

in order and complete what we have done in dealing with the Revenue Estimates and the Loan Estimates. In Schedule A we have two Supply Bills, one for £829,000, and the other for £425,000, while the balance of £2,153,064 is under the Bill, making a total of £3,407,064. In the trust fund I have one appropriation of £90,000, and under the Bill £153,819, or a total of £243,819. In the general loan fund I have one Appropriation of £212,000, and under the Bill the amount of £1,183,259, or a total of £1,395,259. In Public Account advance to Treasurer, I have an appropriation of £300,000, and under the Bill the sum of £100,000, or £400,000 in all, the total in Schedule A being £5,446,142. In Schedule B we have an amount of £3,407,064, and under the Sale of Government Property Trust Account there is an amount of £185,569, while under the Land Improvement Loan Fund the amount is £58,250, or a total of £243,819. Schedule D comprises the General Loan Fund for the services of the year ending 30th June, 1919, as detailed in the Estimates of expenditure already passed. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

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

Read a third time, and transmitted to the Council.

BILL—FORESTS.

Returned from the Council with amendments.

BILL—STATE CHILDREN ACT—AMENDMENT

Received from the Council and read a first time.

House adjourned at 1.57 a.m. (Wednesday.)

Legislative Council,

Wednesday, 18th December, 1918.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

[For "Questions on Notice" and "Papers Presented" see "Minutes of Proceedings."]

MOTION—LAND ACTS COMPILATION.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [3.3]: I move—

That it be resolved and directed that the Land Act, 1898, with its amendments, be

compiled under the provisions of the Statutes Compilation Act, 1905.

The following is an extract from Section 2 of the Statutes Compilation Act, 1905:—

From and after the passing of this Act, whenever both Houses of Parliament shall, by resolution, direct the compilation with its amendments of any Act in force in the State, it shall be the duty of the Attorney General, so soon as may be possible after the determination of the session in which such resolution shall have been passed, to prepare a compilation embodying all the provisions of such Act and the amendments thereof, omitting all those portions of the text of such Act which have been repealed or altered by subsequent Acts, and inserting in the proper places all words or sections substituted for or added to the text of the original Act by such subsequent Acts, with marginal reference notes citing section and Act; and he shall add to such compilation an appendix showing the Acts and sections of Acts comprised therein. In preparing the compilation, the Attorney General shall make such consequential and other alterations in, additions to, or omissions from the text as, in his opinion, are necessary in order to give effect to implied repeals to secure uniformity of expression, and generally to allow of the compilation being enacted as an Act of the year of enactment, and shall indorse upon such compilation, or attach thereto, a memorandum directing attention to every such alteration, addition, or omission, and stating, where necessary, the reason thereof.

In addition to the Land Act, 1898, there are 13 amending Acts, and it is very difficult for the public to follow the Lands Legislation of the State with one principal Act and 13 amending Acts in existence. If the Acts are compiled as proposed it will be comparatively easy for any member of the public to follow the provisions. A resolution to this effect has already been carried in another place, so that the carrying of this resolution is all that is necessary to enable this work to be put in hand.

Hon. W. KINGSMILL (Metropolitan) [3.6]: I should like to have the privilege of seconding this motion, and congratulate the leader of the House and the Government upon at last taking advantage of this useful Statute, from the point of view of the public who are concerned with the reading and the administration of the Acts to which this applies. This is only the second occasion I believe on which this has been done.

Hon. A. SANDERSON: What was the first occasion?

Hon. W. KINGSMILL: It happened some years ago in connection with an Act that was very much amended. There are several Acts and their amendments to which this process could be very well applied. I refer, in particular, to the Sale of Liquor Regulation Acts, which are in a state not of chaos but of chaotic organisation. I hope the Government will take into consideration the necessity of applying this Statute to a good many more Acts which badly need this compilation.

Hon. E. M. Clarke: I would suggest that the Municipalities Acts and the Roads Acts be dealt with in a similar fashion.

Hon. A. SANDERSON (Metropolitan-Suburban) [3.8]: I should like to know if this motion will constitute this compilation an Act of Parliament.

Hon. W. Kingsmill: It can be laid before Parliament afterwards.

Hon. A. SANDERSON: If it is simply a compilation of references, it is very useful, but if it constitutes it an Act of Parliament, then very much would depend upon how the work was done.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East—in reply) [3.10]: The compilation will not amend the Act in any particular. It will only put into one volume, or upon one piece of paper, so to speak, the legislation as it stands. When the work of compilation is completed it has to be placed before both Houses of Parliament, and a resolution of both Houses is required for its printing. There is ample safeguard in this. With regard to the suggestion of Mr. Clarke, the objection to it is that it is intended to make the Roads Acts one of the first pieces of amending legislation for next session, when a new Act altogether will be introduced. There will, therefore, be no useful object to be served in applying a motion such as this to that Act. The same thing may be said of the Municipalities Acts. It is intended at the earliest possible opportunity to amend that, so that we will to a large extent be wasting time in making such a compilation.

Question put and passed.

BILL—AGRICULTURAL LANDS PURCHASE ACT AMENDMENT.

In Committee.

Resumed from the 16th December; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 25—agreed to.

The COLONIAL SECRETARY: I reported progress in order that Mr. Mills might have an opportunity of drafting a new clause. I understand that his object has now been met by a previous amendment.

Bill reported with amendments and a Message accordingly forwarded to the Assembly requesting them to make the amendments; leave being given to sit again on receipt of a Message from the Assembly.

BILL—EARLY CLOSING ACT AMENDMENT.

In Committee.

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

Clause 1—Short title and commencement:

Hon. A. SANDERSON: I move an amendment—

That the words "a day to be fixed by proclamation" be struck out and "the first day of January, 1925" inserted in lieu.

Is it the intention of the Colonial Secretary to put the Bill through this session? It has been brought down here practically without any notice. There was a close division on the second reading, and some members who supported the Bill were anxious to see it thrown out.

The COLONIAL SECRETARY: My wish is that the Bill should be considered and passed, but of course my wishes are entirely subject to the decision of the Council. If, as the hon. member suggests, there are a majority of members who do not propose to do that, it will be better to kill the Bill by a motion of this kind than to spend a great deal of time in discussing it.

Hon. A. SANDERSON: I do not think we should accept that answer, because, if the Minister is determined to put the Bill through, I will support him. It is not so much what the Committee wish as what the leader of the House wishes; at any rate, his opinion will have great weight. I do not think the responsibility of deciding the question should be thrown on the Committee at all. I have had no time whatever to consider the measure, which closely interests a great many of my constituents.

The CHAIRMAN: Any motion to kill a Bill in Committee generally takes the form of a motion, "That the Chairman do leave the Chair," which must be put without debate. The amendment must be debated as an amendment, and not as a means of killing the Bill. I mention this as a matter of convenience, in order that a debate which has already taken place on the second reading may not be repeated.

Hon. H. MILLINGTON: I am at a loss to understand the opposition to this measure. In one particular instance, that of the butchering industry, it is most desirable that the Bill should be enacted and certainly should come into force before the year 1925. I have here a letter from the secretary of the butchers' union, Mr. John Graham, which I propose to read.

The CHAIRMAN: Would not the hon. member postpone the reading of that letter until the clause to which it relates is reached? I ask it merely for the convenience of hon. members, and in order to keep some method and order in the proceedings of the Committee.

Hon. H. MILLINGTON: But how, Sir, can I state the urgency for the Bill if I am not allowed to refer to the question? The amendment seems to prevent all discussion. The mover of it parades the fact that he has not read the Bill, and yet he wishes to prevent those who have read and considered the measure from dealing with it. There is a case to be made out, and I hope the good sense of the Committee will hear that case.

Amendment put and negatived.

Clause put and passed.

Clause 2—agreed to.

Clause 3—Amendment of Section 2:

Hon. J. NICHOLSON: It has been brought to my notice that many merchants and shopkeepers take stock only once a year, and not every half-year. It occurs to me that possibly

a definition of "year" may be required. However, if an amendment which I propose to move in Clause 7 is carried, I shall not require to move to amend this clause.

The CHAIRMAN: The hon. member can move to recommit the Bill if necessary.

Hon. J. NICHOLSON: I move an amendment—

That in the definition of "Public holiday" the words "by proclamation to be a public holiday for the purposes of this Act, and include as regards any particular district any day so declared to be a public holiday in that district" be struck out, and "in any award or industrial agreement relating to shop assistants to be a holiday" inserted in lieu.

This matter of holidays is usually either one of agreement between employer and employees, or a decision by the Arbitration Court. The present definition in the Bill would mean that any day might be declared by proclamation to be a public holiday. So wide would be the scope of "public holiday" as to make the position almost inconsistent with whatever is provided in industrial agreements or awards. I am endeavouring to bring the two into accord so that whatever holidays are declared they shall be the same as are provided for in the Bill.

Hon. J. CUNNINGHAM: There are some districts in which there are no awards operating. Very often local celebrations take place in these districts. The clause as it stands gives the department administering the Act the opportunity of declaring a holiday by proclamation, and that is a provision which is needed.

Hon. J. CORNELL: There is nothing in the amendment. The machinery as it exists to-day, so far as holidays are concerned, has worked satisfactorily, and neither side has made a complaint. Therefore, why alter it?

Hon. J. E. DODD: There has always been a difference of opinion regarding holidays in Perth, and I have found the majority of shopkeepers are willing to fall into line with the employees with regard to holidays. There are one or two who have stood out and have made things awkward. So far as the Easter holidays are concerned, the majority of shopkeepers are always willing to close on the Saturday, so that the employees may have the Friday, Saturday and Monday free. There are, however, some who will insist on opening on Saturday. It is unreasonable to ask the employees to remain in town for that half-day. If that day were proclaimed a holiday, well and good, but under the amendment it would not be possible to proclaim it such.

The COLONIAL SECRETARY: The effect of the amendment would be just the same as if the hon. member struck out the definition of public holiday altogether, and then had Clause 4 eliminated from the Bill. That definition is simply consequent on Clause 4. There is no power at the present time for the Government to proclaim a public holiday, and it is deemed desirable that such power should exist. This is the only State where that power does not exist.

Hon. V. HAMERSLEY: It seems to me that, in declaring these holidays, only one party appears to be considered, and that is the employee. At this stage of the session I do not feel disposed to discuss this and other amendments. Therefore, I move—

That the Chairman do now leave the Chair.

The CHAIRMAN: The hon. member having discussed the motion may not now move it. A motion of that description must be moved without discussion and immediately put and carried or rejected.

Hon. E. M. CLARKE: I move—

That the Chairman do now leave the Chair.

Motion put and a division taken with the following result:—

| | | | | | |
|------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 9 |
| Noes | .. | .. | .. | .. | 16 |

Majority against .. 7

Ayes.

| | |
|-------------------|-------------------|
| Hon. J. F. Allen | Hon. J. Nicholson |
| Hon. E. M. Clarke | Hon. E. Rose |
| Hon. V. Hamersley | Hon. A. Sanderson |
| Hon. J. J. Holmes | Hon. J. Ewing |
| Hon. R. J. Lynn | (Teller.) |

Noes.

| | |
|----------------------|---------------------|
| Hon. R. G. Ardagh | Hon. C. McKenzie |
| Hon. C. F. Baxter | Hon. G. W. Miles |
| Hon. H. Carson | Hon. H. Millington |
| Hon. H. F. Colebatch | Hon. J. Mills |
| Hon. J. Cornell | Hon. H. J. Saunders |
| Hon. J. E. Dodd | Hon. H. Stewart |
| Hon. J. A. Greig | Hon. J. Cunningham |
| Hon. J. W. Hickey | (Teller.) |
| Hon. J. W. Kirwan | |

Motion thus negatived.

Amendment put and negatived.

Hon. R. J. LYNN: There is an amendment in my name on the Notice Paper, but I propose to enlarge the scope of it. I intend to move an amendment—

That Subclause 3 be struck out.

It is the intention of the Bill to delete the definition of "shop assistant" in the Act with a view to inserting an entirely new definition. It would require all the rest of the week to fully consider the proposed new definition. I am opposed to it. Under the provision waitresses in hotels will be classed as shop assistants. To class those waitresses as shop assistants would be to seriously disturb the present arrangements for meals in hotels, and that, too, without benefiting the employees concerned. Moreover, it is proposed to bring commercial travellers under the definition of shop assistants, which is utterly impracticable. I voted for the second reading, but I cannot support this subclause.

The COLONIAL SECRETARY: I recognise that this subclause is controversial, and that it raises complicated issues. I am anxious to get the Bill through, because I believe that one clause will prevent industrial trouble now pending. I know from experience that the present definition of shop assistant is entirely unsatisfactory, notwithstanding which the assistants have been working under it for some time. The dispute to which I refer is not involved in

this question of the definition of shop assistants, and so, in order to meet hon. members, I am prepared to allow the subclause to be deleted. That will mean that the Bill will be confined to the particular matter of the pending industrial dispute, and to other things quite simple in nature. There is no other complicated clause in the Bill. I remind hon. members that we have practically completed a comprehensive amending Bill, which it is proposed to introduce next session.

Hon. E. M. CLARKE: The proposed definition leaves us open to this, that a man in the country employed delivering stuff in a cart can dawdle along, and the employer in penalised by reason of that dawdling. I am in sympathy with the early closing movement, but I cannot agree to this provision.

Hon. J. F. ALLEN: I am pleased that the Colonial Secretary has agreed to withdraw the definition. Since I have been a member of the House there has been no more strenuous defender of the rights of Parliament than the Minister himself. It is intended that the definition shall be taken in conjunction with Clause 6, dealing with the question I raised on the second reading, namely, whether Parliament is to have certain rights or whether those rights are to be handed over to the Arbitration Court. It is the purpose of the definition to include those employees at present provided for only under the Arbitration Court awards. I am pleased that the Colonial Secretary has agreed to withdraw the subclause.

Hon. A. SANDERSON: The leader of the House has expressed his readiness to let the definition go, but he has not told us yet what this urgent clause is which he is so anxious to put through.

The COLONIAL SECRETARY: I discussed it very fully on the second reading.

Hon. A. SANDERSON: Is he ready to allow anything else to go except Clause 6? The fact that this Bill has not been rushed through is entirely due to the representations which have been made.

Amendment put and passed.

Hon. A. SANDERSON: In regard to proclamations a great difference is made between different parts of the State. Section 2 of the 1912 Act says that the metropolitan, metropolitan-suburban and West Provinces shall be united into one shop district, and further on in the Act says that the Government may declare by proclamation that any shop district except the metropolitan shop district, referred to in Section 2, shall be abolished. This system of drawing a radius of 10 or 20 miles leads either to a violation of the Act, or to a system by which the Act is not enforced in a certain portion of a province, which is a very bad thing. In many parts of the metropolitan-suburban areas small shops are kept open at almost any time. Is it desired to get the whole clause of this Bill through in order to prevent industrial troubles? If, on the other hand, it is to be put through as part of the general principle of a new Bill dealing with early closing, then we ought to throw it out. It may very seriously affect different people in different parts of the country.

Nothing should be done in this way unless on the score of urgency, and these people who would be so seriously affected should not be prejudiced.

The COLONIAL SECRETARY: The question at issue is whether the Government shall have power to proclaim a public holiday or not. The small shops are not affected.

Hon. A. SANDERSON: That is the sort of answer which does not commit the Government to anything. The Minister says the question here is only one of holidays. Is that the reason why this Bill should go through urgently? The registry office keepers have suffered a grievous injury as the result of the passing of the Employment Brokers Act, an injury which we did not desire to inflict on them. It is possible that by passing this clause without proper care, and without reference to the voiceless people whom the clause will affect, we may be doing another serious injustice. Is it too much, in the circumstances, to ask that the whole clause be deleted, with a view to its re-introduction next session?

Hon. J. J. HOLMES: The Colonial Secretary has at least given us a reason why it is necessary to pass this Bill at so late a stage of the session—to prevent industrial upheaval. But that, I thought, is a matter for the Industrial Arbitration Court. The bald declaration that the measure will prevent industrial trouble does not suffice to gain my support.

Hon. J. NICHOLSON: I concur in much that has been said by previous speakers. The striking out of paragraph (3) will not attain all that is necessary in the circumstances. I favour the entire elimination of Clause 3, and similarly of every other clause except that which forms the crux of the Bill.

Hon. A. SANDERSON: I ask the Committee to knock out paragraph 1 in order that the matter may be referred to the various parties interested. I will support the paragraph if the Colonial Secretary can show me how its retention will help to avert the threatened industrial troubles. Similarly, I ask hon. members to knock out the other two paragraphs unless the Colonial Secretary can show that they have any connection with what he states is the object in view.

Hon. J. E. DODD: The clause under discussion is certainly one of the most important in the Bill, and I regret very much that, for the first time in five years, the introduction of an industrial measure should be met by a discussion of this kind, intended to defeat the Bill. The amendments proposed are intended to get over certain rulings and decisions of the Supreme court and the Full Court of this State. Every definition altered by this Bill is altered because of certain judicial decisions. As I stated on the second reading, there is not an Act under which the inspectors of factories work which is of any use to them. "Half year" to the ordinary individual comprises some given period of six months. But the designing shopkeeper has made that term to suit his own purposes, and has applied it to any particular period, so that he may be

allowed to get in the number of hours he is allowed to work overtime, and perhaps a little more. The amendment is designed to protect the shopkeeper who is out to do a fair thing. If the hour fixed for closing is six o'clock, the ordinary individual understands it to be that the premises will close at six. He does not understand that the doors will be closed and that trading will take place for a couple of hours afterwards. I would remind hon. members there is a class of employees who cannot take advantage of the Arbitration Act. It seems to me we are always willing to protect the strong but when it comes to protecting the weak, as this Bill seeks to do, we are inclined to let things slide.

Hon. R. J. LYNN: I am of the opinion that the words "for the purpose of trade" are inserted in order to suit the inspectors. Some of them are extremely inquisitive and do not hesitate to resort to strange practices in discharging their duties. I can give an instance: A shop inspector from Perth went to Fremantle and stayed one night at the National hotel. He said to the waitress that night, "I am anxious to get an early train in the morning; will you get me a little breakfast before I leave?" She consented and he gave her a tip. That inspector came back during the course of the day and demanded to be allowed to look at the proprietor's book in which entries were made as to the hours of the employees. He found out the girl's name and saw that there was no entry made as to the hour she rose on that morning. He said, "This girl started at six o'clock; she got up and secured some breakfast for me." Of course the hotelkeeper was unaware of it; all the same he was prosecuted.

Hon. J. E. Dodd: The inspector who did that should be discharged.

Hon. R. J. LYNN: Exactly. An inspector should have power to discriminate as to whether a shop is open for the purpose of trading or not. I am going to support Mr. Sanderson in voting against the clause, in the hope that it will be struck out.

Clause as amended put and a division taken with the following result:—

| | | | | | |
|------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 16 |
| Noes | .. | .. | .. | .. | 8 |

Majority for 8

AYES.

| | |
|----------------------|---------------------|
| Hon. J. F. Allen | Hon. J. A. Greig |
| Hon. R. G. Ardagh | Hon. J. W. Kirwan |
| Hon. C. F. Baxter | Hon. C. McKenzie |
| Hon. H. Carson | Hon. G. W. Miles |
| Hon. H. P. Colebatch | Hon. H. Millington |
| Hon. J. Cornell | Hon. H. J. Saunders |
| Hon. J. Cunningham | Hon. H. Stewart |
| Hon. J. E. Dodd | Hon. J. W. Hickey |
| | (Teller.) |

NOES.

| | |
|-------------------|-------------------|
| Hon. E. M. Clarke | Hon. J. Nicholson |
| Hon. J. Ewing | Hon. E. Rose |
| Hon. J. J. Holmes | Hon. A. Sanderson |
| Hon. R. J. Lynn | Hon. V. Hamersley |
| | (Teller.) |

Clause thus passed.

Clause 4—Insertion of new section after Section 9A:

Hon. A. SANDERSON: We are going to pass this clause dealing with all those people who are referred to in the schedule.

The Colonial Secretary: We are not dealing with any of those people.

Hon. A. SANDERSON: All the more reason for my protest. I have not had an opportunity of consulting the greengrocers. They have not been mentioned. We do not know what we are doing. I contend, therefore, we are not justified in putting this Bill through. The hon. member talks about being threatened with industrial trouble; but what are we threatened with? Abolition. That is the position of affairs.

Clause put and passed.

Clause 5—Insertion of new section after Section 12:

The COLONIAL SECRETARY: I move an amendment—

That the words "and the shopkeeper shall be liable to be proceeded against under Section 12" be struck out.

The words are inserted in error. They are not only unnecessary, but might lead to a misunderstanding.

Amendment put and passed.

Hon. J. NICHOLSON: We should desire to encourage industry and business. We seem by measures like this to be doing everything we can to drive people connected with business into the Bankruptcy Court, and to ruin those engaged in the various trades. This is an iniquitous provision, and if we pass it we shall be doing great injury to those engaged in business. Anyone at the present time can go into a shop prior to the closing hour and be served with his order, but if the clause is passed as printed, the shopkeeper will be unable to serve him.

Hon. G. J. G. W. Miles: Quite right, too.

Hon. J. NICHOLSON: I am astonished to hear the hon. member. I move an amendment—

That a proviso be added as follows.—
"Provided that this section shall not apply to any shopkeeper or prevent him or his assistant from supplying or delivering to any person who may have ordered goods prior to the closing hour, if such goods be delivered within not less than half an hour after such closing hour."

The COLONIAL SECRETARY: I have no objection to the proviso, because it is in keeping with the spirit and intention of the Act, but under Clause 7 I do not think it is necessary.

Amendment put and passed; the clause, as amended, agreed to.

Clause 6—agreed to.

Clause 7—Substitution of new section for Section 14:

Hon. J. NICHOLSON: I move an amendment—

That in proposed Sub-section 1 after the word "shopkeeper," in line 2, there be inserted "in every case where he takes stock each half year," and after the words "half year," in line 4, there be inserted

"and in every case where the shopkeeper takes stock once in each year, then he may employ any shop assistant on each of any number of days not exceeding 24 in any year."

Amendment put and passed.

Hon. J. NICHOLSON: I move a further amendment—

That proposed Sub-section 4 be struck out.

Shopkeepers have pointed out to me that it is impossible to comply with such a strict provision as this. Sometimes it is not known until very late in the day that it is desired to avail themselves of the services of their employees, and it may be impossible to get hold of the inspector at that time. Even if a shopkeeper did employ a man longer than the prescribed hours, there is no reason for the subclause.

The COLONIAL SECRETARY: Subclause 4 is the one portion of the clause which has been inserted at the request of the employees. The remainder of the clause has been inserted at the request of the employers, and the employees have agreed to it, providing that notice is given to the department. It seems hard that the one proviso inserted for the protection of the employees should be struck out, while we give the employers all that they want. I cannot see the difficulty suggested by the hon. member. All that is required is that they send advice to the department. I do not mind modifying the subclause if it is the desire of hon. members, but I think that to strike it out would be unfair to the employees.

Hon. J. NICHOLSON: There are instances when it would be very difficult to find an inspector in case of an emergency. The employers who have spoken to me do not want to commit a breach of the Act, and because of this it was suggested to me that the subclause be struck out.

Amendment put and negatived.

Hon. J. NICHOLSON: To meet the wishes of the Colonial Secretary I will agree to a modification of the provision. I move an amendment—

That after "shall," in line 2, the words "except in cases of emergency" be inserted.

Hon. J. CUNNINGHAM: I am opposed to the amendment. Who would have the right of saying what constituted a case of emergency? Shall we insert a definition, or are we to allow it to rest entirely on the employers? Some employers are not as generous in their treatment of the employees as they might be. The provision is here to protect the employees against victimisation by unscrupulous employers.

The COLONIAL SECRETARY: I am willing to meet the hon. member so long as he does not take away the protection to which the employees are entitled. If he will agree to add the words "when the circumstances shall be reported to an inspector forthwith" I will have no objection to the amendment.

Hon. J. Nicholson: I will agree to that.

The COLONIAL SECRETARY: Then I move an amendment on the amendment—

That the words "when the circumstances shall be reported to an inspector forthwith" be added to the words proposed to be inserted.

Amendment on amendment put and passed; the amendment, as amended, agreed to.

Hon. A. SANDERSON: What is meant by "before employing any shop assistant pursuant to the said proviso"?

The COLONIAL SECRETARY: It means that employers are permitted to employ their assistants on overtime during the prescribed number of days under the amendment. This amendment is inserted at the request of the shopkeepers, who find a difficulty in carrying on stock taking and other important work because of the limitation. The proviso is that they must not do this without notifying the inspector.

Hon. A. SANDERSON: The Minister says this has been inserted at the request of the shopkeepers. Does the Minister mean the Shopkeepers' Association?

The Colonial Secretary: Yes.

Hon. A. SANDERSON: I am not prepared to say how much weight should be attached to the views of an association of that kind. Have the Chamber of Commerce asked for this provision? How did this come about? Was it based on a report from the inspectors, or on a resolution carried by the Shopkeepers' Association? The leader of the House and Mr. Dodd are more highly qualified than any other hon. members to speak on the administration of this measure. Mr. Dodd told us that one of the reasons for the Bill was the necessity for getting over the decisions of the Supreme Court. I should like to know whether the leader of the House is satisfied that the clause will have that effect? The point I should like the leader of the House to explain is, who was authorised to speak on behalf of the shopkeepers at whose request this clause was inserted? I do not wish to be offensive, but I certainly think a member is entitled to ask a question of that kind and to have it answered. Are the representations of the shopkeepers on record?

The Colonial Secretary: I cannot tell the hon. member.

Hon. A. SANDERSON: I do not blame the Colonial Secretary for one moment, or even criticise him; he has so many matters to attend to.

The COLONIAL SECRETARY: I can only say that several of the leading shopkeepers of this city pointed out to me the great inconvenience they were under particularly through not being able to employ their assistants in stock taking on any of the half holidays on which the closing hour prescribed is one p.m. I referred the matter, as I do all matters of the kind, to the official who is supposed to look after them: in this case, the chief inspector of factories. He reported to me submitting this clause and stating that it met with the approval of the shopkeepers, and that the assistants were agreeable to it provided the matter was reported. That is as much as I can tell the hon. member.

Hon. A. SANDERSON: It is as much as I hoped for. But is that a proper way of finding out what is required? I do not represent the leading shopkeepers, but the small shopkeepers, who have their association, and who are just as much entitled to make representations to the Minister as are the leading shopkeepers. And the small shopkeepers have had no opportunity in regard to this Bill.

Hon. R. J. LYNN: In view of Clause 6, which has been passed, there seems no occasion at all for this clause. Clause 6 hands over the matter to the Arbitration Court, and therefore to pass the present clause would lead to confusion.

The COLONIAL SECRETARY: Surely the hon. member is aware that a great many assistants in shops are not covered by awards of the Arbitration Court.

Hon. R. J. LYNN: A few.

The COLONIAL SECRETARY: No; a great many.

The CHAIRMAN: There is a consequential amendment in Subclause (2), which has been made.

Clause as amended agreed to.

Clause 8—agreed to.

Clause 9—Amendment of Section 23:

Hon. A. SANDERSON: Is this the clause that has special reference to the threatened industrial trouble?

The Colonial Secretary: No. That clause was passed long ago.

Hon. A. SANDERSON: Then I suggest there is no necessity to put in this clause.

Clause put and passed.

The CHAIRMAN: Clause 10 I shall not put, in accordance with my ruling, since the clause is printed partly in italics.

Hon. A. SANDERSON: Shall we have an opportunity of considering that clause when the Bill comes back?

The CHAIRMAN: Yes. The clause will be introduced in another place as an amendment.

Clause 11—Citation and reprint of early Closing Act and its amendments:

Hon. A. SANDERSON: Here is a case where I sincerely trust the leader of the House will accept a suggestion, and put all these early closing measures under the Statutes Compilation Act. There have been bitter complaints regarding the scattered nature of early closing legislation.

The COLONIAL SECRETARY: I am almost inclined to think that this Early Closing Act is the Act which you, Sir, from your seat on the floor of the Chamber referred to this afternoon as having been dealt with under the Statutes Compilation Act. The original Early Closing Act was passed in 1902, and amending measures were passed from time to time, and finally an amendment was passed in 1911. Now, the volume of Statutes of 1911-12 contains that Amendment Act, and at the end of the volume early closing legislation is brought right up to date. However, I do not propose to bring in a motion to compile early closing legislation unless the comprehensive Early Closing Bill to be introduced next session fails to pass.

Hon. A. SANDERSON: I am sincerely glad to hear that, because it will assist a great many people interested in this legislation. Immediately this Bill passes, however, the existing compilation will become useless, and even dangerous. I trust a comprehensive Bill will be introduced early next session, so that we may place the whole subject of early closing legislation on a basis which will hold good for some time. I thank the leader of the House for what he has said.

Clause put and passed.

Title—agreed to.

[The President resumed the Chair.]

Bill reported with amendments.

Recommittal.

On motion by Hon. J. F. Allen, Bill recommitted for the purpose of further considering Clause 6.

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

Clause 6—Insertion of new section at the end of Part 2—Closing time to be in accordance with industrial awards:

Hon. J. F. ALLEN: As I indicated at an earlier stage, I consider this clause the most vital clause in the Bill and we have been advised that the sole object of introducing the Bill was for the purpose of carrying this clause into effect. The object is to take away from Parliament the powers which it possesses, the powers of regulating the hours of trade and handing them over to the Arbitration Court. I am entirely opposed to that principle, and members of the Committee must also be opposed to such a procedure. It has always been our effort to see that the rights and privileges of Parliament are conserved, and we have done that in the past on many occasions when attempts have been made to take our powers from us. We should insist upon the retention of the rights which we enjoy. The clause is a direct infringement of the rights of Parliament and for that reason I intend to oppose it, and I ask members of the Committee to vote against it. If the Colonial Secretary wants to deal with one dispute, a small Bill of one clause can be brought down to achieve his object, but to take away from Parliament the powers it possesses and hand them to the Arbitration Court is a step backwards. There is no one who took a more prominent part in connection with the initial stages of early closing than I. I was secretary of the first early closing movement in this State and, acting with Mr. Kidson, who was then a member of the Legislature, we were responsible for the introduction to Parliament of the first Early Closing Bill. We failed on that occasion, but since then it has become the law of the land. But it is Parliament that has always decided as to the opening and closing hours, and Parliament should preserve that right. I am surprised that the Government should have submitted such a clause, which is clipping the powers of Parliament and handing them over to the Arbitration Court. I hope the clause will be struck out.

The COLONIAL SECRETARY: If I thought Parliament would agree to do as the

hon. member suggested, I would have no particular objection to the deletion of the clause.

Hon. A. Sanderson: What is the industry affected?

The COLONIAL SECRETARY: The butchering. The master butchers' union of employers and the butchers' union of employees entered into an industrial agreement. Amongst the provisions of that agreement was that the closing time should be one o'clock on one day of the week and five o'clock on the other days of the week, and in consideration of that concession being made to the employees, the employees agreed to request the master butchers that the opening time on one day a week should be five o'clock instead of six. They approached the Government and asked that a proclamation might be issued. The Government issued that proclamation. Subsequently, what are known as the City butchers, a very small proportion of the total number of butchers, who, however, employ probably more men than the whole of the other employers in the metropolitan area, appeared on the scene. These City butchers found that the closing hour of five o'clock was not in the best interests of their trade. Some of them had never been members of the employers' union and were not parties to the agreement. After a time it was found that the earlier closing hours were not suitable and they gave notice of their intention to retire from the union and to depart from the agreement. In the meantime the employers' union and the employees' union both approached the Arbitration Court with a request that the agreement should be made a common rule. The city butchers objected and the court refused to make the agreement a common rule. The position then was that the city butchers withdrew from the union and notified their intention of withdrawing from the agreement they had entered into. The employers' and employees' unions wished to adhere to the agreement, whilst the city butchers wished to depart from it. A deputation waited on me, and I do not say that I was competent to attempt to settle the matter. The decision of the Government was that it should be left to the Arbitration Court.

Hon. J. J. HOLMES: One story, of course, holds good until another is told. The position is that there has been a conspiracy between the small butcher who does not employ labour and the employee of the larger employers. That is bad enough, but when we try to take the position one stage further and take the legislation out of the hands of Parliament and give it over to the Arbitration Court, that, I think, is going a little too far. In this instance the employees have all they want from the Arbitration Court. But they want to prevent the employer from carrying on his business, as he has a right to do under the Early Closing Act. It matters little to the suburban butcher whether he closes at five or six o'clock, or four o'clock. The whole of his business is done in the middle of the day. The Barrack-street butchers do a large business over the counter and meat is carried away by the purchasers. People come into Perth

from all suburbs, and it suits their convenience to buy what they want at city prices, which are 2d. less than the suburban prices. In order to satisfy the requirements of the public, the employer has turned his men off at 5 o'clock and taken off his coat and endeavoured to cope with the demands of the public. The employee now wants to compel the employers to cease work at the same time he does. I believe, if the books of these eight butchers' shops were examined, it would be found that the cash takings received after the men ceased work were greater than they were for the whole of the day up to that time. Customers frequently assist in wrapping up the meat for themselves and some of them even help to cut it. If the employer is prepared to meet the demands of the retail trade without interfering with the employees, why should he not be allowed to do so? What is the good of our legislating at all when we delegate our authority to the Arbitration Court? The Colonial Secretary says that this clause proposes to deal only with a dispute in the butchering trade. I would point out, however, that it refers to every shop in the State.

Hon. A. SANDERSON: I understand what we are after now. Parliament has delegated its authority to the Arbitration Court in the matter of awards, industrial conditions, and other arrangements. I take it this clause will interfere with the decision of the Arbitration Court.

The Colonial Secretary: Not at all.

Hon. A. SANDERSON: I understand the clause is brought about by a dispute arising between the parties concerned, and is designed to avert that industrial dispute. The people who are working this affair do not take any notice of the Arbitration Court, and would not care whether the Bill was rejected or not. I find it difficult to reconcile the two points of view which have been brought forward. My reading of the clause is that we are going to help the Arbitration Court to deal with this question. Will the Colonial Secretary explain what the position is?

The COLONIAL SECRETARY: No award has been given. The court has no occasion to give an award when the two parties make an industrial agreement amongst themselves as in the present instance. When it was found that certain members of the master butchers' union had decided to withdraw from the union and the agreement, the master butchers' union and the employees went to the Arbitration Court and asked that tribunal to make the agreement that they had entered into a common rule. Those persons who were not at any time members of the master butchers' union, and those who were members of the master butchers' union but intended to withdraw from it, resisted the application, and the court refused to make it a common rule. That set up a position that, whilst under the agreement the master butchers could only employ men until one o'clock on Saturday and five o'clock on other days, the master butchers who had withdrawn from the agreement could keep their shops open until a very much later hour and could, and did, endeavour to induce

their employees to work those hours notwithstanding the agreement. The employees refused to do this, and said they were bound by the agreement. In some cases these employers carried on without assistance, and in other cases they obtained outside assistance. Serious industrial trouble is therefore bound to occur. Each of the parties presented the different sides of the case to me, and I have endeavoured to be impartial. I admit that the takings of the eight butchers' shops mentioned are greater after five o'clock than they are during the day. They ask what is the good of going to the Arbitration Court when it cannot fix the closing time of a shop, but can only fix the hours within which the work shall be done. If the court fixes the hours in accordance with the industrial agreement, we shall not be one step nearer to a solution of our troubles.

Hon. J. Nicholson: Why should they worry about the closing time so long as they get their hours?

The COLONIAL SECRETARY: I think that is pretty obvious.

Hon. A. SANDERSON: I thank the leader of the House for his explanation. It confirms my worst suspicions. I can now fit in the admission by the leader of the House that those people came together to make an agreement, to make what might be called a conspiracy. It would be interesting to hear what number of employers and employees are involved in this dispute.

Hon. G. J. G. W. MILES: I want to know whether the Arbitration Court has power to fix the hour at which the shops shall close?

The Colonial Secretary: No.

Hon. G. J. G. W. MILES: Well, why cannot we fix the hours under the clause, and so avert the threatened crisis between the butchers and their employees? I think the Early Closing Act should apply to the whole of the State, and not merely to the metropolitan area, and we should have an hour fixed for the closing of all shops. A man working his own shop should not have an advantage over another man employing labour. There is no early closing in my province. I have a store or two myself. I pay my employees decent wages and grant them decent living conditions, while other employers—coloured men in opposition to white men—are allowed to keep open till midnight, Sundays and all. It is not fair competition. I think the hours of closing should be fixed under the clause.

Hon. J. E. DODD: It has been said that the clause is whittling away the powers of Parliament. I can see nothing at all in that contention. This is not the only Act in which this provision is made. In the Mining Act the hours of labour are fixed, although the Arbitration Court comes along and prescribes other hours. The butchers have gone to the Arbitration Court, and certain hours have been prescribed, but owing to the action of some of the master butchers it has been found possible to modify the award of the court. The court has heard the evidence of both sides and given a just decision, and if we can ratify its award we

should do so. Surely Parliament is not going to stand behind two or three men to the detriment of hundreds of others! Parliament is here to work the greatest good for the greatest number. If the award of the court is ratified it will be for the good of the greatest number. The argument respecting the general public is too old and threadbare to be seriously considered. Moreover, there will be no reduction in the cash takings, because the people must have meat, and they will get it whether the shop closes at five or at seven.

Hon. J. J. HOLMES: Parliament fixed the hours for closing the shops at six o'clock on week nights, nine o'clock on Friday nights, and one o'clock on Saturdays. That is all the butchers in Barrack-street are doing to-day. There were four parties to the agreement; one was the employee, the second was the so-called employer who is not an employer at all, the third was the bona fide employer carrying on a big business, and the fourth was the general public. The third party is complying with the award of the court. It was the little butcher with no employees, and the employees themselves, who were out against the big employer. If it is necessary to alter the time of closing the shops to comply with an award of the court, let us do it, but to make the Bill subservient to the court is not to be thought of. [I am surprised to hear the leader of the House supporting a clause like this. "Hansard" shows that the Minister in days gone by was prepared to die for the rights of Parliament, but to-day he seems to have forgotten all about that.]

Hon. J. F. ALLEN: I am not averse to the Arbitration Court fixing the rates of employment for employees, but I object to the court fixing the hours during which the industry can be carried on. The question of an eight-hour shift has no connection with that of the time during which an industry shall be kept going. We are here to look after, not the shop assistants alone, but the whole of the community. If we hand over this business to the Arbitration Court the court will consider only the employees and the employers who come before it, without giving any consideration whatever to the general public.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. J. HOLMES: Parliament in its wisdom has passed an Early Closing Act defining the hours during which certain trades shall be carried on. The employer is justified in carrying on the employment of labour at any time within the hours prescribed by the Act, provided he does not employ his men more than a certain number of hours per week. One section of the butchering trade have been to the Arbitration Court, and have put up to the Arbitration Court an agreement which meets their case. The court said, "Very well; we will make that agreement an award so far as you are concerned." Then the employees attempt to carry the thing one step further. They say, "There is another section of the community we want to bring into this." The court in its wisdom decided that that section should not be

brought into the agreement. The next step of the employees is to take the law into their own hands, saying "The court will not help us." While the employer is entitled to employ his men until 6 p.m. on ordinary days and until 9 p.m. on Friday night, the employees take the matter into their own hands and knock off at 5 o'clock every evening. The employer is entitled to prosecute those employees. He does not do that; he submits to the employees' terms. The employer then says, "Under the Early Closing Act I am entitled to keep open until 6 p.m. on ordinary days and until 9 p.m. on Friday. I am entitled to keep open for those hours, and do what business I can." Anyone would have thought that the employee, having got all his own way, would be satisfied. But now he comes along to Parliament and asks for an Act compelling the employer to abide by the decision of the Arbitration Court instead of the decision of an Act of Parliament.

Hon. H. MILLINGTON: I will state the case from my point of view. The Early Closing Act provides, it is true, that shops shall close one week day at 1 p.m., one week day at 9 p.m., and four week days at 6 p.m. Although the Arbitration Court certainly fixes the number of hours during which men may be employed, it cannot fix the closing time, which is governed by the Early Closing Act. However, the master butchers under the agreement, and others presumably not members of the Coastal District Master Butchers' Union of Employers, entered into a voluntary agreement with the Western Australian Amalgamated Butchers' Union of Workers. That agreement was registered on the 25th August last. The difference between the hours fixed in that agreement and those proposed by the present Bill, is that whereas the agreement sets out definitely that the shops shall close at 5 p.m., allowing half an hour for cleaning up, on five days per week, and at 1.30 p.m., inclusive of the half hour for cleaning, on Saturdays, under the Act the shops are allowed till 6 p.m. on four days and till 9 p.m. on one day, and till 1 p.m. on the remaining day. The master butchers' union and other butchers voluntarily entered into this agreement, which was registered in the Arbitration Court. The reason why butchers should not come uniformly under the provisions of the Early Closing Act is that they have to start very early in the morning, and get their full time during the hours stated in the agreement. They have to get up not later than 5 a.m. in order to commence work at 6 a.m. on four days of the week, and on Saturday they must get up at 4 a.m. in order to start work at 5 a.m. Other shop employees do not start till 8.30 a.m., by which time they have breakfasted. The butchers have to put in anything from two to three hours' fast work, and sometimes heavy work, before breakfast. They are going from 5 a.m. to 6 p.m. daily in order to get in their day's work. For some time, I understand, this agreement was adhered to; but then the difficulty arose that not only master butchers not included in the agreement, but some of those who had bound them-

selves by it, disregarded the arrangement. Those who had signed the agreement got out of their responsibility by withdrawing from the master butchers' association. As stated by the Colonial Secretary, the court refused to make this agreement a common rule. I think reasons have been stated by the president on various occasions why he objected, under certain conditions, to make a common rule. Unless the master butchers are bound under the Early Closing Act, there is no hope of compelling them to close at the hours specified in the agreement. Hence, this amendment of the Early Closing Act. Members may have thought from Mr. Holmes's speech that the trade is equally divided on the subject, but such is not the case. The large majority of the master butchers are still abiding by the agreement. I had evidence of that recently from one of the employers, who stated that at a meeting of over 90 employers only half a dozen disagreed with these hours. Those half dozen employers have disrupted the whole industry in the metropolitan area. Thus the difficulty has arisen. Having entered into an honourable agreement, a few master butchers, taking advantage of a legal technicality, have withdrawn from the agreement. That is just the kind of thing that causes industrial trouble. Under the system which at present governs industry, uniformity is essential. It means that if these few who are doing the bushranging are allowed to carry on, the public are in no way benefited, and those prepared to do business on reasonable lines are handicapped. Those who have not acted honourably have an advantage over those who have. There must be some kind of uniformity. The parties who signed this agreement are justified, considering that they have exhausted the means in their power to arrive at an amicable settlement, in asking for an amendment of the Early Closing Act, which is the only method whereby the agreement can be enforced. If Parliament refuses to give the machinery whereby this dispute can be settled those people will have a just complaint, for they referred their case to the right quarter and could not get that assistance they asked for. If the dispute develops, certainly the public will have a grievance, not only against the butchering trade, but against Parliament, because we have the opportunity now of settling it.

Hon. J. Duffell: The Arbitration Court is a dead letter to-day.

Hon. H. MILLINGTON: These people have endeavoured, by means of the Arbitration Court, to set out an agreement which would meet with the approval of both parties. After having done that, there is no law to enforce the agreement. It is our duty now to devise means to prevent the difficulties that are likely to take place. I know there are many members who object to the Arbitration Court assuming the powers of Parliament. The court already have certain powers delegated to them, but if this is fatal to the passage of the particular clause I have a suggestion which I think might meet the case. It might be possible to amend Section 4 of the principal Act, to get over the

difficulty. I would suggest that we pass an amendment on these lines—

The closing times for butchers' shops situated in any district shall be in every week on one day at one o'clock, and on the other five week days at five o'clock. All such shops shall close on those days not later than the hour mentioned above, which shall be the hour of the afternoon in each day, and shall continue closed until six o'clock in the morning next following.

This amendment would control the hours in which the shops should remain open, in the same way as the agreement which was mutually entered into by the parties concerned. I believe members of this Chamber are anxious to avoid any difficulty, and I suggest what I have read as an alternative. I should say we are justified in protecting those who have taken advantage of the Arbitration laws. We will do that by either agreeing to the proposal in the present Bill or the amendment which I have suggested, to deal with this specific case.

Hon. A. SANDERSON: It is obvious to me that the Labour party wish to see this clause put through, and apparently in the same piece the Government are prepared to give them whatever they want. If this clause is put through as it stands, the Labour party would get what they want, and the Government, for ten minutes or so, would get rid of a troublesome question. This is wanted by the employees. If the principle to be argued is the greatest happiness to the greatest number, let the clause be thrown out. The Labour party got hold of something to serve their own purposes and trample on the rights of the other people. The employees want to enter into an agreement in violation of the Early Closing Act, and this Bill is to enable them to do so. I have struck out all the words that I consider to be unnecessary in this clause, and there remain the following, "When in accordance with any industrial award of the Court of Arbitration the shop assistants are required to cease work on any day at an hour earlier than that fixed by this Act." That means that the Arbitration Court, whether innocently or deliberately, has violated an Act of Parliament, the Early Closing Act. The court has no right to ignore the provisions of that Act. We are trying to patch up an impossible and practical difficulty at the dictation of the Labour party, the employees. It is an easy way out of the difficulty to pass a Bill like this to deal with a specific trouble which has arisen in a small part of a particular trade. If the Arbitration Court were abolished altogether there would be no necessity for this Bill. The Labour party would by legislative enactment force something into our constitutional machinery for their own specific purposes regardless of the general position of affairs, and continue to do great harm to the body politic. That is my reason for the opposition to the clause.

Hon. G. J. G. W. MILES: I am going to vote for the striking out of the clause with the object of inserting the proposal suggested by Mr. Millington, provided the employers and employees are fully protected.

Hon. J. NICHOLSON: If the Committee accepts the clause we shall be guilty of a very serious breach of duty to the general public. Mr. Millington has made a suggestion which may, or may not, be acceptable, but which is certainly better than the clause. There are only two parties concerned in the agreement, namely the employers and the employees. The general public have been left entirely out of consideration and have not been consulted.

Hon. J. Cunningham: They have been accepting their meat under the terms of that agreement for months past.

Hon. J. NICHOLSON: The proposal would mean serious dislocation in many businesses. The clause embraces every class of shop keeping business and it has been inserted here to meet the case of one particular class. The provision represents a most serious infringement of the rights of the general public and of those interested in any ordinary business. It is wrong that a clause of a general character should be introduced to settle a specific dispute. The general public do not appreciate the closing at five o'clock; rather do they find it much more convenient to do their business between five and six o'clock on ordinary days and between eight and nine o'clock on Fridays. The general public are not satisfied with five o'clock closing, but prefer the hours fixed by the Early Closing Act.

Hon. J. Cunningham: Then what have we an Arbitration Court for?

Hon. J. NICHOLSON: We have it for one specific purpose, namely to fix the hours, conditions and rates of labour. By this clause we are practically submitting ourselves to the dictation of the Arbitration Court.

Hon. J. Cunningham: The worker has to do that.

Hon. J. NICHOLSON: It is not so. The conditions and hours of labour are decided by the Arbitration Court. There is nothing to prevent those employees leaving off at the hour prescribed by the court and the employer, if he chooses, keeping his shop open longer for the convenience of the public.

Hon. J. Cornell: Your argument is 80 years old.

Hon. J. NICHOLSON: We should be doing what is grossly wrong to the general public if we passed the clause.

Hon. J. E. Dodd: If you applied that to all shops, where should we get to?

Hon. J. NICHOLSON: We are asked to create something which is an exception to the general rule applying in the metropolitan area. I do not want a man to work unduly long hours, but if an employee wishes to work an extra hour during four days in the week, I presume that under the award provision is made for overtime. If this clause is passed into law, and assuming that we are bound by the award of an Arbitration Court as to the hours when we must close, it is possible that some bench constituting that Arbitration Court might take an extreme view, and say that the closing hour shall be 3 o'clock in the afternoon. Ought this Chamber to delegate such powers to any court? I reserve my right, as a humble member of Parliament, to protect the people's interests. The industrial Ar-

bitation Court has no power, and I hope never will have any power, to determine when I shall close my business. That is the point. It is the duty of Parliament to decide what is a fair and proper hour for business houses to close. The introduction of such a provision as this represents an invasion of the rights and powers of Parliament, and we should unhesitatingly reject the clause. If there is any extra time required to be worked after the closing hour for certain purposes, surely that matter could be quietly settled between the employers and the employees.

Hon. R. J. LYNN: The Colonial Secretary said that this clause provided a solution of the difficulty in the butchering trade; but will not the clause cover many other trades and callings under the First Schedule? Some butchers have cooked meat shops attached to their businesses. The Arbitration Court, under this clause, would have power to determine the closing time for such a butcher's shop, but not the closing time for his cooked meat shop. If my reading of the clause is right, the clause is quite wrong in making discrimination. I am in accord with the opinion that the delegation by Parliament of this power to the Arbitration Court is altogether wrong. The clause is far too controversial to be allowed to pass, the more so as it will seriously affect the butchering business. In fact, the whole measure is too controversial for us to pass in the dying hours of the session, and the Bill might well be discharged. Even if passed in its present form, it will of necessity raise a storm in another place. Moreover, will not this particular clause give the Arbitration Court power to deal with various small callings while other small callings of a character almost competitive would be excluded? I should like to hear the views of legal members on that aspect.

Hon. J. CORNELL: I move—

That the Committee do now divide.
Motion put and a division called for.

Hon. R. J. LYNN: I would call attention to the fact that after the bells ceased ringing two members crossed the floor of the House.

The CHAIRMAN: Hon. members are quite at liberty to cross the floor of the House after the bells have stopped ringing, but not after tellers have been appointed.

Division resulted as follows:—

| | | | | |
|------|----|----|----|----|
| Ayes | .. | .. | .. | 20 |
| Noes | .. | .. | .. | 6 |

Majority for 14

AYES.

| | |
|----------------------|---------------------|
| Hon. R. G. Ardagh | Hon. J. W. Hickey |
| Hon. C. F. Baxter | Hon. J. W. Kirwan |
| Hon. H. Carson | Hon. C. McKenzie |
| Hon. E. M. Clarke | Hon. H. Millington |
| Hon. H. P. Colebatch | Hon. J. Mills |
| Hon. J. Cornell | Hon. E. Rose |
| Hon. J. Cunningham | Hon. H. J. Saunders |
| Hon. J. E. Dodd | Hon. H. Stewart |
| Hon. J. Duffell | Hon. G. W. Miles |
| Hon. J. Ewing | (Teller.) |
| Hon. J. A. Greig | |

NOES.

| | |
|-------------------|-------------------|
| Hon. J. F. Allen | Hon. A. Sanderson |
| Hon. J. J. Holmes | Hon. V. Hamersley |
| Hon. R. J. Lynn | (Teller.) |
| Hon. J. Nicholson | |

Motion thus passed.

Hon. R. J. LYNN: May I ask whether it will be possible for me, after we have divided on the clause, to move an amendment to Sub-clause 2?

The CHAIRMAN: The clause will still be there after the division.

Clause put and a division taken with the following result:—

| | | | | |
|------|----|----|----|----|
| Ayes | .. | .. | .. | 14 |
| Noes | .. | .. | .. | 12 |

Majority for 4

AYES.

| | |
|----------------------|---------------------|
| Hon. R. G. Ardagh | Hon. J. W. Kirwan |
| Hon. C. F. Baxter | Hon. C. McKenzie |
| Hon. H. Carson | Hon. H. Millington |
| Hon. H. P. Colebatch | Hon. J. Mills |
| Hon. J. Cornell | Hon. H. J. Saunders |
| Hon. J. Cunningham | Hon. J. W. Hickey |
| Hon. J. E. Dodd | (Teller.) |
| Hon. J. A. Greig | |

NOES.

| | |
|-------------------|-------------------|
| Hon. J. F. Allen | Hon. J. Nicholson |
| Hon. E. M. Clarke | Hon. E. Rose |
| Hon. J. Duffell | Hon. A. Sanderson |
| Hon. J. Ewing | Hon. H. Stewart |
| Hon. J. J. Holmes | Hon. V. Hamersley |
| Hon. R. J. Lynn | (Teller.) |
| Hon. G. W. Miles | |

Clause thus passed.

[The President resumed the Chair.]

Bill again reported without further amendment.

The COLONIAL SECRETARY: I move—

That the consideration of the report be made an Order of the Day for the next sitting of the House.

Hon. R. J. LYNN: I want to move to re-commit the Bill, in order to further consider Sub-clause 2 of Clause 6.

The PRESIDENT: The recommittal can be moved at the next sitting of the House.

Hon. R. J. LYNN: To-morrow?

The PRESIDENT: Yes.

Question put and passed.

BILLS (3)—FIRST READING.

- 1, Appropriation.
 - 2, Loan £780,000.
 - 3, Permanent Reserve.
- Received from the Assembly.

BILL—WHEAT MARKETING ACT AMENDMENT.

First Reading.

Received from the Legislative Assembly and read a first time.

Second Reading.

Hon. C. F. BAXTER (Honorary Minister—East) [9.0] in moving the second reading said: I regret it is so late in the session to bring down this Bill. The delay has arisen through having to enter into two difficult agreements. It has been difficult to complete the agreements owing to the fact that portions of them could not be agreed upon by one party or the other. The Bill is to give the Government control of the wheat for the 1918-19 harvest. It is hoped by such control that the wheat will be effectively marketed, as heretofore, under the general Australian scheme that has been in existence since 1915 for the profitable disposal under war conditions of our Australian wheat harvests. At present there is a Minister in charge of the administration of the Wheat Marketing Act of 1916 and also of the Wheat Marketing Act of 1918. Under these Acts he has the exclusive rights of purchase and sale over the wheat of the 1916-17 and 1917-18 crops now on hand here. The Section 10 under the original Act relating to the prohibition of sales has already been extended by proclamation until 31st December 1918. It is desired that, with regard to the wheat of the next two harvests, similar rights to those provided under the Acts mentioned will be conserved to the Government under the authority proposed to be constituted in the Bill now before the House. If this Bill becomes law, the extension of Section 10 already provided for will automatically prohibit sales of any new wheat to the date referred to, that is the end of the current year. This section will be further extended from time to time as may be necessary. The most important alteration to the existing legislation is that proposed in connection with the incidence of administration. Hitherto this has been effected by the Minister controlling the Scheme, acting on the advice of an advisory board. It is proposed that for the future the Wheat Marketing Acts shall be administered by a board having executive functions, and it will be only in connection with financial matters, in relation to harvests subject to a Government guarantee, that the Government, through the Minister in charge, will have any direct control. In addition to giving the board the necessary control of the coming harvests hon. members will be asked to ratify and confirm the agency agreements that have been arranged in connection with the acquisition and gisting of wheat.

Hon. J. Cornell: There is no other alternative.

Hon. C. F. BAXTER (Honorary Minister): It is really not necessary that agreements of this nature should be confirmed each year, as there is adequate provision in the original Act for such arrangements to be made. Hon. members will notice that under Section 6 of the Wheat Marketing Act, 1916, the Minister may, for the purpose of the satisfactory marketing of the wheat, appoint such agents as he deems necessary. In view, however, of the public interest affected, of a certain amount of dissatisfaction expressed by members last session, and of the recent activities of the

Royal Commission appointed to inquire into the operations of the Scheme, the Government consider it only proper to take Parliament fully into their confidence and explain the reasons actuating them in making these agreements.

Hon. W. Kingsmill: It would have been better if they had done that before.

Hon. C. F. BAXTER (Honorary Minister): I have already given some explanation regarding that. Of course it must be understood that naturally, if it had been practicable, the Government would have submitted their propositions with regard to wheat acquiring and wheat gisting before the respective agreements had been arranged. Hon. members will, however, I am sure, realise that in the delicate negotiations that have been made to obtain the terms from millers and from the acquiring agent, as are disclosed in the agreements now before them for ratification, it would have been impossible for the Wheat Scheme to publicly show its hand.

Hon. A. Sanderson: Delicate negotiations!

Hon. C. F. BAXTER (Honorary Minister): One amendment of the principal Act is designed to meet the situation arising from the action of the Government this year in helping farmers in the purchase of cornsacks, in which to bag the new season's wheat. With the exception of a few minor amendments it is not proposed to make any other alterations to the Wheat Scheme operations that are not already adequately provided for in the existing legislation. In conformity with the recommendation of the Royal Commission, the Government consider it advisable to provide specific legislative power for the erection of suitable wheat sheds or other accommodation for the protection and safe custody of the wheat whilst it is on hand, pending shipment overseas, gisting at mills, or selling for local consumption. Another amendment is the imposition of penalties on farmers who tender old wheat with new. It has been found that such action on the part of careless growers endangers by contamination large quantities of good clean grain. These are the features of the Bill now before members and I will refer directly to each one in detail. Before doing that there are one or two remarks that I desire to make by way of explanation. Hon. members know that since last session the Royal Commission appointed at the request of Parliament has been sitting continuously in pursuance of its investigations on the operations of the Wheat Scheme in this State since its inception. A glance at the interim report and the final report which is now in the hands of members, will show that the word "continuously" is well founded and applied in this direction. The number of sittings which these gentlemen have held and the tremendous volume of evidence they have taken, as well as the number of recommendations they have made, indicate that they have sat continuously. They have made several recommendations in connection with the future management of the Scheme. Several of these recommendations had already been decided upon by the advisory board, and others have been

embodied in the present measure. I might say the Government have very carefully considered and reviewed exhaustively the various recommendations for the improvement of the Scheme that have been made from time to time, particularly those by the Royal Commission. I have no doubt that any such matters that may be of peculiar interest to individual members which may have been omitted from the Bill, will be referred to during the course of this debate. That being so I shall be most happy in my reply to explain the reasons actuating those concerned in the administration of the Scheme in the policy that has been determined, and why certain recommendations have not been followed. I would like, however, to make clear that the adoption of the main recommendation of the Royal Commission, that is with regard to investing the board with executive functions, renders it unnecessary to consider many of the subjects that would have had to receive consideration if the functions of the board were to remain advisory as at present, and control be with the Minister. Such matters can now well be left for the decision of the board. Unfortunately, there were certain matters that could not wait, particularly in regard to wheat acquisition and wheat gisting. We must not overlook the real reason for the appointment of a Royal Commission. It was appointed primarily to inquire into the operations of the Scheme since its inception and discuss all acts of maladministration and incompetence that had been freely alleged. If such discoveries were made as were anticipated, then naturally it followed that the secondary duty of the Commission should be performed, namely the submission to the Government of recommendations for the Scheme's future operation and control. The Commission, as will be gathered by a review of its personnel, is more a judiciary tribunal than an advisory body of experts. It is representative of both Houses and a reflection of the various parties, and, I submit, not wanting in those inquiring characteristics so essential in a Commission of review. A perusal of the interim report of the Commission discloses on the whole, considering the magnitude and extensive period of operations, a very satisfactory state of affairs. When we compare the result of the inquiries of our Royal Commission here with the results of similar Commissions in the other States, we have reason to be proud of the honesty and success of the Scheme's operations. In the absence, therefore, of any allegation of wrong doing and bad administrative work, the Government, especially when supported by the advisory board and expert advisers, feel that they would have been justified in carrying on in precisely the same way as during the past year. We must, however, face facts as they are. We realise that Parliament having recommended the appointment of the Royal Commission, will naturally feel bound to favourable consider its recommendations on major points. Although we cannot see eye to eye with the Commission on some important matters, we must leave Parliament to give to the Government as great a measure as possible of that power and control, which the Government consider so essen-

tial to the successful working of the Wheat Marketing Scheme in the interests of all concerned. I have in mind more particularly the main recommendation that the Royal Commission made, namely, with respect to giving executive powers to a board instead of to the Minister. We feel that the attitude the Scheme has always adopted in connection with an executive board is a perfectly justifiable one, and the work of the Scheme on the whole, particularly under the present Minister and the existing advisory board, has been well carried out. We cannot lose sight of the fact, however, that there may be changes of Government, as there have been in the past, and therefore that measure of stability and continuity which is so desirable in a Scheme of this kind might be interfered with by a change of Minister. It is because of this belief, supported by the expressed views of so many members in this Chamber and in another place from time to time, that the Government have decided to submit for the approval of members the proposal for an executive board as embodied in Clause 4 of the Bill. In the clause as printed an endeavour has been made to embody the intentions of the Royal Commission in its recommendation in connection with executive powers. It suggested that the Government should retain complete control of any advances to be made in respect to the wheat pooled. To limit Government control to advances only would not give effect to the obvious intention of the Commission. There is a fundamental difference between advances to farmers and a guaranteed price to farmers. Advances to farmers are amounts that are paid at the time of delivery of the wheat, and later when there is further money available and it is safe to pay. A guarantee, on the other hand, is made before the crop is harvested, and in some cases before it is sown. Such a guarantee is made in anticipation of the profitable disposal of the wheat and with the risk of an unprofitable one. Hon. members will see, therefore, that if any existing Government guarantee is to be conserved, the Government, through the Minister in charge, must have complete financial control of the Scheme. Notwithstanding the provision that the Minister shall have exclusive control of all expenditure of administration in connection with those guaranteed harvests, it is not the intention of the Government that that the board should be in any way ignored in this connection. The Minister will, as before, receive and be guided by the advice of the board, even on the question of finance, but it is he, as representing the Government, who must have the final decision. There is one very regrettable circumstance in connection with the alteration of the functions of the board from advisory to executive, and that is the probability of losing the services of some of the present members. Those on the board have done an enormous amount of work. They have given close application to all matters of details at all times and they have given very sound advice, with the result that we have the foundation of a good sound policy.

Hon. H. Carson: What remuneration do they receive?

Hon. C. F. BAXTER (Honorary Minister): Until lately we had two public servants, Messrs. Sutton and Pearce, on the board, the former almost continuously. Those two gentlemen have done the work without extra remuneration. Regarding Mr. Field, Mr. Paynter, and Mr. Cotton, I could not sufficiently express my appreciation of the work they have done. All three have been acting in an honorary capacity. Mr. Cotton and Mr. Paynter get a small travelling allowance, but no remuneration for their work. As will be seen from a perusal of the agreement set out in the first schedule, the Government have decided to appoint the Westralian Farmers, Ltd., as their sole acquiring agents for the coming season. The services are substantially similar to those carried out by this company last season. The rates for the various services are relatively the same, but the terms and conditions are more advantageous to the Scheme and have been decided upon as a result of our experience last season. If it could be shown that from the Scheme's point of view the previous season's work had been reasonably well done, that the rates were fair and reasonable and would be the same next year, and that the services for the coming season would be similar, the Government felt that no good cause would be gained by changing agents. The Royal Commission has made extensive inquiries into the past season's operations of the Westralian Farmers, Ltd. It has made no suggestion that the work of acquisition by that company has not been well and faithfully done. They say that they cannot find that such work has been performed either better or worse by the Westralian Farmers, Ltd., than by any of the old shipper agents who operated in former years. I take that to mean that it was done equally as well. Furthermore, the Commission has not recommended that the company should not be further employed. Moreover, the officers of the Scheme reported that the work of the company, considering the magnitude of the operations, and that it was the first time a single company had had to do the whole of the acquisition work and under close expert supervision, was well done. The rates at which the work was done last year and that are contemplated for the coming year were not considered by the expert advisers of the Scheme to be unfair and unreasonable, nor to give any undue profit to the agent operating. Moreover, the Royal Commission, after its inquiries, does not say that the rates are unreasonable. No further services such as storing at depôts and handling from depôt to mill or ship could, for various reasons which I will explain later if necessary, be dealt with other than by the Scheme's officers. In view of these circumstances, we could not decide that the company was not fit to be re-employed. Another reason for consideration of members is this—if the Commission had considered that it was essential to the well-being of the Scheme that the Westralian Farmers, Ltd., should not again be appointed as agent, and that the Scheme itself should do the work of acquiring by dealing direct with the co-operative societies at the various sidings, it would, I should have thought, have definitely said so. I now come to

the final reason actuating the Government in the re-employment of the farmers' company. It is not the policy of the present Government to perform departmentally any services that can be effectively performed by competent contractors. In the absence of a direct recommendation from the commission, and the submission of cogent reasons for any such recommendation, the Government could not appoint the Scheme officials to do the wheat acquisition work and thus add to their present onerous duties. It is the policy of the Government to legitimately assist the farmers' co-operative movement in this State, and where we find, operating successfully and reasonably as Government acquiring agent, a farmers' company that acts in conjunction with the co-operative societies throughout the State and works in unison with those societies, not as a middle man, but as a parent company developing the progress and fostering the interests of a daughter society, the Government would, I think, be quite justified, if it were necessary, in giving that company special consideration in the continuance of its agency. As it has happened, such special consideration has not been necessary, as the company is being re-employed purely on its merits from a business point of view. Coming to the agreement itself, I would point out that the principal alterations this year, as compared with the agreement approved by this House last year, are as follows:—(1) The period of operation extends approximately two months longer than last year; that is to say, from the 1st December, 1918, to the 31st May, 1919. (2) The remuneration (a) for handling wheat by trucking direct from farmers' wagons is five-eighths of a penny, as compared with one halfpenny for stacks over 3,000 bags and five-eighths under. (b) Roofing of nominated stacks one farthing per bushel, as against one halfpenny last year. (3) The bond is being reduced from £20,000 to £10,000. (4) Special alternative penalties are provided for various minor breaches of the agreement. (5) Checking by running bulk sample has been eliminated. (6) Sub-agents must obey the instructions of the Scheme's wheat inspectors. (7) All agreements between the agent and the sub-agents must be approved by the Minister. The Bill in its present form as it has come to us from another Chamber, provides that all agreements, whether by the agents or the sub-agents, must be approved by the Minister. (8) No penalty can be imposed except at the instance of the advisory committee. (9) The agent must loyally respect the confidential nature of his obligations to his principal. In all respects, the agreement is practically the same as that which was confirmed and ratified by Parliament last session. A perusal of the evidence taken by the Royal Commission will show that there have been some very strenuous differences of opinion between the Scheme's officers and the servants of the company as to the methods that should be adopted in connection with the handling and protection of the wheat. I think, however, it is now generally realised that the Scheme administration desired only to do the right and proper thing by the farmers, who entrusted

their wheat to the control of the Scheme, and by the taxpayers of the State who are responsible for the financial guarantee made by the Government for payment to the growers participating in the Pools of the 1917-18 and 1918-19 harvests. There is no doubt that the Government supervisory control must be paramount and that the agent must carry out the wishes of its principal. This relationship is very carefully safeguarded in the various additions in the agreement now before hon. members for ratification, and if both the Scheme and the agent are not subjected to undue outside interference and criticism there should be smooth working in the coming season. If members so desire, I shall refer in detail when replying to the reason why it is necessary that the protection, storing and shipping of the wheat should be performed by the Scheme's officers instead of by any outside agent. The proposed agreement with millers is set out in the second schedule. The terms of this agreement have been entered into only after most careful consideration and strenuous negotiation with first of all the millers as an association and then with each one individually. We failed to come to any agreement with the millers' association and had to deal with them individually. Last year's agreement expires on the 3rd November and the new arrangement will operate from that date. Instead, however, of it being for 12 months' duration, it will be for a period of three months and thereafter determinable at one month's notice by either party. The main object of entering into a gristing arrangement last year, whereby the millers, instead of purchasing the wheat from the Scheme and selling the produce on their own account, gisted full time on behalf of the Scheme and disposed of the produce for the Scheme either locally or for the Imperial flour order, was to cope comprehensively with the weevil trouble. By working all the mills three shifts per day for the whole period of the agreement a quantity of wheat equal to more than half an average season's crop (over six million bushels) was treated in this way. I should like to point out the fortunate position we are in in this State in having such great milling capacity. As a matter of fact, we have two mills not operating, and without those two we have a milling capacity able to grist one-half of a normal season's harvest. No board could have been appointed to decide the allowance could have been satisfactory. The allowances system has been in operation in the Eastern States and has proved a very costly business to the Pool. Millers receiving as much as 1s. per bushel for weevil affection of the wheat. The gristing arrangement in this State was undoubtedly very much cheaper and certainly more satisfactory and desirable than the payment of allowances. By our arrangement last year of gristing full time at all the mills we were able to get the weevil menace well in hand and when we approached the millers for a renewal of the arrangement we were not in the same position as we were last year when the weevil menace

practically compelled us to accept the terms the millers demanded. This year it is we who are in the position of demanding that only a fair and reasonable charge shall be made by the millers for gristing on our account and we have not hesitated to avail ourselves of this opportunity. Comparison of the two agreements will readily reveal this to members. It is estimated that if the arrangement that has been agreed upon continues for a period of 12 months the Scheme will have saved approximately £38,000 over and above last year's terms. A factor that assisted in the undermining of the influence of the close combine of millers in this State was our decision that the mills should be divided into three grades, according to the flour producing capacity of the mill. Under this arrangement there are the following grades: Grade 1 of three tons per hour capacity and over, comprising Cottesloe, East Guildford, and Northam mills receive a gristing allowance of 29s. per flour ton produced from the Scheme's wheat. Grade 2 two to two and a half tons per hour capacity, comprising Katanning, Perth and York mills, get 31s. per flour ton. Grade 3 of under one ton per hour capacity, comprising Geraldton, Narrogin, Wagin, Kellerberrin, East Perth, obtain 33s. per flour ton. Each mill, except Katanning, gets a commission on local flour sales of 1½ per cent. Katanning, on the other hand, receives a more than compensatory benefit in an extra allowance of 1s. per ton on the gristing rate. This was the first mill to make a satisfactory agreement with the Scheme. For sales of offal all mills receive a selling commission of 2s. per offal ton, or approximately 1s. per flour ton. A system of grading of this nature is no doubt the most equitable arrangement, especially from the Scheme's point of view, that could have been made. Unquestionably the payment of the same rate to all the mills is wrong, because it always means that that rate is based on a price which would enable the smaller mills to pay their way, thus permitting the larger mills to make what we consider an unfair profit. The suggestion that preferential rates should be paid was considered last year by the late general manager, who had had large milling experience at the Northam mill, but he pointed out that under the conditions then existing it was impracticable. If such arrangement had been possible there is no doubt the Scheme would have been better off last year than it was. It is proposed that the gristing agreement will be continued as long as it is of practical importance to the Scheme. There is not much doubt that although the allowances to millers are considerably less than they received last year, it will pay them to continue in the present reduced rates as long as they are permitted to work full time. If the arrangement does not work out satisfactorily from the Scheme's point of view at certain of the mills, their agreement will be terminated and they will then have to purchase the wheat, grist it on their own account and dispose of the products privately at their own risk. In order that hon. members will ap-

precipitate the difference in the rate this year as compared with last, I will quote a concrete instance—At the Cottesloe mill the rate this year on the Imperial Order, including commission on offal sales is 30s. Last year it worked out at 36s. 6d., a saving of 6s. 6d. per flour ton. On local flour it is 32s. 9d. this year, including commission on flour sales and offal as compared with 42s. last year, or 9s. 3d. per flour ton less. The main alterations made in last year's agreement may be set out as follows: 1, Period of Agreement. Three months determinable at one month's notice, as compared with 12 months last year. 2, Storage Capacity. Until full storage provided, the miller must be prepared to receive and handle a quantity of wheat equal to double the daily milling capacity, as compared with a single day's capacity last year. 3, Percentage of Extraction. An average of 42lbs. of flour must be extracted from each bushel of f.a.q. wheat. 4, Checking Stocks. All produce must be stacked separately from the produce obtained under the old agreement. 5, Account Sales. If sales of produce are not accounted for within seven days, interest at five per cent. must be paid by the miller: after 14 days, 10 per cent. is the rate. 6, Remuneration. Gristing allowance per flour ton—Grade (a), 29s.; Grade (b), 31s.; Grade (c), 33s., as compared with 7d. per wheat bushel last year, plus 7s. 6d. per dozen bag allowance. The Commission on local sales of flour is 1½ per cent. this year as against 2½ per cent. last year. Selling commission on bran and pollard 2s. per ton, as compared with 2½ per cent. last year. 7, Millers' Books. The Minister now has power to write up books in arrears at miller's expense. 8, Fiduciary Obligations. A special clause has been inserted to compel the agent to respect the obligations of his confidential and fiduciary relations with his principal. This is a similar clause to that inserted in the acquiring agency agreement, the object being that the agent shall not use the confidential information he receives in the business of his agency with the Minister for private benefit or political purposes. Clause 11 of the Bill provides that the operation of the Wheat Marketing Acts, including this measure, if passed, shall apply to the 1919-20 harvest on the issue by the Governor of a proclamation to that effect. In view of the generally favourable nature of the report of the Royal Commission, it is considered that if the House now deems this measure a suitable one for the coming harvest, it should also be quite good enough for the ensuing harvest 1919-20. Hon. members will realise that the bringing forward of a measure every year considerably dislocates the operations of the Scheme, and interferes with the continuity of the policy. When once the policy is satisfactory to the majority of those concerned, it should not be interfered with unless the Government consider that exceptional circumstances warrant it. With this provision for extension, the tenure of membership of the wheat marketing board is more or less assured, and not subject to frequent revision. It will be rather late this

season for some of the board members to make their influence felt owing to their delayed appointment. If the provision sought regarding extension by proclamation is passed by Parliament, the Government will also know where they are with respect to entering into financial obligations in connection with guaranteeing payment to farmers for wheat of the 1919-20 harvest. Unless the Government are assured of retaining financial control over the Pool's operations, as provided in Clause 4, they cannot be expected to blindly commit themselves financially in this direction. If necessary the Government could give an assurance to the House that if agency agreements contemplated by the board for the 1919-20 harvest provided for additional services or for extra remuneration, that is to say, if the Scheme finds itself in the position that it cannot make as satisfactory arrangements in the acquiring or the gristing of the wheat for the 1919-20 season, as it has been able to make for the 1918-19 season, as evidenced in the agreement set out in the first and second schedules of the Bill—the Government will not exercise their option of extending the Acts by proclamation, but will seek Parliamentary authority for and approval of such agreements. The Government are anxious that in the operation of the Scheme we shall, in the future, have smooth working. The provision of an executive board should go a long way to induce confidence in the Scheme work, with those good friends who, as a rule, can see no good in anything controlled by Governments. The Scheme will not be in the future, nor has it been in the past, an ordinary Government department where the expenses are charged to the State funds—excepting in the case, of course, of the State's liability under the guarantee for any deficiency when the wheat is sold—but it is an institution where every penny comes out of the pocket of the grower putting his wheat into the Pool. Every penny saved in the expenses is therefore a penny for distribution amongst those particular farmers. I urge hon. members, therefore, in the interests of the grower—if not for the sake of the Government—to agree that this Bill may be applied by proclamation to the 1919-20 harvest if necessary. In Clause 9 provision is made for a reconp from the farmers' wheat certificates of the amounts advanced by the Scheme to growers for payment of the cornsacks needed for the bagging of the coming harvest before delivery to Pool. The very satisfactory arrangement that has been made, firstly with the Commonwealth authorities, and secondly with the jute importers in this State, has enabled the grower this year to receive his cornsacks at 5½d. per dozen less than he would have otherwise had to pay if those arrangements had not been made. They may be detailed shortly as follows:—It will be known to most hon. members that all jute goods, including cornsacks, consigned to Western Australia were subject to an extra freight of 7s. 6d. per ton as compared with similar goods consigned to ports in the Eastern States. On special representations being made to the Commonwealth Government and through them to the Imperial Government, this impost has been

removed. This means a saving of 1d. per dozen on cornsacks. The next saving was that of 4½d. per dozen effected through the medium of negotiations with the jute importers' committee in this State. Certain suggestions have been made from time to time by individual members of the jute importers' committee—in 1917 and again this year—but neither of these suggestions showed, in the opinion of the Scheme, sufficient advantage to the farmer as would warrant the Scheme in agreeing to the proposals suggested. These were that the Scheme should guarantee payment for cornsacks to the merchants, and make a recoup thereon by the farmer a first charge against his wheat certificates. It is considered that if the only point was that merchants should be guaranteed their accounts, they were sufficiently protected by the existing legislation. Hon. members are aware that provision was made in the original Act for the assignment of certain interests in wheat certificates with the approval of the Minister. This approval, I might say, has never been arbitrarily withheld. Under that arrangement the merchant, by obtaining an assignment of interest in the certificate to the value of the account due to him by the farmer, is amply protected. However, this year the Scheme represented to the merchants that by railing cornsacks direct to the farmer from the ship, money could be saved inasmuch as there was no necessity for handling in and out of stores, with consequent cartage charges, pending sale to the farmer. Moreover, it was pointed out that if the Scheme guaranteed payment within 30 days, merchants would be taking no del credere risk. Ultimately it was arranged with the jute importers interested that instead of charging the farmers the proclaimed prices of 10s. 9d. per dozen, payment within 30 days, they should accept 10s. 4½d. per dozen cash within that period guaranteed by the Scheme. A further benefit that the Scheme has arranged, subject to the approval of Parliament, is that the interest to be charged to the farmer on his cornsacks will be only at the rate of one halfpenny per dozen per month, instead of one penny per dozen, until the amount of his cornsacks account guaranteed by the Scheme is recouped under the wheat certificates. A perusal of the clause will show that provision is made that all moneys expended on behalf of the farmer for cornsacks under the form of authority prescribed by the Act and signed by the farmer, will be a first charge against his certificates, and will be automatically paid by the bank to the credit of the Scheme's account as soon as the wheat certificates are presented for payment. I regret to say that up to the present time arrangements have not been finalised for making the payment, and owing to this situation we have not been able to finish printing the interim receipts. For some time now the Australian Wheat Board, with the assistance of the Federal Government, have tried to dispose of the wheat.

Hon. V. Hamersley: I thought they disposed of a lot in October.

Hon. C. F. BAXTER (Honorary Minister): No; that was one of the usual reports which was scattered broadcast. The only sale was that of a quarter of a million tons to the Imperial Government last year. We have had small sales in South Africa, Japan, Java, and Singapore, but there have been no sales of any magnitude. This arrangement for cornsacks was made with the full approval of the Australian Wheat Board and Commonwealth Government. Under all the circumstances I submit that the Scheme was justified in making the arrangement in anticipation of the unqualified approval of this House. The imposition of penalties for mixing wheat is made at the suggestion of the Royal Commission. Its recommendation on the point is—

That legislation be passed providing penalties to be imposed on persons who deliver to the Scheme old season's wheat as new. The Commission found, during the course of its investigations, that there were a few bags of wheat badly attacked by weevil that had, in the opinion of the Commission, been mixed up with new wheat and put into stack. I do not know that farmers have been any worse off in this respect during the last season than they have been in past years. In normal times the matter is not a very serious one, because the wheat can be shipped very readily and the damage by contamination with old wheat is not very great, inasmuch as very little time is lost between the delivery to the agent at the siding and the return of shipment. Where, however, the wheat is liable to be stored for some considerable time pending shipment or gristing, it is necessary that every care should be exercised. I am rather inclined to think that the threat of penalties would almost be sufficient to deter a farmer from transgressing in the manner indicated. We must, however, legislate for any flagrant cases that may be brought to the notice of the Scheme, so that the honest farmers shall be amply protected. Clause 7 therefore provides for a penalty not exceeding £100 for each instance that may be proved. In order that during the coming season there may be less risk of farmers tendering weevilled or old season's wheat, arrangements were made whereby the time of delivery to the Pool of the old season's wheat should be extended to the end of last month. It is hoped, therefore, that there is very little of the 1917-18 wheat now left in the hands of the farmers and that no penalties will need to be enforced. Under Clause 8 power is given to the Minister or the board to erect storage sheds as may be necessary for the proper protection of the wheat pending shipment or other disposal. The Royal Commission are rather of the opinion that there is not sufficient power under the existing legislation for the Minister to have done what he has done, namely, to erect substantial sheds for the storage of wheat at the various wheat depots at country centres. In order, therefore, to be on the safe side, and to give hon. members an opportunity of saying how far they think the board should be empowered in the provision of storage, and the Minister's past action in this connection be

confirmed this addition to the original Act is submitted for consideration by members. Clause 10 is practically a re-enacting of Section 6 of the Wheat Marketing Act passed last session. The only alteration is in the year—1919 instead of 1918. There is a proviso added which gives farmers and others who are in possession of small gristling plants up to a capacity of one bag per hour, permission to grist at these mills. If hon. members desire any further information I shall be only too glad to supply it, after the debate on the second reading. I move—

That the Bill be now read a second time.

On motion by Hon. J. F. Allen debate adjourned.

[The Deputy President took the Chair.]

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. H. STEWART (South-East) [10.0]: This Bill affords us an opportunity of criticising the railway administration in the past and the proposals for the future. The Colonial Secretary gave two reasons for the desire of the Government to appoint three Commissioners. The two main objections to the present system of one Commissioner were firstly, that the job was too big for one man and secondly that super men did not grow on trees. With regard to the later objection if we have a competent Government and competent Ministers they ought to be able to do what boards of directors of industrial concerns do, that is choose the man at an adequate salary who is able to carry out this work. There are instances of men in the Eastern States in charge of industrial concerns, whose operations extend over a number of the States, whose control is untrammelled by red tape or too many regulations. It is recognised that these men are worth the princely salaries that are paid to them, often in excess of the salary paid to the Governor General. The Broken Hill Proprietary Company, for instance, operates in New South Wales and South Australia in connection with silver, lead, and zinc and the head office is in Melbourne. The company have also newly established steel works in Newcastle, and they run ships and railways as well. If the directorate can choose successful men to administer a big organisation of this sort it should be possible for a competent Government to select someone who can conduct our railways without the necessity for selecting three men. The Colonial Secretary instances the difficulty under which the Commissioner is carrying out inspection work. Surely the Commissioner should not be expected to travel around the country and inquire into all the details of administration when he has officers under him for that purpose. That is no argument in favour of three Commissioners. Under the 1904 Railways Act the Commissioner is given full power to control officers drawing up to £400 a year, but Clause 64 does not give him the same authority over the heads of departments. There are 16 offi-

cers in the Railway Department next in authority to the Commissioner over whom he has not the same amount of control that he has over the other officers. Section 68 of the Railways Act reads—

The Commissioner may appoint, suspend, dismiss, fine, or reduce to a lower class or grade, any officer or servant of the department, under powers delegated to him by the Governor by Order in Council, and where the salary or wages of any such officer or servant shall not exceed the rate of four hundred pounds a year, such powers shall be deemed to have been so delegated: But every such officer and servant shall be deemed to be in the service of the Crown.

If the Commissioner wishes to act in connection with any of these 16 senior officers of the service he has to get special power delegated to him by order in Council. It is such points as these that interfere with the effective control of Government departments, in comparison with the good results that are obtained in large industrial undertakings. These officers would have the protection which the others have in connection with appeals. Lack of control and authority is one of the reasons which will militate against the results that we naturally look for in the work of the Commissioner, and which would probably create a difficulty in the regime of any new Commissioner. With regard to the point that the job is too big for one man, the Colonial Secretary has based his argument to a large extent on the fact that our mileage of railways open to traffic, 3,500 miles, is approaching the mileage operated in New South Wales and Victoria, and Queensland, which States are in the vicinity of about 4,000 miles. Our railways represented a capital outlay of about £17,000,000. This and the fact that we had that mileage to operate on this was the Colonial Secretary's chief reason for the job being too big for one man and requiring three commissioners, thus bringing us into line with Victoria, New South Wales and Queensland. Page 64 of Knibbs' digest will enable us to make a comparison between the capitalisation of the New South railways and those of the other States. We find that there is an immense amount of capital involved, considerably in excess of that involved in this State. In New South Wales the capital involved is £69,000,000, in Victoria, it is £54,000,000 and in Queensland £34,000,000, and in South Australia, where there is one Commissioner, the capital involved is £17,000,000, the same as that involved in this State. I intend to criticise the system of management and control of our railway system but not to criticise the officers or the men. From official statistics of the Commonwealth and from the Commissioner's annual report, I believe I can prove to members firstly, that the management by one Commissioner in Western Australia compares favourably with the administration in other States of the Commonwealth. If they can manage no better with the greater mileage and their capitalisation of three times the extent that it is in Western Australia, it will point to the fact that in this State there is no necessity for

more than one Commissioner. Secondly, although the Commissioner's management compares favourably with that of the other States, from his own reports, I think it can be proved as well, from the result of the last two years under adverse circumstances, that in 1912 and 1913, and the period before the war, he could have achieved even better results. Thirdly, I think investigation on the subject shows that railway management in Australia is not as it should be, and does not bring in the returns that it should bring in. If that is the case we may be compelled to go outside the State for a man who will carry out the work as it should be carried out.

Hon. J. Ewing: Not necessarily.

Hon. H. STEWART: I said that this may be the case. From the reports, and particularly from that of last year, it appears that the management of the railways and tramways has undoubtedly improved. I will show that the earnings under adverse conditions have improved and the expenditure kept down. My first point is that the railway Commissioner has done work which will compare with that which has been done by a board of commissioners in other States of the Commonwealth. In these railway matters one has to consider several aspects of the position. I am going to deal with the percentage of net earnings on the capital cost, and the percentage of working expenses to gross revenue. On page 73 of Knibbs' digest we find comparisons between the years ranging from 1900 to the end of 1916, in regard to the percentage of net earnings to capital cost. We have also to take into consideration that in Western Australia the cost of railway construction has been, and should be, much lower than in the Eastern States, and the running expenses should also be lower. The percentage of working expenses to the gross revenue should be higher in Victoria and New South Wales where the railways are run through more difficult country and over more difficult grades than is the case here. With regard to the figures, the percentage of net earnings to the capital cost for the year 1900-1901 in Western Australia was 4.35, and the next to this was South Australia with 4.01. New South Wales and Victoria have both made a lower percentage. In 1913-14 South Australia's percentage was 5.46, and the next in order was Western Australia with 4.32, New South Wales and Victoria again being lower. In the following year, the year of the drought, New South Wales was 3.60, Western Australia 3.32, while the other States were all lower. In 1915-16 New South Wales was 3.41, Western Australia 3.37, and the others all below. If we take the average over the whole period we find that the percentages are, Western Australia 3.83, and the next in order New South Wales 3.66. In face of that I do not think we can say other than that the administration in Western Australia has compared favourably with that in the Eastern States. In regard to the percentage of working expenses to gross revenue, I am not able to give figures, but on page 647 of the last Commonwealth "Year Book" is one of those very useful graphic representations

given by the Government Statistician. This shows that the percentage of working expenses to gross revenue for New South Wales, Victoria, Queensland, and South Australia are all about 60 per cent., but for Western Australia it is 70 per cent. It points to the fact that whereas on capital expenditure in this State we stand very favourably, still the graph shows that the percentage of expenses to gross revenue is not as low as it should be when the nature of our lines and country in comparison with New South Wales and Victoria is given due consideration. It is almost a yearly complaint with the Commissioner that the results are not better because of the increased mileage, whereas if we follow the results obtained we find they have been comparable throughout and there has been no direct falling off, notwithstanding the increased mileage. My second point is to show that the Western Australian Commissioner could have obtained better results prior to 1913-14. On the 7th February, 1918, I asked a question in the House as follows:—

Seeing the net return per train mile after paying working expenses were 22.78d. for the year 1916-17, and are practically the same as in 1912-13, while they were 26.8d., 24.8d., and 29.5d. for intervening years, does it not suggest that higher net returns per train mile should have been obtained by efficient management in 1912-13?

The reply was, "No." The denial is contrary to the table in the Commissioner's report as I will prove to members. In 1912-13 the earnings per train mile were 86.98, and the net return per train mile 22.68d. The next year was a good one, and the returns went up. In 1914-15 it was 24.89d. This was in the year of drought. The net return was greater than in 1912-13. Then in 1915-16 a good result was obtained, and in 1916-17, when the conditions of traffic were worse, even in the third year of the war, the net return per train mile was 1s. 10½d., practically the same as in 1912-13. I say that if the Commissioner could get that return in 1916-17, the answer "No," given to my question was not in accordance with the figures given in the table, and the Commissioner certainly could have made better returns in 1912-13. I want to stress the point, because if the returns were not being obtained in 1912-13 which should have been obtained, and if it meant that increased fertiliser freights should have been imposed, then people who were using the railways were being called upon, when the freights were imposed, to meet a charge which, under efficient management, they should have been spared. In 1912-13 the surplus after paying working expenses and interest was only £25,000. We were told by Mr. Lynn the other evening that the Commissioner had lost £50,000 in revenue by the abolition of the terminal charges and by the extra freight on super. I say, had the management been efficient in the earlier stages there would have been no need for the extra freights on super. At the time the extra freights were imposed on super. additional freights were imposed on Collie coal. But the representatives of the coal industry waited on the Scaddan Government and had

the additional freights removed, although the additional freights were not removed from the fertilisers until they had been in operation for several years. In asking the question as to whether the administration of 1912-13 should not have been better, I asked also, "If not, why not?" I was given this silly answer:—

If the same number of train miles had been run in 1916-17 as in 1912-13, the nett returns per train mile for 1916-17 would have been greatly reduced.

On page 8 of the Commissioner's report a table shows that the earnings per train mile in 1916-17 were 100 pence, and 106.47 in 1917-18, while in 1912-13 they were 87 pence. He was able to make so much better result in 1916-17 and 1917-18, when all conditions were against him, than he was in 1912-13, when the conditions were normal. Had he run the railways in a comparable way in 1912-13 and got 106½ pence instead of 87 pence on the four million of train miles he ran even in 1917-18, which is less than in 1912-13, it would have meant approximately £370,000 additional revenue. In the past undue expenditure was taking place which was reducing the railway profits by immense sums. During the last two years of management the railways have improved on the financial figures, and even the tramways during the last 12 months, from the point of view of financial results, have slightly improved. I want to put on record my protest in regard to the unsatisfactory nature of information supplied to me in this House. I have asked a good many questions in the House seeking information, but answers given to questions relating to vegetable pathologist, repatriation, railways and tramways, duty on agricultural machinery have been inaccurate, misleading, or evasive. In speaking on the first three subjects in this council on different occasions I have proved to members that my charge in this respect is well founded; and on a future occasion will deal with the matter of duty on agricultural machinery. The officers who supplied the information should certainly be more careful, because, at the very least, the Minister has been placed in a false position and has misled other members of the House and the general public. Another instance of excessive expenditure during the period when the railways were not so carefully watched as they have been in the last two years was given in a debate which took place elsewhere last session. Apparently, in pre-war times there were more officers employed than necessary. It is an apt illustration of needless expenditure. However, that has been remedied in some measure during the last couple of years. Speaking on this subject in another place, Mr. Stubbs is recorded in "Hansard" for the 13th February, 1918, as saying—

Although the closing of sidings has nothing to do with the motion, I will inform the House that 12 months ago at a certain town on the Great Southern there were two station-masters employed at a railway station, and they had been employed there for many years. On a certain day in July the Railway Commissioner suddenly decided that

the station should be closed up, and turned into an unattended siding. Of course there was great indignation, because it was not a siding which was going back, and was indeed a thriving agricultural centre. The Commissioner suddenly found out that the station was not paying, but he could easily have done so earlier. He could have decided that two men were not necessary and that one could have done the work.

On another occasion, certain railway returns which were asked for here unsuccessfully, were thereupon moved for in another place, and a debate took place, ending in a close division. The returns were wanted in order to show what was the actual railway position. In this Chamber we were informed that the preparation of the return would cost £40, and would necessitate the employment of two or three clerks for a month. Speaking in another place, the Minister for Railways said—

One of the reasons why I have to object to this motion is on the score of expense. To prepare this information would need not only an army of clerks for months, but it would necessitate practically the whole of the books of the Railways being re-audited for the year 1916.

Here we were told it would cost £40 and take one month: in another place the Minister for Railways and ex-Minister of Railways said it would cost hundreds if not thousands. The station to which the remarks of Mr. Stubbs referred is one of the most thriving townships along the Great Southern railway, and certainly required the services of one station-master. But why should two station-masters have been employed there for years, if, in the opinion of the Commissioner, not even one was required? Mr. Stubbs went on to say—

I never can understand why, at five minutes' notice, so to speak, the siding was closed up, and the two officers and all the paraphernalia of a railway station removed. . . . A public meeting was held at the centre, and a deputation came to Perth. The Railway Commissioner was informed by the roads board that they would, during the few slack months, pay in advance for the services either of a station-master or a porter. The Commissioner, however, point-blank refused their request, on the ground that it would establish a dangerous precedent.

I have given instances from the Commissioner's reports to prove from his own figures that unnecessary expenditure was incurred during the pre-war period in the working of the railways; and while on that subject I desire to draw attention to a point brought out in the final report of the Wheat Marketing Royal Commission, which report came into our hands only to-day. The point is that as far as the producers are concerned, the railways have caused losses owing to the way in which they have been run, produce not having been properly handled and protected. One instance I can give of this is the almost common failure of the department to provide decent facilities for handling live stock. Filthy stock trucks are a common experience. In spite of repeated protests, this has never been remedied.

Much of the weevil trouble in the wheat is undoubtedly due to the wheat getting wet in transit over the railways, owing to its not being properly covered. On this point the final report of the Royal Commission states—

Almost every witness examined on this subject has strongly condemned the present system of conveying wheat over the railways without being covered, and the commission is of opinion that the practice has resulted in considerable loss. Notwithstanding the evidence given by departmental officers, that it has been impossible to secure covers, the commission recommends that the matter receive immediate attention, as it considers that the expense incurred in the purchase of suitable covering will be out-weighed by the ultimate saving to the Scheme in protecting the wheat from becoming wet by rain during its transit to depôts or ships.

That proves the position in the railways to have been unsatisfactory. When in this House we moved for a return showing traffic over various lines, it was with a view to throwing some further light on the source of revenue of the railways. We wanted to ascertain what proportion of the revenue was contributed by metropolitan residents, and what proportion by the country people, and for different branches of traffic. As far as I have been able to gather from the returns available, 42 per cent. of the total revenue of the State is contributed by the Railway Department. That was in pre-war times. We wanted to get the exact figures, and corrected returns, with regard to railway revenue, but were not able to do so. By doing the next best thing one can do, namely, referring very carefully to the tables given in the Commissioner's report, I have arrived at the conclusion—a conservative estimate—that the country people contribute about 65 per cent. of the railway revenue. By country people I mean all people, mining, agricultural, timber, and other industries outside the metropolitan-suburban system. I have seen it contended in the Press that 75 per cent. of the railway revenue is contributed by the country people. At all events, the country people contribute about 30 per cent. of the total amount of the State revenue. In this connection it is interesting to turn again to that debate from which I have already quoted, and see what the position is as regards the fares paid by the country people compared with fares paid in the metropolitan area. Speaking on this subject, Mr. Thomson said—

I further drew the attention of the House to the curious anomaly that those people who travelled 12 miles on country railways paid 1s. 11d., while those who were fortunate enough to reside in the metropolitan area paid only 1s. 2d. for a similar distance, and, actually, on three days per week travelled that distance for 10d. Moreover, metropolitan residents have much more comfortable trains and a much more efficient service. I do not for a moment say that they should not have those facilities; but the Commissioner's report for the year 1915 contains the statement that suburban traffic was being carried at a loss.

Mr. Thomson quotes from the Commissioner's report the following—

In the case of the suburban traffic the difficulty is that full loads for complete train journeys are out of the question, with the consequence that the receipts derived from the very low fares paid by those who fill the train for a small portion of its run are not sufficient to cover the cost of the complete run to its terminus.

It seems to me that the Colonial Secretary might have informed the Committee regarding the conditions of retirement granted to the present Commissioner, which the Colonial Secretary described as not niggardly. I do not wish to quibble at, or adversely criticise, anything the Government have done in this direction. Only the other day I saw the report of a discussion concerning the retirement of the Chief Justice of the Commonwealth. It appears that in the Federal House exception was taken by members of his own profession to the Chief Justice, who had been in receipt of a salary of £3,500 for a number of years, being awarded a pension for which no provision had been made when he was appointed. When being appointed, the Commissioner, or for that matter any other officer, would no doubt make the best terms he could for himself. The remarks I am offering now are made in complete ignorance of what the "not niggardly" treatment mentioned by the Colonial Secretary really is. There is no necessity, moral or otherwise, in the present condition of the country, neither is there any obligation on the part of the Commonwealth, to provide for a pension in such cases. We do not find that a lower placed officer who has given efficient service will get a substantial honorarium unless he is entitled to it. When people hold high offices and are in receipt of big salaries they should be better able to provide for any period following the expiration of their term of office than a person who is not so fortunately situated. I hardly agree with Mr. Holmes in his severe criticism of the Government for not having made an appointment at an earlier stage. It seems to me that while the war was in progress railway men were in considerable demand, and if the Government had attempted to go outside the Commonwealth to secure the services of a railway man they would have found it exceedingly difficult to get the right man for the position. I am in agreement with the hon. member in his endeavour to see that the business concerns and the departments are run by business men and on business lines. The department should be under the control of competent men vested with full responsibility, and given freedom of action, men who should be paid no niggardly salary. I direct the attention of the Government to the advisability of going outside the Commonwealth to obtain the services of a suitable officer to control the railways. There are certain reasons for doing so. I am an Australian born and I have confidence in the ability of Australian trained men, and I also believe in giving our own men a chance. If there is a man in the service fit for the position he should be well known, because his ability should have stood out at one period or

another. If such a man is in the service, he should either on long service or special leave, or by exchange, have at his own expense and on his own initiative have been abroad for experience and sought to fit himself for a high position. He would have given evidence of his initiative. If he had such ability and ambition they should have led such an one to get acquainted with railway administration and work outside the Commonwealth.

Hon. J. Ewing: There may be someone like that.

Hon. H. STEWART: The Government should be on the *qui vive* for such a man. With regard to the question of the utilisation of Collie coal, there has been considerable opposition. We know, of course, that it is not equal to Newcastle coal, but other places run their railways on coal just as inferior as that from Collie. They take steps to fit their locomotives so that that inferior coal may be used with advantage. It is undoubted that the Railway Department have not moved as they should have done. They have had many years in which to deal with this question. At the present time I understand effective work is being done with spark arresters, but the trouble is that we have here over 50 different types of locomotives, and about eight types only are fitted with the effective arrester. I have seen a locomotive puffing up a hill under a heavy strain without a single spark coming from the funnel. There is another weakness in connection with appointing local men to fill important positions. There does not seem to be anyone who is conversant with the most modern methods of handling our cereals and livestock. It is necessary that a man doing this work should be conversant with the conditions in other producing countries, and should be prepared for the expansion which may take place. There are 670,000 miles of railway constructed in the world. Of that total 255,000 miles are to be found in the United States. Canada has 25,000 miles, while we in Australia have 18,000 miles. We should be able to get from, say, an American railway company a second or third in command who is thoroughly conversant with modern practices in the direction I have stated, and with a knowledge of efficient railway administration. The man we require should be conversant with modern methods, and he should be prepared to see, through his officers or the power that he would have under the Act, that the work was carried out efficiently, and that our local products were utilised as far as possible, especially in the direction of the use of local fuel. Last session I pointed out that whilst the number of people employed on the tramways had increased in the period between 1913-14 and 1916-17 by 23 per cent., the net profit decreased by 77 per cent., and the Colonial Secretary gave as an excuse the cost of belated repairs, stating that £10,000 a year had to be set aside to meet those repairs. Further investigation showed that after this £10,000 a year belated repairs had been allowed for, even then the falling off in the net profit in 1914-15 as com-

pared with 1913-14 was 24 per cent. Next year it was over 30 per cent., and the following year over 50 per cent. This year the tramways have had to meet a sum of £14,000 for belated repairs and an additional £3,700 for motor men and conductors. I wish to give credit where credit is due. Although the Commissioner has had the tramways and the Perth Power Station as well as the Railways to look after, in this, his last year, he has improved the position. On the Railways he has increased the earnings per train mile and his net return per train mile is, in the circumstances, very creditable in comparison with the results obtained before the war. This shows that the argument of the Colonial Secretary that three Commissioners are necessary does not hold good in this connection. The net profit on the tramways after allowance for the additional charges above-mentioned, is £600 more than it was last year, £5,293 as against £4,683, but the net profits for 1917-18 are only about 74 per cent. of the net profits for year 1913-14. I submit I have shown that more than one Commissioner in Western Australia is not necessary and that the one Commissioner we have had has not done unsatisfactory work in connection with the work which has been done in the other States which have three Commissioners administering. I also submit that with the problems facing us we require one well paid Commissioner, experienced in light traffic and the development of traffic, and in modern ways of handling live stock and in the use of modern and inferior fuel.

Hon. J. W. KIRWAN (South) [11.3]: I intend to refer merely to the main purpose of the Bill, that is the substitution of one commissioner of railways for three commissioners. So far as I could gather from the remarks of the Colonial Secretary, his ideas of what a railway commissioner or commissioners should be are quite different from what I think they should be. We have first of all to take into consideration the duties of a railway commissioner, and secondly the kind of man we want. The impression I got from the remarks of the leader of the House, when he referred to the proposed railway commissioners was that these men would have to travel about a great deal. He replied that they would have to inquire into the details of the running of the railway system of the State, and would have to go round from station to station and be always on the move. It seemed to me that they were to be the Paul Pry's or ferrets of the service. That is not my idea of what a railway commissioner should be. If we appoint one commissioner, or three commissioners, and expect them to attend to the details of the railway service we shall be giving them an absolutely impossible task. In order to properly run the railway service the details of the work should be left entirely to those who are at the head of the different branches of the service. Unless we have at the head of these branches men who can be entrusted with the responsibility of these duties, and see that the details are properly carried out, we cannot have an efficient ser-

vice. The Railway Commissioner, according to my idea, should not be a man who would attempt to look into the details of the railway service. He should be the official head of the Railway Department, and should lay down a definite policy regarding each of the various phases of the railway service. It should be his duty to see that the heads of the branches of the service carried out their work in accordance with his policy. The running of a Government railway service is quite a different matter from running a private service. The main purpose of a private railway is to make dividends for the shareholders. It is purely a commercial proposition in order to get money for those who are interested in the railways, but in the case of a Government railway the position is totally different. One of the main purposes of the railways of this State is to assist in the development of the country. Railways are built that are not expected to pay for many years to come. We constantly see that those in charge of the railways have to do things which mean a loss to the railways directly, although it may be an indirect gain to the country generally. Some examples may be given. There is the carriage of fertilisers, the question of the terminal rates, and also that of the use of Collie coal. It may be that the Commissioner can get a better coal from outside the State and get it cheaper, but in the interests of the State it may be desirable to get the local article in order to encourage local production. The same thing applies to the reduction of the freights on fertilisers, and to many other points connected with the running of the railways. The Commissioner ought to be a strong man, a man who would say, "You have given me charge of these railways and I am going to run them on strictly commercial lines." That can be done without any interference in the developmental policy of the Government. If it be necessary for the railways to be run to assist the agricultural industry, the mining industry, the coal industry, or for any other purpose for the advancement of the State generally, the railways ought to be credited with any loss they may thus sustain. The State would then know exactly how much it costs to help our mining industry, our agricultural industry, our coal industry, or any other of the industries of the State.

Hon. J. J. Holmes: It would be the means of showing us what all these concessions are costing the Railway Department.

Hon. J. W. KIRWAN: Exactly. It would be of advantage to the State, and we would know what we are doing. The Railway Commissioner should be a big man. He should not be asked to attend to the petty details of the running of a large system like this. If he has to waste his time with the details which ought to be attended to by the branch managers, he cannot be a good man. His time is too precious for that. His time and thoughts ought to be devoted to dealing with broad questions of policy. The problems which are faced by any one managing these railways are of a complex nature in many instances, because of the necessity of de-

veloping the resources of the country by means of the railways. The customers of the railways and the employees of the railways are also shareholders in them and have a strong influence on the politics of the country. In the past we have seen in one part of the State something done for the development of, say, the agricultural industry, by means of a reduction in fertiliser freights. The Commissioner in his desire to make the railways a monetary success raises the freights. That operates unjustly towards another part of the State. The impression on the goldfields is that the railway freights to that part of Western Australia have not been fixed in accordance with justice to them. They feel that the rates charged on the necessities which they cannot do without are more than should be charged. The railways have been thus used as a taxation medium to a large extent. That kind of thing would be avoided if we put a strong man in as Commissioner. It is because I am desirous of seeing that strong man, and not three ferrets or Paul Prys in charge of the railway service, that I will vote against the second reading of this Bill. I believe that the Commissioner ought to be a man of extensive experience regarding railway systems in other parts of the world, and if he be a good man I believe he would speedily put the railways of this State on a much more satisfactory basis than they are at present. I was extremely glad to hear Mr. Stewart show how well the Western Australian railways compared in point of view of management and results with those in the Eastern States. I was somewhat surprised that Mr. Sanderson should compare the railway system of Western Australia, between Kalgoorlie and Perth, with the Great Western Railway. He described the Western Australian railway system as dirty, inefficient and bankrupt. It is not fair to compare a new railway system such as the Commonwealth system with an old system such as ours. The Commonwealth railway system ought to be the most up to date in the world. We could not expect the Western Australian system to be anything approaching that. We should never forget that we in this State are a mere handful of people who are engaged in a struggle to develop the resources of one-third of this great continent. The task before our people is a very great one indeed, and although it is quite true that the management of the Western Australian railways is far from perfect, still, when we consider the enormous mileage in relation to the population, I think our railways, despite their defects, are not altogether discreditable to the State. One thing to be said for the railways of Western Australia is that we have never known a serious railway accident in this State. Here and there there have been isolated cases of individuals losing their lives, but we have never had any case of a railway accident such as we have known of in the Eastern States. It is greatly to the credit of those who have had charge of the railways in Western Australia.

Hon. H. CARSON (Central) [11.17]: I do not feel qualified to speak on the management of the railways, but I desire to indicate the

attitude I intend to take up on the second reading, and the reasons for that attitude. In my opinion the fewer bosses we have, the better. In the management of any business of magnitude it is generally found that we get better results from one directing head. In increasing the managerial expenses the general expenditure is increased accordingly. I believe that even at the present time it is possible to reduce some of the managerial expenses of our railways. We have three or four district traffic managers, three or four district engineers, and we have the loco. superintendent with his staff. All these officers have their staffs, and it is often found that they are not working amicably together. Where a district traffic manager is located it might be possible to let the stationmaster do the work, because he practically does it to-day. Again, regarding the district engineer, he has his staff, but the great bulk of the work is done by the chief inspector, and the chief inspector could do the work of the district engineer under the direction of the chief engineer. Then we have a transport officer and a Chief Traffic Manager. The transport officer practically does the work under the supervision of the Chief Traffic Manager. There are too many heads in the railways at present, and it would be a mistake to appoint three Commissioners. We have not had any valid reasons given for the appointment of three Commissioners. Why should three be appointed? Is it because the railways are not paying? In my opinion three Commissioners will not improve matters. There are many reasons why the railways are not paying, the chief being that we have built more mileage than was warranted by the population. If we had not had the war, and if our expectations had been realised, we should have been in a much better position to-day. Another reason why the railways are not paying is that our grades are too steep. The system of construction pursued in the past has been altogether wrong. We have built cheap railways, and in the long run they have become dear railways. Another reason is that we have a discontented service. Hon. members will agree that some of the officers have good grounds for discontent. During the last few days we have heard that those officers were promised increments in 1912 and have not had them yet. Some stationmasters are receiving as little as £150 per annum and have been on that salary for nearly 10 years. If we are to have successful management we must have a contented service. We have just cause for complaint against the Government for the way they have dealt with this question. Mr. Short's time expired six months ago and nothing whatever has been done to secure someone to take his place. Apparently, it has been the intention of the Government for a long time past to ask Parliament to approve the appointing of three Commissioners. Why, then, did we not have the Bill long ago? Either the Government should have advertised for a Commissioner to replace Mr. Short six months ago or, alternatively, we should have had the Bill at the beginning of the session. I understand that in fixing the normal load of a train the various aspects of the weather are taken into

consideration, and the normal load fixed upon remains the normal load for practically all the year, notwithstanding that in a favourable season almost twice as much could be hauled. In regard to the Collie coal question, I know of cases where a load of coal from Collie to Geraldton has been on the railways in open trucks for 20 days, with the result that the coal has greatly deteriorated.

Hon. J. EWING (South-West [11.25]): I intend to support the Government and vote for the second reading. I have a desire to assist the Government, and I have also a desire to see a thorough inquiry into the railway system. It might be done in the manner suggested by the Treasurer a little while ago, when it was proposed to bring an expert from the Malay States. I took that announcement by the Treasurer as an indication that the Government were going to investigate the Railway Department. They have not done that, and now they propose to appoint three Commissioners, presumably another method of investigating. In supporting the appointment of three Commissioners, I declare that certain officers in the Railway Department should not be appointed. Yet if three Commissioners are to be appointed I desire that, as far as possible, those Commissioners should be drawn from within the service. There are young men in the service who have travelled all over the world and are fully qualified for appointment as Commissioners. No doubt a desire will be shown by the Government to give those men a chance. Some members have said that we require to go to other parts of the world to find men competent to run our railways. I do not think it is necessary. The local conditions have been closely watched by those who have been rising step by step in the service of the State, and surely those officers have a great advantage over men from other parts of the world. I impress upon the Government the necessity for giving those young men in the service a chance.

Hon. J. Cunningham: What about returned soldiers?

Hon. J. EWING: On the other hand there are those in the service—especially the gentleman who is going to be appointed as acting Commissioner when Mr. Short retires; I refer to Mr. Hume—who, in my opinion, should never be appointed to any position in the service above those they occupy to day. For many years past the coal-mining industry has been unable to develop owing to the inactivity or the stubbornness of Mr. Hume. Almost every member who has spoken has made reference to it. Mr. Stewart, Mr. Lynn, and others have spoken about engine design, and the desire that should have been evinced by the Chief Mechanical Engineer to do all in his power to assist any of our primary industries. I say absolutely, with a full sense of responsibility, that he has not done so; and, if he has not done so, then I think the Government have been very lax indeed in keeping him in that position. I shall not refer further to that matter. I was struck by a remark made just now by Mr. Kirwan, that Collie coal and the agricultural industry had been greatly assisted

in the matter of railway freights. Collie coal, in my opinion, has never been assisted by the Railway Department; and neither has it cost the country one penny. The true facts are these: At the present moment the Railway Department are getting Collie coal very much below its value. If hon. members will read the reports they will find that the coal, instead of being worth only 13s. at the pit's mouth, is worth, relatively to Newcastle coal, about 17s.

Hon. J. W. Kirwan: The railway reports say differently.

Hon. J. EWING: I have already referred to that aspect. My constant endeavour has been to combat the arguments put forward by the Railway Department—whether or not I have succeeded, I leave others to judge. But I want to impress on the Government—and they know this full well—that the people of Western Australia owe a great deal to the development of the Collie coal industry. We know what would have been our position during the war but for that industry. The Collie coal industry has never cost the people of this country one penny, and they are at the present moment getting Collie coal at very much below its real value. As regards engine design and spark arresters, I have almost given up approaching the Railway Department. Mr. Carson has brought evidence that he tried to do something in regard to a spark arrester, which, however, was turned down by the Chief Mechanical Engineer. I myself introduced to that officer's notice a spark arrester which is being used on a thousand engines in South America. Yet Mr. Hume said that that spark arrester was obsolete. Nevertheless, it is being used with the greatest success in South America and also in some of the Eastern States. And Mr. Hume says it is of no use in Western Australia and need not be tried here. And the same experience is the fate of every man who approaches the Chief Mechanical Engineer. That officer would have nothing to do with anything that does not originate in his own department. Therefore I consider myself fully justified in making these references to him in his official capacity. Apart from that, I am prepared to take off my hat to Mr. Hume every time; and I cannot say more than that. I support this Bill because I consider such investigation as ought to be made into the Railway Department has not been made. I hope that the three Commissioners will be appointed, and that they will be comparatively young men. As they mature, they will, perhaps, give better service than could be given by officers now of greater age. I want three Commissioners appointed, and I think the first thing they would do is to retire about three of the principal men now in the department. If they do that, I feel satisfied they will thoroughly cleanse the Augean stable. Mr. Hume, I suppose, will be retired after an honourable career in the same way as Mr. Short is being retired. I desire to place before the House my reasons for the statements I have made. As a public man, and having spoken in this House in the manner I have, I must justify what I say.

It is a great responsibility to take. My attitude is this: I have many years' knowledge of Mr. Hume, and I am perfectly satisfied that what I say is correct. A man 40 or 45 years of age should not necessarily give way to a man of the service who is 60 years of age. With regard to the tramways, I think the Government ought to see that they are handed over to the municipalities as soon as possible. Let the Government get back the capital cost of the system, and let the city of Perth take possession of the trams. I hope that three Railway Commissioners will be appointed, and that proficient men with local knowledge will receive consideration at the hands of the Government. I hope that the three Commissioners, when appointed, will thoroughly investigate the railway system from end to end, in which case there will be many changes, and great advantage will result to the State of Western Australia.

Hon. H. J. SAUNDERS (Metropolitan) [11.36]: After all the eloquence which has been heard in this Chamber since we started on the Early Closing Bill this afternoon, I will make my remarks on the present Bill as concise as possible. The leader of the House, in his speech introducing the measure, said that he had two main objections to the continuance of the present system. One was that the job was too big for one man, and the other was that supermen do not grow on trees. In voicing the latter objection I suppose the hon. gentleman was thinking of the Forests Bill, in which I moved the insertion of a subclause based on the same belief that the work was too much for one man to undertake without assistance. Here is an exhibition of the consistency of the Government; that is, if they have any consistency. Since I have been in this House, I have observed very little evidence of consistency among the members of the present Ministry. The Conservator of Forests is given supreme power. Let me read Clause 7 of the present Bill, which is rather extraordinary—

If the Chairman differs from a decision of the other two Commissioners with respect to any matter before the Commissioners for their decision and determination, such matter shall be deferred for not less than 24 hours, when it shall be again brought forward, and in the event of the Chairman again differing from the decision of the other two Commissioners, such matter of difference shall be determined according to the deliberate judgment of the Chairman, irrespective of the decision of the other two Commissioners.

In effect, that clause means that there is to be only one Commissioner. I believe the Government when they introduced this Bill intended that there should be only one Commissioner.

Hon. H. Millington: The three Commissioners should be locked up until they agree.

Hon. H. J. SAUNDERS: As regards the tramways, I am quite in accord with Mr. Ewing that they ought to belong to the Municipalities. If a former Government had not been foolish enough to pay half a million of money for

them, those tramways would have been handed over to the Perth City Council in another 10 or 12 years. I happen to know all about the subject, because I was mayor of the City at the time the concession was granted. The term of the concession was 35 years, and at the end of that period the tramways were to be handed over to the municipality free of all cost, and in proper working order. I think the purchase was a mistake. We have 36 miles of tramways, and the system is being badly run. If we do pass the Bill for the appointment of three commissioners, let one of them be given control of the tramways. The way the system is worked at present is a disgrace to the Government and to the State. I noted with pleasure the remarks of the leader of the Opposition a few days ago, when he said in connection with another Bill in another place, "Thank God there is an Upper House." At the same time it is surprising to hear this remark after the efforts his party has made to abolish this House. When I landed in this State in 1884 the only railway lines that were working was a line from Geraldton to Northampton—I believe this to be the oldest railway in the State—and a short stretch of line between Fremantle and Guildford, but preparations were then going on for the extension to Chidlow's Well. This is a wonderful advancement to make in 34 years, for now we have something over 3,000 miles of railway. I maintain that one commissioner is quite sufficient to look after the railways, which have only cost some 17 millions pounds. The Conservator of Forests is given full power to control properties, and the forests of the State are worth anything between 80 million and 100 million pounds. He also has power to appoint his own super men. If that is the case with the Conservator, it is right that the Commissioner of Railways should be able to appoint his own men. Whether such men grow on trees or not, or are found on locomotives, not on trees, or in other parts of the railway service, one man should control the whole system. I agree with Mr. Sanderson that in England the railways are controlled by a board of directors. They are generally called guinea-pigs. They always have a general manager, who has practically the sole control of the men under him. The board of directors is generally there for the purpose of checking the manager if he should go astray, but it is more a board of advice than one which interferes with the general management of the railways. I think the hon. member made a mistake in suggesting that the whole of the members of Parliament should be directors of the board.

Hon. A. Sanderson: They are guinea-pigs, too.

Hon. H. J. SAUNDERS: I should be sorry for the unfortunate man who would be appointed, for instead of having six guinea-pigs over him he would have 80. I believe in the control of the railways being taken out of the political atmosphere, and in one man administering them, being paid a good salary to ensure our getting the best possible man.

Hon. J. Ewing: He would have to be a super-man.

Hon. H. J. SAUNDERS: Such a man should choose those who will work under him, and be able to fix up his own department in such a way as to ensure the best control of the traffic and the working of the service. I intend to vote against the second reading.

Hon. H. MILLINGTON (North-East) [11.45]: I am opposed to the Bill. Were I supporting it, it would take me fully an hour and a half to justify my opinion. Presumably this was brought in by the present Government because the revenue of the railways does not meet the expenditure, and it is necessary for them to do something. The idea of three commissioners is probably derived from the Ministry, which is representative of three different sections of the community. One commissioner would doubtless represent the old Liberal section, another the Country party, and a third attend to the interests of the National Labour crowd. It is remarkable that some members should suggest that the railways should be free from political control. Is anyone earnest in making such a suggestion? It is positively ridiculous. I can imagine the outcry if the Commissioner was allowed a free hand to run the railways on sound business lines. It is quite an understood thing in this State that the railways are not to be run on business lines. They constitute the biggest political machinery we have. The present Government have engineered them for their own political purposes; and intend to continue to do so in the future. They could not keep their crowd together without them. The idea of suggesting that there is going to be a sudden reformation in the railway service! Being anxious to blame someone and have a change of some description, the Government now propose three commissioners. I believe it was Mr. Ewing who suggested that there should be a Royal Commission to inquire into the running of the railways. That would be a good idea. From such a commission, if constituted in a railway expert, I feel sure we should get some valuable information with regard to the running of our system. I am afraid, however, that immediately the Royal Commissioner put in his report, indicating the reforms he desired to make, it would be promptly turned down by the Government. If the Government wish to put the railway system on a business basis, they will have to make drastic alterations. The present policy of the Government has nothing to do with the Commissioner. It is understood that in certain classes of traffic the railways are not to be made to pay. If they were made to pay in the matter of superphosphates, there would be motions of no-confidence in the Government. Take the matter of Collie coal. In this, I think, Mr. Ewing has shown his hand. I do not say there is anything wrong in encouraging the Collie coal industry, but he was going to make it the question of whether the railways paid with that sort of traffic subservient to the interests of the Collie coal industry.

Hon. J. Ewing: Certainly not.

Hon. H. MILLINGTON: If it was a question of the railways paying, or Collie coal being utilised, he would vote for Collie coal. Mr. Carson had something to say about

the staff. I believe if the staff were given a fair deal the service would be considerably improved. Mention was made of signalmen, shunters, and guards. I attended a meeting of some of the shunters and signalmen last week, and I found there were signalmen and men who had reached the maximum, and who had been in the service for 24 years, and they had no possible hope of rising above their 11s. a day. The country cannot expect men to put forward their best efforts when there is no possibility of advancement. If we get an up-to-date Commissioner I believe his policy will be to encourage the men in the department to do their best, and to let them see that they have a prospect of advancing. If that does not happen we shall have all the employees applying for jobs in the Old Men's Home in time. I understand the control of the running staff is unsatisfactory. That is a matter that needs to be inquired into by an expert. The Government know perfectly well the difficulties in connection with the railway service, and they know well that similar difficulties will exist even if they do appoint three Commissioners. They also know well that they have not the slightest idea of moving the State railways from political control, and if they made a suggestion contrary to that, they would lose support to-morrow. The Bill is being used to lead people to believe that a drastic reformation is going to take place. If we get the best railway man available and bring him to the State, he will be dictated to all the time by the Minister in power. I intend to vote against the Bill, because it will be ineffective.

Hon. J. W. HICKEY (Central) [11.55]: Mr. Ewing rather interested me. His continued references to Collie coal, however, remind me of the saying that familiarity breeds contempt to a certain extent, but the hon. member should not misinterpret the attitude of certain members of the Chamber, because we are all in sympathy with the object of advancing local enterprise. There is no stronger supporter of Collie coal in the House than myself. I have had ample opportunities of studying its qualities, because I have had to use it. If we offer criticism, that does not mean that we are prejudiced. In referring to Collie coal the hon. member struck a new note, one to which we might give a certain amount of consideration. That is in connection with spark arresters. He stated that opportunities had not been given to test spark arresters and he criticised Mr. Hume. I admit that Mr. Hume is an estimable gentleman in certain directions, but I am satisfied, either through custom or something else, he has never given encouragement to anyone who has approached him with an invention. Mr. Hume has always discouraged inventions unless they emanated from his own brain. This kind of thing will not help us on the road to progress. The Government would be well advised to take this matter up and go even a step further. If we have inventions that are at all feasible, some encouragement should be given to those who submit them. I was almost persuaded to vote for the Bill on hearing the speech of the leader of the House, who said that it would be the duty of one of these Commissioners to con-

tinually travel over the system. I am satisfied that under that plan there would soon be a considerable alteration, especially if the Commissioner had to travel some of the railways we travel on in the back country and under the same conditions. However, I think the Commissioner would soon cut out the travelling for himself, and send out a subordinate officer. Whatever happens to the Bill, I trust some good purpose will be served by the debate. The leader of the House, in answer to a question some time ago, said that from £14,000 to £15,000 had been spent in repairs on the Mullewa-Cue railway on account of the washaways. On the best constructed railways a certain amount would be required for maintenance and repairs, but this is a disgraceful case. Any man who has been over that railway knows that the same expenditure will have to be incurred next year. No attempt has been made to permanently repair that road. When the water comes down from Nannine next year the washaway will occur again and the expenditure will go on so long as rain falls in that district. Because of these washaways passengers have suffered considerable loss through being unable to get to Perth for the transaction of business. Men, women, and children have been hung up for extended periods waiting for the temporary repair of the line following on a serious washaway. Then take the Ajana railway. The train is hung up for the night, and one must camp alongside the railway. One is not allowed to sleep in the railway carriages, because it is an offence against the regulations. If this can happen under one Commissioner what would happen under three? My experience of the Railway Department is that when one approaches the Commissioner one is referred to the Minister, and on approaching the Minister one is referred back to the Commissioner. Under three Commissioners we should have even more confusion. I will vote against the second reading.

Hon. J. NICHOLSON (Metropolitan) [12.7]: We seem to have reached the stage where we are thrashing a dead horse. I hope we are, in fact, thrashing a dead horse. We are asked by the Bill to endorse a new principle introduced by the Government in the appointment of three Commissioners. I share the view which has been expressed by so many others with regard to the undesirability of making such a departure. Before hon. members can subscribe to the proposals of the Bill they require to be satisfied that the present method of management would be improved upon by the appointment of three Commissioners. Without going deeply into figures, which have been fully dealt with during the course of the debate, we can take it that, so far as the reports of the department show, there is no question but that the management has, under the conditions obtaining, proved more than satisfactory. Mr. Stewart quoted some very interesting details regarding the financial position of the department; and I had taken the trouble to work out certain figures, which I took from the reports, making an analysis of the revenue. From that analysis it is surprising to find, in making a comparison be-

tween the last pre-war year, 1913-14, and the last year for which we have the Commissioner's report, 1917-18, that the decrease in one branch of revenue alone, goods and minerals, amounts to the very high figure of £382,205. Various other decreases have taken place, making the total decrease as between those two periods £442,623. Now, the deficit for the year ended on the 30th June, 1918, was £289,005. Therefore, on the resumption of ordinary conditions, now that the war is practically ended, from that one branch of railway revenue alone, namely, goods and minerals, we may expect more than sufficient to meet the deficiency of the Railway Department for the last financial year. Reference has been made to the fact that during the intervening period since 1914 the railway mileage of the State has been increased by 524 miles. We have also to bear in mind that there are increases in the interest charges, increases in the prices of materials, and increases in wages. The working cost of the department has, therefore, increased enormously. Bearing all these matters in mind, one cannot but feel surprise at the Railway Department's not showing a greater deficiency than disclosed by the reports. The report on the general management of the Railways shows that economy has been practised to the utmost extent—that is, economy consistent with safety. So far as one can judge, the whole management of the Railways reflects the greatest possible credit not only on the retiring Commissioner, Mr. Short, but also on those associated with him in the management of the Railways. All of them are deserving of a full measure of credit for the success which the report discloses. The loss, such as it has been, is certainly not due to the Commissioner and his staff. Apparently, it is due to the fact of our having too small a population for the mileage of our railway system. Reference has been made to the amount of capital invested in that system. I do not wish to weary hon. members, but I do desire to bring out this point that, going back some years and comparing the capital invested as mentioned by the Colonial Secretary when introducing this Bill, in 1904, about £8,000,000, with the capital cost now invested, namely, over £17,000,000, one would naturally have thought that the earnings would have been increased proportionately. But that is not so. On reference, I find that the earnings in 1903-4—when the capital invested was under nine millions—amounted to £1,588,000, whilst for the last financial year the earnings reached only something under £300,000 more, namely, £1,816,000. The working expenses, one would also have thought, would have doubled between those periods; but it is interesting to observe that the working expenses for 1903-4 totalled £1,179,000, whilst for the year ended June last the working expenses, notwithstanding that the capital cost had been doubled, and that the mileage also had doubled or more than doubled, amounted to only £1,451,000. Moreover, the number of the employees was not increased either. At present the employees, according to the departmental reports, number 6,648; in 1904, when

there was a much lesser mileage, they numbered practically the same. This seems to me to show that economy has been practised to the fullest extent, and I say credit is due to those managing the Railways for what has been accomplished in this respect also. One might compare our railway position with the railway position in the various Eastern States, but I will not go into unnecessary details on that phase of the subject. Mr. Miles dealt at some length with the other States, and quoted a number of figures. I was interested to see that during the period between 1914 and 1918 Western Australia actually stood lowest in the schedule as compared with the other States, so far as losses were concerned.

Hon. J. Cunningham called attention to the state of the House; bells rung, and a quorum formed.

Hon. J. NICHOLSON: Notwithstanding that we had a decrease in revenue last year, and that the railways in each of the Eastern States had an increase in revenue, our total losses for those four years were less than those incurred in any one of the other States. I do not blame the Commissioner and those associated with him for the present position. I think it is in a large measure due to the policy of interference on the part of the Government, or the Minister concerned. Political interference has been alluded to. If the Commissioner were allowed to control and manage the affairs of the department and determine the policy just as any ordinary business concern would be managed, there would be greater prospects of good results being achieved. Let me ask, will the appointment of three commissioners render the railways more profitable and clear away the deficit which exists? I venture to say that it would have the opposite effect. Concentrated control in the hands of one good man is all that is required. If anything is wanted to condemn the Bill one has only to refer to Clause 7, which is as follows:—

If the chairman differs from the decision of the other two commissioners with respect to any matter before the commissioners for their decision and determination, such matter shall be deferred for not less than twenty-four hours, when it shall be again brought forward, and in the event of the chairman again differing from the decision of the other two commissioners, such matter of difference shall be determined according to the deliberate judgment of the chairman irrespective of the decision of the other two commissioners, and the chairman shall in all such cases enter upon the minutes of the proceedings of the commissioners his reasons at length for deciding such matter in opposition to the other two commissioners, and shall forward to the Minister a copy of such minute, certified under his hand, for presentation to Parliament.

This shows that, notwithstanding the existence of three members on the board, there is no such thing as majority rule, for one man alone determines the issue. We require one capable man to manage the railways, and he should be

assisted by capable heads in charge of the different branches. The Government have been well served by Mr. Short. That gentleman is entitled to the highest measure of praise for what he has done. Mr. Lynn made reference to the methods adopted in the Railway Department with regard to handling the coal at the West Perth yards. To-day I made inquiry, and found that the method adopted there is not that stated by Mr. Lynn, namely, of conveying the coal in baskets into the tenders, but that it is conveyed by means of a grab attached to a crane, and the coal is lifted in certain cases from the trucks into the tender. Usually the trucks have to be cleared, and the coal is stored on the platform. In that case the coal is removed by a grab on to the tender from the platform. It is only in isolated cases that the basket is used, and it is only used for the purpose of testing certain varieties or classes of coal. Coming through East Perth I have seen the large chute erected in the new yards. It has been put up for the purpose of providing that very method which Mr. Lynn said should be in existence at West Perth. That will be brought into use as soon as the new yards are fully occupied. The department did not think they were justified in going to the expense of putting such an erection in the old yards, when they knew they were going to vacate them at an early date. Mr. Ewing referred in rather drastic terms to Mr. Hume. He was hardly fair to that officer, who occupies a high and responsible position in the Railway Department. Mr. Hume is not here to defend himself. I could say a great deal in his favour, but I do not think that when a measure such as the present Bill is being discussed and when Mr. Hume has not been announced as an applicant for the commissionership and he is not present to defend himself, such criticism should be indulged in. Mr. Hume, I may be permitted to add, possesses those qualifications which enable us to say that he has discharged his duties with the highest possible credit to himself and to the State. In conclusion I cannot say that the management of the railways will be in any way made more successful by the appointment of three commissioners than by the appointment of one good, capable man, assisted, as he should be, by other capable officers. It is my intention to vote against the second reading of the Bill.

Hon. J. CUNNINGHAM (North-East) [12.32]: I intend to vote against the second reading of the Bill. In August or September of last year the Premier, in his policy speech at Moora, stated that it was the intention of the Government to increase the railway freights and fares. This Bill is the thin end of the wedge, the object being to introduce that policy of increasing the freights and fares. If the Bill is carried the Government will be able to shelter themselves behind its provisions, which provide for the appointment of three commissioners. It would be better and more honest on the part of the Government if they themselves carried out the policy that they have announced. I realise the position of the Government in con-

nection with the Bill so far as that matter is concerned, but I am afraid they will have very few supporters. I know it is useless flogging a dead horse, but I must take advantage of the opportunity to point out to the Government that in the event of them being successful with this measure they will have to do something in the direction of making the railway system more profitable, and to do that they must set about to give those industries which are carrying the burden of the freights some relief. The last increase in railway freight between Perth and Kalgoorlie amounted to 11s. 3d. a ton, and it was considerably more between Perth and Leonora. Members have pointed out on different occasions that the mining industry is going back, and yet we are faced with the fact that nothing has been done in the direction of affording relief by reducing the heavy freights which have been imposed during the past three years. The Wilson Government did something for the relief of the people connected with the agricultural industry by reducing the freights on superphosphates, and also the terminal charges, but whilst they gave that measure of relief they increased the rates in other directions. The management of the railway system of Western Australia compares favourably with the management of the systems in the other States. I am opposed to the principle of management by a commissioner. I believe that the Minister should assume the full responsibility. Under the present system we find that the Commissioner of Railways has no power to carry out a policy, even supposing he had one, for the better management of the railways, because the Minister would veto any suggestion he might make. So it seems to me the Commissioner of Railways is used for the purpose of protecting the interests of the Minister for Railways. It would be better for the Minister to accept full responsibility. Then if the Government had a policy and the courage to put it into operation, we should get better results. I will vote against the second reading.

The COLONIAL SECRETARY (Hon. H. P. Colebatch.—East—in reply) [12.40]: I do not propose to detain the Committee at any length. Apparently, if the Government have any supporters in connection with the Bill they are, for the most part, silent supporters. There is an old saying that all roads lead to Rome. Apparently, all shades of opinion lead to opposition to this proposal. Those who think the railways in the past have been well managed say, "Therefore we will vote against three Commissioners." Those who think the railways in the past have been badly managed say, "Therefore we will vote against three Commissioners." Those who think the railways should be under Ministerial control say, "Therefore we will vote against three Commissioners." This is curious, in view of the fact that in most of the other States the principle of three Commissioners has been adopted and approved, as against the principle of one Commissioner. I should like to assure Mr. Holmes that the Government are sincere in their proposal and that steps have been taken

so that, had the Bill been passed, the necessary action might have been proceeded with to secure the appointment of three Commissioners with the least possible delay.

Hon. R. J. Lynn: I heard that Mr. Holmes was likely to be one of the Commissioners.

The COLONIAL SECRETARY: I do not know where the hon. member got his information from. I suppose Mr. Holmes would have been just as much entitled as anybody else to apply for the position. The Government were also criticised for not having made an appointment directly Mr. Short's period of office terminated. I do not think that is a reasonable criticism. I do not think the time was at all opportune for making an appointment as Commissioner of Railways; I do not think the Government would have had a good chance of getting a first-class man to apply under the conditions then prevailing, nothing like so good a chance as they have now, when the war is over. For the same reason, believing as they did that the system of three Commissioners was better than the system of one Commissioner, the Government could not make the appointment without first endeavouring to get from Parliament the sanction to do what the Government believed to be in the best interests of the railways and of the State. I can also assure Mr. Holmes and others that there is no political element in this proposal. I notice that an amendment has been placed on the Notice Paper by Mr. Holmes which would suggest that he had it in his mind that the Government were influenced by certain political or personal considerations in putting forward this proposal. I can assure him nothing of the kind was ever contemplated. It has occurred to me that it might assist hon. members in making up their minds on this question if they knew the attitude taken up by Mr. Holmes in 1902, when he had just relinquished the position of Commissioner of Railways. This was the opinion of the hon. member when he had had the advantage of experience of Commissioner of Railways—of course it is a long time ago, and I fully expect that some day an old member of this House, or of another place, will rise in his place and move that all volumes of "Hansard" more than three years old be taken out and burnt by the public hangman. I am not sure that I myself would not support such a motion. Mr. Holmes said—

It should then be the duty of the Commissioners to bring about the result desired by Parliament. It is the same with the railway servants. The Commissioners are quite as capable as Parliament of dealing with the men. The men are absolutely dissatisfied with the conditions that exist to-day. They absolutely do not know where they are. They are shunted from pillar to post, from district superintendent to traffic manager, from traffic manager to general manager, from general manager to Commissioner; whereas if we had three Commissioners controlling the railways on a commercial basis, the men would be dealt with promptly, as they are in large commercial institutions. . . . I declare now, and will subsequently follow it up, that the railways should be under

the absolute control of Commissioners. Let us have Commissioners, and do not let us have any "Chief" Commissioner. We have now too many chiefs in the Railway Department. We have a chief traffic manager and no other traffic manager; a chief mechanical engineer, and no second mechanical engineer; we have a chief at every stage, and no other man with a similar title in the same branch. Have a chairman of Commissioners, if you like; but let each Commissioner stand on the same footing, and let there be two in favour of a certain line of policy before it can be carried.

So, it seems to me, the proposal of the Government cannot be such a very bad one since it found, apparently, entire favour with the hon. member when he had just relinquished office as Commissioner.

Hon. G. J. G. W. Miles: He had not so much sense then as he has to-day.

The COLONIAL SECRETARY: This was in 1902. The hon. member was speaking on the Address-in-reply. In fairness to him I must say that, when the Bill for the appointment of three Commissioners came forward, he made this remark—

I am not wedded to three Commissioners; I am satisfied to accept one for the time being; to appoint a Commissioner and let that Commissioner have absolute control.

And when the question of one or three Commissioners came to a division Mr. Holmes did not vote. In that connection I realise the disadvantage of my position to-night, having so few supporters and being deprived of your support, Sir, because I am sure that the presence of your name amongst those who in 1902 voted for the three Commissioners serves to assure me of your support for the proposal to-night. My only avowed supporter, Mr. Ewing, on that occasion voted against the three Commissioners. I do not propose to deal at any length with Mr. Sanderson's reference to the Federal position. The unification that he so ardently desires has not yet been brought about, and Western Australia still owns and controls her own railways under the authority of the Parliament of this State. I can assure Mr. Miles that the present Commissioner of Railways is retiring in an honourable fashion, in a fashion that any man with Mr. Short's length of service might very well be satisfied with and proud of. It is not competent for the Government to give away public money, or to treat public servants lavishly; but as far as the circumstances permit, the treatment accorded by the Government to Mr. Short should be sufficient evidence of the fact that his work has been appreciated.

Members: Hear, hear!

The COLONIAL SECRETARY: The argument has been frequently used that what we want in the Railway Department is less political interference. I quite agree with that. There are great difficulties in running a railway system owned by the public, in the same way as it would be run if it were a private concern. Much railway work is of a developmental character, and it is impossible to run a railway system purely and entirely on busi-

ness lines, although there is a good deal to be said in favour of the contention put forward by Mr. Kirwan and other hon. members that if an industry is to be assisted through railway policy, it would be useful information to the country to know what such assistance costs.

Hon. G. J. G. W. Miles: Why not follow that course?

The COLONIAL SECRETARY: It would have its advantages, but I can see even now that there would be arguments on the other side. I do not think it necessary that I should refer to the question of Collie coal. But it did strike me as somewhat curious that one of the members who threw out a good many references to Collie coal should also dwell on the necessity for doing away as far as possible with political interference in the management and control of the railways. I join with Mr. Nicholson in deprecating the remarks made by Mr. Ewing in regard to Mr. Hume. I have here a file dealing with the question of spark arresters, and if it were earlier in the evening, and if I did not feel that I should be quite unjustified in risking the loss of a supporter on this Bill, a supporter whom I can ill spare, I might be tempted to quote at some length from the file and satisfy hon. members that Mr. Hume has not adopted the attitude which has been charged against him. If I thought that by talking for an hour or two I could secure the passage of the second reading of this Bill, I should not grudge the time; but I believe in always looking at things as in very truth they are, and I realise that the majority of members are opposed to the second reading. Consequently I do not propose to detain the House any longer.

Question (Second reading) put and negatived on the voices.

BILLS (2)—DISCHARGED.

- 1, Government Tramways Act Amendment.
- 2, Government Electric Works Act Amendment.

On motions by the Colonial Secretary.

BILL—VERMIN.

Request for Conference.

Message received from the Assembly requesting a conference on the alternative proposed by the Council to No. 7 of the amendments originally made by it to the Vermin Bill to which the Assembly had disagreed and notifying that Hon. F. E. S. Willmott (Honorary Minister), Hon. T. Walker, and Mr. Piesse had been appointed managers for the Assembly at the conference should it be agreed to.

Hon. C. F. BAXTER (Honorary Minister) [12.50]: I move—

That in reply to Message No. 23 from the Legislative Assembly, a Message be transmitted to the Legislative Assembly, agreeing to the conference, and that the Honourables V. Hamersley, J. J. Holmes, and the mover be appointed managers on behalf of the Legislative Council, and that the conference meet in the President's room at 7.30 p.m. on Thursday, 19th December.

Question put and passed, and a Message accordingly returned to the Assembly.

Legislative Assembly,

Wednesday, 18th December, 1918.

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

[For "Questions on Notice" and "Papers presented" see "Votes and Proceedings."]

MINISTERIAL STATEMENT—FREEZING WORKS, WYNDHAM.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [4.33]: With the permission of the House I should like to make a statement regarding the figures I gave last night, when dealing with the Loan Estimates, in respect of the works equipment and water supply of the freezing works at Wyndham. Last night I was relying on memory, but I now have the exact figures. The actual expenditure to 30th June in connection with the works equipment and water supply was £417,896, and the expenditure from that date up to yesterday inclusive has been £63,614, or a total of £481,510. The estimated expenditure from the 1st July, 1918, to the 30th June, 1919, is £125,818, of which as I have said, £63,614 has been spent, leaving £62,204, which brings the total up to £543,714, to which has to be added departmental charges amounting to £38,000, giving a total of £581,714. The total estimated expenditure on the jetty is £45,000, which brings the figures up to £626,714. I am not very sanguine that the expenditure will be kept within these bounds.

RAILWAY PORTER OAKES, SELECT COMMITTEE'S REPORT.

Mr. SMITH (North Perth) [4.27] brought up the report of the select committee appointed to inquire into the case of Railway Porter Oakes.

Report received and read.

MOTION—LAND ACTS, COMPILATION.

The PREMIER AND MINISTER FOR LANDS (Hon. H. B. Lefroy—Moore) [4.49]: I move—

That it be resolved and directed that the Land Act, 1898, with its amendments be compiled under the provisions of the Statutes Compilation Act, 1905.

In addition to the Land Act of 1898, there are 13 amendment measures dealing with land legislation. The Statutes Compilation Act of 1905 was passed with a view of meeting the desire to compile the number of Acts of Parliament dealing with one subject, so that those Acts might be in more convenient form, not only for hon. members, but also for the use of the public and of the legal profession. So far there have been only two compilations—the Criminal Code of 1902, with six amendment measures, and the