distinction between wholesale and retail.

THE PREMIER: Yes; it does.

MR. ATKINS: Then I am wrong and you are right. That is how I read it.

THE PREMIER: It is not so intended, I can assure the hon. member.

MR. ATKINS: That is all right. I may tell the House why I mentioned that clause. The firm of Atkins and Law have been dealing with the Midland Railway Company for five or six years, and we have had good accommodation from that railway, and it has been to our mutual advantage. The railway company have carried our stuff, because it was wholesale stuff, at a much cheaper rate than they carry retail stuff.

THE PREMIER: That is fair.

MR. ATKINS: But that is an undue preference.

THE PREMIER: It says unreasonable and undue.

MR. ATKINS: Well, I apologise. I only want to say that I think any private railway company should have the right to make a difference between wholesale and retail goods.

THE PREMIER: Undoubtedly.

MR. ATKINS: And should have the right to charge lower rates to one person than to another. It is quite legitimate and right that this Bill should prevent unreasonable and heavy charges.

THE PREMIER: The object of that is to prevent a company charging two customers differently. Supposing there were two customers sending the same class of goods, and the company charged Smith so much and Brown 50 per cent. more.

MR. ATKINS: That is not right. Brown should not be charged 50 per cent. more; but why not allow a rebate to Smith, if it is an advantage to both parties. I will give a case in point. The steamers running between Geraldton and Fremantle and Bunbury fixed their rates of freight so that by getting a concession from the Midland Railway Company we were able to take all our stuff overland and at an advantage to the Government, although the Government would not make any reduction. The Government got a larger freight over their line, which they would have lost altogether if the Midland Company had not come to the rescue and given a rebate over their line. Is that not an advantage, and is that not what may be called an undue advantage? [MEMBER: No.] That is all right; that is all I want to know about it. To leave the Midland Railway question and come to private lines, I think there should be

some good and firm regulations about the carriage of passengers and goods. There should be a reasonable amount of traffic, and it should be traffic that private railways could carry without detriment or loss to their working in any way—that is they should not be obliged to carry a large quantity of traffic if they do not wish to do so. Some regulations should be framed so that private railways must carry goods and parcels for people who have settled in the country in consequence of the building of the line. A railway is built into the bush 15 or 20 miles, and a certain number of people go to live in the bush in consequence of the building of that line; these people should have reasonable facilities to get their goods up and down that line. I feel strongly on this matter because the question has cropped up in this country several times, and there never has been legislation on the subject. Some railway companies or timber companies who have railways have treated the people fairly and rightly. [The PREMIER: Hear, hear.] Others have not. I have a particular case in my mind, and I want to ventilate it; that is a case at Waroona that has been brought under my notice. I have a statement from the Waroona people which I hope the member for Wellington (Mr. Teesdale Smith) who is here to-night will be able to contradict; I give it for what it is worth.

MR. TEESDALE SMITH: I never contradicted anything.

MR. ATKINS: It is a good long complaint.

MR. TEESDALE SMITH: Do not read it.

MR. ATKINS: I am going to read it. Several of the inhabitants of Waroona have made a complaint; nine of them signed a document which I have, and they say that several times their goods have been refused to be carried on the railway. It is not that the company refused to carry the goods for a shilling or two shillings, but they have refused to carry the goods at all. The goods have been thrown off the train. In deference to the member for Wellington, I will not read the whole of it.

MR. TEESDALE SMITH: Read it all.

MR. ATKINS: Mr. Turner, an employee of the company residing at No. 4 Mill, Waroona, had a parcel containing bedding consigned to him at Waroona

railway station; the parcel was placed on the company's trucks, but was removed by an employee acting under orders from the manager of the Waroona Mills. Subsequently Mr. Turner had to hire a conveyance to take the parcel to his home via the public road. Mr. Harman, who is a resident of No. 4 Mill at Waroona, had several parcels of drapery forwarded to the Waroona railway station, and his wife placed them on the timber company's train. These parcels were removed by the company's employee acting under orders from the mill manager, and Mr. Harman had to pay a carrier to take the goods to his residence by road. Settlers along the company's line have been distinctly told that goods similar to those stocked by the company will not be carried by the company unless the same have been procured from the company's store. The document farther says "The undersigned have no hesitation in saying that the above are absolute facts to which no tangible excuse can be made." Then follow the names.

MR. TEESDALE SMITH: What are the names?

MR. ATKINS: George O'Reilly, boarding-house keeper; Ernest J. Wass, butcher; Robert Fouracre, butcher; Henry Barry, baker; Charles McPhee, storekeeper; William Hancock; Morrissey Bros., butchers; George F. Charles, fruiterer; and John R. Mitchell, storekeeper. If any member wishes to read this document he can do so. Members will see it is only fair that some arrangement should be made to carry these people's goods. The Truck Act distinctly says that people are not obliged to buy from the company's stores; but by a side-wind the company block the settlers, because they cannot get the stores carried up at a reasonable rate. The Bill should be amended so that this unfairness is put right, without unduly hurting the owners of the line.

HON. F. H. PIESSE: They will get through it all the same.

MR. ATKINS: If this House is not able to hold the company managed by a member of this House, what is the use of it? Surely one member of the House has not enough kudos to beat all the other members. I have known the hon. member for a long while, and I know he is about as good as most of them. But

this House should be able to make a provision to see that this difficulty is overcome. If these people lived in this district before the railway was built, and had nothing to do with the railway, then I would not say much about it; but when they are brought there in consequence of work to be done on the railways, I think they should in reason have a fair deal. Now to go back to ancient history—I am not giving much of it, for certain members do not like it—while I managed a station I brought up the goods of everybody who wanted them, and charged a reasonable rate for doing it. I did not stipulate for or try to make anybody deal at the company's store unless he wanted to. But I told our storekeeper that in the circumstances in which our store was conducted he ought to be able to compete with anybody else in the country. We bought our goods wholesale in the best possible way. If the existing companies are not doing likewise, I say if they go down it serves them right; and if they cannot make a fair and reasonable profit in these circumstances, having their own railways to carry their goods, I say they should not try to make their employees buy from the employers' stores.

MR. TEESDALE SMITH: You want us to hand the railways over to competing firms.

MR. ATKINS: I am not talking to you: I am talking to the Speaker. The trouble is that the companies wish to get an undue influence, which really means breaking the Truck Act. I suppose it will be quite possible in Committee to try to make this a reasonable Bill, one which will not press harshly either on the Midland Company, on Millar's 1902 Co., or on any other company, but will give the public a fair chance to get their small stuff particularly carried on private railways without its being shied out on the ground. I understand that one butcher's meat was thrown off the truck and remained on the ground for two days before he knew of its arrival. If the statement in the document I have read is not true, the member for Wellington (Mr. Teesdale Smith), who has had a copy of it, has a fair chance either to contradict it or to say it is true. I know he is dying to talk, so I will not say more.

[MR. HARPER took the Chair.]

MR. TEESDALE SMITH (Wellington): Unlike the Premier, I shall take the weak part of my case first and the strong part afterwards. When dealing with the Midland Railway Company the Premier instanced a number of cases which he called analogous—English cases dating from 1854 up to the present time. How he can think there is any analogy between English railways and the Midland Railway Company is hard to understand—a population of 40 million people and 20,000 miles of railway, as against a sparsely-populated country and about 277 miles of railway. The Premier says the Midland railway is a monopoly. I deny absolutely that if a man makes a contract either with another man or with a Government, there is any monopoly. There is no monopoly if I go to another man and agree to do a certain thing. The Premier will not go so far as to say that the Government of the day had no right to make a contract with the Midland Company. Surely if a contract was made the Government are bound to recognise and give effect to that contract, whatever it may be. I think the State owes a considerable part of its prosperity not only to the Midland Company but to the W.A. Land Company also. When the large projects of those companies were being carried out, an immense amount of money had to be spent here, and a great number of men fresh to the State brought into it. These men, after finishing the work of railway construction, dispersed throughout the State, went out back prospecting and pioneering; and for the Premier to try now to bring in such a Bill as this, aimed at the Midland Railway Company and other private railway owners in this State, is to my mind altogether unfair. However, if the Premier with his brutal majority can get this Bill through the House, I trust that in another place it will receive the treatment it deserves. I should like to ask the Premier if there has ever been one *bona fide* effort to make the Midland Company carry out their contracts, and if they have ever refused? I have never heard either in this House or out of it that the Midland Company have refused to comply with any request made by the Government.

THE PREMIER: Why, they have not even reduced their second-class fares to Government rates, and the Government had to lend them lavatory cars.

MR. TEESDALE SMITH: The Premier is misleading when he says that he lent the Midland Company lavatory cars. He must know that they bought the cars from the Government, and paid for them something like £2,300, besides giving other cars in part payment. What do the Government do at the present time with their own lavatory cars? Lock them up. I say that if the Midland Company were supposed under the contract to bring out men from Britain and to put them on the land, and if the Government have waived that covenant, the Government have no right to expect them to put people on the land.

THE PREMIER: Even nature is protesting against your statements by drowning your voice [alluding to rain falling on the roof].

MR. TEESDALE SMITH: I do not mind that. I shall stand here until I have finished. If the Premier had given some instances of colonies which interfered with contracts made with private railway companies, these would have been more to the point.

MR. HASTIE: New Zealand is an instance.

MR. TEESDALE SMITH: New Zealand did nothing of the sort, but in dealing with their Midland Railway Company that colony paid a fair amount of compensation.

THE PREMIER: The English debenture-holders did not think the amount fair.

MR. TEESDALE SMITH: Here we are trying to burst up our Midland Co. without any compensation. If the Premier would say that in the interests of the State he is prepared to purchase the Midland line, I think everyone would agree that it was the correct thing to do.

[MR. TAYLOR: According to the price.] Certainly. Some little time ago the Government had a chance to buy the Midland line. I am asked what would be a fair price. Speaking off-hand, I think anything under two million pounds would be fair. But there are private railway companies in New South Wales and Tasmania, and the Premier might have instanced their legislation, instead of telling us what the Board of Trade

has insisted on in England. No member of this House, probably not even the Premier himself, knows what was insisted on in the English railway companies' charters, or what the contracts between the railway companies and the English Government provide. If there were no contracts, then the English Government had a perfect right to pass what measures they liked.

THE PREMIER: The companies had their charters.

MR. TEESDALE SMITH: But the Acts you quoted do not say that the charters were to be broken. The Premier instanced the fact that the English companies were compelled to provide gates. He knows that there is no parallel in this State; because there are very few gates on our Government railways except within the towns. There are no fences here. The Premier says the Government railways are being fenced; but I know of cases of deviations which were fenced in 1896, and the adjoining portions of the railway have not been fenced since. I think it a pity that the Premier did not allow the Midland Railway Co. to be represented in this Chamber, and to state their case prior to this debate; because few members know much about the pros and cons of the Midland Company's contract; and to have had counsel here to explain every clause and how it has been working would have been a great advantage to the House. The Premier instanced three other private lines also — the Torbay, the Jarradale, and the Canning railways. He evidently knows very little about the Torbay railway, because he calls it a concession. There was no concession in regard to the Torbay line, farther than that originally there was a concession granted for the building of a certain length of railway for a certain area of land.

THE PREMIER: And the railway was built on the concession.

MR. TEESDALE SMITH: The land was given up, and in exchange the company got the freehold of 10 miles of railway. In addition, they built 18 miles of railway to Denmark, making 28 miles of line altogether, not for traffic purposes generally, but for conveying into Albany the timber cut at the mill. The line was built principally to take the timber and

the company's employees to and from the Denmark River, where the mills are situated. On the whole of that line from Torbay to Denmark I think there are three or four settlers at the outside. The Premier says the traffic facilities on that railway are not good. As regards the running of trains, the distance to Albany is 38 miles, and we do that in two and a half hours. From Mundijong to Perth is 28 miles, and the Government train takes two hours to do that; so in the matter of speed, sawmill owners do much better than the Government. We go farther than that on the Torbay line, and do what the Government never would do. At two repairers' camps along the line, the train of perhaps 20, 30, or 35 wagons stops for three or four children who go to school, and puts them down again coming back. The Rockingham line the Premier instance as one of those that needed altering. As a fact, the Rockingham line has been carrying goods for the public for a considerable time; and, apart from mill hands, there are very few settlers along that railway. With reference to the Rockingham line, we have carried, since the 18th December last to the end of July, 5,000 passengers free. Every man, woman, or child who travels on the line has to sign a permit, and up to date no charge has been made at all. We make passengers sign these permits, because eight months ago a man, going up to look for work, was unfortunately hurt, and sued us, and got £500 damages. The Premier also instances the Canning line as being very badly run. As far as the goods traffic is concerned, I can assure the Premier the company carried it out better than the Government are doing at the present time. There is no question about this. I know it because, instead of having the timber moved away from the company's mills day by day, it is accumulating there for want of trucks. The Government say that they will remedy this, but up to date the goods traffic on this line has been very much worse than in the days when the line was run by the company. I will undertake to say that it costs the Government five times as much to run a train as it did the company. It is said on every side that the passenger traffic is very much better than it was, and that people can get away at stated times. It

was not our fault that they could not do so. Trains were supposed to leave at 9 o'clock, but, instead of getting away, the Government would keep us outside the station for hours at a time. No wonder people growled at the company over this matter, but the company had no control whatever of getting in and out of the station. The Premier also stated that the timber lines are monopolies. This I deny totally, because under the Land Act of 1898 certain rights were given to anyone to take up timber areas, which carried with them the right to build railways for timber purposes. I contend that the sawmiller in taking up land took with it the right to build a railway from his sawmill to the nearest point on the Government railways or wherever he liked to join the Government railways. The Premier is incorrect in stating that it is a franchise.

**THE PREMIER:** Was not the right to build the line for the purpose of exploiting or cutting timber on the lease? The complaints are that you use the line for building up a storekeeping monopoly and not a tree-cutting monopoly.

**MR. TEESDALE SMITH:** Store-keeping is part and parcel of the timber industry. It is impossible to run the timber industry without taking every possible fair means of adding to the revenue. The timber companies have as much right to cater for the public as the member for East Kimberley (Mr. F. Connor) has to cater for the people travelling on his boats. What is the difference?

**MR. F. CONNOR:** We do not give them free passages.

**MR. TEESDALE SMITH:** The hon. member says he has the right to cater for people travelling on his boats, and timber companies have the same right. As far as the charges are concerned for that right, I think the public will take good care that they are not charged over and above a fair rate, and I am prepared to submit the prices charged by the timber companies to their employees to any select committee the Premier may like to appoint. The Premier says that the charters necessitate that proper facilities should be provided, and that they should apply to the railways here and to the Midland Railway. I would point out that the Government do not always them-

selves give these facilities. At Wokalup, where we have considerable passenger and goods traffic, where the line has been opened since 1899, there is no passenger platform, and people have to tumble out of the train as best they can. At Yarloop there is a notice stuck up, "Trespassers will be prosecuted," although the only way to get across the line is to trespass. Bridges have been asked for for some time, but the Government have not thought fit to give this facility. Dealing with the title of this Bill, I wonder how the Premier intends to get his better regulations for traffic.

**THE PREMIER:** Do you mean they are not good now?

**MR. TEESDALE SMITH:** Not all of them. You are going to appoint someone to look after these regulations, and I would like to know who is going to do it, because there is no one in the railway service capable to do it. It is no use detaining the House going through each clause. We can shut our eyes and see that the Bill is almost unworkable. Take Clause 3, dealing with the times of departure and arrivals of trains. As far as the Midland Railway Co. are concerned, I learn that their traffic and speed of running are as good as on the Government lines and as good as can be expected. As far as the trains on our timber lines are concerned, how is it possible, I would ask the Premier, to regulate the speed of passenger and goods trains?

**THE PREMIER:** Don't you think that speed should be regulated?

**MR. TEESDALE SMITH:** It is impossible.

**THE PREMIER:** Do you think you should be allowed to travel at a dangerous speed when carrying passengers?

**MR. TEESDALE SMITH:** It is impossible to carry passengers on the zig-zag timber lines, sometimes with gradients one in twenty, or even one in sixteen. If you force the companies to carry passengers, you will have to take the responsibility. It is unreasonable to put in this Bill that the companies have to carry passengers and take the responsibility.

**THE PREMIER:** If it is unreasonable it will not be enforced.

**MR. TEESDALE SMITH:** That is the misnomer of this Bill. There is no reason in the whole thing. To expect

timber companies to stand on their defence on every little complaint of every man who is dismissed is unreasonable. It is in the Bill that anybody can bring up a complaint and that the Minister himself can put the companies on their defence and cost them thousands of pounds expense in defending cases every year.

**THE PREMIER:** Oh no.

**MR. TEESDALE SMITH:** That is how I read the Bill. The Bill states that the Minister may do certain things. He may force you to fence a line. How is it feasible that a line put down for three or four months is to be fenced, or that station requirements, interlocking gear, lavatory cars and all these things should be forced on a timber line running out a few miles?

**THE PREMIER:** These will not be enforced.

**MR. TEESDALE SMITH:** It is in the Bill.

**THE PREMIER:** If they are reasonable they may be done.

**MR. TEESDALE SMITH:** To enforce the use of interlocking gear is an obvious absurdity. Again you cannot put continuous brakes on timber trains.

**THE PREMIER:** If you say it is an obvious absurdity, it could not be enforced.

**MR. TEESDALE SMITH:** The Minister can, at the instigation of his officers, give instructions to have these things provided.

**THE PREMIER:** He cannot.

**MR. TEESDALE SMITH:** He can give instructions, and I have to go to arbitration to fight it.

**MR. TAYLOR:** These are safeguards.

**MR. TEESDALE SMITH:** They are not safeguards at all. Just fancy interlocking points on timber lines! Again the line is to be brought up to the satisfaction of the Engineer-in-Chief. It is fair to estimate the cost of railways in this State at £3,000 or £4,000 per mile, whereas the timber lines cost something like £200 or £300 per mile. Is it reasonable or right that the power be given to the Minister to make timber companies go and alter all their lines to bring them up to this higher cost? It will simply mean annihilation. To bring 300 miles of timber lines up to the Government requirements would mean an expenditure of £400,000, and that is only a low

estimate. The Minister can order it. In fact it is worse than that. The Engineer-in-Chief may appoint someone to inspect the line and inspect the books. The line might just as well be carried on by the Government. It does not matter who makes objection, the company has to fight it. The board may alter or disallow any instruction from the Minister, but it has to be fought out; and £100 fine may be inflicted for each breach. We have 25 sections running every day, and each section might be guilty of a breach for which we can be fined £100, and as we are always making breaches we would have to pay £2,500 a day in fines. The Treasury would soon be overflowing. The only thing I can think of for which the Government wish this Bill to be introduced is to do away with the obvious difference there is between the running of the Government railways and the running of the companies' railways. Where it can be shown that the Government railways are run at about five times the cost of the companies' railways, no doubt it will be greatly to the advantage of the Government to do away with those noxious examples. I would just like to read this, which is a comparative statement of the cost of the Government working a line and the cost of a company working a line, taking one day:—Inward loaded wagons, the company loaded 87 and the Government 56; outward, the company 9, the Government 6; outward empty, the company 44, the Government 50; hauled over zigzag loaded, the company 38, the Government 30; hauled over zigzag empty, the company 25, the Government 30; total running mileage, the company 76, the Government 100. Wages of train men without overtime and expenses, the company £2 10s. 7d., the Government £6 13s.; number of engines employed, the company 1, the Government 3; number of sets of men, the company 1, the Government 4; total working hours, the company 16, the Government 28. Approximate tonnage, the company 482, the Government 310; approximate freight at Government rates, the company £50 3s. 3d., the Government £38 17s.; cost per ton to haul (wages only), the company 1½d., the Government 5½d. [Interjection by the PREMIER.] They would not allow people to travel free

on the Government lines, but on the Jarrabdale line we do allow them to travel free.

THE PREMIER: Because you are afraid of accidents.

MR. TEESDALE SMITH: Since the Government took over the Canning line I do not think a day has passed without their having an accident, and yet the company for 12 years ran that line without an accident at all.

THE MINISTER FOR WORKS: Are you quite sure there has been no accident?

MR. JACOBY: They only had one. They had one in 12 years. You had one in 12 hours.

MR. TEESDALE SMITH: With reference to the remarks of my friend the member for the Murray (Mr. Atkins), there is no doubt that the bulk of them are quite true as far as these storekeepers, butchers, and other people on the stations are concerned, and I have no hesitation in saying that until the Act is altered and I am forced into a different position on the matter, I will carry out my way of working; and as long as I charge the men what I consider is a fair thing at a fair profit—

MR. TAYLOR: What you consider!

MR. TEESDALE SMITH: Yes, what I consider—as long as I charge these men what is a fair profit, from 8 to 10 per cent., I am going to see that they deal at these stores, if I can. The man gets his pay in cash, and he can go to the store or he can send it down to get his goods as he likes. [Interjection by MR. TAYLOR.] As to the question of robbing, I do not know whether the member for Mt. Margaret or myself is the better. Out of about £60,000 a month which we pay away in wages I think we get back through the stores something like £15,000, and I suppose that out of that there is about 8 per cent. profit. There are a few storekeepers at Waroona who are taking exception because they cannot get their goods exactly as they like. I say when boarding-houses and those sorts of places that are being built by the mill-owners do not care about dealing with us, let them go somewhere else and get their goods and also get them up as they like.

THE PREMIER: You will not let them have them up as they like.

MR. TAYLOR: Did you say some of the storekeepers grumbled?

MR. TEESDALE SMITH: Yes. Those eight men on the list are all storekeepers, butchers and bakers, with the exception of one who is a boarding-house keeper.

MR. TAYLOR: A number of your employees grumble.

MR. TEESDALE SMITH: You get some cranks even in this House sometimes. [Interjection by MR. TAYLOR.] I absolutely deny that the member for Mt. Margaret or any other member in this House can come down to the mill, or any other thing I have had anything to do with, and substantiate one fraction or one tittle of what he says about robbing. Rubbish! Absolute rot!

MR. TAYLOR: Your own statement.

MR. TEESDALE SMITH: No statement at all. Do you mean to say because I am paying away money in a legitimate way that I cannot get that back, or a portion of it?

MR. TAYLOR: The men produce the wealth first.

MR. TEESDALE SMITH: Who takes the money down there and gets them the occupation? What platitudes you people talk! The people at Waroona are the only ones who have complained that I know of, except one here and there. If people do not like it, we can shut the mill up.

MR. TAYLOR: That is the good old cry of the capitalist every time.

MR. TEESDALE SMITH: I wish my friend the member for the Murray were present. He would tell you how to run the stores at Jarrahdale. I would tell the House that Jarrahdale has been running 25 or 30 years, and everybody who has ever put 6d. of capital into this industry has lost it. Never a penny piece has ever been made out of timber in, I might say, Australia. There is only one timber company in this State which has ever paid a dividend. I do not want to detain the House, but I wish to make my position pretty clear. [Interjection by MR. TAYLOR.] The member for Mount Margaret says there is a necessity for the Bill. The Bill will be either flouted altogether or it will shut up the industry. If the Ministry say, "We are going to bring in a Bill and you can flout it; we do not care whether you abide by its regulations or not," well and good; but if the Bill is brought in and

it is made the law of this country, I think that the measure and its requirements should be observed. If they are to be observed and carried out, it is not a wild statement when I say that two-thirds of the railways in connection with the timber industry will be shut up.

HON. F. H. PIESSE (Williams): I regret I was not here at the time the Premier delivered his speech, but I have had the opportunity since of reading it, and, from his standpoint, it appears to have been admirably delivered. The arguments which he adduced pointed to the fact that much research had been exercised by that gentleman in looking up all the authorities in regard to dealing with matters which are governed by the principles of the Bill he has brought before the House. I think that anyone who would look into those arguments would come to only one conclusion, and that is that the Bill is not intended to act against any railways which are referred to by my friend the member for Wellington (Mr. Teesdale Smith), but against that railway which has the longest length in the country, and which is known as the Midland Railway; because there is not the slightest doubt that the intention is to get at that railway company in some way or another.

THE PREMIER: Oh no.

HON. F. H. PIESSE: There is not the slightest doubt about it, because the Premier would not have gone to so much trouble for the purpose of dealing with these small timber lines.

THE PREMIER: Small!

HON. F. H. PIESSE: These timber lines could be dealt with under our present law. We have already a law under our timber regulations by which the Government can deal with these lines, and we need only refer to Section 7 of the Land Act, which says:—

A timber lease shall authorise the lessee to construct railways and tramways on and through the area comprised in the lease, and to haul timber to and from the mills; and the Governor may, if he thinks fit, authorise the lessee to lay down such railways and tramways on other Crown lands outside the area, and to connect any such railways and tramways with any Government railway, subject to the rules of the Railway Department in regard to private sidings; and the Governor, in so doing, may prescribe such conditions as to carriage of passengers and traffic and otherwise as he thinks fit.

I was instrumental in having that provision inserted in the Land Act. At the time, it was proposed that these lines of railway should be built to our timber country for the purpose not only of opening up our timber resources but also for providing means for the people resident in those localities to travel upon those lines of railway under the prescribed conditions.

**THE PREMIER:** That would have no reference to lines built on concessions; Jarrahdale, for instance.

**HON. F. H. PIESSE:** It would have reference particularly to railways referred to by the member for Wellington (Mr. Teesdale Smith)—timber lines built from Waroona and other places, and connected with the Government line. The Premier put the facts very clearly before the House, giving particulars which were most interesting, and I do not disagree with him in regard to the authorities which he brought forward, because I consider that those authorities prove the arguments are convincing in the direction in which he intended them to be, for it is shown that under the state of things existing in England the Parliament of that country made laws which caused those companies to conform to conditions which Parliament thought they should conform to. We are asked to do the same here, but under totally different circumstances. I quite agree that if this could be applied to railways to be built in the future, then we have a very good case; but under the circumstances, seeing that we are endeavouring to deal with the property of a company which has a railway built in this State, and which of course has carried on its work satisfactorily, whilst at the same time it is not doing all it should do under the conditions of its agreement, I think we should take another course to bring it to book if necessary, and cause it to conform to the conditions of the agreement. We should not adopt a course such as this, which I take it is, after all, an arbitrary one, and Parliament should not lend itself to, as it were, attempting to force the company to sell this line, or line and land, under conditions we wish to impose. The Bill goes so far as to say that we can purchase the land and line of this railway company on the basis of valua-

tion, *plus* 10 per cent. That, of course, goes to show there is some object in the Bill. There is a desire to acquire not only this line, but other lines which it may be necessary to purchase hereafter. I take it that proposal is a good one in the interests of the State. I agree with the Premier that it is so, but under the circumstances I do not consider it a proposal which we can entertain in the way in which the Premier wishes us to entertain it. My opinion in regard to this railway is this. We have entered into an arrangement with these people; they have built a line, and to-day they are working that line to the advantage of the State and to the advantage of the shareholders in some respects; they are working it more economically than we can work our railways, therefore we have a railway at less cost to the country than our railways are worked. Consequently what have we to complain of? We have a service which is run at less cost to us than our own railways. What we have to complain of is that the company are not settling the lands as we should like to see them settled. The lands are locked up; they are not obtainable under conditions such as the Government offer, therefore settlement is not going on as in other parts of the State. There is a large territory which should be producing, but which is not producing in comparison with the other parts of the State. We know that is going on, but I say let us adopt other means than those proposed under the Bill to secure that railway, if it is to be secured and the lands belonging to the railway company. I remember when that question cropped up years ago the Forrest Ministry dealt with it, and there was an intention to buy the line, and no doubt some business would have followed if it had not been for the changes which took place in the Ministry of the day. The result was that the matter was shelved for the time. The property has improved in value, and to-day the owners look on the property as of more value than it was at the time the negotiations were opened up, but which were not successfully carried into effect. If we look into the provisions of the Bill, there are points here which will lead to endless trouble; for instance there is the question of what is considered to be "reasonable." Although the Premier

so ably dealt with that point, giving many instances of how the word may be interpreted, still after all it depends entirely on the *personnel* of the board. That board may in the eyes of the Government be one which they can intrust to deal with important matters of this kind. The board is to be formed of a Judge of the Supreme Court, with an expert on behalf of the Government and one person representing the company. We should expect that such a board would deal fairly with the important matters that crop up from time to time, because they are enumerated in the Bill. There are many questions which I take it would entirely depend on two of the members of the board—the expert on behalf of the Government and the person representing the company, with the Judge to decide between them. With all due deference to the judgment of high judicial authorities, they are not capable, in my opinion, of dealing with such important points as railway matters. Therefore I think in this instance the selection of a Judge to take up such questions as these is a matter which the country would not be satisfied with. We should have a body of men more expert in dealing with railway matters, and it would be better to leave the judicial element out. I cannot see how these three men, admitting they are the best men obtainable, would judge as to what is reasonable, because it is a question of opinion, and on questions of opinion there is great difference, and there are always difficulties in dealing with matters like this, especially when dealing with the reasonableness of a question at issue. Therefore I see great trouble in the matter. As to the question dealt with by the member for Wellington, compelling companies having short lines to carry passengers and goods at reasonable rates, already I think we have power to deal with that. Why therefore introduce fresh legislation to deal with questions of this kind when we have already the power to deal with it? When that law was introduced it was a good thing to make provision to cause companies to carry goods at fair rates. We had the instance before us of the Jarrahdale line, which was dealt with in my time, enabling those who made use of the line to have their goods carried at reasonable rates.

THE PREMIER: I think that section referred to where the line was built over Crown lands.

HON. F. H. PIESSE: The bulk of the lines were built on Crown lands. There were the Torbay line and the Jarrahdale line, going through great areas of Crown land.

THE PREMIER: The Torbay line was built on concessions, and afterwards the strip of land was given to them.

HON. F. H. PIESSE: It is not so much to deal with the Jarrahdale or Torbay lines, or the Canning line, that the Bill is brought in, but to deal with the railway between Guildford and Walkaway, because that line was more in view. The Premier's arguments point to that fact; he adduced so many arguments on that point. There was no necessity to bring out a cannon to kill a mosquito.

THE PREMIER: You cannot call the member for Wellington's interests a mosquito.

HON. F. H. PIESSE: No doubt the Premier came here armed with all the numerous arguments which are so conclusive in themselves to deal with the more important subject, and as I said just now, not to deal with the minor lines, but with more important matters than the timber lines could be expected to be. I think there is no doubt about that. The exception which the member for Wellington took to several parts of the Bill were well supported. Although we have a system of railways in the country which on the whole are satisfactory, still after all we as a country are not carrying out a lot of the conditions which are imposed in the Bill. They are optional, and the board will deal with them.

THE PREMIER: Do you not think the answer would be conclusive with a company if the Minister said "You must do so and so," and the company said "You don't do it?" Assuming you are on the board?

HON. F. H. PIESSE: That is not a fair way of looking at it, because I call myself a reasonable man. You may find men who have not a practical knowledge to judge what is right and wrong, what is fair and reasonable. The word "reasonable" has a very wide application, and it depends on the peculiarities of the members of the board. People have

differences of opinion and various characteristics on matters of practical experience. All these points go to make up, first of all, the business man. Then there is the Judge, and then there is the man who is biased. There will be the influence of the man appointed by the company and the influence of the man appointed by the Government, and the Judge will have to settle the difference. Judges may be well learned in the law, but as practical men I cannot say that Judges are a success.

THE PREMIER: Judges in the exercise of their powers are called on every day to say what is reasonable and what is unreasonable.

HON. F. H. PIESSE: I mean to say that Judges are not successful in arriving at conclusions which from a business man's point of view, having a knowledge of every day facts, are considered to be just and fair. But I rose for the purpose of saying that the Bill has been introduced by the Government, who, no doubt, are prompted to do the best in the interests of the State. We have the Bill introduced for the obvious intention of forcing a company which has a great concern in the State to dispose of its property, by bringing forward a measure compelling that company to come to terms. That is not a fair way to do it. The company have a concern here to-day which has been built up under certain conditions. These conditions were imposed under an agreement entered into some years ago. Admittedly the company have not complied with the whole of the conditions, but we have our remedy to force them to do so. Our course is open to us, and that is the course we should take. If by the altered conditions of this State, by our prosperity and our continued advancement, the improvement in our national wealth in land, and our own railways being prosperous, we have added to the prosperity of the country, the company should get all the benefits that naturally follow on any business undertaking which properly belongs to them. Therefore I think they should be fairly dealt with, but I would not give them any more than what is right and proper to give them. If there are conditions with which the company do not comply, by all means let us see those conditions enforced, if the Government succeed in carrying the Bill, and it

may be carried with certain modifications. There are certain clauses which have been well argued, but when we come to them we may find they contain some dangerous elements which certainly should be looked into with a view to modifying them. If we allow dangerous provisions to pass, it may be not only disastrous to the timber companies and the railways, but it may also mean considerable trouble to the country, and will cause endless trouble in administration. There is the one word "reasonable" which will not only give the Government trouble, but may result in litigation, or lead to endless dissatisfaction so far as it concerns the various industries affected by the Bill. On the whole, I think the Bill might have been better thought out before it was brought before Parliament. No doubt it has been well looked into, because I must commend the Premier for the great care he took in putting the whole of the facts before the House. The measure was well looked into, but the object to be attained could be attained without resort to the Bill before the House.

MR. PIGOTT: I move that the debate be adjourned.

Motion put and negatived.

MR. A. Y. HASSELL (Plantagenet): I would like to say a few words on the Bill. I intend to support the second reading, reserving to myself the right to criticise the clauses when in Committee. It will be within the recollection of members that before the Bill was brought forward I proposed that there should be placed on the table the agreement and contracts between the Denmark Railway and the Government. I am sorry they were not presented within a reasonable time; however, the documents have now been placed on the table, and we can find out what the agreement was, if any, between the Denmark Railway Company, or rather the Millar's Karri and Jarrah Company and the Government in regard to the carriage of goods. There have been grave complaints in our district as to how people are treated by the proprietors of that railway. The member for Wellington (Mr. Teesdale Smith) said to-night that there were no farmers along that railway, or only three or four. I do not wonder at there being so few, considering how they are treated; because no sensible man

would settle on that line and put up with such treatment.

MR. TEESDALE SMITH: There are Government rates and Government charges.

MR. HASSELL: When the Premier was speaking the other night on this subject, the hon. member interjected that the railway was not built to settle the land. I took a prominent part in inducing the Government to give the fee simple of certain portions of the land to that company on the distinct understanding, as I thought, that the line was to be built to help to settle the land which the Millar's Company gave up.

MR. TEESDALE SMITH: The company had been trying to settle it five years before, and not a soul went on it.

MR. HASSELL: That may be; and I can quite understand it. I shall not villify the company; because they have done much good to the district I represent. At the same time, they have not carried out their engagements with regard to goods or to passengers. The member for Wellington took great credit to-night for carrying school children. I as member for the district had much trouble to get that done, and also to get trains to pick up other passengers.

MR. TEESDALE SMITH: You could not get it done in any other country.

THE PREMIER: It is done in America.

MR. TEESDALE SMITH: American trains never stop for children at line repairers' camps.

MR. HASSELL: All I can say is, considering how the company treat the farmers in the district I represent, and through which the railway runs, I do not wonder at the sparse settlement. The company have treated farmers very unjustly.

MR. TEESDALE SMITH: How many farmers are there?

MR. HASSELL: About three or four, I believe; but there would have been many more if the railway had been used, as it ought to have been, to forward the interests of the district.

MR. TEESDALE SMITH: The company spent £2,000 in trying to get something to grow there, but without success.

MR. HASSELL: I intend to support the second reading, reserving the right to criticise the Bill in Committee.

MR. WALLACE: I move that the debate be adjourned.

THE DEPUTY SPEAKER: I cannot put that motion for some time yet.

MR. R. G. BURGESS (York): I have not the slightest doubt that as the member for the Williams (Mr. Piesse) said, the Government have brought in this Bill to deal with the Midland Company solely; and I think it is nearly time something was done to compel the Midland Company to improve their lands. To anyone going through their country now, it looks more like a deserted wilderness than a settled district.

MR. TEESDALE SMITH: The Bill deals with the railway, not with the land.

MR. BURGESS: We are dealing with the whole thing; and it is quite time that the Government compelled the company to do something with the land. People throughout the country are now taxed for road making, and the everlasting cry is for land taxation. We have motions now on the Notice Paper with reference to that and to similar subjects, and I think when one company holds millions of acres and does nothing with them, it is nearly time its land was taxed or that it was compelled to do something with the land. If members do not like to tax the land, bring in a Railway Bill which will compel the company to carry out the conditions or to sell the railway. It is very well for the member for Wellington, who owns so many railways, to object to this Bill. We do not wish to see any unjust measures taken against people who are spending their money in the country; but in what way have the Midland Company conducted their business from the very beginning? Have not the Government given them all sorts of concessions, and saved them from ruin two or three times? I know a little about it; for though I have not been on any of the select committees of inquiry, I have studied the evidence. Of course there are two sides to the question; because the cultivation of wheat would not have absorbed the immigrants had the company been compelled to bring them here. The enterprise would have meant something like ruin to the immigrants, and the company must have sent them away, or there would have been a pretty howl.

HON. F. H. PIESSE: The Government allowed the conditions to be relaxed in that respect.

MR. BURGESS: And in other respects too. But when all these concessions have been allowed, it is time that the company did something. When the Government of which the hon. member interjecting was a member guaranteed £500,000, as they should never have done, that was the time to insist on an improvement in the methods of the company. That guarantee was the greatest blot on the management of the business. The company ought to have made several concessions in return for that guarantee.

HON. F. H. PIESSE: We got a *quid pro quo*.

MR. BURGESS: You ought to have got a lot more. You had the chance and did not take it; and that is one of the blots on the administration of that day. I think it is nearly time something was done, either by a Bill of this sort or by other means.

MR. JACOBY: The Government may confiscate your property, next.

MR. BURGESS: Oh, they would do that to-morrow if they wanted it. It is only when dealing with big capitalistic concerns that the Government are considerate. I am no capitalist; the "small" man and the "medium" man get no consideration at all in such cases. The Government take such a man's land and do what they like with it; but large companies are given every concession. A few years ago the cry with regard to the Midland Company was that if we did certain things the company would block the money market against us; and that is one of the reasons why this reform was not carried out long since. But I think the country is now in such a position that one company cannot block the money market. There are, no doubt, some very drastic clauses in this Bill, but in Committee we can modify them and make it more reasonable. My opinion is that the Government, in trying to compel the Midland Railway Company to sell or do something of that kind, have not altogether acted wisely; and as regards the "Julia Percy" contract, I think it was a very unfair action. This line was built with the consent of the people, and I do not think it was the duty of the Government to subsidise a steamer service against a railway which was giving a fair service. I do not believe

in it, although I am sitting on this side of the House.

THE TREASURER: The House agreed to it last session.

MR. BURGESS: I consider it was a very unwise action on the part of the present Government. The officers of our own railways act in a very arbitrary manner, even more so than the Midland Railway Company. One can make arrangements with the Midland Railway Company and get concessions, but he can get nothing from the management of our own railways. Even before the present Commissioner of Railways was appointed, it was very much like tackling a block of wood. Certain rules had to be carried out, and nothing could be conceded. That is how the Government railways have been conducted up to the last year or two at any rate. Although I am going to support this Bill, I think it should be modified. I do not believe there is any occasion to bring it forward to compel the Midland Railway Company to improve their lines, or to sell them at a reasonable rate, so that the country should not be blocked. No one knows the extent of their country or how far it reaches. It reaches almost east of the Northam district, taking in the New-castle district. It takes in an enormous extent of country which, if the railway had been handed over to the Government five or six years back, would have had as much settlement as the country where the member for the Williams (Hon. F. H. Piessé) resides. East of Moora it reaches for 30 or 40 miles, and only grows timber. This is land that could possibly be settled to support a large population. Should this area be settled, the whole of our cereal products and meat supply on our homesteads, about which we are crying so everlastingly, could be overtaken. Should the country be settled with small holdings, in four or five years we would do away with the cry of dear meat, and with the necessity of bringing in diseased cattle and spreading them all over the country, as mooted in a motion on the Notice Paper. I will only say again that I have made up my mind to support the Bill if modified; but I can say there is no necessity to bring it in to compel the Midland Railway Company to either improve their land or sell it to the Government at a reasonable rate, because

there are other ways of doing this. I will not suggest them now. At another time perhaps I will suggest a way if nobody else does. [MR. JACOBY: By a land tax.] Some hon. members want to "land-tax" everything. If one takes up a piece of land he will be well taxed in working it. The land which should be taxed is that lying idle and only growing timber, unimproved and useless. The company should not be compelled to do anything unreasonable; but as regards the settlement of their lands, when they are selling on five years' terms and charging 25s. per acre, while the Government charges 10s. per acre on 20 years' terms, allowing the settler, if he has made some improvements, to go to the Agricultural Bank and borrow money, it is impossible for the company to make any headway. I hope the Bill will be modified, as there is no occasion to deal with the Midland Railway Company for the reason I have indicated.

On motion by MR. WALLACE, debate adjourned.

#### ADJOURNMENT.

The House adjourned at 10:47 o'clock, until the next Tuesday.

### Legislative Council,

Tuesday, 8th September, 1903.

Obituary : Adjournment of House ... .. PAGE 839

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

#### PRAYERS.

#### PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Payment of Supreme Court Fees by

means of Adhesive Stamps. 2, The Mining Development Act, 1902—Regulations under which stone will be crushed and tailings treated at the State Batteries after 1st July, 1903. 3, The Mining Development Act, 1902—Statement of Expenditure incurred to the 30th June, 1903. 4, Roads Act, 1902—Exemption of certain Road Boards from levying General Rates.

Ordered, to lie on the table.

#### OBITUARY—HON. B. C. WOOD.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): Mr. President, since we last assembled in this Chamber, an event has happened which I think must have filled the minds of most of us with surprise and feelings of grief. I allude to the untimely death of our honoured and lamented late fellow-member, the Hon. Barrington Clarke Wood. I feel a certain amount of diffidence in speaking on this subject before a Chamber which holds so many members who have known the deceased gentleman for so much longer than I have, some who had been his companions in boyhood, and some his colleagues in politics and in a career which has been a credit to the deceased gentleman and of good profit to the State of Western Australia which he so dearly loved. Mr. Wood was a man who, from the earliest age at which he could occupy such a position, identified himself to the fullest extent with public life. He was a man whose one prominent characteristic I think was unselfishness; and this undoubtedly was the motive which prompted him to devote so much of his time to public affairs, and to give of his best to the State which was the land of his birth. The late gentleman filled in this State a number of important positions, and I think I may say—and I believe in this I have the concurrence of this Chamber—that he filled them well. He enjoyed to a very large extent, to an extent which is rarely met with, the trust and the confidence of his colleagues. It is scarcely necessary for me to say much about the hon. gentleman in his private capacity. We all know that he was the very soul of good nature, that it pleased him more to be of benefit to his fellowmen than I think to reap any benefit to himself. I