

should be made into that wrong; and what right had the House to say that the facts should be inquired into *ex parte*? He (Mr. James) was not asking that this matter should be referred to a court of law but simply that the prayer of the petition should be inquired into and the prayer of the petition was:—

That you will direct an inquiry to be made to ascertain whether, and if so, to what extent, your petitioners and your other owners of land abutting upon the said portion of the said street have been injuriously affected by the said Act 62 Vict. No. 14 and that the said Act be repealed or modified to prevent any further injury.

The petitioners did not ask for more than that; and everyone had to admit that a *prima facie* case had been made out; therefore there was cause for inquiry. Why in the name of justice, if this street had been closed for the protection of the public, should any individual suffer one penny's worth of damage? That was an extremely bad principle. When an Act of Parliament was passed which deprived a man of a proprietary right, and the House said that the man should not be entitled to any compensation for damage done, it was an unheard of proceeding. If the House thought, when the Bill was before us, that the law would have the effect of doing an injury to any individual, he was sure provision would have been made. The prayer of the petition asked for no more than justice; and when a person came before this House asking for justice and for an opportunity of proving his case, it was only right that we should grant what was asked. He submitted that the paragraph in the letter from the solicitors of Messrs. Coombe, Wood and Co., addressed to the Director of Public Works, was true. The paragraph said:—

We would point out that Parliament passes these Street Closures Acts chiefly on the implied understanding that no injury is being occasioned; and we feel sure that if the facts had been known compensation would have first been directed.

No member thought, when the Act of Parliament was passed, that it would do an injury to anyone. It might be that the petitioners were not entitled to a shilling: he knew nothing of the merits of the claim; but the petitioners had a right to come to this tribunal and put their case before it.

Question put, and division taken with the following result:—

Ayes	6
Noes	18

Majority against ... 7

AYES.	NOES.
Mr. James	Mr. Burt
Mr. Leake	Sir John Forrest
Mr. Oldham	Mr. A. Forrest
Mr. Vosper	Mr. George
Mr. Wallace	Mr. Higham
Mr. Illingworth (Teller).	Mr. Locke
	Mr. Monger
	Mr. Pennefather
	Mr. Phillips.
	Mr. Piesse
	Mr. Quinlan
	Mr. Throssell
	Mr. Rason (Teller).

Question thus negatived.

ADJOURNMENT.

The House adjourned at 10 o'clock p.m. until the next day.



Legislative Assembly.

Thursday, 13th July, 1899.

Question: Midland Railway, the Land not Settled—Motions (2): Leave of Absence—Evidence Bill, second reading, in Committee (completed)—Criminal Evidence Bill, second reading, in Committee (completed)—Paper: Commonwealth Bill, Actuary's Report on Financial Clauses—Supreme Court Criminal Sittings Bill, second reading, in Committee (progress)—Truck Bill, second reading—Perth Mint Amendment Bill, second reading, in Committee (completed)—Trustee Investment Amendment Bill, second reading (adjourned)—Adjournment.

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

PRAYERS.

QUESTION—MIDLAND RAILWAY, THE LAND NOT SETTLED.

MR. PHILLIPS asked the Premier:—
1, Whether the Midland Railway Land Company had made any offer to sell their concession to the Government; and, if so, on what terms? 2, If not, what prospects there were of the above company

opening up their lands for agricultural settlement?

THE PREMIER (Right Hon. Sir J. Forrest) replied:—1, The only definite offer was made in July, 1897, and it was refused, as the terms were considered excessive. 2, The Government has very little information on the subject, but considers the prospects are not favourable.

MOTIONS—LEAVE OF ABSENCE.

On the motion of the PREMIER, leave of absence for one fortnight was granted to the member for East Kimberley (Mr. Connor), on the ground of urgent private business.

On the motion of Mr. LEAKE, leave of absence for one fortnight was granted to the member for Dundas (Mr. Connolly), on the ground of urgent private business.

EVIDENCE BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) in moving the second reading, said: This Bill is what may be termed a formal Bill, having for its object to make easy the proof of certain judicial acts and certain official signatures, and generally to make easy the proof of those matters in law which are of a non-contentious description. I may inform hon. members that the Bill is already in existence as an Act of Parliament in Victoria, in Queensland, and I think in New South Wales. Before it was passed by any of those colonies, it was submitted to this Government; so we have been quite aware of its provisions, and that they clearly cover the ground we want to be covered by the Bill. I have nothing more to say, but that I am of opinion that the measure will be useful in the administration of justice, and will facilitate the first step which may ultimately lead to a federation of the colonies.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and report adopted.

CRIMINAL EVIDENCE BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather), in moving the second

reading, said: At present our law, so far as it governs evidence in criminal proceedings in which a defendant is charged with an offence, is limited to offences of a summary nature, those which are adjudicated upon in police courts; and the object of the Bill is to extend the provisions of the existing Act by making them applicable to the trial of offences in the Supreme Court as well. I may inform hon. members that the Bill is a transcript of the Imperial Act, and has been adopted in most of the Australian colonies. Hon. members will see that there are some exceptions in the Bill, which I may as well point out, although these exceptions do not affect the substance of the Bill, or interfere to any extent with other legislation on this subject. For instance, in Clause 3, sub-clause (h), there is an exception which has reference to the warning or advice that is generally given to a man about to be committed for trial, that anything he may say may be given in evidence against him; that is, saving that right in the interests of the prosecution as against the accused. I do not think there is any other point on which I wish to address the House, and all I need say is that this is a useful measure to have on the statute book of the colony.

Mr. LEAKE (Albany): It is my intention to support the Bill; and, as the Attorney General has pointed out, it is carrying a principle to its utmost extent, whereas it was only limited before. The principle was objected to when the present law was framed, on the ground that we were going too far, and that prisoners in a higher court ought not to have the privilege that prisoners have in the lower court; and it was urged that we should try the effect of the principle on a small scale at first. That has been done, and I think hon. members know there has been no scandal or delay in the administration of justice; in fact, altogether the law has worked well. It is my intention, therefore, to support the Bill; and I do not wish to go through the arguments urged from time to time in favour of the innovation. The principle has worked in other places, in England particularly, and it is time we adopted it.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and report adopted.

PAPER -- COMMONWEALTH BILL, ACTUARY'S REPORT ON FINANCIAL CLAUSES.

THE PREMIER: Before the next Order of the Day is called on, I wish to ask permission of the House to lay on the table an important paper I have just received. I have really not had an opportunity of looking at it carefully. It is a report on the financial provisions of the Commonwealth of Australia Constitution Bill as they affect Western Australia, by the Government Actuary. Hon. members will be able to get possession of the paper to-day. With the permission of the House I ask to be allowed to lay the paper on the table.

Paper presented. Ordered to lie on the table.

SUPREME COURT CRIMINAL SITTINGS BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather), in moving the second reading, said: This Bill is certainly short, but I think a very important one. The object of it is that the criminal sittings of the Supreme Court, instead of being held as hitherto, quarterly, should be held monthly. The reason why the change ought to be made may be due to the fact, in the first instance, that since the quarterly sittings were instituted, population certainly in the metropolis and Fremantle has rapidly increased; and this population, I think, has a right now to demand that in the trials of criminal offences, where many a person lies in gaol awaiting trial and may have to stay there in some instances for three months, the accused persons should be brought to trial as soon as possible. The object of the Bill is to provide that there shall be a general gaol delivery once every month. I have no doubt this may interfere with the duties, as at present arranged, of the Judges of the Supreme Court; but having regard to the fact that our first consideration is the liberty of the subject, inasmuch as every man is presumed to be innocent until he is proved guilty, in these

days it seems hard that a man should remain in gaol for three months before being brought to trial. I may point out to hon. members, particularly those from the goldfields, that so far as the quarterly sessions in those districts are concerned, the sessions are not the creature of any statute, and can be held as often as the Government wish, by proclamation; but it is different in regard to the sittings of the Supreme Court, and this is the reason why the Bill deals only with the Supreme Court. I think, at least with regard to Coolgardie, that we ought to have sittings now pretty much within the same intervals as are intended by the Bill, namely monthly, and for the same reasons which I have given for the alteration in the populous districts.

MR. LEAKE (Albany): I cannot support the Bill, because I cannot see the necessity for it. I would like to ask the Attorney General why the object that this Bill has in view cannot be carried out with the machinery that already exists. There is no necessity, it seems to me, for an enactment declaring that the Supreme Court shall sit every month in its criminal jurisdiction, when that court has the inherent power to declare when and where it shall sit. If the Bill is passed we shall have to go still further, because each of these monthly sittings is made a court of general gaol delivery, and there will have to be some further provision made whereby persons will not be released from their commitment in the event of their travelling from a distance. If every monthly court is a general gaol delivery, then every prisoner committed to take his trial at that court must be discharged or tried. In capital cases committed in outlying places or in the far North, prisoners cannot possibly be brought to Perth for trial within a month of the commitment, and it often happens that a special sitting of the Supreme Court is held in the district where the charge originated. It will be necessary, if the House confirm the principle of the Bill, to go a step further; and I urge the Attorney General not to press his proposal, but to ascertain whether its object cannot be carried out by the ordinary process of administration. I do not know whether the Judges have recommended the Bill, or whether they have ever seen it; but it would be just as

well, if the Attorney General has not done so already, to ascertain their feeling in the matter. The Bill will not necessarily establish circuit courts throughout the country—that is not the object in view—but will apply merely to Supreme Court sittings in Perth. The Criminal Court should sit more frequently, and sometimes a hardship may be caused where a prisoner is kept locked up for three months; but if the offences be not of a very grave character, bail may be allowed and thus no particular injury done. The Bill would impose extra work on the Judges, and the summoning of jurors would cause a little extra expense.

THE PREMIER: But prisoners would not be kept so long.

THE ATTORNEY GENERAL: There would be less expense, because neither prisoners nor witnesses would be kept so long.

MR. LEAKE: I do not think there is much in that argument, one way or the other.

THE ATTORNEY GENERAL: There is, in regard to witnesses more particularly.

MR. LEAKE: To pass the measure would very likely mean that a fourth Judge would have to be appointed; but that would not be a disadvantage, because the time has arrived when there ought to be another Judge who could take circuit work. This is not a Bill to relieve the pressure of work now felt in the Supreme Court: indeed, the tendency would be to create more work. I hope the member for the Ashburton (Hon. S. Burt) will have something to say on the Bill. I speak from my experience as a prosecuting counsel, and I do not see any necessity for the measure; because there is ample machinery to accomplish the desired end, either in the inherent power of the court, or in Section 12 of the Supreme Court Act, which enables the Judges or the Governor to appoint a special commission for the trial of any important case in any part of the country.

HON. S. BURT (Ashburton): I should like to hear the Attorney General say whether the Judges have been consulted on the introduction of the Bill; because if they have not, they may somewhat resent the passing of the measure. No doubt the Judges think themselves very much over-worked at the present time, and to pass a Bill without any reference

to them, providing for criminal sittings monthly, might be taken as somewhat discourteous. However, the Judges may have been consulted, though I did not hear the Attorney General say they had. Certainly under the present Act there is ample power for the Court to fix its own sittings, and, for all I know, the Judges do so. If the Government informed the Judges that it was considered prisoners should be more rapidly brought to trial, it is not probable the Judges would refuse to carry out the suggestion, if they could possibly manage the whole of the criminal business in a month. The provision in the Supreme Court Act states that, subject to rules of Court, the Judges have power to sit at any time and any place for the transaction of business of the Supreme Court. From that it will be seen that the object in view now can be accomplished without further legislation. But the member for Albany (Mr. Leake) has pointed out a real evil which might result if this Bill be passed. If there were a gaol delivery every month, the Judges might release every committed person whom the Crown was not in a position to bring to trial. The hon. member also referred to cases which occur in outside districts and which cannot be heard at quarter sessions. It is impossible very often to get witnesses down to Perth within a month from these outer districts, and I am afraid the Judges, if the Crown were not ready with the prosecution, would, under such circumstances, release a man, even though that man had been committed only the previous day. The member for North-East Coolgardie (Mr. Vosper) asked the other day for a list of people not brought to justice, and such a list would be very much increased if the Bill were passed, because, as I have pointed out, prisoners might be released simply because the Court happened to sit when the prosecution were not ready. It has been the practice of one or more of the Judges lately to clear the gaol of all persons under committal, whether the Crown have been able to get the witnesses together or otherwise. When there are quarter sessions, the Crown can in most cases be prepared; but certainly, if the sittings were monthly, there would be a danger of the release of accused persons, in reference to whom the Crown was not ready. I do not see any necessity for the Bill, and I

dare say that if representations were made to the Judges, a monthly sitting, or perhaps a sitting every two months, could be arranged. I admit the time has arrived when the sittings should be more frequent than has been the case in the past; but to my mind all that is necessary can be accomplished very easily without the tremendous machinery of an Act of Parliament.

MR. EWING (Swan): Sittings of the Court contemplated under the Bill need not necessarily be sittings for gaol delivery. Quarterly sittings may be courts of gaol delivery, and those under the Bill merely supplementary and held as convenience required. I do not see any objection to one criminal court being a court of gaol delivery and the other not being so regarded. The Bill is desirable because committed persons are supposed to be innocent until tried, and it would prevent their being detained in gaol when, in many cases, their innocence might be proved. It has been suggested by the member for Albany (Mr. Leake) that in serious charges, like that of murder, occurring in the outlying districts and on the goldfields, and which cannot be determined by the wardens who sit as chairmen of the quarter sessions, it would be difficult to have a trial within a month of commitment. But that difficulty is occasioned by the absence of criminal and other Supreme Court sittings on the goldfields; and it can be overcome by putting into effect the machinery of the Circuit Courts Act passed last session. Surely there should be no necessity to bring criminals down to Perth for trial, when it would be far less expense to the Government to send a Judge into the different large centres in the country. If Circuit Courts were established, the Government would be saved the great expense of bringing witnesses to Perth and keeping them here pending the day of trial, and civil suitors would not have to maintain witnesses in the metropolis day after day and week after week until causes could be tried. The difficulty suggested by the member for the Ashburton (Hon. S. Burt) would be altogether overcome if the Government could see their way clear to appoint another Judge for the purpose of administering the law under the Circuit Courts Act passed last session. That Act was

passed with the full intention that some facility should be given for administering justice on the goldfields; and this would cost less than the present system, besides affording great convenience to the people in the country. Wardens sitting as chairmen of quarter sessions try many charges which ought not to be left to them; and there is no question that the liberty of no person should be put in the hands of a set of jurors without a legal authority to direct them. It is most important that the machinery provided under the Act of last year should be put into effect, and that justice should be administered on the goldfields and in other important centres; and I do not think the Bill would cause any great hardship or danger. In other parts of the world and other colonies a similar law has worked well and satisfactorily, and if it does not work well here, then there is something wrong; but, no doubt, the something wrong is in bringing all criminal and other legal business to the city, a system found in no other British-speaking colony I know of. The Bill would serve a useful purpose in Perth, and the Circuit Courts Act an equally useful purpose on the goldfields.

MR. GREGORY (North Coolgardie): The people on the goldfields will be pleased to hear the remarks of the member for the Swan (Mr. Ewing), because prosecutors and suitors are put to great expense in bringing their cases to the metropolis for trial. It is quite time that a fourth Judge was appointed who should be able to go on circuit and administer justice throughout the goldfields. There is not only the point of expense to be considered, but in many instances serious offences are condoned because, in view of the consequent cost, people refuse to swear informations. I hope the Premier will let hon. members know now that within a short time a Judge will be sent on circuit to the large centres.

MR. LEAKE: We cannot discuss that under the Bill.

MR. GREGORY: I think we can.

THE DEPUTY SPEAKER: The member for North Coolgardie (Mr. Gregory) is, I think, rather out of order.

THE ATTORNEY GENERAL: In reply to my friends who belong to the legal profession, I would point out that in any case where witnesses have to be

brought from a distance, and time is necessarily required to work up the case for the prosecution, there is not the least difficulty in obtaining an adjournment by affidavit; so that objection is at once met. If a case involving difficulty came from a remote part of the colony—a serious, say a capital charge—then, on an affidavit being filed in the Court on the opening of the sitting, asking for an adjournment of that case for a further period, and pointing out the difficulties and the reasons for the application, no Judge would refuse to grant an adjournment at once. Even now, such cases are of daily occurrence: the Crown Prosecutor asks that a case be adjourned till the next sitting of the court, and gives his reasons.

MR. LEAKE: That must be a new practice.

THE ATTORNEY GENERAL: If so, all I can say is that it is very fortunate that cases are so conducted; for I very often doubt whether the ends of justice are met by rushing through the court cases which have not been properly worked up. Every sitting is intended by this Bill to be a gaol delivery; that is to say, every prisoner in gaol must be brought before the Judge: and if the Crown is not prepared to go on with the case, or is not prepared to advance reasons sufficient to justify the Judge in postponing that case for some further time, then the Judge will of course deliver the prisoner, and very properly so.

MR. LEAKE: Suppose a prisoner in a country district be committed five days before the Supreme Court sitting, and that there is no communication between the place of his committal and the court, prior to the first day of sitting?

THE ATTORNEY GENERAL: In that case the prisoner will be tried at the gaol delivery next following: he will not necessarily be tried on the day after his committal. He cannot be set free, because he is not in custody: he is not before the court unless he is in the gaol. The court of gaol delivery can only deliver prisoners in gaol at the time when the Judges take their seats on the bench: they cannot take cognisance of prisoners in transit throughout the country.

MR. LEAKE: That is not the law.

THE ATTORNEY GENERAL: Excuse me; I ask hon. members not to imagine for one moment that the member

for Albany possesses all the knowledge on this subject. It has been suggested to me that the Government ought to have consulted the Judges before bringing forward this measure; but I ask hon. members to reflect on the position in which that course would have placed not only the Government but the House. Suppose the Attorney General had asked the Judges whether they were willing to hold monthly instead of quarterly sittings, and they had declined to do so, he would then bring forward this Bill, which, if passed, would force them to do it. Would that be a proper position for any member of the Government, or of this House, to occupy? I take it that this Legislature is the proper body to fix the times when these trials shall be held; and we are not doing so in a spirit of opposition to their honours the Judges—far from it; but the House is taking into consideration the exigencies of this country, and the enormous population which has recently come here; and, if the Judges take no action, I think that the time is ripe when we should act as a Legislature in putting this on the statute book. In all the other colonies there are monthly gaol deliveries in the Supreme Courts; and why should this colony be in a less advantageous position?

MR. LEAKE: We are not objecting to that.

THE ATTORNEY GENERAL: But I am pointing out the reason why the Government should not be asked to consult the Judges; because in the event of a refusal, the Government would be put in the position I have just described. In the next place, my department informs me that, by holding these Courts monthly, a saving of nearly two thousand pounds a year in witnesses' expenses will be effected, and I think that is one of the most cogent reasons I can urge in support of this measure; for it will help to liberate the man who is innocent, and will not in any way interfere with the preparation of the defence. The object is to bring men to justice as speedily as possible, and at the same time to mitigate or lessen the expense to which the country is now put at every quarterly sitting, in maintaining numbers of witnesses waiting to be called. Hon. members will recollect that every prisoner is supposed to be actually waiting for his trial when the

session begins; and if all the witnesses are not in attendance in respect of nearly every case on the list, the chances are that, if two or three cases are disposed of, and the witnesses in the next case are not present, the Judge will immediately order the discharge of the accused in the next case. We want to save firstly the expense of bringing these witnesses from the country, and secondly the expense of keeping them here for considerable periods. During the last sitting, witnesses were kept in Perth for nearly three weeks before they were called. It will be seen that when the sittings are held monthly, the lists will be very short—barely one-third of their present length; and therefore the time of the witnesses will be saved: they can go back to their duties and their businesses, and there will also be a saving of expense to the colony. I am thoroughly in earnest when I say that this measure will have a very salutary effect, and that it is not in any way intended, as has been suggested, to be in opposition to their honours the Judges.

MR. LEAKE: Nobody suggested that.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Criminal sitting to be held in every month, except January and February:

THE ATTORNEY GENERAL, with a view of saving unnecessary trouble, moved that the words "and for general gaol delivery," in line 4, be struck out.

Amendment put and passed.

HON. S. BURT: To make it clear that a gaol delivery was not intended, it would be well to add at the end of the clause the words, "No such sitting shall be a Court of general gaol delivery, but the quarterly sittings of the Court as heretofore shall continue to be Courts of general gaol delivery."

MR. LEAKE: Surely every sitting of a Criminal Court was a gaol delivery, under the old statute, 14 Victoria, No. 15.

MR. BURT: Better say that it should not be.

MR. LEAKE asked the Attorney General not to conclude the Committee stage of the Bill, as he wished to confer with the hon. gentleman on this subject. He was not opposing the Bill because it

had been brought in by the Attorney General, but he thought he could give the Minister some information which would be of service.

THE ATTORNEY GENERAL moved that progress be reported.

Put and passed.

Progress reported, and leave given to sit again on the next Tuesday.

TRUCK BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir J. Forrest): I beg to move the second reading of this Bill, which, as hon. members will notice, has for its object the prohibiting of the payment of wages in goods, or in any other way than in money. It is commonly called the Truck Bill. It is strange that in South Australia, which is supposed to be an advanced democratic country, there is no Truck Act, and I do not think there is one in Victoria.

MR. ILLINGWORTH: Yes, there is; or at least there was to be.

THE PREMIER: I do not think there is; but the Government here propose to ask hon. members to assent to a Truck Bill. The necessity for such a measure principally arises in connection with the timber companies doing business in the colony. On the goldfields there is, so far as I know, no such necessity.

MR. VOSPER: There are some cases of "truck" up there.

THE PREMIER: I have never heard of such cases; and I may say in regard to the timber companies that, although I am aware that the truck system is in force on some stations, no complaints have reached me from the men or from any responsible people in the employment of such companies. I am aware that stores are kept by nearly all the timber companies—I do not think by every one, but by most of them—and that an account is opened against each man. In some cases there is no periodical payment of wages; but when a man is leaving the company's service, his account is then made up. Still, I believe accounts are rendered periodically. In other companies wages are paid periodically: the amount of the store account is deducted from the wages, and the balance is paid to the man. Anyone visiting some of these

stations which are in isolated positions, such as the Denmark timber station, which I have seen, would perhaps come to the conclusion that the system adopted there was to the advantage rather than to the disadvantage of the men. Still, it is a monopoly, and that, I suppose, is the great objection we all have to the system. On the Denmark station there is an excellent store, where everything can, I believe, be purchased at a reasonable price, and where food, including good baker's bread, and all necessities in the way of clothing, can be procured; and the wages are paid fortnightly, I think, in cash, but the amount of the store bill is deducted. I have heard a great many complaints with regard to this system, but they have principally come from the traders and persons who desire, and I think very properly, to get a share of the business going on about these timber stations. These persons complain that it is very unfair for timber companies to monopolise all the trade available, and I have heard of instances—and though I could not vouch for them, if I were asked to prove the case, I believe them to be true—where timber companies will not allow traders, other than those they approve of, to do any business on their stations: in fact, I do not think they will allow them to travel on their railway, but will put obstacles in the way of their trading. Certain timber companies have a monopoly of the retail business, and the men employed by them deal at their stores, and I do not think that is a very good state of affairs. This Bill will probably not prevent it altogether, for it only provides that wages shall be paid in cash, and does not go so far as to say the proprietor of a mill or mine, or any other proprietor, shall not keep a store. If it did provide that, I have not the slightest doubt the Act would be evaded; and, moreover, it would perhaps be an infringement of the liberties of the subject which would not be justifiable. It seems to me, however, that the Bill will do some good, because it will make employers pay their men in cash, or in something as good as cash. Members will notice the Bill comes from a colony in regard to which I have not often said too many good things as far as legislation is concerned. I refer to New Zealand, and New Zealand got its Wages

Act for the most part from the Imperial statutes. So the Bill is founded on the Imperial legislation, with some additional clauses from New Zealand, but very few. Members will see that the Bill provides in Clause 3 that the wages shall be payable in money, and that the contract shall be void if the Act be contravened. No contract is to stipulate how the money earned is to be spent, and the employee can expend it as he likes.

MR. A. FORREST: How is he to live during the month?

THE PREMIER: When we get towards the end of the Bill I will explain that there are exceptions.

MR. A. FORREST: How will you provide that a man employed at sawmills will live, if he is paid at the end of the month?

THE PREMIER: I will explain when we get to the end of the Bill. No set-off is to be allowed for goods supplied to a workman by an employer, and an employer is not entitled to have action for goods supplied to a workman. There is a provision that payment may be made by cheque, draft, or order in writing, payable to bearer on demand, drawn upon any person, company, or association carrying on the business of a banker in Western Australia, either generally or with any particular persons or class of persons only, if such workman shall freely consent to receive such cheque, draft, or order. It is provided, with regard to breaches of the Act, that for the first offence there shall be a penalty not exceeding £10, for the second offence a penalty not exceeding £25, and for the third offence a penalty not exceeding £50; and the penalties are to be recoverable summarily. It is provided further that the Act shall not extend or apply in the following cases; and I think that some of those cases will meet the objection raised by the member for West Kimberley.

MR. A. FORREST: I am thinking of the timber merchant.

THE PREMIER: The Bill is not intended to apply to the following cases:—Where an employer or his agent supplies or contracts to supply to any workman any medicine or medical attendance, or any fuel, materials, tools, appliances, or implements to be by such workman employed in his trade, labour, or occupation;

where an employer or his agent supplies or contracts to supply to any workman or workmen who have engaged with him to fell bush, or to clear land of bush, with the necessary outfit and means of support, and materials or tools requisite for commencing their engagement, to any amount not exceeding in any case the amount of two months' wages to be earned by such workman or workmen in such engagement; where such employer, or his agent, supplies or contracts to supply to any workman any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such workman in his trade, labour, or occupation; where such employer, or his agent, demises to any workman the whole or any part of any tenement at any rent to be therein reserved, or allows such workman the use of a tenement as part of his wages or in addition to his wages, or any other allowance or privilege, in addition to money wages, as a remuneration for his services; where such employer supplies or contracts to supply to any such workman any victuals dressed or prepared under the roof of such employer, or any drink, not being of an intoxicating nature, and there consumed by such workman. It shall not prevent such employer from making or contracting to make any deduction or stoppage from the wages of any such workman for or in respect of any such rent, medicine, medical attendance, fuel, materials, tools, implements, hay, corn, provender, victuals or drink as aforesaid. It also shall not apply to money advanced to a workman in order to enable him to contribute to any friendly society, life assurance company or association, savings bank or other society or association whatever, or any money advanced for the relief of such workman or of his wife or family in sickness, or any money advanced to any member of the workman's family by his order; nor is an employer to be prevented from deducting or contracting to deduct any such sum or sums of money as aforesaid from the wages of such workmen. The Act is not to apply to seamen or to persons employed in agricultural, fruit-growing, or pastoral pursuits, or engaged on sheep or cattle stations. On a far-off station or farm a man should be able to get the little things he requires, such as tobacco, and other articles, because he

could not obtain them otherwise. He could not obtain a pound of tobacco every time he wished, unless the owner kept a stock on hand for him. But, while the Bill has these exceptions, I believe it will accomplish a great deal of good, and it is, as I say, similar to the Acts in force in England and New Zealand. We cannot expect to pass legislation that will meet every case; so it is just as well to begin in the way I propose, by taking up the legislation as it exists in other countries, and seeing how it works. Although what is called the truck system is flourishing to a great degree, and especially on the timber stations, I say that I have not had any complaints from the workmen who are supposed to be suffering; the complaints I have received being from the traders who object, as I pointed out, to the existence of a monopoly, and to their being debarred from having the advantage of trade on the stations of these companies. They live in this country as citizens of it, and have a perfect right to carry on their business the same as everyone else in Western Australia; or at any rate they ought not to be debarred from so doing should the workmen desire to trade with them. I promised one or two deputations that I would introduce a Bill, and I have done so, and no one can say I have made the Bill less favourable than the Act in existence in other places. I know it is not exactly the same as the Act in operation in the mother country, because there are many provisions in England which would not be applicable here; but it is founded on the Imperial Act, and it corresponds with the Act in force in New Zealand; so I think it cannot be said we have no desire to bring legislation up to date as it exists in other places. I beg to move the second reading of the Bill.

MR. A. FORREST (West Kimberley): Before this Bill passes the second reading, I should like to explain what I know upon the subject. During the ten or twelve years I have been a large mill-owner, we have always paid our workmen in cash and never kept a store; but since these businesses have been sold to English companies—and they are in different parts of the colony—it appears from what I have gathered from the managers that the men themselves have no fault what-

ever to find with these stores, provided the prices are equal to Perth prices. The store of the company I was interested in for many years exists for the benefit of the workmen, and the prices are Perth prices with rail-age added, no profit being made out of the workmen as far as the company are concerned. Men come to work and are without provisions, and practically without clothing, and the mill-owners pay every month. These men cannot obtain credit from any store in the neighbourhood, because before the month expires they will perhaps have left the district. We know from the experience of those who employ a large number of men that these men are a moving community, shifting from one mill to another. With the exception of one or two instances in the far south, I have never heard of storekeepers not being allowed to supply men with goods; but there are storekeepers who will not supply them unless their account is guaranteed by the company, and the company say "We have to guarantee you for this store account, and we see no reason why we should not supply the men cheaper than you. We can go to the Perth and Fremantle markets, and buy at wholesale prices for cash, so we can afford to sell cheaper than anybody else." That is the reason why these stores have been carried on during the last eighteen months, I think. I do not pretend to say anything about the Karri mills or the Denmark mills, because they are in an isolated community. It is absolutely necessary that the mills from here southward down to the Vasse should each have a store to provide a man when he comes on the works with food and clothes and tools. Personally I am not in favour of any truck system. I believe in paying a man in cash for his work; but can anyone show me how we are going to get over the difficulty which I have pointed out? We know that the working men are generally improvident and have no surplus cash in their pockets, and who is going to trust a man for a week's board and lodging? The lodging-house keeper and the local storekeeper say that the man may clear out, but the company say "We can afford to give the man credit at Perth prices, and stop the money out of his wages." If hon. members like to take the opinion of all the timber companies who keep stores,

they will find that not one company has made a sixpence profit out of a store. The only object the companies have is to give the working men fair credit because the millers have the men's labour to put against that credit. Although I am not in favour of the truck system, and never carried out any such system when I was practically the owner of a mill, if we pass this Bill we shall be doing an injury to the working men which they will never get over.

MR. LEAKE: Do not some of the mill-owners prevent stores opening?

MR. A. FORREST: The only mills I know, in that way, are the Karridale and the Denmark mills.

MR. EWING: Some mill-owners will not allow farmers to sell butter to mill-hands.

MR. KENNY (North Murchison): I welcome this measure, and I think every praise is due to the leader of the Government for introducing it. I have listened with pleasure to the very reasonable speech of the member for West Kimberley (Mr. A. Forrest), and I must say that if all the timber companies ran their stores on the lines which the member for West Kimberley has described, there would have been very little necessity for the introduction of the Bill; but, unfortunately, they do not. I have had a little personal experience of the way in which these things are done, and from what I have seen I have little consideration for the argument advanced that the Bill is of such a nature that it will interfere with the liberty of the men. The man who swings an American axe for six hours a day for eight shillings deserves to be paid in hard cash. I cannot see where the interference comes in; whether it is to say to the English company "You shall not pay the men in tea and sugar and so forth," or whether it is to say to the men "You will have to go to the store and pay for the goods the price the storekeeper puts upon them." About twelve months ago I made an excursion into the South-Western portion of the colony, when I had the pleasure of visiting some of the timber mills there, and I must honestly say, if the member for West Kimberley had seen what I saw there, he would have admitted that there were exceptions to the rule in regard to the way in which companies treat their

men. Not only do companies prevent any other stores starting; not only do they prohibit any so-called hawker going on to the station or in the neighbourhood, but actually a civil or Government servant was prohibited from purchasing his supplies from Bateman's, in Fremantle.

MR. A. FORREST: What company did that?

MR. KENNY: When I rise in this House I am speaking for the benefit of my fellow-men, and I do not think it is necessary for me to attempt to abuse the position I hold, even to give an adverse advertisement to any person in the colony.

MR. A. FORREST: But you are abusing all companies by the way you are speaking.

MR. KENNY: You did not praise them all, and I fail to see that I abuse them all. I was rather astonished to be told by this civil servant that he had ordered a few ordinary requirements from Fremantle, and when they were landed from the steamer the company absolutely refused to allow the goods to be conveyed to him, or to be taken on to their property: the result was that the goods had to be transhipped to Fremantle. That man had to pay more than 50 per cent. advance on the price of the goods which he purchased from the company to that which he would have had to pay for the goods from Fremantle, with freight added. This is not one of the companies cited by the member for West Kimberley, and I have just as much right to bring this forward as the member for West Kimberley has the right to trot out that little company of his own. It is said that the truck system prevails mostly on the timber stations; but I am sorry to say, like everything of an evil nature, it is rather disposed to spread. Only the other day I had a letter from the goldfields, by which I was informed that it has been made pretty publicly known there that one of those magnificent English companies, in order to get level with the local storekeeper, intends to start a store in opposition to him, and that this company has already arranged to take over a hotel in opposition to the local trader, because the local trader has come into conflict with the company on some public matter. Personally, I have had experience of what is known as the truck system, and a con-

siderable experience too, and I say that while the system offers advantage to a certain extent, particularly to the improvident labourer, to be able to go to the company's store and procure what he wants when he arrives there without any money in his pockets, the evil effects on the man who works hard and puts away a few shillings a week are great. It is a pity the hard-working man should be taxed and overloaded because the company's store may, to a certain extent, assist the improvident labourer when he arrives. There was some mention made of one or two other timber companies, and the Premier said he never heard a complaint from a company, or from the men personally. I can only say I have been among the workers, and have talked this matter over with them, and while on some of the stations I have heard the men say they could purchase goods at a fairly reasonable price, and were fairly treated; on the other hand some men complain of the high prices they have to pay. We all know pretty well, if men feel compelled to go to a certain store to deal there, that fact renders them dissatisfied. The men say, "We earn our money, and ought to be allowed to spend it where we like, and if we prefer to send to Perth, the people whom we are working for should not be able to say 'You shall not do this: you must procure what you require from our store.'" I do not look on this Bill as being perfect, but I certainly hope, by the time it passes through this House, it will be so improved that it will have the effect that it is honestly intended it should have by the leader of the Government. I shall strongly support the Bill.

MR. WALLACE (Yalgoo): I intend to oppose the second reading of the Bill; not that I do not appreciate the end desired to be achieved, but I see no possibility of that end being achieved. Some little time ago we passed an Early Closing Act: we have had a bitter experience during the last twelve months of the working of that Act; and now, at the request of a few dissatisfied storekeepers, who waited on the Premier, and to whom the Premier gave a promise that he would see the Bill through, the House is required to break up an alleged monopoly said to be held by the timber mills of this colony. It has been said by the

member for West Kimberley that there are many cases in which it is necessary, in order to give the working man a start, that he should have credit before he begins working, and that if it were not for the establishment of stores on the timber properties, men would not be able to get a pair of moles and flannels, or a pair of boots, or those things which a working man wants to enable him to start work. The member for North Murchison (Mr. Kenny) has given us a little of his experience: perhaps I may give my experience of that gentleman when I was in his employ some years ago, and when he was in charge of a truck business. The hon. member will admit that it was impossible for the work with which he was connected to have been carried on without first of all giving the working men a certain amount of credit, which he knows could not have been obtained from another storekeeper. Had the company owning the works not had a store on the job the men could not have gone on, and we could not have got an outside storekeeper to give the men credit unless they had some guarantee. It appears to me that this Bill aims particularly at the timber mills. I am not aware of the extortion carried on by the timber millers, but I feel that in the measure we are now considering for the benefit of the working classes, we are simply legislating to make fodder for the legal profession. We are dealing with a Bill that is full of loopholes, I am sure if there is one there are six or seven which have been pointed out to me. If a company is debarred from compelling men to buy goods from its store, although the company will not tell the men directly that they must get their goods from the company's store, if a man does not do so the overseer or the ganger will send the man to the office for his cheque, and indirectly the man is given to understand that, if he does not deal with the company's store he will not get work. So in the end it would be far better to allow a company to supply stores at a reasonable rate--and I understand, after having made inquiries, that the rates are reasonable--rather than that the House should dictate to timber-millers how to control their business. The Bill professes to prohibit employers from supplying stores to their men, but Sub-clause 5 of

Clause 19 permits any employer to supply a workman with "victuals dressed or prepared under the roof of such employer." That, I take it, means that the proprietors of timber stations can establish boarding-houses, and it is well known that on these and similar works men prefer boarding to batching.

THE PREMIER: Employers would not be bothered with keeping boarding-houses.

MR. WALLACE: But the Bill gives them the opportunity; and I have seen it done on railway works.

THE PREMIER: The sub-clause only means that a man may be given so much a week and board and lodging for his labour.

MR. WALLACE: If that is the interpretation of the sub-clause I must accept it, but I do not so read the words.

THE PREMIER: The words, "under the roof of such employer," mean the employer's own house.

MR. WALLACE: They might mean the roof of any building owned by the employer, whether connected with his own house or otherwise.

THE PREMIER: But if a man has so much a week and board and lodging, surely he is all right?

MR. WALLACE: I do not think the explanation of the Premier is clear. I have no desire to block legislation, but when measures of this kind are introduced, no member should give his assent until he has had the good and evil of the proposal thoroughly explained to him. I have had experience of working men for many years on works other than timber reserves, and I fail to see how any benefit will be conferred by the prohibition the Bill establishes. And, further, we ought not to be asked to support a Bill and assist in framing legislation for one particular class of industry. Apparently, the pastoralist and the agriculturist have the right to ignore this Bill, but I take it mining companies come within its provisions. How would working men on stations away back beyond Leonora and Mt. Magnet get supplies if the companies employing them did not take the matter in hand? I only quote Leonora and Mt. Magnet as instances, because I am ignorant of the conditions in places further out; and we know that storekeepers do not follow prospectors around waiting for

a camp to be established. Legal members will agree with me that the Bill will create no end of litigation, seeing that, as one hon. member said, it is as "full of holes as a sieve." For these reasons it would, in my opinion, be unwise for the House to accept the measure.

MR. RASON (South Murchison): I congratulate the Government on having introduced the Bill, which I intend to support. I believe many abuses have existed and do exist under the truck system, and I am satisfied that the Bill, if it become law with some amendment, will effectively put a stop to the practice. But still I agree with the member for West Kimberley (Mr. A. Forrest) that, in endeavouring to protect the working man, we are very likely, sometimes at least, to inflict a considerable amount of inconvenience on him. Members who have had experience in the employment of labour know that men seeking work are usually in an impecunious condition, and require an advance to enable them to live until they have earned some wages. At the present time that advance naturally and desirably takes the form of necessities; but under the Bill, an employer would not be protected for any advances other than those made in cash. I have the greatest respect for working men, but no one can deny that some working men, so called, if they were paid in cash, would not show their faces any more; and the Bill might very well permit a small advance in the shape of goods. Under the interpretation clause, "money" is held to be notes, drafts, or orders for the "payment to bearer on demand, drawn upon any such banker or banking corporation"; but there are many business firms in the colony which, while not actually banks or banking corporations, conduct the business of banking. There are the business houses of Dalgety and Co. and A. Forrest and Co., and many others, and orders drawn on any of these firms by a drawer in credit and authorised to draw would be just as easy a mode of payment as orders or drafts on any banking corporation. As the Bill is worded, however, orders on either of the firms or any other firm would be illegal; and in many respects the Bill will require amendment, when we get into Committee. I welcome the principle of the Bill, and hope it may be passed into law.

MR. WOOD (West Perth): I look on the Bill as the outcome of a good deal of sentiment and claptrap, which might have provided a good election cry.

MR. LEAKE: The Bill has come from the Government.

MR. WOOD: It has come from the Government, but it is the outcome of several deputations and agitation of that sort. The greatest outcry against the present system is probably in connection with timber mills, and comes from men who do not want to pay their debts. I have had perhaps as much experience as any member in the House of the truck system; and if we compel employers of labour to pay men in cash every week or every fortnight, wives and families will very often go short while the cheques are "knocked down" at the nearest public-house. I was connected with the Jarrahdale Timber Company for many years, and during that time saw the truck system carried out in an absolutely good manner. No opposition was offered by the company to other stores starting in the neighbourhood, and the goods were sold at reasonable prices, and the amounts would be deducted from the wages at the end of the fortnight. That system enabled a large community of men, women, and children to grow up in the Jarrahdale district as no other system could have done. I do not say that the employees are worse than other men, but a large number of them would, if they were paid in cash, simply, as I have said, "knock it down" at the public-house a few miles away.

MR. VOSPER: I suppose working men cannot be trusted with money at all.

MR. WOOD: I do not say that; but a great many working men—and the member for North-East Coolgardie (Mr. Vosper) must know it—cannot be trusted with money.

MR. VOSPER: But that is none of our business.

MR. WOOD: The greatest attacks on this system come, as I have said, from men who do not want to pay their debts.

MR. WALLACE: The opposition comes from storekeepers, and not from the men at all.

MR. WOOD: I had not come to that point, but I will now say that if we provide a clause in the Bill, making it compulsory on the mill-owners to open their

areas for the establishment of other stores, surely that should be enough. If the Jarrahdale and Karridale companies would act on that suggestion, we should hear nothing further of a Truck Bill.

THE PREMIER: But men who dealt in other stores might be told that they were not wanted by the employer.

MR. WOOD: We must have freedom of contract in regard to food supply. I shall support the Bill, and I dare say the legal minds of several members will be brought to bear in the efforts that will be made to make the measure satisfactory all round. But it must not be expected that the Bill will cure all the evils that are complained of, because the measure will be unworkable, and bring a great deal of trouble on working men and their families.

MR. WALLACE: Then why do you approve of the Bill?

MR. WOOD: I say good may be got out of the Bill when it is in Committee.

MR. VOSPER (North-East Coolgardie): With the member for South Murchison (Mr. Rason) and my colleague, the member for North Murchison (Mr. Kenny), I have to congratulate the Government on the introduction of this measure. I do not regard the Bill as perfect; but, with the member for West Perth (Mr. Wood), I hope we shall get some good out of it after it has passed the ordeal of Committee. It is usual for certain hon. members, when a Bill of this kind is introduced, to say that the legislation is not called for; but this Bill is intended to remove a great abuse, and the Government are to be commended for taking the matter in hand. Those countries and colonies which have not a Truck Act are eighty or ninety years behind the industrial legislation in the old country.

MR. WOOD: The conditions are different.

MR. VOSPER: That may be, but at the same time the conditions here are growing more like the conditions of older countries year by year. As far back as the time of William IV., a Truck Act was passed, which has been amended and improved from time to time until it has reached a form somewhat similar to the Bill introduced by the Premier this evening; and the Government have shown their anxiety to bring the

legislation of this colony in a line with the social legislation of older and more civilised countries. I cannot for one moment indorse a principle which allows an employer to deduct money due for goods supplied to an employee, because it tends to put the latter entirely at the mercy of the employer. The system cripples a man's liberty of action in every possible way, tends to make him a constant debtor and more of a chattel; and though such a man may not become a slave, he is placed very much at the disposal of the employer's sweet will. I have said the system has a tendency to make employees run more and more into debt, and I have here a sheaf of monthly bills from Karridale referring to an employee indebted to M. C. Davies. These bills were for stores supplied, and we find one commencing with a debit of £7 6s. 5d., ending with a debit balance of £7 0s. 7d.; another bill commences with a debit of £10 5s. 2d., and ends with a debit of £11 2s. 7d. These bills show that no matter what the man did, or how he lived, he was always in debt.

THE PREMIER: If you read the figures, people will find out from the balances of the account the names of the employees.

MR. VOSPER: Possibly they will; but I am not reading the names.

MR. DOHERTY: All the bills appear to be unpaid.

MR. VOSPER: What I am anxious to point out is that a man never succeeds in getting out of debt. Some of the items charged are most extraordinary. One man is debited with school fees, another with the price of a raffle ticket; and then, to make matters better, the whole of these bills are to all intents and purposes illegal, because not one of the receipts for money bears a revenue stamp, though I am not sure whether a bill paid partially or on account requires a stamp. These things show the low status of the men working for the timber companies.

MR. WOOD: Some of these men are very improvident.

MR. VOSPER: Oh, of course! In the hon. member's opinion, every working man is improvident. The hon. member advocates the preposterous doctrine that it is the business of an employer to act as a sort of guardian angel over his

workmen's earnings, and to take a personal interest in all his men's affairs.

MR. ILLINGWORTH: There are plenty of improvident men besides working men.

MR. VOSPER: Exactly; there are improvident men in all classes of society; and I think the remark of the hon. member (Mr. Wood) savours of snobbish patronage in which he should not indulge. Who in the world would ever suggest for one moment that it is the duty of an employer to look after the manner in which a workman spends his wages? Besides, the doctrine presupposes that all employers are philanthropists, actuated by a generous desire to see that their servants do not spend their wages foolishly; but we know as a fact that the ranks of employers are made up of all sorts of human beings, and while there are some who would no doubt act in the manner suggested by the member for West Perth (Mr. Wood), there are others who would take advantage of a system of this kind for the purpose of every description of robbery and extortion. That the system has already spread to the goldfields, there is some evidence to show; in fact, on the goldfields, it is becoming a very grave evil, and cases have recently been tried in the courts of law which prove that this pernicious system is extending its ramifications throughout the colony, and is gradually undermining the independence of the workers. Here is a case recently reported in a Kalgoorlie newspaper, from which I quote:—

At Coolgardie recently a man named Wigg proceeded against a storekeeper and publican at Mungari for the recovery of wages due. The evidence disclosed a sufficiently startling state of things. It appears that Andrew Allen, the said storekeeper and publican, employs a large number of men as woodcutters. According to statements made by the plaintiff, Wigg, Allen pays lower than the ordinary rate of wages, compels his men to deal at his store and public-house, and keeps them hanging on for an indefinite time before paying them their wages if they wish to leave his service. It seems, indeed, that the men are practically debarred from leaving once they start, by the difficulty of getting their money. When a man wishes to leave and asks for his cheque, if by chance there is anything coming to him, he is told that he will have to wait until the mine pays for the timber it has been supplied with. As this form of enforced waiting can always be indefinitely protracted to suit the profit of the em-

ployer, Allen, it may be taken for granted that the latter is not usually in a desperate hurry to acquaint his employees with the fact that their money is ready for them. The longer they are compelled to stay about the bigger bill they run up for stores and liquor, and the less he has to pay them for wages. If he delays payment until the whole of their cheque is "cut out" or "knocked down," so much the better for him. And it is alleged that it is a common practice for him to keep men waiting about until they have thus spent the amount of their wages.

This is evidence brought forward in a court of law, and this is the class of man at whose mercy the existing truck system places working men:—

It is also stated that he is in the habit of selling stores over the bar, an offence in itself. Another case in which trucking bore some part was investigated recently at the Kalgoorlie court during the week, when a man named Luigi Guannini was proceeded against for money due to several men who had been employed by him as woodcutters between Mungari and Binduli. These men had been working for months for Guannini, but had been unable to extract money from him. It appears that Guannini runs a boarding-house in the locality where his woodcutters work, and his hands all board with him. According to the statements of some of his men, he has not paid any of his hands for the greater part of the work done by them. What this means may be understood when we say that 40 men, nearly all Italians, have been working for him for the last six months. During that time it is estimated that his men have cut about 4,000 tons of wood for the Lake View Consols mine, for which he has received about £2,000. In spite of having received this enormous sum of money, it is alleged that he owes his hands for months of work, the majority of them having received practically nothing but their board, which, doubtless, Mr. Guannini saw was not too luxurious.

Then the paper goes on to give details of the cases:—

In one of the cases dealt with at the Kalgoorlie court a man named Dwyer sued Guannini for £23 10s. He acknowledged a set-off of £10 for board and beer.

We do not know whether the beer was Bunbury or "shypoo."

MR. MITCHELL: What is "shypoo"?

MR. VOSPER: It is a long time since I drank any. The paper continues:—

The £10 in question was all he got for his two months' work. Another man named Griffin only received £5 in addition to his board, although he worked from the 29th September to 23rd December. He is now owed £27, which he has been unable to get. By supplying his men with beer and board Guannini has been able to induce men to go

on working for him month after month without having to pay them any portion of their wages in money.

That is exactly the state of things. We were told by the member for Yalgoo (Mr. Wallace) that it is useful for a man to get an advance when he first goes to work; but here we have an employer who advances beer and board to his men, and who as a consequence is enabled to keep their money in his hands, and possibly to put it out at interest, so that after months and months of work, if the men are not indebted to the employer, the employer is very heavily indebted to them. I do not know whether the member for North Murchison (Mr. Kenny) mentioned the case, but I know of a case in his electorate where a company, I believe, own a store and also a public-house; and they have issued an absolute order to their men, not only to purchase their stores at the company's shop, but also to buy their beer and to make themselves drunk at the company's hotel; and it is generally accepted there as a fact, that unless a man does spend a certain portion of his wages at the "pub," he stands a good chance of dismissal. In other words, a premium is placed on insobriety by this unscrupulous company. I do not know whether the company is itself to blame; it may be the fault of the manager; but it is evident that some employers deliberately lay themselves out to make their men vicious and drunken so that the company may accumulate a certain amount of profit. The Bill aims at putting a stop to all this, and therefore it has my support. We may be sure that the present system, if unchecked, will get worse year after year. I dare say when the truck system was first introduced in England, it was comparatively harmless; but it gradually became a serious abuse; it went from bad to worse until, in the time of William IV. it was found necessary to place on the statute book a prohibitive measure. I am with the member for Yalgoo in his criticisms of this Bill. I do not think the Bill is particularly suited for the work it is intended to carry out. I see in Clause 19 a long list of exemptions; and I am inclined to think that the framers of the Bill had in their minds the idea of placing on the statute book a kind of shadowy resemblance to a Truck Act which should

at the same time afford plenty of loopholes.

THE PREMIER : There are no groceries or stores mentioned in the exemptions.

MR. VOSPER : If I were not perfectly well aware of the sincerity of hon. gentlemen on the opposite side of this House, I should be inclined to think that they were bringing in this Bill for the purpose of being able to go to the country at the next election with the boast that they had passed a Truck Act, knowing that the list of exemptions was so numerous that the object of the measure would be practically defeated.

THE PREMIER : There is no food mentioned in the list of exemptions.

MR. VOSPER : Let us analyse the list, and we will see what it consists of as we go on. First of all we read :

Where an employer or his agent supplies or contracts to supply to any workman any medicine or medical attendance, or any fuel, materials, tools, appliances, or implements to be by such workman employed in his trade, labour, or occupation.

THE PREMIER : You must permit the workman to get a start.

MR. VOSPER : I see no great objection to that.

MR. LEAKE : Read Sub-clauses (5) and (6).

MR. VOSPER : Then we have Sub-clause (2) :—

Where an employer, or his agent, supplies or contracts to supply to any workman or workmen who have engaged with him to fell bush, or to clear land of bush, with the necessary outfit and means of support.

The words "means of support" cover everything.

THE PREMIER : But that applies to the case of a man sent out into the bush.

MR. VOSPER : I ask, what is the legal interpretation of the phrase, "to clear land of bush?"

HON. S. BURT : The credit is limited by the sub-clause to an amount not exceeding two months' wages.

MR. VOSPER : That is something, certainly; but after all, this Bill will be interpreted by lawyers. What does "the bush" consist of? The term "bush" in some parts of the world means a low scrubby copse. In Western Australia it may mean a big timber forest. To cut bush may thus mean to cut jarrah logs, and by so interpreting the clause, em-

ployers can avoid all the provisions of the Bill.

MR. ILLINGWORTH: Why there are mills in the bush.

MR. VOSPER: Precisely.

THE PREMIER: If the proviso is too wide, it can be knocked out in Committee.

MR. VOSPER: The timber mill is in the bush, and the workman and his employer are in the bush; and if this sub-clause remains and a man goes into court and seeks to take advantage of the Act, he will find himself "in the bush." Coming to Sub-clause (3), I do not suppose there is much objection to an employer supplying a workman with hay, corn, or other provender; but the next sub-clause deals with the case of rent. Sub-clause (4) provides that an employer who allows a workman the use of a tenement may deduct portion of the wages as rent. I would ask, has not the landlord sufficient power as it is? When the rent is due he can distrain at a moment's notice, without going through any legal process.

THE PREMIER: If a man undertakes to pay five shillings a week for his house, there is no reason why it should not be deducted from his wages.

MR. VOSPER: Why should the landlord be given any fresh powers in addition to the enormous privileges he now possesses? Why should this Bill go out of its way to specially protect the landlord? Some countries have gone the length of altogether abolishing distress for rent; but here we are not content with letting the landlord have all the powers he has now, but this Bill must be made to go out of its way to give him an additional power which he does not possess anywhere else in the world. Then again we have Sub-clause (5) which reads:—

Where such employer supplies or contracts to supply to any such workman any victuals dressed or prepared under the roof of such employer —

What is an employer's roof? What does it mean? Why, evidently it means any kind of roof under which he resides. We have seen in the case I have quoted, an Italian "padrone," as he would be called in his own country, named Guannini, who established a boarding-house, with the result that his workmen can get nothing but board out of him; and this abuse is the very thing which this Bill

contemplates and seeks to perpetuate. These exemptions go a long way towards rendering the Bill practically useless.

THE PREMIER: No; it is identical with the New Zealand Act.

MR. VOSPER: Sub-clause (6) again is a very wide provision:—

Nor to prevent such employer from making or contracting to make any deduction or stoppage from the wages of any such workman for or in respect of any such rent, medicine, medical attendance, fuel, materials, tools, implements, hay, corn, provender, victuals, or drink as aforesaid;

I do not know what effect that will have upon the rest of the Bill, but it strikes me it is capable of a very wide interpretation.

MR. LEAKE: What they call "the loophole."

MR. VOSPER: As I said when the Premier was speaking, this Bill is positively full of loopholes; it is like a sieve.

THE PREMIER: At all events, it is just the same as the New Zealand Act.

MR. VOSPER: It does not matter if it be the same as the New Guinea Act.

THE PREMIER: If its meaning is not sufficiently clear, amend it in Committee.

MR. VOSPER: I take it for granted that the Premier is perfectly sincere about this Bill; I am not speaking in any captious spirit, but am merely criticising the Bill with a view to making it go somewhere nearer perfection than it goes at the present moment.

At 6:30 p.m., the DEPUTY SPEAKER left the Chair.

At 7:30, Chair resumed.

MR. VOSPER (continuing): I would like to reiterate the position I am obliged to take up. First of all, I have to thank the Government for their good intent, which it seldom falls to my lot to do; but no sooner is the supposed advantage of the Bill seen, than the framers of it seem to take a great deal of the benefit out of the Bill, and to turn it into Dead Sea fruit, which, to my mind, will go far to destroy the value of the Bill. I also wish to refer to the benevolence of the member for West Perth, who thinks it right that a man should take stores in payment for money earned, because it gives the company the opportunity of ensuring that he shall not spend his money in riotous living. To show the Legislature

of the country that there is a likelihood of the Italian padrone system being brought into operation in our colony. I have brought forward evidence to prove that one establishment in Kalgoorlie has already introduced the system to a great extent, and I have reason to believe that it is spreading elsewhere. To inform hon. members what that means, I will speak of what occurs in that part of Italy where boracic acid is manufactured and sold. Children are set to work in the mines, and kept there till 16 or 17 years of age, and, by means of the system there adopted, they become indebted to their employers, and are kept in debt all their lives, so that they are nothing more nor less than chattels and slaves. The Italian padrone system has been taken into Pennsylvania and other parts of America, and now the same method is being introduced on a smaller scale on our gold-fields. I think it highly desirable that steps should be taken to deal with the subject, and the Government are in every way to be commended for making an attempt to put a stop to the growth of a system of that nature. Since the House rose, I have been speaking to one or two members on this point, and one member made a statement which goes to show the means by which these timber companies carry on the system. A family of bell-ringers went to a timber station in some part of the south-west to give a performance, and of course all the men on the station were anxious to see it. But they could not obtain any money from the company to enable them to pay in the ordinary way, and instead of the company letting them have money for the purpose, they sent down a clerk who acted as ticket-taker for the show, and took down the names of all employees who went, together with those of their wives and children and friends. The following morning the manager of the mill presented to the manager of the entertainment a cheque for the amount, less 10 per cent. for collection. That is the system which is being carried on.

MR. A. FORREST: They charge commission on the sale of tickets in Perth.

MR. VOSPER: If people are engaged in the business, it is all right; but in this case the company positively refused to give the men money to pay for their admission, and then had the impudence to

charge the people commission for collecting it.

MR. A. FORREST: What station?

MR. VOSPER: I can tell the hon. member.

MR. A. FORREST: I can guess myself.

MR. VOSPER: No doubt the hon. member knows more about this than I do; but I have no desire to give the name, and therefore will not do so. After condemning the system with which the Bill deals, I tried to point out that the exemptions contained in Clause 19 almost wholly invalidate the Bill itself.

A MEMBER: Some of them are necessary.

MR. VOSPER: Some of them are necessary, no doubt; but I contend that in the hands of lawyers almost the whole of these exemptions can be so twisted and amplified as to make the whole thing a loophole of escape from the wording of the first part of the Bill. In Clause 19 provision is made for things which will be a great deal worse than the faults it is to remedy. Sub-clause 6, in the hands of any lawyer, will be almost enough to invalidate the whole Bill. The sub-clause provides that the Bill shall not prevent any employer from advancing to any workman any money to be by him contributed to any friendly society, life assurance company or association, savings bank, or other society or association whatever, or from advancing any money for the relief of such workman or his wife or family in sickness, or from advancing any money to any member of the workman's family by his order, nor from deducting or contracting to deduct any such sum or sums of money as aforesaid from the wages of such workman. There is not much objection to this sub-clause itself, for if a man wants money advanced for the sake of his family, I do not see why an employer should be prevented from advancing it, and if an employer agrees to give it, special provision should be put in the Bill to authorise him to pay the money; but I understand the object of the Bill is to insure that payment of wages shall be made in cash.

THE ATTORNEY GENERAL: This is advancing it.

MR. VOSPER: I see; but how will that apply in cases of this description? On some of the mines at Kalgoorlie and elsewhere at the present time there is a

compulsory hospital fund, or sick benefit fund, to which the men are compelled to subscribe a shilling a week. Will this clause, or the Bill generally, give power to employers to deduct that money? Because, if so, there will be a very strong objection to it on the goldfields, and for this reason: men say that, if they are compelled to contribute towards a sick benefit fund, they should contribute to a society formed by themselves, and administered by themselves; but if they are compelled by employers to contribute a shilling a week to the fund, the money being used by the employers, the men are not satisfied. The employers are accused of favouritism or other things of the kind, and I repeat that, if men are to contribute towards a sick benefit fund at all, they should be allowed to contribute of their own volition to an organisation managed and controlled by themselves. The system of compulsory benevolence—if one may use a contradictory term which has, I believe, been used in law and history before—now in existence, a man being compelled to pay to a sick benefit fund of which he has no actual knowledge, and no account is given, and over which he has no control, is to my mind pernicious, and I do not think the Bill ought to give any encouragement to such a system.

THE PREMIER: It is dealt with.

THE ATTORNEY GENERAL: Clause 5 says wages shall be paid in money.

MR. VOSPER: Yes: but it seems to me you give them a chance of evading Clause 5, which provides that all payments must be made in money.

THE PREMIER: The entire amount.

MR. VOSPER: Sub-clause 7 of Clause 19 comes in and says there is nothing in this Bill to prevent any employer from advancing money.

THE ATTORNEY GENERAL: That is a different thing.

MR. A. FORREST: It is very convenient for a man to get an advance, sometimes.

MR. VOSPER: Supposing the employer wants a man to contribute to a liability fund?

MR. A. FORREST: But they all insure.

MR. VOSPER: Not all.

MR. A. FORREST: Nearly all.

MR. VOSPER: If a man has to insure in a benefit fund, and the employer advances the money on Monday morning, and deducts it on Saturday night, it is only a roundabout way of doing the same. The effect of Sub-clause (7) of Clause 19 is to negate the provisions of Clause 5, which are about the most valuable in the Bill.

THE PREMIER: It would not hurt the employer to knock the clause out. The clause is an advantage to the man, for it gives him the right to borrow from his employer for the purposes specified.

MR. VOSPER: But there are certain compulsory benefit funds on the goldfields and elsewhere—there are on the goldfields certain mining proprietors who compel their men to contribute a shilling a week to a hospital fund or a sick benefit fund, with what object I am not prepared to say. Clause 5 of this Bill compels the employer to pay the whole of the wages in cash without any deductions whatever, but paragraph 7 of Clause 19 says that the employer can advance money for the particular purpose I have mentioned. That means an evasion of the Bill, because the employer can advance money on Monday morning and deduct it on Saturday night. Clause 19 takes away the whole effect of Clause 5 of the Bill. I shall vote for the second reading of the Bill because by so doing I shall be giving assent to a principle that is badly needed, and I congratulate the Government on having so far advanced matters; but I am perfectly sure that if good is to follow from the passing of this measure, many clauses will have to be eliminated. If we think the truck system is pernicious we should pass an Act to deal with it, but if it is not pernicious we should not do so. As far as I can see, this Bill is self-contradictory and will encumber the statute book. I accept the principle of the Bill, and hope the measure will be amended in Committee.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): I will do the member for North-East Coolgardie the justice of saying—and I do not think he will contradict me—that he has not studied the Bill until he came into the House this evening; for I am certain that if he had done so, some of his observations would not have been made. Dealing with that clause which contains the

exceptions, Clause 19, the only sub-clause in that which the hon. member seems to think objectionable is the one which deals with the advance of money.

MR. VOSPER : I have objected to them all, and there is no use in saying that.

THE ATTORNEY GENERAL : The hon. member objects to them all ?

MR. VOSPER : Yes, more or less.

THE ATTORNEY GENERAL : This clause, in fact the whole Bill, is a transcript of the New Zealand Act.

MR. VOSPER : I never accused you of originality. I said I did not care whether the Bill came from New Guinea.

THE ATTORNEY GENERAL : I think if the Bill came down from heaven the hon. member would find flaws all over it.

MR. VOSPER : Very likely.

THE ATTORNEY GENERAL : The hon. member cannot conceive anything is good enough for this Chamber, except it passes beneath the focus of his own eyes. It does not follow because the hon. member sees this legislation is not as perfect as it might be, that the House should reject it. The hon. member wound up his observations by saying that he would support the Bill because he believed in the principle enunciated therein, but that the Bill did not carry out satisfactorily what it was intended to do. Has the hon. member suggested in what way he could better the principle of the Bill ?

MR. VOSPER : The Bill is supposed to abolish truck, and it will not do so.

THE ATTORNEY GENERAL : Because one clause gives the right to the employer to make an advance, the hon. member says that the Bill will be no good. The hon. member says that on the fields it is the practice of mining companies to deduct from the wages of workmen a shilling or sixpence a week, therefore that amounts to this, that if the miner can borrow from his employer one shilling a week, and the employer has the right of deducting that from the miner's wages, that, the hon. member says, is grinding the unfortunate miner down and injuring him irreparably. That is mere nonsense. If the miner objects to borrowing money to go into a fund, let him abstain from one drink for seven days, because one shilling is the price of a drink at Kalgoorlie and Coolgardie, and then

the miner would be independent of his employer. I do not think that the clauses of the Bill should be analysed with the object of finding fault, especially when those faults are not supported by reasonable objections. Because one clause contains a number of sub-clauses giving the right to workmen to obtain moneys in advance, I cannot see how that can be urged as a blot on the Bill. The House has had its attention drawn to the fact that Clause 5 deals with the object of the Bill from the very root. It lays down that wages shall be paid without any deduction. Then comes the next question, the sub-clauses which the hon. member for North-East Coolgardie says utterly defeat the object of the Bill. Is there any ground for making that observation ? The first sub-clause deals with the question of medicines and fuel and materials.

MR. GREGORY : What do you mean by "materials?"

THE ATTORNEY GENERAL : If the hon. member will read the sub-clause he will follow me. As I understand the object of the Truck Act, it is not that we shall prevent an employer from selling merchandise if he likes, but to prevent him from selling, particularly, stores and groceries.

MR. VOSPER : Not necessarily.

THE ATTORNEY GENERAL : That is what is aimed at, because if you allow a workman to buy only from his employer his stores and groceries, he is placed at the mercy of his employer ; and the object of the Bill is to place the workman in such a position that he can go where he likes for his goods. Therefore the Bill insists on the employer paying the workman all his wages.

MR. ILLINGWORTH : And the employer can discharge the man on Saturday night for not spending his wages at the store.

THE ATTORNEY GENERAL : What legislation could meet that. I am sure the hon. member will admit that we could not prevent such a thing.

MR. ILLINGWORTH : Quite so.

THE ATTORNEY GENERAL : There is an objection to making legislation of this kind too severe. If you do, the employer will be severe, in return, on the workman. The Government wish to protect the workmen as far as they reasonably can, but if we carry the measure beyond

what is reasonable, the Bill ceases to be a shield to protect the workman, and becomes a dagger to attack him. I believe the New Zealand Act is taken pretty well from the English Act. The New Zealand Act was passed in 1891, and the member for North-East Coolgardie will bear with me when I state that if there is democratic legislation that he has any respect for this side of the equator it is that of New Zealand; and if I tell the hon. member that the New Zealand Act was passed in 1891, has worked well, and has never been amended since, that ought to speak with some degree of effect on the hon. member. I may say before I sit down that I am perfectly certain the hon. member for North-East Coolgardie did not know this Bill was taken from the New Zealand Act. I am sure of that, or his observations would not have been so pointed, nor would they have been adorned with rather uncomplimentary remarks of the Government who are trying to do what they reasonably can for the working men.

MR. ILLINGWORTH (Central Murchison): The principle of this Bill is surrounded with a great many difficulties, but I think if we can manage to get Clause 5 on the statute book, we shall have taken a step in the right direction. I recognise it is not possible to place in this Bill such restrictions as will prevent a great many of the objections to which the truck system gives rise. A good deal depends, of course, on who keeps the store. If the storekeeper happen to be a good-natured man like the member for West Kimberley (Mr. A. Forrest), whose feeling is in the direction of giving every assistance to those under him, then the store arrangements can be left to take care of themselves, and may be found of great benefit to the men. On the other hand, if the store be in the hands of a man whose one idea is to make money, honestly if he can, but to make it, then the store may be made very oppressive to the workers. We have to look at the real conditions under which the Bill will apply. First of all a man takes up a tract of timber country, 20 or 30 miles away from any settlement, marks out his ground and employs 30 or it may be 300 men. There being no communication, how are those men to be fed? They are not capitalists, but go

there with only their strong arms and determination to work. They may have engaged without knowing the kind of work they would have to perform, or the kind of tools required, and possibly there was no money to buy the necessary tools, even had they known all the circumstances of the employment. What can be done under such circumstances? The mill has to be started; and surely, if the man who is starting the mill or establishing the mine so far from settlement, can supply his workmen with goods required, he thus becomes a medium of exchange most valuable to the men themselves. This question must be looked at from a reasonable standpoint. There are difficulties surrounding the engagement of men and the payment of wages which no Acts of Parliament can meet, and which could be evaded right and left. As I suggested just now by interjection, suppose there happen to be two stores, one belonging to the owner of the mill or mine, and another belonging to some competing person, it would be the easiest thing in the world for an employer—though I hope there are not many such, or that they are too much engaged with large means of making money to trouble about small means—to pay wages in cash, and should he find Thomas Jones buying goods from the opposition store, to say that the services of Jones are required no longer. No Act of Parliament can be got to prevent that sort of thing; but surely we should be able to put on the statute book a declaration of what we consider to be a just way of dealing with workmen, and to say that a man who has done his work is entitled to his money down in hard cash every week, every fortnight, or every month. The question of the store must remain a matter between employer and employee, because as I have said, there are cases which cannot be legislated for. For instance, there may be a mill with a railway over its own private property—and I think I could name one such company—and what power on earth could compel that company against their will, to transport goods required for the sustenance of their men, or to transport goods at the ordinary rate of carriage? What then has to be done? Are we to try to do something in the direction of putting an end to one of the most iniquitous practices the world has

ever seen? When a Truck Bill was called for in Great Britain, the abominations under the system in leading manufacturing centres were a disgrace to the British name and race. But, while it is possible some conditions of the same kind may arise here, we must be reasonable and deal with the question in view of the absolute conditions in which we find ourselves. The only way in which we could prevent truck altogether would be to prohibit any mill owner or mine owner from supplying goods to workmen. But even such a law as that could be evaded, seeing that the employer need simply get a person called "Smith" to start a store, while the employer himself, apparently, has no interest in the concern. Supposing the prohibition could be carried into effect, it would only compel workmen to make arrangements for supplying their own goods, and surely that could not be any advantage to them under the circumstances. The principle of the Bill is in Clause 5, which contains the affirmation that all wages shall be paid in cash. I quite agree with other hon. members that the exemption clause will require serious consideration in Committee, and on this point the member for North-East Coolgardie (Mr. Vosper) spoke lengthily and reasonably. If we establish the principle of paying wages in cash, we shall have taken a step in the right direction; though the Bill will not have finality, but is, I take it, a tentative measure. The New Zealand Act may not have been altered, but I think circumstances will arise under which both this Bill, should it be passed into law, and the Act of New Zealand will have to be amended. Sufficient for the day is the evil thereof; and, as I have said, if we establish the principle we shall have done a great thing. A few years ago, in my own district, I knew a case of a mining company who paid their men's wages in cheques payable in Perth, and there arose not only the question of exchange, but of getting these particular documents turned into cash. It so happened that the only place in which that could be done was the public-house; and every man was compelled to go there and spend less or more of his hard earnings in order to get his wages.

MR. A. FORREST: At many stations there are no banks, and Perth cheques

must be given. Gold or notes cannot possibly be provided.

MR. ILLINGWORTH: That might happen at out-stations, but at a mine accustomed to look after treasure, and turning out a considerable amount of gold, an employer is, as in the case I cited, in a position to provide cash for workmen, and should do so. The employer has no right, in paying wages, to put a man in such a position as to practically compel him to spend a portion of the wages in a way he does not desire, before the wages are actually obtained. If, of course, a man desires to go to a public-house and chooses to spend even all his earnings, that is his business, and neither that of his employer nor ourselves; but we ought to prevent, if we can, conditions which compel a man to practically discount his wages by going to the public-house in order to get them turned into cash. There are exceptions, but the exceptions go to prove the rule; and in such a case as that spoken of by the member for West Kimberley (Mr. A. Forrest), the law would be practically inoperative, for the simple reason that it could not reach the individuals; but there are a number of cases where hundreds of men are employed, and it is the duty of the employer to provide money, and not throw on the workman the onus of obtaining cash in Perth. I have taken some trouble to go through the Bill, and, so far as I understand it, there are in it a good many questions for the legal members of the House. The principle of the Bill, as I understand it, is that cash in the form in which workmen can deal with it shall be legal tender for wages. I am at a loss to understand why there should be Clause 19 so full of exceptions, which, to say the least, open up means by which the Act can be evaded. Sub-clause 6 of Clause 19 sets forth that the Bill is not to prevent employers "from making or contracting to make any reduction or stoppage from the wages of any such workman for or in respect of any such rent." That possibly may be reasonable, seeing that the employer builds the house, and rent would have to be paid in any case. But in the same clause we also find "medicine and medical attendance" excepted from the operation of the Bill. What employer is going to keep these particular commodities

for the convenience of his workmen, when he is not allowed to make any profit from a store? No employer would keep a few medicines and a medical man on the spot.

MR. A. FORREST : That has to be done in the back country.

THE PREMIER : And it is often done.

MR. A. FORREST : It is the duty of station holders to keep medicines for their workmen, and station holders must be protected.

MR. ILLINGWORTH : Station holders are very well able to protect themselves, and do so. If the Bill were law, how often would it be operative on stations, or how many station employees would claim protection under it? It would not operate, simply because the conditions are exceptional, and we are not now dealing with such exceptions. The exemptions go on to include "fuel, materials, tools, implements, hay, corn, provender, victuals, or drink as aforesaid;" and practically these cover everything required except clothing; otherwise I do not understand the measure. Possibly the legal members will throw some light on Clause 19, but as I read Sub-clause 6, practically all the necessities I have mentioned are exempt.

THE PREMIER : Only on certain conditions.

MR. ILLINGWORTH : Sub-clause 6 of Clause 19 will practically annul Clause 5.

THE PREMIER : You would prohibit the selling of all those things? If so, move to strike out the clause.

MR. ILLINGWORTH : No; I will let it stand. Looking at the Bill as a whole, I say that would be the operation; but the question of the wisdom of the operation is quite another thing. I am trying to deal fairly with the Bill, which, of course, does not involve the fate of the Ministry, and consequently we may be at liberty to express our minds upon it; for although the measure is introduced by the Premier, I expect he will not stake his Ministerial existence upon it. I should like to see the Bill upon which he would stake his Ministerial existence.

THE PREMIER : On the Address-in-Reply.

MR. ILLINGWORTH : This is what I called a long time ago "a chameleon policy." Coming back, after this little side dissertation, perhaps when we go

into Committee, the Attorney-General or some of our learned members, or the Premier who is in charge of the Bill, will be able to show us that my statement is not correct; but it seems to me that the employer can supply a house to his man, tools for him to work with, fuel for his fire, medicine for his wife and children, medical attendance for himself, hay and corn for his horse, victuals for himself and family, and drink. Of course a sub-clause of Clause 19 qualifies the nature of the drink to be supplied; and, in addition to these items, the employer can give an assurance to pay up the workman's "lodge" money, and then can deduct the whole of these various charges from the man's wages. To that extent, at any rate, Clause 5 of the Bill is annulled. The question is—and we can probably discuss it better in Committee than on the second reading—how far these modifying clauses should be permitted to go. I am thoroughly in harmony with the principle of the Bill; I intend to vote for the second reading, for I know the difficulties which surround any attempt in this direction: and I am glad this attempt is being made to deal with the truck system, not that I believe there are many very serious cases at present, though I believe there are some, but because I think the system has a tendency to grow and to extend itself in this colony. I will give hon. members one instance known to me. An English company in a distant centre of this colony have quarrelled with the storekeepers in that district; they have quarrelled with the publicans, and have themselves become licensees; they are now undertaking to supply their workmen with everything these want, and they have already given out that they will engage only workmen who will drink the particular kind of beer vended at the company's "pub.," and who will buy the particular stores vended at the company's store. Of course they will have some hundreds of men on their territory; they may have thousands, or I hope they will; but the next thing will be that they will import their goods direct from London, and this whole district will have London as its source of supply. We do not wish to encourage that system.

MR. A. FORREST : We ourselves get most of our supplies from London.

MR. ILLINGWORTH: I hope it pays us to do it; but people in this colony want to get a living somehow, if it is only by selling groceries; and why should we transfer the whole of the trade of the colony to London? What are we to do for a living? It is all very well for the hon. member, who has a big banking account and reserve fund—

MR. A. FORREST: I am glad to hear you say so. I did not know it was so.

MR. ILLINGWORTH: The question I want settled is, how far these sub-clauses of Clause 19 nullify Clause 5. All other details of the Bill I leave to the learned members of the House. I want to say in conclusion that I am very pleased to see this Bill. I am pleased to see that the Government have, in the early stages of the history of this colony, taken steps to place on the statute book a Bill which will perhaps prevent a great many of the evils that have grown up elsewhere. I believe that prevention is better than cure, in this case as in many others, and that the very fact of such an Act being on the statute book will tend to prevent the occurrence of the abuses to which I have referred, and will perhaps prevent this country getting into difficulties and troubles which have occurred in other places. I shall support the Bill in principle; but wherever, in Committee, we can make any amendment which the House thinks desirable, I shall reserve my right to support such amendment. I cordially support the principle of the Bill, and hope we shall be able to make it effective.

MR. LEAKE (Albany): I intend to venture to criticise the Bill, and I hope that in so doing I shall not have the misfortune to incur the wrath of the Attorney General, like my friend on my left-hand side (Mr. Vosper).

THE PREMIER: The Attorney General cannot speak again on the second reading.

MR. LEAKE: However, I do not rise to oppose the second reading, but to throw upon it what light I can by fair and honest criticism. As I understand this truck system, and the object of the Bill, there are two elementary principles, namely, the payment of wages in cash, and the permission to the wage-earner to select his markets. If we can carry out these ideas, then we have a complete

answer to the pernicious truck system.

[**MR. ILLINGWORTH:** Hear, hear.] Next I must admit that I find great difficulty in applying legislation of this kind in a practical way in our present circumstances; and I may at once say that I am now only throwing out suggestions, because I hope that my observations and arguments can be met by other arguments. I understand that the great object of introducing measures of this kind in England was to a certain extent to prevent monopolies, and to allow the workmen to select their markets—in other words, to spend their money as they liked. However, in England, as in all large manufacturing communities, the working classes have markets at hand; but here, unfortunately, and particularly in those places towards which this legislation is directed, we have not those facilities; and there was a good point made by the member for West Perth (Mr. Wood) when he said that, if we could by any possibility induce the companies to encourage competition in trade within their areas, or on their premises, then there would be a complete answer. But we know that difficulties have arisen in this matter by reason of the action of certain timber companies, one of which—it is no use disguising the fact—is that large concern, the Karridale company, down near the Leeuwin; and it has been remarked, as we all have known for a considerable time, that they insist upon their workmen doing business with the company's stores. The company own all the freehold of their area. That is where the difficulty comes in: the proprietors of the stations will not allow private traders to come within their areas.

MR. VOSPER: They own the railways too, do they not?

MR. LEAKE: They own the railways too; they own every blessed thing in that locality, and consequently it is questionable whether this Bill will aim a sufficiently hard blow at their peculiar situation. I point this out because it is a matter of great importance in considering the Bill, and it is doubtful whether we shall prevent a continuance of the existing difficulties. Suppose this Bill pass, there is nothing to prevent those companies opening their stores and selling for cash nothing at all; or, on the

other hand, they may select their own storekeepers, and by employing, as it were, a middleman and being satisfied with a small commission, they may make the situation more difficult than it is at present.

THE ATTORNEY GENERAL: The workmen will then have to pay two profits instead of one.

MR. LEAKE: That is the difficulty. Of course the idea is to break down a huge monopoly, but it is a monopoly in one particular direction—that of the retail trade. But here we are dealing with a monopoly within a monopoly, if I may use the expression, because there is a monopoly of trade and a monopoly of land. That is the difficulty we have to face. Having referred to those points, I shall now proceed to deal with Clause 19; and I think I am not far wrong when I say that Clause 19 is the little drain through which the life-blood of the Bill will ebb away. That is how I read it; and I propose to support that statement by argument or by illustration, because the whole discussion on this subject must come when we are dealing with this clause in Committee. To begin with, the last sub-clause of Clause 19 clearly provides that the Bill can only apply to the mining and the timber industries. It is not to apply to seamen or to persons employed in agricultural, fruit-growing or pastoral pursuits, or engaged on sheep or cattle stations. So it is useless to introduce arguments as to what will happen on a sheep station, and so forth, because the Bill does not apply there. I only mention that because I heard a discussion between my friend opposite (Mr. A. Forrest) and another member. Sub-clauses (1), (6), and (7) of Clause 19 are the most important; for, whilst the door has been closed against these bad practices by the previous clauses of the Bill, these sub-clauses, in my opinion, throw the door wide open again.

MR. A. FORREST: Restrict them, in Committee.

MR. LEAKE: That is what I hope will be done; but I think it is right, on this second reading, to tell hon. members what is in my mind, so that, if they think there is anything in my argument, they will be able to meet my objections when they get into Committee. First of all, we see there is exempted from the operation

of the Bill medicine, tools, *etcetera*; and I am particularly struck with the word "materials." That word "materials" may have a peculiar meaning—a particular meaning in that sub-clause; but I think it will have a different, or perhaps a more extended, meaning in Sub-clause (6).

MR. ILLINGWORTH: Materials to make a coat, for instance.

MR. LEAKE: "Materials which are used by such workman employed in his trade, labour, or occupation."

MR. A. FORREST: A man might want to buy a team to haul logs.

MR. LEAKE: Certainly; consequently he is wholly in the hands of the employer. I believe "materials" would be held to include clothing. Clothing is not specially mentioned, but read "materials" with the context of Sub-clause (1) and with the context of Sub-clause (6), and you will find that it may possibly be held to mean clothing.

MR. A. FORREST: It is not meant to apply to clothing.

MR. LEAKE: Well, I would not mind going to the Court of Appeal upon it, with my learned friend (the Attorney General) against me too.

THE ATTORNEY-GENERAL: That is straining it too far.

MR. LEAKE: I do not think so. I will not weary the House with arguments, but I propose to show what I mean. Clause 19 says an employer may supply "materials, tools, appliances, or implements to be used by such workman employed in his trade, labour or occupation." Then, again, the parties may contract in respect to rent, medicine, materials, provender, victuals or drink as aforesaid. "Materials," when used in connection with such terms as victuals, or drink, or materials employed in trade, labour, or occupation, surely might well be held to include clothing; in other words, necessities. "Materials" is only a synonym, in my opinion at least, for clothing and necessities of life; necessities for living, for labour, for occupation and employment.

MR. A. FORREST: Why should it not?

MR. LEAKE: What is the good of the Bill if you say a man must not do something except under peculiar circumstances, and those peculiar circumstances embrace every known possible situation? Sub-clause (6) is a very wide one, and it

introduces the principle of contracting out; that is to say, there is a possibility here of the employer and the employee agreeing between themselves that the Bill shall not apply; and if that be so, or if it be so to a limited extent, then there is danger. But what loophole is not left by Sub-clause (6) is certainly afforded by Sub-clause (7), and I noticed that my friend on the left (Mr. Vosper) who has been dealing with this question, referred only to the first part of the sub-clause, but I want to carry the attention of hon. members a little bit further. The sub-clause says, in effect, that advances may be made for the relief of the workman or his family, or of any member of his family, by his order.

THE ATTORNEY GENERAL: In sickness.

MR. LEAKE: No; it does not say that: there is an alternative enactment.

THE PREMIER: A man may leave his wife in Perth.

MR. LEAKE: If the right hon. gentleman would not interrupt I should be glad, for I find it rather difficult to make myself clear, and I am only trying to assist. After saying advances may be made in cases of sickness, the sub-clause sets forth the alternative that money may be advanced to any member of the workman's family by his order, without any limitation. What might happen? I am an employer, and a man comes to me for work, so I say, "Very well, I will not have anything to do with you unless you agree with me to deal at my store."

THE PREMIER: That is prohibited.

MR. LEAKE: I am showing how it can be evaded. "Well," says the man, "there is the Truck Act." I reply, "Never mind the Truck Act; I will show you how to get round that"; and I point out that under Sub-clause (7) of Clause 19 he can practically establish a credit in the name of a member of his family, by simply giving a member of his family an order on me for the payment of his wages. It is only a question of transferring the credit, and opening a credit in the name of a member of his family.

THE PREMIER: He has to give an order.

MR. LEAKE: Certainly; but I will not employ him unless he gives an order and makes the stipulation. That applies to everything, and we have the truck system still rampant.

MR. A. FORREST: You have the truck system in the city of Perth.

MR. LEAKE: I know we have; and I want to know how you are going to get rid of it. The Attorney General says the Bill will get rid of it, but it will not. I cannot see how the Bill is going to cure the difficulty which besets us, for it is idle to suppose that, with Clause 19 as at present drawn, you will aim any blow whatever at the truck system. The Bill will not even be an improvement on the present law.

MR. A. FORREST: We will amend it.

MR. LEAKE: Having regard to what I have said, if hon. members can frame clauses, well and good; but really the matter cannot stand in its present position.

THE ATTORNEY GENERAL: Is it not for the benefit of the workman?

MR. LEAKE: No; I do not see that it is.

THE ATTORNEY GENERAL: Oh, yes.

MR. LEAKE: I give you credit for the best possible intentions. Do not forget that for a moment. I know what is meant, but you must convey your meaning by words; and the words of the clauses do not bear the meaning which it is sought to place upon them. What does it matter to me whether I supply the goods to the workman, or his parent, or child, so long as I have his money available against the goods which I supply? And by his giving an order for the payment of the wages, the wages will be carried to the credit of the child or the parent, as the case may be.

THE PREMIER: It is with money he has to do it; not with goods.

MR. LEAKE: But look at the exemptions.

THE PREMIER: That is an exemption. If a member of the family has the order, it is cash.

MR. LEAKE: The employer gives the money to such person with one hand and takes it back with the other.

THE PREMIER: It is the same with wages.

MR. LEAKE: I know that what I speak of can be done.

THE PREMIER: The same thing can be done with wages.

MR. LEAKE: Certainly it can, therefore the Bill is not any good; so tear it up or amend it.

THE PREMIER: How will you amend it?

MR. LEAKE: I cannot amend it, because it is not my Bill. I will help you all I can, and I hope the Premier will not think I am captious, for I do not want to be unkind; but it is not beyond my province to say that the Bill is no good; and that is the conclusion I have come to.

THE PREMIER (in reply): I am glad those members who have criticised the Bill have all wound up their observations by saying they can support it, and I shall be much obliged to them for that amount of assistance, at any rate.

MR. ILLINGWORTH: There has been no opposition to the Bill.

THE PREMIER: If the Bill be no good, why support it? My opinion is that it is a very good Bill, and that these objections are not founded upon the expressions used in the Bill itself. It is a new thing for me to find objection raised to an employer advancing money to those he employs, before they have earned it. I should say that certainly could not be to the disadvantage of the person to whom the money was lent. What does Sub-clause (7) say? It says the Act shall not "prevent any employer from advancing to any workman any money to be by him contributed to any friendly society, life assurance company or association, savings bank, or other society or association whatever." That does not seem very much against the interest of the person employed. You are not to be prevented from advancing him money to pay his life assurance, or contribution due to a friendly society, and this Bill will not prevent an employer from advancing any money for the relief of the workman or his wife or family in sickness. It would be a very curious law, if you prohibited a man from advancing money to his servant in order to provide for his own sickness or the sickness of his family! The Bill provides that the Act shall not prevent an employer from advancing money to any member of the workman's family by the workman's order. I take it that objection is raised to a man who is working at Kalgoorlie, and has a wife at Bunbury, giving an order to the employer that he shall pay the wife one pound a week during the time he is working for him.

MR. ILLINGWORTH: He would not need it if he were at Bunbury.

THE PREMIER: It seems to me the proposition made is reasonable, and we know that all over the world, where men are separated from their wives, they have to make provision for them and their families.

MR. A. FORREST: It is done every day.

THE PREMIER: We all know it; and this Bill provides that nothing in the Act shall prevent its being done.

MR. LEAKE: Nobody wants to stop that.

THE PREMIER: It goes further and says the employers, having advanced these moneys for the insurance or friendly society, or for the relief of the workman or his family, may deduct the amount from the wages of the workman. If this be against the interests of the workman, I certainly cannot see it. I seems to me to be the other way round. To strike the clause out would not injure the employer, for he does not want to advance the money, and I think he would be very pleased to be able to say, "I should be only too glad to help you to this money, but I am prevented by law, so I cannot do it." I think it would be a good shield to the employer, if the amendment suggested were inserted, actually preventing him from doing a good turn to those in his employment, for that is what it comes to. If anyone objects to the provision now in the Bill, and calls himself a friend of the poor man, I cannot agree with him.

MR. VOSPER: No one objected to it. What the objection is taken to is the loophole afforded for evasion.

THE PREMIER: I would like to know where it is, for the employer is paying the money before it is earned, in order to help the poor man. It is reasonable to allow money to be advanced to a workman.

MR. ILLINGWORTH: There is no objection to it.

THE PREMIER: The hon member says there is no objection; but his leader, the member for Albany, says there is objection.

MR. ILLINGWORTH: He objects to other things, and not that.

THE PREMIER: As a matter of fact, there is nothing to object to in this

clause. Members come to the House, and at once jump to the conclusion that the clause means something it does not mean; but I have read it very carefully, and I cannot see there is any objection whatever; and you may depend upon it that, unless there was something pretty good in this Bill, the Act would not, since 1891, have been on the statutes of a neighbouring colony not noted for being the least democratic in Australasia. That part of the sub-clause seems to be absolutely framed in the interests of the working man, and certainly not in any way in the interests of the employer. The Bill, to my mind, is pretty complete, but of course it will not do everything.

MR. VOSPER: I am afraid it will do nothing.

THE PREMIER: Then there is the proviso—what is it? That after the employer, this man who is to be looked on with great suspicion, has advanced to the workman money out of pocket before it has been earned, in order to do the things which I have stated, it does not say he can charge 20 per cent. interest, but it says:—

Provided that no deduction or stoppage shall exceed the ordinary and real and true value of any fuel, tools, implements, hay, corn, provender, victuals, drink, or materials at the place where they are supplied.

It seems to me this Bill is all one-sided. If I have a man working for me and I like to advance him money, or if I like to advance money to anyone whether he is working for me or not, it is news to know there is a law to prevent my doing so, and it is greater news to know that I am to be the favoured party by making the advance. In my opinion, the Bill is entirely in the interests of the working men. I do not mean to say the Bill is absolute perfection in some respects, because there is one defect which some hon. member may be able to set right, and that is that the workman can be dismissed by an employer if, after being paid his fortnight's wages, he goes off and spends his money somewhere else. It is easy enough for an employer to manufacture a grievance against a man, or to say that he is retrenching in his establishment and that the services of a man will not be required after a certain date. That can be done, and we cannot alter it. That is a defect, if there is any defect in the Bill at all;

but it is a defect that occurs in every walk of life. We all know, those who have work for employees and those who have been employees themselves, that a workman can say that he will not work any longer for a master, and a master can say that he does not require the services of a workman longer; therefore that is nothing new in the Bill, in this respect. The Bill is as perfect as we can make it in principle, but there may be something which we may import into the measure in Committee. The principal provision in the Bill is that wages have to be paid in money. I know that a man having received his money over the counter at the end of the week can, a few minutes later, pay it back again to the person who sold the goods which have been supplied to him; but the man will have the handling of the money, and perhaps then he will not be so fond of running up a bill when he knows at the end of the week he will not have so much in his pocket. It is a good principle that a man should get his wages when he has earned them, and that he should pay his debts with money rather than run up a debtor and creditor account. I am glad to have had the criticisms on the Bill, and I hope hon. members, when the measure is in Committee, will try to improve it.

Question put and passed.

Bill read a second time.

PERTH MINT AMENDMENT BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir J. Forrest): I beg to move the second reading of this short Bill. Its object is to increase the subsidy for the Mint from £10,000 a year to £20,000 a year: that is the sole object of the measure. When the Mint Act was first considered in this House, the grant to Her Majesty for the maintenance of the Mint was placed at £10,000 a year. The procedure is that all the expenses in connection with the maintenance of the Mint are charged against this grant, and all revenue received from the Mint is paid into the Treasury. Originally it was supposed, acting on the advice of the authorities in England, that £10,000 a year would be sufficient to maintain the branch of the Mint in this colony. I am glad to say that the large increase in the production of gold has necessitated the alteration of the Mint

machinery and buildings from being capable of turning out one million sovereigns a year into being capable of turning out three million sovereigns and probably four million sovereigns a year. The increase in the means of production of sovereigns has also increased the expenses, and I am informed by the Deputy Master that it is now necessary that the grant to Her Majesty should be increased to £20,000 a year; and he is of opinion it will not cost the colony anything, because the receipts from the Mint will be sufficient to cover the £20,000 a year. I am sure it must be gratifying to everyone in this House that the branch of the Royal Mint has been satisfactorily started in this colony, and that when we get a sovereign into our pockets we are able to know that the gold has been produced in the colony and minted in the colony.

MR. ILLINGWORTH: How do you know it from another sovereign.

THE PREMIER: If you get a microscope you will find a small "P" just above the first "9" in 1899, which indicates that the sovereign was made in the Perth Branch of the Royal Mint.

MR. VOSPER: We want a microscope to see our sovereigns at all.

THE PREMIER: I am glad to know that the Mint has been started successfully, and that it will not only be of great benefit to the gold producer and the colony, but at the same time will pay its way; therefore I have no hesitation in asking hon. members to assent to the Bill, because it will really not increase the burden on the colony. I believe the Mint will be made reproductive, and that is all we desire. We do not want to make it a revenue producer: we want the Mint to pay its way, and give us all the benefits at the same time. That is all we desire, and if the Mint more than pays its way I shall be one of the first to advocate a reduction in the rates of refining and coining. I have much pleasure in asking hon. members to assent to the second reading of the Bill.

MR. VOSPER (North-East Coolgardie): I rise for the purpose of eliciting a little information, not directly perhaps affecting the Bill, but the Mint generally. I understand this Mint is permitted to coin silver.

THE PREMIER: No; that is not so; but I think it would be permitted, if we liked.

MR. VOSPER: I noticed a paragraph in the Press the other day that all the Australian Mints were permitted to coin silver. It at once occurred to me, what would be the possibility of coining silver at the Mint at a profit to the State?

THE PREMIER: It would not pay. We do not produce much silver here.

MR. VOSPER: I thought the Government might write to the Colonial Secretaries of Singapore and Hong Kong, to ascertain the demand for silver in that part of the world, and whether it would be competent for us to manufacture silver coin for export. On that point no action was taken, nor am I informed as to the fact; but I am informed there is a large demand at the present time for silver.

THE PREMIER: There are Mints in India.

MR. VOSPER: But the Indian Mints are now closed to silver coining, the idea of Indian financiers being to establish a gold standard there. That has led to a dearth of silver in British colonies not under the Indian dominion, and consequently silver is imported by the banks, and a large portion is manufactured either by the Royal Mint in England or by private people under contract. It occurs to me that, as silver is very low in price, and gives a large profit on minting, the Government might get permission to coin it here for exportation.

THE PREMIER: The London Mint would keep the profit, if any.

MR. VOSPER: But I was speaking on the assumption that the Government of this colony had permission to coin silver at the Mint, and being near the market, we might possibly do that with a profit. I make the suggestion, if the Premier think fit to obtain further information on the subject.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and report adopted.

TRUSTEE INVESTMENT AMENDMENT BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir John Forrest), in moving the second reading

said: This is a small but very important Bill, and I hope hon. members will give it attention. The object is to prevent trust moneys being invested for any length of time in joint-stock banks. In 1889 there was passed in this Parliament an Act, the like of which, I do not suppose, will be found in any other place; but the circumstances of the colony at that time were peculiar. We had then no Government securities, municipal bonds, or other similar means of investing trust funds, and, in fact, trustees had great difficulty in knowing what to do with money in their possession. The Bill of 1889 was introduced by our old friend, Mr. Parker, when a member of the Opposition, in order to meet the pressing necessity, and enable solicitors and other trustees, and it may be the Supreme Court, to invest funds in

Fixed deposit, in incorporated or chartered joint-stock banks in Western Australia; and such trustees and personal representatives shall also be at liberty, at their discretion, to call in any trust funds invested in other securities than as aforesaid, and to invest the same on any such securities as aforesaid.

In fact, the Act allows trust moneys to be invested in joint-stock banks as well as

Any of the Parliamentary stocks or public funds, or Government securities, in Great Britain or in any of the Australasian colonies, or in first mortgages of freehold estates, or in securities charged on the funds of municipalities.

It seems to me that it was not a good thing to give this power, even at that time; because trust funds ought to be placed somewhere which will be as safe as it is possible to make them.

A MEMBER: "Safe as the bank."

THE PREMIER: We used to say, "safe as the bank;" but although I am glad to say the banks are now secure, they are subject to vicissitudes and troubles as are other institutions. It may be said, of course, that difficulties are possible in regard to public funds; but there is the country or a great corporation as security, and with the wisdom trustees are supposed to exercise, there is very little danger of losing money. Whatever may have been the wisdom or otherwise of the course taken in 1889, the time has arrived when the Act then passed should be removed from the statute book. The Bill provides that trust moneys shall only

be invested in public securities and in freehold lands, and that if any money is invested in joint-stock banks, it shall not be for any length of time, but the money shall be withdrawn and invested in the securities I have named. No one ought to cavil at a Bill having this object in view. If anybody had an interest in money left, it would not be much satisfaction to know that it had been invested and lost in some institution; but freehold land is always there, while behind municipal bonds there is the security of the rates, and, if a trustee be very particular and careful indeed, there are the Government securities of the United Kingdom or any of the Australian colonies. No doubt these latter are the best securities; but, as in the case of all good securities, the interest is not very great. I do not think the Bill will affect investors materially, because banks at the present time do not give much more interest for deposits than is given on Government securities. In the interests of the public, trust moneys ought to be made secure, and this Bill is a reasonable one which should receive support. I am not aware how the Bill will affect institutions, but I scarcely think it will affect them very much. As I say, I do not suppose a great quantity of what may be termed trust funds are invested in banks, although I am not much of an authority. Trustees are very careful and generally invest in freehold land, municipal debentures, or Government securities.

MR. ILLINGWORTH: How about insurance companies?

THE PREMIER: Insurance companies are in the same category exactly.

MR. ILLINGWORTH: You cannot carry this Bill out.

THE PREMIER: I do not know that trust funds are employed much in insurance companies. I should say they are not.

MR. ILLINGWORTH: How are you to be sure insurance moneys are not trust moneys?

THE PREMIER: If it could be shown to me that this Bill is likely to do injury to any institutions in the colony, I would hesitate to go on with it. I believe, however, that should it do any injury at all, the injury will only be small. My only desire is to put this matter of the investment of trust funds on a better

footing than it is at the present time. If Mr. Parker, who introduced the Bill in 1889, were in the House to-night I am sure he would join with me in saying the time has gone by when there is any necessity for retaining the present Act.

MR. LEAKE (Albany): I do not like this Bill at all, and I have not been convinced by the arguments of the Premier. It seems to me that in passing the Trust Investment Act, 1889, a very proper course was taken. The Act gives the trustees under settlements and wills the freest scope in the investment of trust funds. Up to that time, as has been pointed out by the Premier, trust funds strictly speaking, unless by the terms of the document creating the trust, could be invested only in stock or Consols. That was found to be a nuisance and an unnecessary limitation, and the powers of the trustees were by the statute enlarged so as to enable them to invest in parliamentary funds, Government securities in England and the Australasian colonies, mortgages on freehold land, municipal bonds, and bank deposits. No doubt the three investments of mortgage on freehold, municipal bonds, and bank deposits, were distinctly new departures; and it was no doubt an advantage to trustees to be able to invest moneys as bank deposits. In small estates where there was the possibility of distribution within 12 months or so, it proved more convenient to take the bank rate than to seek for an investment and have the trouble, difficulty, and perhaps delay in calling the money in again. It seems to me that if we limit this power to six months, we are seriously limiting the discretion of trustees, and limiting that discretion to too great an extent.

THE PREMIER: The question of time is a detail. Make it twelve months, and there will be no objection to the extension.

MR. LEAKE: If the time be extended, it will not be so bad. I can see what is the object of the Bill. It may be a laudable object, but I think it is a one-sided idea. No doubt the Bill is an attempt to divert trust funds into investments of a particular kind, namely, Government and municipal securities. For my part, and I have been a trustee once or twice and may be again, I should regard a deposit in a bank as a better security than municipal debentures. Take

for instance the mushroom towns of the goldfields. They come into the market for loans, and it is open for trustees to invest in this way the moneys in their hands. It is the inhabitants of such towns who want to borrow, and who, perhaps by a tempting rate of interest, secure the investment of trust funds. I should not object to see money invested in the securities of places like Perth and Fremantle, or in those of a town like Kalgoorlie.

THE PREMIER: Amend the Bill in that direction, if you like: the more protection the better.

MR. LEAKE: I am only drawing a comparison between a bank as a security, and a possible mushroom township as a security; and if the objection holds good to a bank deposit, it holds good with equal force to municipal funds, and possibly to freehold securities; because we know that freehold values are liable to inflation, and liable to collapse in an equal if not to a greater degree than banks. A collapse of banking institutions in Australia has only happened once in a generation or so, but it constitutes a lesson by which everyone ought to profit; and I do not think that, for many years to come, bank deposit receipts will be a bad security.

THE PREMIER: No; I think not.

MR. LEAKE: I should not like to suggest that the Government have a disagreement with any of the banks.

THE PREMIER: Not the slightest.

MR. LEAKE: I do not suppose the Bill is a drive at the banks; but I should be interested to know what the banks think of the Bill.

MR. KENNY: Why should they be consulted?

MR. LEAKE: They need not necessarily be consulted; but we must remember that nearly every man in this colony who invests money, or at least a great proportion of investors, consult their bankers; the bankers not only provide securities, but also give advice to investors; and I think this Bill goes a little too far. I cannot see the necessity for singling out the banks in this way, and for saying that money deposited with them is not so safe in their hands as it would be in municipal stock, or on mortgage of freehold. I do not like the idea of limiting the powers of investment of

trustees. We must always remember that when a trustee selects an investment, he acts upon his own responsibility, and is liable to be called to account; and if, unfortunately for him, he select a bad investment, he has to make up the deficit.

THE PREMIER: Not if it is a legal investment.

MR. LEAKE: No; not if it is a legal investment; but in some cases he has to run a risk. I hope the Government will not press this Bill on the House. I have no intention of saying nasty things to-night; but if I wished to do so, I should say that the Bill looks like an attempt to boom municipal securities.

THE PREMIER: I do not care about municipal securities; but I should like to see more money invested in Government securities.

MR. ILLINGWORTH: Treasury bills?

MR. LEAKE: But Government securities are all right: there is no prohibition in respect of them. Further, I do not think that the trust funds in our colony are of such magnitude that the Bill would confer a great boon on beneficiaries; and if you prohibit trustees from placing their money in banks on deposit, they will be obliged to take the money from that form of investment, and merely to lodge it in banks at call.

THE PREMIER: They can always buy Government debentures.

MR. LEAKE: I do not intend to vote for the Bill.

MR. KENNY (North Murchison): I am certainly in favour of the Bill. I hail it as another step towards the establishment of a Government bank of issue. Some time ago, when it was found necessary for the Government to amend the Post Office Savings Bank law, so as to enable larger deposits to be kept there, I hailed that as a first step towards a national bank; and I think this is the second one. The older we grow, the more clearly does experience teach us that the time must come when the Premier will have to add to the long list of democratic measures submitted this year in the Governor's Speech, a Bill for the establishment of a national bank of issue. There can be no question as to the security that bank will afford. We have all had bitter experience of the result of trusting other monetary institutions in this and the neighbouring colonies; and

whatever may be said—and I have no desire to say anything against the stability of the present banks—I think where the Government find themselves in a position, or feel that it is necessary, to introduce a Bill of this sort into the House, then the time is ripe when the Government should look a little further ahead and give the public of this colony that security for their hard-earned money which investors deserve.

MR. ILLINGWORTH (Central Murchison): It is evident at the outset that a Bill of this kind ought not to be hurried through the House, for the institutions around us and trustees generally should have ample opportunity to fully express their opinions on such a momentous question.

THE PREMIER: I shall be very glad to adjourn the debate.

MR. ILLINGWORTH: I beg to move the adjournment of this debate for two weeks.

THE PREMIER: Will not one week do?

MR. ILLINGWORTH: I move that the debate be adjourned till this day week.

Put and passed, and the debate adjourned accordingly.

ADJOURNMENT.

The House adjourned at 9-24 p.m., until the next Tuesday.