Legislative Council,

Tuesday, 22nd October, 1912.

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

PAPER PRESENTED.

By the Colonial Secretary: Statutes made by the University Senate.

LEAVE OF ABSENCE.

On motion by Hon. Sir E. H. WITTENOOM leave of absence granted to the Hon. R. W. Pennefather for twelve sittings on the ground of ill-health.

OBITUARY—Mr. ZEBINA LANE.

The COLONIAL SECRETARY (Hon. J. M. Drew): It is my mournful duty this afternoon to have to advise the House of the passing away of one of the State's prominent citizens, and one who has done considerable public service to this country by his extensive commercial activities, and also in a legislative capacity. He was a member of this House since September, 1903, to May, 1908. I refer to Mr. Zebina Lane, of whose death we received intelligence this afternoon. The late Mr. Lane was well known to members of the House, and also to the people of the State. He was universally esteemed as a business man and citizen. He was a native of England and arrived in Australia while yet a young man with his way to make in the world. How he succeeded by indomitable pluck and perseverance in winning for himself a foremost position in the business world and the public life of his adopted country is well known, and the wide circle of friends which he gathered around him in Western Australia will gratefully acknowledge the many estimable attributes which endeared him to those with whom he came into contact. After some years spent in the Eastern States Mr. Lane came to the West in the pioneer years of the mining industry here, and was prominently associated with the development of the Yilgarn goldfield in its early days, and afterwards with the opening up and development of Coolgardie, Kalgoorlie and the Golden Mile. He played a part also in the early history of the Collie coalfield and, I understand, retained his connection with that field through its many vicissitudes. In this House he was respected and esteemed by members for his kindly nature and unobtrusive courtesy; and when continued ill-health compelled him to retire from active politics, it was felt by those of us whose privilege it was to know him here, that the House had parted with a member whose ripe experience and sound judgment had stamped him as of more than ordinary usefulness in the consideration of public questions. I will ask members to adopt a motion of condolence with the bereaved family, and, therefore, I beg to move—

That a message of condolence be sent by the President on behalf of the Council to the family of the late Zebina Lane, a former member of the Legislative Council.

Hon. Sir E. H. WITTENOOM (North): I second the motion.

Question passed.

BILL—AGRICULTURAL LANDS PURCHASE ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th October.

Hon. J. D. CONNOLLY (North-East): I have no objection to offer to the Bill. I think that when large estates are to be purchased it is always well for the Government to avail themselves of the opportunity to repurchase them so that they may be subdivided, thereby increas-

ing the population and the wealth of the State; but while I do not disagree with the Bill, I take strong exception to the remarks of Sir Edward Wittenoom. In speaking to the Bill the hon. member condemned roundly the action of the late Government in buying the Avondale estate, and while doing so in very emphatic language he made this statement, that he thoroughly believed in the principle of bringing before Parliament the purchase of any estate, such as the Avondale, worth more than £100,000. Those very words show that the hon. member knew very little of the subject on which he attempted to speak, because the Avondale estate was not bought for £100,000; it was bought for about half that amount. The Colonial Secretary, in introducing the Bill, stated very clearly the purpose of the Bill. Each time a purchase has to be made of a large estate the capital has to be increased in order to make the purchase, and the Colonial Secretary very clearly stated that the object of this amending Bill was to purchase the Yandanooka estate on the Midland line at £140,000. Sir Edward Wittenoom further stated that if the Avondale purchase had been brought before Parliament it would never have been assented to.

Hon. Sir E. H. Wittenoom: Did I say that?

Hon. J. D. CONNOLLY: I think so. The hon. member no doubt did imply that the Yandanooka estate was brought before Parliament so that its purchase might have the concurrence of Parliament. Let me tell the hon. member for his information that the Avondale estate was brought before Parliament in exactly the same form. When a Bill amending the Act was introduced it was stated at the time that it was for the purpose principally of purchasing the Avondale estate at Beverley for something like £50,000. Therefore, if this Bill before us now puts the purchase of the Yandanooka estate before Parliament, most decidedly the Bill of a few years ago did exactly the same thing in regard to the Avondale estate. It is idle for the hon. member to say that the estate would not have been purchased. Parliament are not expert advisers as to the purchase of an agricultural estate; and with all due respect to Sir Edward Wittenoom I do not accept him as an authority on agricultural land as against the board which I shall name presently. The hon. member seemed to go out of his way to make this assertion, which had nothing to do with the Bill, against gentlemen whom he calls friends, and against my old colleagues and against one, at least, Sir Newton Moore, who is absent from the State. It was unjust and extremely ungenerous on the part of the hon. member, and was just about on a par with his generosity when he assisted by his vote in trying to refuse me an adjournment when I moved it so that I might reply to the assertions made, not so much on behalf of myself, but on behalf of my late colleague, Sir Newton Moore, who as Premier and Minister for Lands was most intimately connected with the Avondale purchase. I acquit the Colonial Secretary of refusing the adjournment, because he has since informed me that he did not know my object, but I do not acquit Sir Edward Wittenoom, because he most certainly could hear the purpose for which I said I wanted the adjournment. In regard to this estate, purchased under the Act we are now amending, it belonged to Mr. Butcher, at that time member for Gascoyne in the Legislative Assembly. It was recommended by the permanent board, which reports on all these estates for repurchase; indeed these estates are only purchased when the board recommends it. The board consisted of Mr. John Robinson, Mr. Johnston, the Surveyor General, Mr. E. M. Clarke, Mr. Gell, a well-known agriculturist of Wagin, and Mr. Mitchell, of Dongarra, another well known agriculturist. These gentlemen strongly recommended the purchase of this estate, and so keen did they feel about it that they personally saw the Premier and Minister for Lands, Sir Newton Moore, and urged on him its desirability. The estate was not purchased at the time, but, later on, after the Bill for the purchase had been before Parliament, it was purchased by the

then Minister for Lands, Mr. James Mitchell, Mr. Frank Wilson being Premier at the time. Mr. Mitchell is a gentleman who has made a success of agriculture, and he was strongly in favour of this proposition. I might say that everyone of those gentlemen acting on that lands purchase board are experts in agriculture, and have made a success of it themselves.

Hon. J. Cornell: Where did they make that success—on the Avondale estate?

Hon. J. D. CONNOLLY: If the hon. gentleman would make an interjection to the point there might be some sense in it. The purchase of that estate was recommended by the board because it was a highly improved property, within the 14in. rainfall, lying alongside Beverley town and railway station, while there were two other railway stations—I am not sure there was not a third—on the property. The price may at first sight seem large—it was somewhere in the vicinity of £5 per acre—but the property had on it four houses and other improvements. It was all exceptionally well fenced, every acre was cleared, and almost every acre was cultivated, and a lot of it was fallowed; so the buyer had only to take possession, put in his crop, and get a direct return within a few months. It is said that a great part of the estate is still unsold. I say the whole of the estate would have been sold to-day if the present Government had so desired. Several blocks were sold immediately. Sir Newton Moore himself bought one block, and has made a great success of it. But the present Government came into office and changed the policy, and decided that they would lock up the estate. I know at least two men who would willingly purchase portions of that estate, namely, Mr. Meares, of Cannington, and Mr. Roberts, who bought Canon Groser's farm at Beverley, and was extremely disappointed because the present Government would not sell him any of the Avondale land. That land is all good, and would be sold readily if the Government so desired. Their policy is not to sell the land, but to keep it for some other purpose. I have been to Beverley frequently, and on each occasion people have told me that they would gladly buy the place if only the Government would sell it. I do not know what can be the intention of the Government in holding it; I have heard something said of the possible establishment of an agricultural college; but I know the whole of the estate would sell readily if the Government so desired. In regard to the object of the Bill, I may tell the hon. members, who seem extremely anxious that the Yandanooka property should be purchased, that I have no objection whatever to that purchase. This Yandanooka property was offered to the late Government for £139,000, or, leaving out 1,000 acres near the homestead, £135,000. I understand the Minister says it is now proposed to purchase it for £140,000, which is £1,000 more than the price at which it was offered to us. Of course I do not know what improvements may since have been made upon the place. We had the offer of this Yandanooka estate, but we took the Avondale estate instead, because it is within the 14-inch rainfall, and is highly improved, so that people can go on it at once. Yandanooka is not nearly so well improved, and certainly it is not in a rainfall to be compared to that at Beverley. That is the reason why Yandanooka was not purchased by the late Government, and why Avondale was selected instead. I presume the present Government have the report of the board on the Yandanooka purchase. I believe the board did recommend Yandanooka, but we thought Avondale the better purchase. For the hon. member to say offhand that Yandanooka is a good purchase and that Avondale was not, suggests that the hon. member is talking of something he knows nothing whatever about. We had the opinion of the board, who were all expert agriculturists, that it was a good purchase, and I have yet to learn that anyone takes the hon. member seriously as a judge of agricultural land. I have no objection to offer to the Bill at all, or to the increasing of the capital for the purchase of Yandanooka. Indeed the purchase of any estate that can be cut up into small farms and so made to accommodate the increasing agri-

cultural population will ever have my support.

Hon. C. SOMMERS (Metropolitan): I gladly support the Bill. I am always in favour of the Government purchasing large estates for closer settlement. So far as I can gather, Yandanooka is a fairly reasonble proposition, which will serve to increase settlement and so add to the prosperity of the State. While on the subject, I think if the Government would adopt the practice in existence in Victoria it would help us materially. In Victoria, I understand, the funds of the Savings Bank are used, just as they are here, but there is a board which considers every proposal before this money is loaned out. In the Avondale estate, and many others which the Government have purchased, they have taken a certain risk, and sometimes they have had to suffer a loss. There is always a residue left on their hands. The Victorian practice would get over that difficulty. Under that practice, assuming the Yandanooka estate was for sale, a body of settlers in the district, or in any other district for the matter of that, knowing the estate was for sale, would go to the owners and ask the price. Let us suppose it was £100,000. They would then get together and practically cut up the estate among themselves, go down to the board appointed and say, "We are desirous of purchasing the Yandanooka estate at a price of £100,000. We cannot put up much cash, perhaps one-tenth, perhaps only five per cent., but our position is good; we own stock and some machinery, and are prepared to take the land straight away on, say, 20 or 25 years' terms." If you can get a body of men to cut up an estate in this way the Government settle the land without taking any risk whatever. Where the Government cut it up they have to do it according to the ideas of their surveyors, and a great deal of land is lost through the number of roads which it is sometimes thought necessary to make. Probably after the Government have cut it up the would-be settlers say, "Oh, you have made a mistake here; you have cut it up this way, instead of which you should have cut it up that way." The advantage of the Victorian system is that the body of settlers who desire to purchase the estate cut it up beforehand, knowing exactly what is necessary; and they take the existing fences as their boundaries, and parcel out the water supplies among the various lots, and so they save money all round, in every direction. The system has acted very well in Victoria. It is the duty of the board to investigate representations made by these farmers. The only drawback is that the estate is not thrown open to the general public. There are heaps of opportunities for men in various districts to acquire land by simply asking for these estates to be subdivided. Take Yandanooka: the Government will send a surveyor there, and that officer will cut it up. The subdivision is only his own idea. Then you have to throw it open. It may take two or three years to successfully float off the whole of that property, and in the meanwhile we are paying interest. Fences are thrown down, roads are made throughout the property, the buildings are not properly appreciated, and the whole thing resolves itself into considerable loss, as a rule, whereas, by the Victorian practice we accomplish the same object without any risk whatever. It seems to me so good a scheme that I think it would be worth while for the Government to investigate it, and see whether it would not be better to adopt the practice here.

Hon. E. M. CLARKE (South-West): I have pleasure in supporting the Bill. In doing so and in defence of Sir Newton Moore, who is not here, I venture to say that if there are never any greater blunders made than was made in the purchase of the Avondale estate, there is not likely to be much for the country to complain about. To criticise the advisability or otherwise of the purchase of one estate is not a fair thing, but if the House will take into consideration the thousands of acres purchased on the recommendation of the lands purchase board, they will find that the figures are somewhat gigantic. I do not propose to defend myself one scrap. All I got out of that purchase was simply the privilege of paying my own expenses there, with the exception of the railway pass. That was all I got or expected to get, and I say emphatically it

was an estate the like of which I had never seen before. The fences on that property were all in first-class order. They were in such positions that each and every one of them could be used as a subdivisional fence. There were three first-class homesteads there. Everything you could want was on the place, including a very fine portion of the Mortlock river, consisting of a pool three-quarters of a mile long. All the land was cleared, or contracts let for the clearing, and 1,000 acres was already fallowed for cultivation. To put it at a modest estimate that would represent 7s. 6d. an acre. We did confer with Sir Newton Moore about that in case we were offering too much, but there had been a demand for properties improved so that men of capital could go straight upon them and get some immediate result. For a considerable time the purchase of estates had been confined to a great extent to unimproved properties, but this one was highly improved. I may say that in all my experience of the purchase of land the ones who know least about it are very frequently the people who have lived in the vicinity for years. I have found that I could often tell them more about the land than they knew. I do not wish to defend myself, but I say that Sir Newton Moore purchased this estate in all good faith, and we have yet to learn that it was a mistake to purchase it. In the face of the fact that the Government decline to part with any more of it, why should anyone be reproved for purchasing that estate? Bearing in mind the huge amount of land purchased by the various Governments on the recommendation of the Land Purchase Board, I say if no greater mistake or failure is made than has been made up to the present, we will not be able to complain. I only wish Sir Newton Moore was here to take his own part, but I rose to defend him on that.

The PRESIDENT: The hon. member must speak to the Bill.

Hon. E. M. CLARKE: There has been some criticism, and I may be pardoned if I get away from the subject. I support the Bill because the land purchase system which has prevailed in this State has been a huge success. Only a few weeks ago I travelled over an estate of some eighteen thousand acres and I scarcely recognised the place. Where formerly there was nobody, there was on the occasion of my visit any amount of settlement. That is a good thing, and the Government cannot go wrong by purchasing estates if they purchase at reasonable prices.

Hon. H. P. COLEBATCH (East): I do not intend to oppose the second reading, but there is one feature of the question to which I wish to direct the attention of the House, and I hope the leader of the House, when he replies, if he does reply, will give us definite information as to whether it is the intention of the Government, after buying this particular estate or any other which they may buy under the authority of this measure, to dispose of it by sale. I think many members of this House, whilst they would be quite willing that an extra two hundred thousand pounds should be devoted to this purpose of agricultural lands purchase, in order that land might be cut up and resold, regarding it as most of us would, as a good investment for the country, many members I say would look at it in an entirely different way if they were given to understand that this land was to be repurchased and then simply leased at a rental of say three per cent. as is provided for the leasing of land under the Workers' Homes Act. Reference has been made to an estate previously acquired under the Lands Purchase Act. I am not going to discuss the question whether it was a good purchase or not, but it has been stated that that land would have been readily bought had the Government been willing to sell. I should like to point out that under the Agricultural Lands Purchase Act, which we now propose to amend in this small detail by increasing the amount of money available, the Government of the day appear to be given no option in this matter. Section 9 of that Act says—

> All land surrendered to His Majesty under the provisions of this Act shall be deemed to be Crown lands, and after being surveyed into sections, and, if necessary, classified, shall be disposed of in accordance with the provisions of

the Land Act, 1898, as modified by this Act.

I ask members to note that the section says "shall be disposed of." This Act does not contemplate that the Government shall acquire lands and hold them. If they want to acquire land for any other purpose they must do so under another Act. The Agricultural Lands Purchase Act merely gives them power to purchase lands for subdivision and settlement, and the words of the section are mandatory, for it says they shall be disposed of. Section 10 gives power to the Minister if he thinks fit to effect certain improvements before disposing of the land, and Section 11 gives power, with the approval of the Governor, to set apart portion of the land for roads, reserves, townsites, suburban areas, and other purposes as may be found necessary; but it says that the remainder of the land shall be thrown open for selection, under the provisions and conditions of Sections 55 or 56 of the Land Act—there is no option. Members know that those sections deal with conditional purchase. Section 55 being with residence and Section 56 without residence. The word "shall" is used, "the land shall be thrown open for selection."

Hon. J. D. Connolly: That is the beginning and end of the Act.

Hon. H. P. COLEBATCH: Quite so, but the action of the Government in withholding from selection the Butcher estate appears to be entirely irregular, and entirely contrary to this Act. The purchase of land in this way is permitted for one purpose only, namely to make provision for purchase for immediate settlement, and to facilitate immediate settlement of the land. It appears that the Government having exercised the right of purchasing an estate under this Act have no power other than to immediately re-sell it after having subdivided it and made any improvements the Minister may think fit. I shall be glad if the leader of the House will intimate the intention of the Government, because from my reading of the Agricultural Lands Purchase Act it would be clearly an illegal action to re-purchase this estate with any other object than its subdivision and sale under Sections 55 and 56 of the Land Act, 1898.

Hon. J. W. KIRWAN (South): I regret that I cannot join in the chorus of approval with which this Bill has been received in this Chamber. The policy which the Government are adopting in connection with this Bill is as was carried on by the previous Government, and with which I did not approve. Reference has been made to the intention of the Government, if this Bill is passed, to purchase the Yandanooka estate at a price of £140,000.

Hon. Sir E. H. Wittenoom: How many acres are there?

Hon. J. W. KIRWAN: Nearly eighty thousand acres of freehold and a certain amount of leasehold. Reference has also been made to a purchase by a previous Government, and some controversy took place as to whether it was wise. I am not in a position to say whether these purchases are wise or whether the Government are getting their money's value for them, nor is it from that aspect that I regard this Bill; it is on the general principle of this measure. It seems to me a very deplorable thing in a State of such vast extent as Western Australia that there should be land locked up to such an extent that the Government should have to pay large sums of money in order to repurchase it. It does not seem to me to be a good advertisement for this State, and it seems hard to reconcile that policy with the announcements constantly being made that there is land available in this State for all the immigrants who care to come. This is a position that I have not heard satisfactorily explained, but there is another point, and it is a more important point than that. The Federal Government, by means of Federal land taxation are engaged in pursuing a policy that I at any rate very strongly approve of, and I believe a majority of the people of Australia approve of. It is by imposing land taxation that has for its primary object the breaking up of large estates with a view to promoting that closer settlement which is so desirable.

Hon. M. L. Moss: They raise far more on the taxation of city property than rural land.

Hon. J. W. KIRWAN: I am not referring to that at present; I am only speaking of the endeavours being made, rightly or wrongly, though I think rightly, to impose taxation with the object of causing landowners either to utilise the land they hold or allow others to utilise it and thus promoting closer settlement. I understand that policy has been attended, in some parts of the Eastern States, with considerable success. It seems strange to me if what is happening in the Eastern States would not happen in the near future in Western Australia, and before the Government embark on this large expenditure of money, I think it would be wise for them to see exactly how this tax is operating regarding these large estates in Western Australia, to ascertain whether some of the holders of these estates are not very anxious to get rid of them in consequence of that taxation, and make sure that if they do carry the estates for some years longer and pay their taxation they would not of themselves adopt means for utilising or breaking up these estates and so promote that closer settlement which the Government so much desire, and which is so desirable in the interests of the country. I trust that the Government before they proceed further than they have been committed in this matter will make careful inquiries and will hesitate a good deal before they proceed with the policy that I do not believe is approved of by the bulk of the people of Western Australia, a policy of purchasing large estates for the purpose of closer settlement. That object is a most desirable one, but I am surprised and disappointed if this Government cannot go one better, if necessary, than the Federal Government to achieve the object rather than by the purchase of these estates.

Hon. J. F. CULLEN (South-East): The hon. member seems to me to have reasoned in a circle. He assumed that the policy of the Federal Government's land tax is having the effect of forcing large estates on the market.

Hon. J. Cornell: It has.

Hon. J. F. CULLEN: May the hon. member not also assume that this estate is affected in that way?

The Colonial Secretary: That is exactly the position.

Hon. J. F. CULLEN: And may he not assume that the situation the Government are dealing with has been thus brought about, and that the Government are taking advantage of what has happened? But a serious point of the matter, which was also referred to by the hon. member is this question of granting an extra £200,000 at the present time of financial stress. I think it is well worth weighing whether just now the Government ought to put £200,000 of its possible borrowings into the purchase of land.

The Colonial Secretary: We intend to issue bonds.

Hon. J. F. CULLEN: That comes practically to the same thing; the issue of bonds is only another form of raising a loan, just as the Federal Government's Bank note issue may be described as borrowing without mentioning it. I assume that the Government have had the best advice as to the value of the estate. The point raised by Mr. Colebatch is an important one, and I imagine the answer will be that the Government are about to do now what it should have done nine or ten months ago, namely, bring down a Bill embodying their policy of leaseholds as a substitute for freehold. During the twelve months of the Government's existence they have been indirectly trying to establish that policy instead of submitting a Bill to let Parliament say yes or no on the matter. I am glad to know that a Bill is about to come down, under which alone, it will be possible to hold this Crown land under lease. I am not assuming that Parliament will pass any such measure. I strongly hope Parliament will not. The Government are perfectly right in submitting the matter to Parliament, as it is a part of their

policy. With regard to the purchase of this estate, I assume that the Government have had the best advice as to the wisdom of the purchase, and therefore I shall suport the measure.

Hon. J. CORNELL (South) : I should like to say that I am not too much in love with the proposal for the re-purchase of large areas. I think what we desire should be effected by taxation and the people who hold estates should be forced to work them to their fullest capacity.

Hon. Sir E. H. Wittenoom : They are doing so.

Hon. J. CORNELL : It has been argued that one of the reasons why the Yandanooka estate is being sold is that the Federal land tax is forcing the holders into the market; and yet the State Government have gone to their assistance. I would like to see them get a little taste of the Federal land tax just to find out whether these lands have been taken up for speculative purposes or otherwise. However, it is my intention to vote for the measure on the understanding that leaseholds only will be granted. We have heard glowing accounts of the closer settlement schemes in Victoria, and it has happened in that State that on two or three occasions land which was compulsorily purchased and cut up was again bought back. This I know is true. I know myself of one estate which was re-purchased and sold twice.

Hon. D. G. Gawler : Would you give them the option of taking leaseholds?

Hon. J. CORNELL : I would protect them from their own ignorance.

Hon. D. G. Gawler : Even if they wanted freeholds.

Hon. J. CORNELL : People have to be protected from themselves or at any rate the community must protect them. I shall support this Bill, provided that the policy of leaseholds will be applied to this and all other re-purchased estates.

Hon. H. P. Colebatch: Under this measure you are bound to give them freehold.

Hon. J. CORNELL : At any rate, we shall hear the Colonial Secretary in reply on that matter.

Hon. Sir E. H. Wittenoom (in explanation): I should like to say that Mr. Connolly has misrepresented what I have said, and in mentioning Sir Newton Moore's name made what I call a vindictive speech. All I have to say is that in regard to the purchase which the Government propose now to make, I entirely approve of it, and I say that the purchase of the Butcher estate was a bad one, and I emphasise that as strongly as I can. I do not know anything about Sir Newton Moore's name in the matter at all.

Hon. T. H. WILDING (East): I support the Bill because there is no doubt in the past that purchases of different large estates and cutting them up has been the means of settling a good many people on them. Wherever there is a large estate which is suitable for the purposes of being cut up, and the owner is prepared to sell, it should be the policy of the Government to buy it, more especially when an inspection of it has been made by the board which we have composed of a lot of practical men. When these gentlemen go out and inspect any estate that may be offered, the House can be assured and the country also can be assured that if they state it is suitable and it is worth the money asked, we can be prepared to give it. A reference has been made to the Avondale estate. I happen to know a little about that, and I want to say that the purchase price was not too great. It was a very well improved piece of country, well fenced and cleared, and the price of £5 per acre was not excessive, although it might have appeared to have been excessive to many people who did not know the value of the land. I do not think £5 per acre for that estate of 20,000 acres was too much.

Hon. J. D. Connolly: Ten thousand acres.

Hon. T. H. WILDING: The old estate then consisted of 20,000 acres, but on the whole it is exceptionally good land.

Hon. Sir E. H. Wittenoom: What about the 1,500 acres of stone on the estate?

Hon. T. H. WILDING: If there is that stone on the estate, there is a good deal of land which is worth much more than £5, and that of course makes up for the other. There have been people from the Eastern States here recently who have claimed that some of that land is worth £10 an acre.

Hon. Sir E. H. Wittenoom: Is it all sold?

Hon. T. H. WILDING: No, because the Government would not put a price on it. Mr. Meares was prepared to purchase some of it and he stated that the Government would not put a price on it because it was not for sale. If that is so, the previous Government should not say that they bought a property which was not worth the money they gave for it. I think it was. Some reference has been made to the fact that in the past people had no right to acquire large properties. I claim that the country ought to be thankful to those pioneers who came here and took up land and developed the country. Yandanooka has been mentioned as being no good.

Hon. R. G. Ardagh: It is too dear at £5.

Hon. T. H. WILDING: But we have heaps of land in Western Australia suitable for cultivation, that is if the right class of people will go on it. There is land that can be bought from the Crown for less than 10s. an acre that will give a yield of 15 bushels, and there is plenty of it. It may not be forest land, but it is good agricultural land, and if the hon. member wishes to go on the land I will show him where it is. Those who have taken up land which was previously lying idle and put stock on it and developed it, as has been done in so many cases, deserve the thanks of the State. Mr. Kirwan thinks that the pioneers had no right to this land. I claim that the people who went on the land and developed it in the early days, and who took their lives in their hands, are entitled to whatever they might have acquired for themselves and for their children afterwards, and to say that this land should now be forced out of their hands by means of taxation is unjust, ungenerous, and unfair. I believe that nearly everyone who holds land in the State is using it to the greatest possible extent. There are men holding land who have borrowed all they can and are carrying heavy loads, and taxation on top of that is excessive, and no doubt these are the people who would be glad to get out of their holdings. These, however, are the people who have helped to make this country, and yet they are the people who, after having worked so hard, some hon. members would wish to crush. I think it is a good policy to buy these estates and cut them up, provided, of course, they are suitable for that purpose. The point raised by Mr. Colebatch is one that I think requires consideration, and it will be interesting to hear the Minister's reply. I shall support the second reading of the Bill.

The COLONIAL SECRETARY (in reply): A very pertinent point has been raised by Mr. Colebatch as to whether it was the intention of the Government to dispose of the property by sale. The Government have no alternative. It is the only means by which they can dispose of the property at the present time under the existing Act. What the Government propose to do is that sometime during this session a measure to amend the Act will be introduced to provide for the leasehold principle.

Hon. H. P. Colebatch: Can you amend the same Act twice in the one session?

The COLONIAL SECRETARY: Yes, provided the amendment is not of the same nature. The Government propose to bring in an amendment to the Lands Purchase Act and give hon. members the opportunity of saying whether the leasehold principle shall be introduced in Western Australia or not. Under the present Act we have no alternative but to sell this land, and we must administer the Act. For instance, to-day wherever the Land Act gives us the power we lease land, but in connection with agricultural land we have no power to lease, and consequently we are forced into the position of selling. Whatever is done, however,

will be done in a strictly constitutional manner.

Hon. H. P. Colebatch: Why have you not sold Butcher's estate ?

The COLONIAL SECRETARY: I am surprised to hear that the estate has been withdrawn. It is the first I have heard about it. I made inquiries a few months ago, and was told that there had been only three selections, and owing to the highly improved nature of the estate and consequently the high price which was asked the blocks were beyond the means of the ordinary selector. I never expected a controversy on this subject to-day. In fact the whole of it has been irrelevant, otherwise I might have come along armed with information. Mr. Cullen said that had it not been for the existence of the Federal land tax this land would not have been offered for sale at the present time. I remember, when the Government appointed valuers in connection with the offer of the Midland Railway Company some seven or eight years ago, the land in the immediate vicinity, and which was not improved at all—some 50,000 acres —was valued at £2 per acre. Now we are offered an estate totalling 140,309 acres, which comprises 61,589 acres of freehold, 70,222 acres of pastoral leases which are heavily improved, and 2,200 acres of conditional purchase, for £140,000, and from reports and what I have ascertained from people who live in the district, I have not the slightest doubt that the estate is well worth the money. We are not paying cash for the property. We have arranged to issue bonds having a currency of 20 years, so that at the end of that term the redemption fund will have grown to such an extent that we will be able to redeem the liability. It is true that the purchase is increasing the public debt, as Mr. Cullen has said, but at the same time, we will have a splendid asset to show.

Question put and passed.

Bill read a second time.

In Committee.

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

WICKEPIN-MERREDIN RAILWAY DEVIATION SELECT COMMITTEE.

Consideration of Report.

Debate resumed from the 2nd October, on motion by Hon. H. P. Colebatch "That the report of the select committee of this House on the Wickepin-Merredin railway be adopted."

Hon. C. SOMMERS (Metropolitan): I have pleasure in supporting the motion, and I think that if hon. members have taken the trouble to peruse the report they will have come to the same conclusion. It will be seen by reference to paragraph 8 of the report that prior to the proposal to build this line the land was being offered by the Government at 10s. per acre, but—

> after the Act was passed by Parliament, lithos were displayed showing the route as suggested by the Advisory Board, as the route finally adopted, and land adjacent thereto was sold at as high a price as 27s. 6d. It is also in evidence from the officials of the Lands Department that practically all the land in the districts affected was sold after the routes recommended by the Advisory Board had been marked on the lithos.

That shows that the land was taken up by people who believed that it was more worth 27s. 6d. with an adopted railway than 10s. without a railway. We all know that no matter how good land is, if it is miles away from a railway, it is useless to settle in that district and attempt wheat growing. The committee also state, "the quality of the land on the eastern side of the lakes and adjoining the lakes on the western side is infinitely superior to that through which the proposed line would pass." In paragraph 11 they report—

> Whilst there is nothing in the evidence to suggest that in arriving at his present decision the Minister was actuated by any other motive than a desire to serve the best interests of the country, your committee is of opinion that he departed from the suggestions of the Advisory Board without sufficient inquiry.

We appoint an advisory board, not a Minister of the Crown, to say where a

railway should go, and only very grave evidence should warrant the Government in deviating a line that had once been laid down by the Advisory Board and approved of by Parliament. It is a serious thing to do, and I do trust that now the matter has been thoroughly threshed out and voluminous evidence has been taken, the Government will not break faith with the settlers who have invested their all, believing that the railway suggested by the Advisory Board and passed by Parliament would be carried through. The committee further point out—

> The element of time is a very important one from the settlers' point of view. The construction of the line had been unduly delayed before the present Government came into office, and the position of many of the settlers who have made their homes and put their all into their holdings on the distinct promise of the immediate construction of the line along the Advisory Board's route is already a desperate one.

We all know that is so. The committee continue—

> Many are undergoing cruel hardships and unless relief is afforded they must leave their land very soon.

We should keep faith with those people. We have proof that the land is good, and the settlers are willing and anxious to go on with their work. They have already done a good deal and have expended all their money, and if they are disappointed now they will have no faith in this or any other Government. Plans were displayed by the department which showed the route sanctioned by Parliament, and nothing but a grievous mistake on the part of the Advisory Board should warrant the Government in altering the course of the railway. For those reasons alone I do trust that the House will adopt the report and that the Government will see their way clear to carry it out.

Hon. R. G. ARDAGH (North-East): As a member of the select committee appointed to go into this deviation, I had an opportunity of visiting the district and hearing the evidence given there. I want to say in a few words that the opinion I formed from the settlers and those who gave evidence, even from the evidence given by members of the Advisory Board, was that one railway line would not be sufficient to serve the settlers in the whole of that district. That being so, I have come to the conclusion that the Government in making the direct route first and proposing to build a line from Kondinin, are adopting the best course to serve the whole of the district, not only now, but in the future. People have been placed on the land away to the west of the proposed route, and if the Advisory Board's route was adopted and a line built there, a great many people would be placed at a disadvantage for all time. The evidence given by the Surveyor General and Mr. John Muir, Inspector of Engineering Surveys, and even by the late Minister for Railways (Mr. Gregory), all men who hold or have held honourable positions in the State, is that one line will not be sufficient to serve the whole of the district, and that only goes to show that the Government have taken the right course in stating that they intend to build on the direct route and run a further line out from Kondinin. If the Advisory Board's route is adopted, the people about Mount Arrowsmith and Wadderin will be too far away to get their produce to the market, and the people away to the west of that proposed route will also be too far away. Consequently, I think that two railways should be built so that the whole district will be properly served for all time. I have nothing further to say. I agree with the committee in many things, and the main difference between us is that I favour the direct route and another line to Mount Arrowsmith and Wadderin, whilst they are of opinion that one line will serve the whole district.

The COLONIAL SECRETARY (Hon. J. M. Drew): This is a question upon which I do not propose to take up the time of the House at any length. What I propose to do is to submit a few facts supplied to me for the information of members. The report says—

> Mr. Daglish affirms on the contrary that he always understood and intended that the line should run east of the lakes and that the only "straightening

up" should be the cutting out of the western curve towards Kunjin and the straightening of the line between Merredin and a point 40 miles due south. Unfortunately the statement of Mr. Daglish in this particular is entirely inconsistent with his subsequent actions.

I think this is the crux of the whole matter. Mr. Daglish made a promise to Parliament to straighten the line. Two days later he interpreted that promise in a minute to the under secretary, which reads as follows—

> When dealing with the Wickepin-Merredin railway in Parliament I promised that, as far as possible, having due regard to engineering difficulties, I would instruct the surveyors to straighten up this line and make it a direct connection between the two termini. I informed the House that the first consideration would be the getting of a favourable grade (1 in 80 if possible), and the second consideration, the securing of a line representing the shortest distance between the two points. Please instruct the Engineer-in-Chief accordingly.

Then on the 29th May, 1911, in reply to a communication from Mr. S. J. McGibbon, he wrote the following:—

> I have to acknowledge the receipt of your letter enclosing notes of a meeting of settlers held recently to discuss the proposed route of the Wickepin-Merredin railway, at Kumminin. In reply I beg to state that, as far as I can judge, the settlers are under the impression that the railway will go some miles west of the route which it is likely to take. Until the survey has proceeded further I cannot definitely state the exact line, but I anticipate it will pass as near as possible to Lake Kurrenkutten on the west and then travel approximately on the line of route marked on the plans which were placed before Parliament.

That was the interpretation of the promise made by Mr. Daglish in another place on the 21st January, 1911. On the 2nd June, 1911, Mr. Daglish wrote another minute to the under secretary stating, "I approve of the line passing as surveyed near Lake Kurrenkutten." That was on the west side. The survey of this line started in August, 1910, and after the surveyors had commenced and been withdrawn from no less than three distinct surveys, they were instructed to survey a fresh route in September, 1911, and it was only on this fourth survey that the route was taken east of the lakes. Mr. Colebatch seems to attach very great importance to the fact that by adopting the direct route we are departing from the Advisory Board's recommendation, but he neglected to point out that those who were agitating for the line to go east of the lakes did not want the Advisory Board's route.

Hon. H. P. Colebatch: Most of them do.

The COLONIAL SECRETARY: I will direct your attention to some of the evidence. Here is the evidence of Mr. Arthur Hale, secretary of the Kumminin progress association; it is on page 31 of the report. There was a meeting held previous to a deputation visiting Perth. The deputation was sent to Perth to place the views of the association before the Government and the deputation was instructed to go solid for the Emu Hill route, and failing that to advocate the extension of the Quairading-Nunajin railway. The report states—

> After some considerable discussion it was proposed by M. F. Laurie and seconded by P. Keays, and carried, "That the deputation go solid for the Emu Hill route. If a definite reply be given in the negative they then suggest the extension of the Quairading-Nunajin railway so as to serve the district. Failing a satisfactory reply to either of these proposals, then the last abandoned survey of the Wickepin-Merredin railway be advocated." Proposed by A. Hemley, seconded by J. A. Fawcett, and carried, "That should the reply to our request be in the negative, the deputation meet the Minister for Lands and ask for exemption from residence and all improvement conditions with regard to selection until railway facilities are granted us."

That was the only one to the east of the lakes and that survey only followed the Advisory Board's route a very short dis-

tance, showing conclusively they were advocating three alternatives, none of which was the Advisory Board's route. Mr. Colebatch seems to be suffering from some confusion of mind as to how the country will be served by this railway and the Yilliminning-Kondinin railway when he says, speaking of the settlers along the direct route —

> Those people, I admit, would be in a much better condition if the line were constructed as the Government intend to construct it; but they are only some half a dozen in number, whereas the others are to be numbered by hundreds who, particularly those to the south of Kurrenkutten Lakes, would be permanently isolated under the Government proposal.

It is difficult indeed to understand how Mr. Colebatch arrives at the conclusion that there are only half a dozen, after a perusal of the evidence given by the settlers themselves on pages 59, 60, 61, and 62 of the report. A number of witnesses were under examination and Mr. Coyle said—

> I took up my land two years ago. The railway I was shown was to the west, the one that is now permanently surveyed. That was the plan in the Kalgoorlie Lands Office. It was in March, 1910, when the Babakine land was thrown open. It would be two or three miles from the direct line and six miles from the Advisory Board's route.

Each party seems to have been told the line would go there.

Hon. H. P. Colebatch: The others had plans, these people only said they were told that the line would go there.

The COLONIAL SECRETARY: Then Mr. Clarke stated—

> The present route suits me. When I was applying for the land I was told the line would go there. I applied in Perth on Kerkenin sheet No. 2, and I was told that the railway would run through on the direct route.

Mr. Butterworth said—

> A lot of the land on the west side of the green line which was considered of no use a few years ago is now growing splendid crops. I can speak for a few miles on the south of the Beverley road.

Then there is another batch of witnesses and Mr. Mann said—

> I took up my land four years ago last February and as far as I know the direct route was shown on the plan. It was at Beverley I took up the land. The line was shown in pencil and was to go straight.

Hon. H. P. Colebatch: We were unable to get any of these plans.

The COLONIAL SECRETARY: This evidence was given on oath, I presume. Mr. Frederick Walton stated—

> I took up my land about five years ago. It is good country. I am three miles from the direct line and I would be ten miles from Corrigin. I want to see the direct line built. It would be 15 miles to get to the Advisory Board's route.

Then Mr. Sorenson stated—

> I have held my land for two years. I fancy the straight line was shown on the plan when I took it up in Perth. I saw a map with one distinct line and it ran pretty well where the direct line goes.

Hon. H. P. Colebatch: "Pretty well"; he is very vague you see.

The COLONIAL SECRETARY: There is great difference of opinion. There are people who contend there was a promise that the line would go where it is being constructed now. Mr. Bee stated—

> The line which was shown to me on the plan was within five miles of my blocks.

Mr. Mann was asked by Mr. Stubbs—

> If the railway is moved any farther east than the green line a lot of people will be isolated and I suppose will have to give up their holdings?

and he replied "That is so." Mr. James Osborn said—

> I am situated south of the block held by the last witness. I have had my land over 18 months. When I came up here the green line was being surveyed. I made inquiries and was told the line would go within a quarter of a mile of the block. I said I would not have it unless that were so. The land is first and second class and I paid 15s. an acre.

Hon. H. P. Colebatch: Fifteen shillings with the line right up against him, and other people were prepared to pay 27s. an acre.

The COLONIAL SECRETARY: He has not much to complain of. Mr. Z. Clapp stated—

> I called on Mr. Horsman and he showed me a surveyed line that passed through his block. Later on I saw in the *Land Settlers' Guide* for 1911 a line going practically direct as soon as it passed the rabbit-proof fence.

I presume that statement was investigated. Mr. Franklin said—

> I took up my land three and a-half years ago. I understood the railway was to go straight, and I saw a map in the Lands office showing a line going near the corner of my block.

It is difficult indeed to imagine how anyone can be so isolated between two railways, situated 25 miles apart. Mr. Colebatch says—

> We have to consider whether we are giving a fair deal to the people who have trusted the Government in the matter of taking up land and are paying for it on certain conditions, and whether we are keeping faith with everybody as every Government should do.

And again—

> But it was the province of the committee to say where, in order to secure the best return for the country, and keep faith with the people, this particular railway should be made.

These statements imply that by adopting the direct route the present Government are breaking faith with people who had taken up land on lithos showing the route going somewhere near their land. But when it is remembered that plans were in existence showing at least three different routes, the impossibility of keeping faith with the whole of the people will be obvious, as the railway cannot be constructed on three different routes. Mr. McGibbon, of the Lakes, took up his land on a plan showing the line marked on the direct route.

Hon. H. P. Colebatch: Mr. McGibbon purchased from another selector, he did not take up the land originally.

The COLONIAL SECRETARY: Mr. Herbert Williams Gibbs, officer in charge of the Information Branch of the Lands Department, Perth, was examined by Mr. Johnston as follows:—

> The pencil line shown as the centre of this reservation is the same as the direct route practically proposed by the Government?—Yes.
>
> If Mr. McGibbon said that in October, 1909, the line of railway was shown as going to his property, away eastward, he said what was not correct? —It is shown on this plan as it was when he selected.
>
> If he said at that time the railway was shown as going on the Advisory Board's route marked red, to Kumminin station, which is to the east of that route, he made an incorrect statement? —I think he is mistaken, because I am certain this is the plan he made his application on.
>
> That plan corresponds with the direct route, coloured green?—Yes.

Both the people to the east, at Mount Arrowsmith and Wadderin, and the people to the west, support the direct line. Mr. Latham was questioned by the chairman; this is the examination—

> Will you give the committee your views on the question?—Our association was formed for the purpose of trying to induce the Government to build a line east of the one proposed, as we thought that unless the Wickepin-Merredin line was taken well to the east of Emu Hill our district could not possibly be served by any railway. At one time it seemed to be the intention of the Government to run a line some distance north of Kumminin, but it was abandoned. The Government had made a statement that that would be the only railway constructed for some time, and we believed we would be isolated, so we gave up all idea of getting a railway to serve us unless we broke away from the Kumminin progress association and advocated the Kondinin extension. Unless the Wickepin-Merredin

line was taken well to the east of Emu Hill it would not serve our portion of the district. Mr. Hemley read his evidence to the association and it was endorsed by us. There was no dissenting voice against it, and no portion of it was questioned. My block will be 14 miles from the Advisory Board's route, because I am on the extreme easterly portion of the sheet. My homestead was priced at 22s. 6d. My other block is a cheap one under Section 68. It is 6s. 6d. an acre.

I shall conclude with your permission by reading a minute which has been addressed to me in this connection by the Minister for Works for the information of hon members—

> The Honourable the Colonial Secretary, Perth. *Re* consideration of report on Wickepin-Merredin railway deviation select committee. The original petition was refused as the Government had not then had time to thoroughly investigate the matter. Subsequently an investigation was made and the Minister for Works submitted a recommendation to Cabinet which was adopted. A select committee was then agreed to this session which Mr. Colebatch states was refused previously and this was because the Government was prepared to allow the committee to see whether its decision was not sound. The decision of the Government at the building of the direct line was the soundest proposition and was arrived at after the inspection referred to, and when it was ascertained that it was utterly impossible to serve this large area of country with one railway. The committee endeavoured to ascertain when the Government would build the second railway, namely Yilliminning-Kondinin extension, but on this it was not possible to give a definite date. Mr. Colebatch proceeds to quote the evidence of engineers, but it must be borne in mind that the opinion of these engineers was directly against the decision of Parliament inasmuch as while individual engineers may think the direct route was not possible, yet it must be understood that Parliament definitely decided in favour of this route and it is the duty of the Government to carry out the instructions of Parliament and not the opinions of engineers. Mr. Colebatch's reference to my evidence regarding the discussion in the corridor around the map is correct, inasmuch as I outlined that no Minister would give a promise to alter a route of a railway proposed in a Bill which he was presenting to Parliament at the mere request of one member. Mr. Colebatch states that Mr. Wilson was the only man who made the request and consequently Mr. Daglish would not be likely to give a decision, but what did happen, as was explained in my evidence, was that the general concensus of opinion of the members in the corridor and around the map was against the route as suggested by the Advisory Board, and in order to prevent discussion at that late stage of the session the Minister gave an assurance to members that the line would be straightened. Had this promise not been given then there would have been considerably more discussion and the request for the straightening would have been made from very many more members than Mr. Wilson. The reference that I stated that there is a proposition to run a line from Kondinin to Carrabin is given simply because a plan has been submitted by the engineers outlining a railway in this direction with another one from Mount Marshall to Carrabin on the northern side of the Eastern Railway. Both of these proposals are yet to be considered by Cabinet and are, therefore, only tentative suggestions. The suggestion of the committee that the Kondinin-Mount Arrowsmith line should run into Nunajin will be considered by the Government when the time comes for the introduction of the Bill. The replies quoted by Mr. Colebatch were given by me as protest against Mr. Mitchell's action in submitting various plans showing these lines running in various directions. The evidence of Mr. Allen is another indication of how necessary it is for the lines to be surveyed and Bills introduced to Parliament before any

promise is given of railway construction, as, if we are to allow officers to decide where railways shall be constructed, as was done in the case quoted by Mr. Allen, then Parliament loses the absolute control, and we hand over these important matters to civil servants to decide. (Signed) W. D. Johnson, Minister for Works.

Hon. H. P. COLEBATCH (in reply): I have very few words to say in reply, because I think practically nothing has been said that can in any way disturb the opinions of members here in regard to the matter of this select committee's report. I cordially endorse the statement of Mr. Ardagh that one line of railway cannot serve this district; it is possible that two or three lines may be built; but the whole question at issue, as I pointed out in introducing this report, is where this particular line should be built. It should be built where Parliament agreed it should be built, and where the Agricultural Railways Advisory Board recommended, and where, according to the evidence, it will best suit the greatest number of the settlers. I do not attempt in any way to defend the attitude of the late Minister for Works, Mr. Daglish. To my mind it is altogether unaccountable. His evidence and actions are quite irreconcilable and I do not intend to make any further reference to them. The Colonial Secretary has refered to the attitude of the Emu Hill, Arrowsmith and Wadderin settlers, but their sole object was to get the railway a little further east than was proposed by the Advisory Board, and the action of the Government in taking the line further west is diametrically opposed to the interests of those settlers. Instead of aiding them the Government are taking the railway several miles further west. The Minister has referred to the last abandoned survey. He says it followed the route recommended by the Advisory Board but a very short distance. As a matter of fact it followed it almost to the end of the country affected in this particular district. The Minister says that I made the remark that only half a dozen in number would be shut out by following the Advisory Board's route. I am prepared to substantiate it. When I said half a dozen it might be seven or eight settlers who would be left out of the 12½ miles limit from a railway line. There is a railway between Quairading and Nunajin which will, I believe, be opened very shortly, and there is a line to be constructed between Brookton and Corrigin. Between these two lines there is a distance of something like 30 miles, though in one or two places it may be more, so that the only people who will be beyond the 12½ miles limit are those in the very centre between the two lines, and they are very few. The Minister quoted the evidence of Mr. Frederick Walton. He was one of those who supported the line now intended to be followed by the Government. He says "I would be 10 miles from Corrigin." The route that the select committee suggest goes through Corrigin, so Mr. Frederick Walton clearly is not one of those who will be left out. He says he wants the direct line built because it goes through his property, but, as a matter of fact, if the line is built on the route the committee suggest he will be within striking distance of it at 10 miles distant, and will not be in the position of the hundreds of settlers who will be entirely isolated if this direct line is built. Hundreds of them will be permanently 14 miles from a railway. Mr. Arthur Walton says he will be 11 miles from Corrigin. He will not be isolated. The Minister also quoted the evidence of Mr. James Osborn whose evidence is most interesting, and supports the attitude taken up by myself and the other members of the committee with the exception of Mr. Ardagh. He says he was told the railway would go within a quarter of a mile of his block, and he would not have taken it unless that were so. He paid 15s. an acre for 430 acres, and 9s. an acre for the balance. Surely that should be conclusive evidence as to the value of the land. Other people were quite willing to pay up to 27s. 6d. an acre for land on the Advisory Board's route, and were quite satisfied if they could get within eight miles of

the railway, and yet the Minister quotes Mr. Osborn who pays 15s. for 430 acres, and 9s. for the balance on the direct route, and would not take up his land unless the railway went within a quarter of a mile of the block. I do do not think I could place before the House anything so conclusive in support of the report of the committee as the evidence submitted by the Colonial Secretary. The next witness, Mr. Alexander Smith, says he will be 10½ miles from the route we now urge the Government to adopt, but of course he wants the direct line because it will go through his property. He will still be within striking distance of the Advisory Board's route, and he paid 12s. an acre for his land after being told the railway would go right through it, whereas those people on the Advisory Board's route, who did not want the railway through their land but only wanted to be within striking distance of it, paid up to 27s. 6d. Every witness that the Minister quotes is a witness in favour of the side I put forward. As far as the Arrowsmith and Wadderin settlers are concerned, it is true they will not be served by this line, but it was not contemplated that they would be. Everyone cannot be served by one railway. They were not deceived; they were not charged exorbitant prices through being told a railway was going near them, and not a single individual supports the proposition now put forward by the Government. These particular settlers say they are satisfied that the Government should construct the line on the direct route if they will immediately construct a line from Nunajin to junction with Kondinin; but, so far, that proposal has never been put forward by the Government, and the Minister for Works when asked in regard to it said he was not prepared to make any statement. So the Arrowsmith and Wadderin settlers do not support the attitude of the Government. Now I will refer briefly to the decision of Parliament referred to by the Minister for Works in the communication the Colonial Secretary has read. Apparently we are to take this corridor legislation as over-riding the act of Parliament itself, as over-riding the statements appearing in *Hansard*, and as over-riding the advice of the railway engineers and the advice of the agricultural experts. A number of members assemble in a corridor of Parliament House before a map and they say, "The line should go up there," drawing a straight line. They do not pause to consider that engineers should be consulted as to the best route, or that agricultural experts should be consulted as to which line would suit the country best. The Minister admits that the quotation I made from the evidence of railway engineers was correct, but he says that it conflicted with the decision of Parliament, by which he meant the decision arrived at in the corridors, and which is not expressed in the Act and not expressed in *Hansard*. It is an entirely wrong position for members to take up, to decide the routes of railways simply on the strength of a map without having any evidence from railway or land experts. While the real object for this straightening up of the line was the shortening of the distance, the actual result is to shorten it by eight miles and to decrease its efficiency, according to one witness, by 30 per cent. It has increased the haulage cost and decreased the load, owing to the heavier grade on the direct line, so that from that point of view, the only point of view ever urged, it has been proved to be a great mistake. I shall not go over what I submitted with regard to what this straightening up really meant. Anyone who reads *Hansard* and reads Mr. Wilson's speech and Mr. Daglish's reply can come to no other conclusion but that the straightening up intended was to carry the railway east of the lakes and go straight to Merredin, also taking out the loop at the extreme left at Kunjin. I do not know that there is anything more it is necessary for me to say. The remarks of the leader of the House are absolutely conclusive evidence in favour of the report I have submitted. If that is all that is to be said against it, there is nothing for me to answer. He has quoted witnesses all of whom can

be quoted far more strongly to support my motion.

Question put and passed, the select committee's report adopted.

On motion by Hon. H. P. COLEBATCH ordered, "That the resolution be transmitted by Message to the Legislative Assembly and its concurrence desired therein."

BILL—PUBLIC SERVICE ACT AMENDMENT.

In Committee.

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

Sitting suspended from 6.15 to 7.30 p.m.

BILL—SHEARERS AND AGRICULTURAL LABOURERS' ACCOMMODATION.

Second Reading.

Hon. F. DAVIS (Metropolitan-Suburban) in moving the second reading said: During the time I have been a member of the House, on a number of occasions I have heard reference to the value of precedent, some members attaching considerable importance to it; and although personally I confess I am not too ardent an advocate of slavishly following precedent, still sometimes precedent is of value. On this occasion I would commend to hon. members the fact that the Shearer's Accommodation Bill has been previously before the House, and that measures of a similar character are in operation in Queensland, New South Wales, and New Zealand. So we have a multiplicity of precedents for the introduction of a measure of this kind, in fact the introduction of the Bill is really an effort to bring the legislation of this State into line with that obtaining in other States of the Commonwealth. When introduced into this House last session the Bill failed to pass, because time did not permit of its full consideration and discussion, owing to the shortness of the session. It will be noted that the Bill has since been altered somewhat, with a view to making it more comprehensive. When it was introduced into the Assembly it contained provisions for agricultural labourers also obtaining the same privileges which it was hoped would apply to shearers. At the request of a number of members in that place, however, those provisions were deleted from the Bill, which now applies solely to those engaged in shearing. Therefore, it is true to name as the Shearers' Accommodation Bill. As a matter of fact, an Act of a similar nature has been in force in New South Wales for the past 12 or 13 years, and on the 26th September last the second reading of an amending Bill passed through the New South Wales Assembly, being carried by a small majority. In view of the action of another place it is significant that the Act of New South Wales is sought to be amended in order that agricultural labourers might be included within its scope, whereas hon. members in another place have expressly excluded these very people from the provisions of the Bill now before the House. It is not necessary to go deeply into detail in explaining the measure, because it is a very simple one, although some of its provisions may give rise to a little discussion. There is a number of exemptions in the Bill, which show, if they are carefully considered, that there has been no intention on the part of the framer to inflict any hardship on those to come under the operation of the measure. In the first place, before a shearing shed comes within the scope of the measure it must employ eight persons; not necessarily all shearers, because where eight shearers were employed there would be required a number of hands, in addition to the actual shearers, to carry out the various duties. In the definition eight persons working in a shearing shed is the number mentioned. Shearers whose residences are in the immediate neighbourhood also form an exemption.

Hon. T. H. Wilding: What would you call "the immediate neighbourhood?"

Hon. F. DAVIS: Somewhere close at hand which they can reach and arrive from night and morning respectively without difficulty. Families who shear their own sheep are also exempt. In cases where temporary structures are used, provision is made for exemption. I think it is obvious that where sheep have to be shorn at places other than the usual shed it would be unreasonable to ask that permanent buildings should be erected. Exemption also applies to cases where sheep are being shorn in any town or municipality. It is fairly obvious that in such a case there will be no need for permanent accommodation, because in nearly all municipalities it is possible for shearers to obtain accommodation in the ordinary way of business. The definitions are fairly clear and concise. The definition of Asiatics is extended to those of not less than half-blood, and deals with the races of the mainland of Asia and the adjacent islands. A shearer is defined as being any person in or about a shearing shed; but there are exceptions, such as permanent station hands, wool-classers, experts, and members of the employer's family. It will be seen from this that there is no desire to make the Bill of drag-net character, or to cause unnecessary friction in its administration. In respect to most Acts, it is wise that districts should be formed in order that the measure may be more easily carried out, and it is proposed in this Bill to create districts for the purpose. It certainly would be difficult to give effect to the provisions of the Bill if no inspectors were apointed. In this connection, a good deal of discussion was evoked in another place as to the wisdom of exclusively employing police constables to discharge the duties of inspectors. I think there are some cases in which the services of constables as inspectors could well be utilised for the purposes of the Act, whereas in other cases it might be advisable that persons versed in the industry should act in that capacity. The Bill provides the alternative. The real issue of the Bill is, of course, the accommodation to be furnished. The definition of what is proper and sufficient accommodation is contained in Clause 6 to which, again, there are some exemptions. It is stipulated that the employer shall provide dining and sleeping rooms at least 50 yards from the shearing sheds; but in cases where sleeping and dining rooms have been already erected, provision is made that the Minister may, at his discretion, exempt the employer from the necessity for erecting other dining and sleeping rooms. Four persons in one sleeping room is to be the maximum, and in some of the warmer parts of the State I think it will be found that that number is quite sufficient. It is also stipulated that a stretcher shall be provided for each man employed, while provision is made that Asiatics and aboriginals who may be employed shall dine and sleep apart from the Europeans. In view of the widespread popularity of the White Australian policy that provision is, I think, only reasonable. The minimum of air space for each person is set down at 360 cubic feet. In the warmer parts of the State, that certainly will not be more than is necessary to a person's health and comfort. What is termed a sufficient supply of good drinking water is to be provided. This, in my opinion, is very necessary.

Hon. Sir E. H. Wittenoom: That is always done.

Hon. F. DAVIS: I was going to add that in connection with the operations of shearing, a certain amount of water must necessarily be used. Employers must for their own purposes provide water, and it is not asking too much that they should supply sufficient good drinking water for the use of the men employed. One feature of this clause which may appeal to some as being a little unusual is that the Bill sets forth what is considered to be a proper floor, and it provides that an earthen floor shall not be considered to be proper within the meaning of this measure. Some members have had experience of sheds in different parts of the State where earthen floors only are provided. I think it will be admitted that it is exceedingly difficult to keep them in a

proper state of cleanliness. Generally, where shearing is going on there is not too much time to attend to details and to be scrupulously careful in carrying out the cleaning work. There is also a minimum provision of one washing basin for each shearer, and also one shower bath for every five men employed in a shearing shed. I know that in another place this has given rise to a good deal of discussion, and some members have professed to find a certain amount of amusement in the fact that this is asked for. This appears to be a somewhat unwarranted reflection on the personal habits of those engaged in shearing. I have visited a good number of shearing sheds and have yet to learn that the average shearer is not as cleanly in his habits as the average Australian. I quite admit that those blessed with more of the world's goods than the shearer do systematically use bathing facilities of every kind, and while it is possible the employing class may have a monopoly of some things in existence, I have yet to learn that they have a monopoly of cleanliness, and the provision is not altogether unreasonable as some people have tried to infer. Clause 7 provides what I think the employer should welcome as being a certain amount of concession in the sense that it provides in certain cases tents may be used for accommodation purposes, if the inspector and the shearers are agreed that such will meet the case. There may be exceptional circumstances where tents might meet the case, and in those instances I have not the least doubt such would be employed. One clause which will probably give rise to some discussion is that relating to the cleaning of buildings. It is stipulated that the buildings used by the shearers other than the shearing shed shall be kept in a clean state by the men and that the inspector may compel such to be done, and if it is not done the employer, acting on the advice or with the consent of the inspector, may insist on it being done and charge the men for the work. The same applies to damage to buildings. If any damage is done to buildings by the men using them, that damage has to be made good by the men on the authority of the inspector, but a safeguard is inserted that no man shall be charged more than £5 in connection with such damage. I take it that if the damage exceeded that amount, it would be a case for a court to deal with. Power is given to an inspector to inspect the buildings at least one a year or, if he thinks there is occasion, to inspect them oftener, but on each occasion he must produce his certificate to show he is authorised to act in that capacity. That is a safeguard to the employer, that he is not acting beyond proper authority. If the inspector in the course of his duties, orders certain work to be done in the interests of the health of the men and the employer neglects to do it, he may be summoned before the court and any two justices of the peace may order such work to be done, and fix a time specifying the limit in which the work is to be done. Exemptions appear to form a fairly prolific part of the Bill. Power is given to the Minister to provide exemptions to an employer under certain conditions. It is also stated in the Bill that the regulations under which the Act is to be administered may be general in character, extending over the whole of the State, or may be limited to any one particular district according as the circumstances require. The regulations will have the same effect as if they were inserted in the Act, but only if they are in consonance with the general character of the Act, and in any case the regulations must be submitted to Parliament, or if Parliament is not sitting they must be laid on the Table of the House within seven days of the commencement of the next session after the regulations have been framed and gazetted, and there is a provision that if either House disallows the regulations they shall cease to have effect if they have been put into force previously. I am quite aware that exception has been taken that too much is left to regulations, but against that I would point out that nearly every Bill must have some regulations as the necessary machinery for giving effect to the provisions of the Bill, and this Bill does not differ in that respect from others. It is somewhat singular

that in a Bill recently introduced into the New South Wales Assembly, the Minister in charge pointed out that the object of the Bill was to provide for regulations. That was really the chief reason for an amending Act on that occasion, so that we need not lay too much stress on the fact of there being a number of regulations to govern the carrying out of the Act. The date on which it is proposed this measure shall come into force is the 1st April, 1913.

Hon. J. F. Cullen: A very fitting date.

Hon. F. DAVIS: I thought the hon. member would make that interjection. Possibly he is not aware that many famous men have been born on that day.

Hon. J. F. Cullen: They could not help it.

Hon. F. DAVIS: That is quite so. Owing to that date being fixed, it is thought by some that it will not give the employer sufficient time to erect the necessary buildings in case they have not been erected by that time; but I would point out that it is in the power of the Minister if in his opinion the circumstances warrant it to extend the period in which the building may be erected.

Hon. Sir E. H. Wittenoom: He may not.

Hon. F. DAVIS: I take it he will not be unreasonable, and if the circumstances warrant it, he will grant an exemption.

Hon. T. H. Wilding: Why not fix a time?

Hon. F. DAVIS: It is fixed as the 1st April. If this Bill is carried, it will leave at least three months in which to erect the buildings, and it will have to be a very large station which cannot erect the necessary buildings inside of the three months. If it is impossible to do so, the Minister can grant an exemption for that reason and allow the time to be extended for a longer period. It will be admitted I think that the principle underlying the Bill is certainly to protect the health of the men employed in this industry. At the different shearing sheds I have visited it has occurred to me that the nature of the work, the pace at which the men work, and the heat engendered by the exercise of muscular powers and the bodies of the animals being dealt with, produce a certain amount of perspiration which, if the men go straight from the shed into the buildings which are draughty, or poorly constructed——

Hon. W. Kingsmill: Or even into shower baths.

Hon. J. F. Cullen: There is no provsion for handkerchiefs as far as I can see.

Hon. F. DAVIS: There is no provision for a number of things. I wish to point out that if the men go straight from the shearing shed in a very heated state into a sleeping or dining room, which is poorly constructed there is always the danger of a severe chill being contracted which may lead to serious consequences. The same, of course, can apply to other occupations, but I submit not to the extent that it applies in this case. Again there is the nature of the work which causes, in many cases, or I might say in practically all cases, a good deal of objectionable smell to arise, which certainly tends or does not help men to resist disease. I understand that in some parts of Asia and particularly in China, where for centuries men have been accustomed to live amidst conditions and smells which would quickly kill an European, they have become immune from the effects of the surroundings, and I certainly hope we shall never try to perpetuate a condition of things which would make people in Australia immune under such surroundings, because in the process many scores and probably greater numbers might perish. It happened on one occasion while I was cruising on Lake Alexandrina in South Australia, that in calling at several sheds we reached one at the far end of Lake Albert, and directly after we landed we were informed that one of the shearers was in a very high fever, and we were asked to convey him to the nearest medical man. We agreed readily because we realised his dangerous condition, and set sail for Milang, which was the nearest town at which a doctor lived, some 70 miles away. I shall never forget the moans of that man while going on that voyage to Milang. Although crossing a lake the area of water exposed to the

wind is so considerable that on occasions I have seen the waves quite as rough as on some of our shores. On this occasion the weather was very rough and as might be expected the small boat was tossed considerably, and we were sailing throughout the night and did not reach Milang until daybreak. The voyage was a very unpleasant one even for those who were well, to say nothing of the man who was ill with fever. It occurred to me then as it has since, that in places where men are so far removed from the necessary medical assistance, every reasonable effort that can be made to prevent them from contracting anything in the nature of fever, certainly ought to be done in the interests of their health and of all affected. It is contended by some people that the provisions of this Bill are not needed, because it is said the accommodation already exists. That may be so in many cases, but the representations made to me and which I believe to be correct, certainly do not show such to be the case. At some of the shearing sheds there is great need for the accommodation outlined in this Bill, in the interests of the health of the shearers. I would point out that measures of this description are really not necessary so far as a good employer is concerned, but it is for the man who will not have regard for the welfare of others that such legislation is necessary. It may be said during the course of the discussion on this Bill that if these provisions are given effect to the cost will be considerable, and it may entail some burden on those who have to provide the accommodation, but I think from time immemorial the product of these stations which has always been referred to as golden fleece——

Hon. J. F. Cullen: That is what they are after.

Hon. F. DAVIS: I think the description is not altogether inaccurate in the sense that those who embark in it expect to obtain a fair profit.

Hon. W. Kingsmill: What do you mean by fleece?

Hon. F. DAVIS: Quite possibly the hon. member may attach another meaning to it. It always occurs to me that the industry is one which can really be expected to provide proper accommodation. There is a sufficient margin of profit in view of the comparatively low expenditure entailed, which should enable those engaged in it to comply with any reasonable request that might be made. I would point out that quite recently, in the New South Wales Assembly, the Minister for Lands, Mr. Beeby, when introducing a similar Bill, made the following statement, which to my mind at the present time should receive some attention and thoughtful consideration:—

> A good deal of apprehension was shown at the time by those engaged in the pastoral industry that the measure was one which would seriously affect the development of the industry and impose unnecessary obligations upon the pastoralists of this country. But experience during the past 12 or 13 years has shown that none of these disasters have occurred, and that on the whole the effect of that Act has been beneficial not only to the shearers engaged in the industry, but also to the pastoralists, who look for their profits mainly to the work done by shearers. Both to the man who does the work and to the man who mainly profits by it there has been an accretion of benefit.

Hon. J. F. Cullen: That is only one side.

Hon. F. DAVIS: That is giving the effect of twelve or thirteen years' experience of the Act in that State, and I take it the Minister for Lands there was in the position to make the statement in regard to the position as it occurred there. The Bill before the House now is somewhat similar.

Hon. Sir E. H. Wittenoom: It makes three or four men sleep in a room.

Hon. F. DAVIS: An objection has been raised to the Bill on the ground that it interferes with the business of the employer. It seems to me to be rather late in the day to raise that cry. Since the beginning of the nineteenth century, when the era of steam and machinery began, there has been a constant interference by legislation with the business of em-

ployers in the interests of the health and safety of all employees, and although exception has been taken on each occasion by many of those concerned, and all sorts of dire predictions made, we find that industries have progressed and that no one has been injured in the process, and what has taken place during the last century will be continued and will be repeated as years go by.

Hon. D. G. Gawler: And what will happen in the end?

Hon. F. DAVIS: That is a matter for conjecture, but I feel sure, in the interests of the community as a whole, and in the interests of the health of those concerned in any particular industry, that it is perfectly justifiable for the legislature to insist on certain things being done in order to safeguard the health of those concerned. I hold strongly that the State should always be concerned in the health of the people, and I hold that in this Bill that is being sought. The interests of those engaged in an important industry should be studied, and their health should be protected, and for that reason it gives me great pleasure to move—

That the Bill be now read a second time.

Hon. Sir E. H. WITTENOOM (North): I intended to avail myself of the usual privilege of moving the adjournment of the debate, but owing to the reasonable and excellent speech made by my friend who introduced the Bill, I think I will address myself to the question straight away. I consider that this is a very useful little Bill, and I think with some small amendments we shall be able to carry it through. In speaking about it the hon. member said that it would be conducive to the health of the shearers, who should be well housed, and I understand that some of the provisions are that rooms should not hold more than four men at a time. It seems to me from what I can see about Perth that that is a most absurd provision; we have only to walk around the city at six o'clock in the morning to find nearly everyone sleeping on their balconies. Why should we want to house every one in a building with four in a room when we find so many people anxious to sleep in the open air? It appears to me that the present idea is that there should be as much fresh air as possible; therefore why compel these men to sleep four in a room or even two in a room?

Hon. W. Kingsmill: We could build balconies for them.

Hon. Sir E. H. WITTENOOM: There have been many erroneous statements made in another place in connection with the accommodation afforded these shearers. I am prepared to say that the accommodation on some stations is very fair indeed, and is as good as the men require. There may be a few odd cases in which there are little hardships, but these are small places, and there is no reason why men should stay there if they do not like it. But take the large stations where there are any number of men. The owners there try to give them the best accommodation they can; therefore under these circumstances I think that the Bill is almost superfluous; but as I have said those who own stations are quite prepared to put up with the Bill and adopt the conditions which it proposes. I would impress upon the House that this is not a Government measure. It was introduced in another place by a private member, but I do not know on what authority he brought it in. I am not aware either that there have been any complaints about these matters; I have heard of no complaints. There is an association here called the Pastoralists' Association, and they are in close touch with the Shearers' Asociation, and the Shearers' Association have never asked for anything of this kind. All the accommodation on the stations has apparently been satisfactory to the Shearers' Association, and it would seem that the whole of these requests have come from an individual member. Why then has this individual member come forward in this way? There are no good grounds for these requests, but I am prepared to say that the Bill is reasonable, and after it has been amended slightly we might as well put it on the statute book.

Hon. J. F. Cullen: There will be a lot of inspectors.

Hon. Sir E. H. WITTENOOM: I do not think that will be the case by the time we have finished with it.

Hon. J. W. Kirwan: Will the hon. member state his amendments?

Hon. Sir E. H. WITTENOOM: I would like to impress on the House that these shearing sheds are only used for four or five weeks in the year, and we are asking the station-owners to provide certain improvements and accommodation which has only to be used in that short period. I dare say that those who do not know sheep stations are not aware of the fact that the shearing sheds are not always at the homestead. I have in my mind several places where shearing is carried on eight, ten, or twenty miles away from the homestead, and therefore they would have to carry out the improvements at these distant sheds just for the work which occupies four or five weeks in the year. Why should we make those who own stations go to all the expense of providing this kind of accommodation and putting men in rooms and all sorts of absurd places for such a short period when we find that in Perth the people desire to sleep on their balconies, and if they could they would sleep on their lawns. It is absurd to try and make these people sleep in rooms. It will be understood also that considerable expense would have to be entailed in providing this accommodation for such a short time. The North-West, where these stations are, is a country of big distances, and in some places like Marble Bar it will be necessary to cart material for the provision of the accommodation as much as two hundred and three hundred miles. Many of them have full accommodation now; it might not be in accordance with the Bill, but in many places it is exceedingly good. It is a mistake to impose too many of these conditions. If we say that a wall has to be whitewashed, and that there must not be an earthen floor, we will find that shearers will say that their food is not quite as good as they would like it to be, or that they will find a floor hard and does not comply with the provisions of the Act, and that in consequence they will not shear. Or else the sheep are cutting very hard, and they say that the tents are not very satisfactory. It is not desirable to make too many conditions like that. After all, the accommodation is required for only a very short time, and we want to make the conditions as short as we can. Again, this State is not like the others because the distances are so great. I can understand that in Victoria no trouble is experienced at all. I would like to indicate to the House the amendments which I propose to move to the Bill. First of all in regard to the date on which the Act shall come into force, the Bill states the 1st of April, but that is absurdly too soon. There are many stations which only get a mail once in six weeks or two months, and I propose to move an amendment that the Act shall come into operation on the 1st January, 1914. That will give station owners in the Kimberleys time to know what they have to do, and if they are obliged to carry out certain alterations they will have time in which to get the material up to the port and cart it out. Even in Victoria nine months was allowed from the passing of the Act to its coming into operation, and I propose that in this very much larger State the period shall be 14 months. In Clause 3 I propose to alter the definition of "shearer" so that it shall not include aborigines. It is absurd to provide buildings for aborigines, because no aborigines will sleep inside a building, and even if they would no one would sleep in the same room with them; I therefore propose to exempt them and I think no one will quarrel with that. Clause 6 deals with sleeping accommodation, and provides for a minimum of 360 cubic feet. In three of the other States, namely, South Australia, Victoria, and New South Wales, the space per occupant is only 240 cubic feet. Surely in a State like Western Australia we ought not to be called on to provide more than those other States, and I think a happy medium would be 250 cubic feet.

Hon. J. D. Connolly: Three hundred and sixty feet is only 6 feet by 6 feet by 10 feet high.

Hon. Sir E. H. WITTENOOM: Clause 9 deals with the provision of latrines, but it is not made compulsory that they shall

be attended to. The first trouble with latrines is whether the men will use them, and, secondly, if compelled to use them whether they will keep them clean. In that respect, I had a personal experience. I built a splendid shearers' shed to accommodate ten or twelve shearers and it cost me about £1,000. I provided first-class accommodation, including a couple of latrines, and on the first day they were used they were left in a filthy condition. No one on the place would clean them and they were allowed to remain in that condition. We want something inserted in the Bill to compel the shearers to keep these premises clean. Somebody said to me the other day, "Why not make the rouseabouts clean them?" And I said, "The rouseabouts will not clean them; would you, if you were a rouseabout?" He answered, "No, but I would not be a rouseabout." I propose, therefore, to insert a clause to deal with this. Clause 12 provides that the hut shall not have an earthen floor. Now, a floor made of anti-hills properly rammed with water is one of the finest floors it is possible to have, and as it is only to be used by the shearers for four or five weeks, I do not see how any exception can be taken to it. Of course, the ordinary earthen floor with sand in it is objectionable, but I lived on an ant-hill floor such as I have described for two years and I did not find it very dreadful. Clause 13 deals with the provision of shower baths. This may seem a small thing, but that condition presupposes that on the station there is a good well of water, a first-class windmill, and elevated tanks to give pressure to the shower baths. All these things mean money. On many stations the shower baths can be had, but I am told they are rarely used. I am not going to argue that point. I believe that shearers are just as clean as anybody else in the bush, but nobody in the bush is very clean, I admit. I propose to amend the clause to read that the shearers shall have water provided for baths whenever they want them. On small stations where they cannot afford to provide these conditions, the clause as at present drafted would mean a great hardship. Clause 7 says that tents may be provided "to the satisfaction of the inspector or shearers employed." I propose to strike out these latter words. We all know that if the head of the union wired up to the men to say that the tents were no good they would say so and that would be the end of the tents. I am a great believer in tents, and my experience is that whilst very few men would go into a room with three others there are many who would be quite content to go with a mate into a tent. The objection to occupying a room with three or four others is that somebody snores and some others play cards, and for these and other reasons the room is not as comfortable as a tent for two would be. Clause 8 makes no provision for keeping latrines clean and I propose to insert a new clause which I will place on the Notice Paper. There is nothing to say that the owner shall have these places made clean and hand them over to the shearers, and thereafter they shall be kept clean by the shearers. I propose to insert the following amendment to Clause 8:—

> Strike out the words of Subclause (1) and substitute the following words:—"Every room, tent, latrine, or other building or structure provided by the employer for the accommodation of shearers, not being a shearing shed, shall be handed over to the shearers in good order and clean condition and all the shearers using or occupying or entitled to use or occupy the same shall be responsible for the maintenance of the same in the like order and condition and whenever any such building or structure is not being maintained as aforesaid the employer may thereupon cause the same to be restored to good order and clean condition and thenceforward kept in such order and condition from day to day."

Hon. B. C. O'Brien: How would you enforce it?

Hon. Sir E. H. WITTENOOM: It will be seen that we have there done away with the inspector, for the reason that it is obviously impossible to have an inspector to do anything in connection with the question of cleanliness. Suppose on a station 40 or 50 miles away from a place like Yalgoo, the premises are in a filthy

condition and the owner sends for an inspector; that officer, perhaps a police constable, may be 50 or 60 miles away in an opposite direction. Action in this matter must be left to the employer. On the other hand, where damage is done to buildings, I quite agree that the inspector should be called in to say what is to be done. When a question of cleanliness arises, however, it is impossible to get at brief notice an inspector from 70 or 80 miles distant. To meet the point raised by Mr. O'Brien by interjection I shall move to add a new clause to stand as Clause 14 as follows:—

> Offences: Any person who contravenes any provision of this Act, whether by act or omission, shall, if no other provision is made by this Act for dealing with the contravention, be guilty of an offence against this Act, and shall be liable on summary conviction to a penalty not exceeding five pounds.

It will follow then that the shearers will have to keep the places clean, otherwise they will suffer a penalty. I do not know that I need say much more. Mr. Davis said a good deal about the shearers getting chills, but my experience of shearers is that their trouble is to keep cool. I think if this Bill is amended in the direction I have indicated, the shearers will get all the accommodation they want, and the measure will be quite acceptable to employer and employee. In behalf of those who employ shearers, I may say that they have every desire to make things as comfortable as they can for the men, but I want the House to remember that this employment lasts for only four or five weeks in the year and that it is not necessary to put people to considerable expense in providing accommodation for so short a time. So long as the men are given fair accommodation, good food, and good pay—that is the principal consideration—I do not think we need worry about jarrah boards, wire bunks, or anything of that kind. With these few words, I have much pleasure in supporting the second reading.

On motion by Hon. B. C. O'Brien debate adjourned.

BILL—INDUSTRIAL ARBITRATION.

In Committee.

Resumed from the 17th October. Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Postponed Clause 12—Powers and liabilities of industrial unions:

Hon. J. E. DODD: By way of a personal explanation he wished to read two letters as follows:—

> Chief Justice's Chambers, Perth, 18th October, 1912. The Hon. J. E. Dodd, M.L.C. Sir, I thank you for your letter of the 17th instant. I am very glad to find from the *Hansard* reports of your speeches that you did not charge any judge with refusing to act as president of the Arbitration Court; nor did you take any exception to the manner in which the various presidents had carried out the duties of the office. Our correspondence has made this clear to the public and corrected any erroneous impressions formed from a perusal of the newspaper report, not only of what you said, but also of Sir Edward Wittenoom's interjection—"Get another (judge) if he won't do what he is asked to." The inference you draw from the closing remarks of my former letter is not, I venture to think, fairly deducible therefrom. The context shows that I was referring to the mode of selecting a judge to preside over the Arbitration Court, and what I wished to convey was that, even if the number of judges was increased, neither employers or workers should be allowed to influence his selection. That the meaning you attached to my words was never contemplated by me you will, I feel sure, admit when I tell you I have long thought that a man with a knowledge of industrial matters is better qualified to preside over the court than a judge; and that, if the law is amended so that this change can be effected, it will afford me the greatest pleasure. I may be permitted to add that I fully agree with your speech to the Legislative Council on this question. I am,

Sir, Your obedient servant (sgd.), S. H. Parker.

18th October, 1912. Sir S. H. Parker, Chief Justice. Your Honour, I beg to thank you for your letter of yesterday and your endorsement of my speech contained therein, and I am also pleased to note that the construction placed by me upon the closing sentences of your first letter was not what you intended to convey. I am, Sir, Yours faithfully, (sgd.) J. E. Dodd, Honorary Minister.

With the reading of these two letters the incident would now terminate.

Clause put and passed.

Postponed Clauses 13, 14, 15—agreed to.

Postponed Clause 16—Company authorised to join society or industrial union or to enter into industrial agreement:

Hon. Sir E. H. WITTENOOM moved an amendment—

That the words at the end of the clause, "Provided that every member of such company in the State shall be deemed to be a member of any society or union or a party to any agreement of or to which the company is a member or party" be struck out.

Hon. J. E. Dodd: Why did the hon. member desire this?

Hon. D. G. GAWLER: The amendment was quite right. It was consequential on the amendment passed at the previous sitting providing that nothing in the Bill should render a shareholder of a company liable for any further amount than that for which he was liable as a shareholder of his company. The object of the clause was to provide that every member of a company should be deemed to be a member of a union, and there were provisions in the Bill making the member of a union liable to the extent of £10.

Hon. J. E. DODD: It seemed like making one law for the unionist and another for the shareholder. Why should we strike out this proviso, which simply made the members of a society liable as a unionist was held liable?

Hon. A. SANDERSON: More light should be thrown on this. Did the Minister mean shareholders or members of a union?

Hon. J. E. Dodd: Shareholders and members.

Hon. A. SANDERSON: Did the Minister mean that the shareholder of a company was to be liable under the Bill?

Hon. J. E. DODD: The Bill certainly provided that shareholders should be liable to a certain extent, and Clause 30 provided that no transfer of shares should take place within 12 months to enable a transfer to avoid liability. Why should we relieve the shareholder of any liability? The clause would only have effect in one case out of a hundred.

Hon. J. F. CULLEN: There was a clerical error in the sixth line of the clause.

The CHAIRMAN: That will be corrected.

Hon. A. SANDERSON: The Minister gave no explanation.

Hon. J. W. Kirwan: Nor did the mover.

Hon. A. SANDERSON: The clause interfered with the ordinary position of shareholders under the Companies Act which strictly limited the liability. The ordinary shareholder knew his position under the Companies Act, but this proposal would stop people becoming shareholders in Western Australia if they were to be saddled with unlimited liability.

Hon. J. E. DODD: The error pointed out by Mr. Cullen was not an error. The Parliamentary Draftsman had given assurance that the clause was correctly drafted in that particular line. The Bill intended to make shareholders liable to the extent of an award.

Hon. J. F. CULLEN: It was doubtful whether the clause should pass. The arguments really related to the whole clause rather than to the proviso.

Hon. D. G. GAWLER: Under Clause 94, if the property of an industrial union was not sufficient to satisfy a judgment, the members of that union would be held liable for the deficiency. The amendment would allow a liability

up to £10. That was why it was proposed to strike out the proviso.

Hon. A. SANDERSON: The liability of shareholders in all these companies would be increased by the amount of £10. It was a very serious liability to put on the shareholders without notice of any kind. The Minister had not succeeded in justifying it.

Hon. F. DAVIS: Was it not reasonable that the amendment should cut both ways? If a penalty of £10 was to be inflicted on the employees, why should it not be inflicted on shareholders of the companies also? He could see no reason why the shareholders should not be equally penalised.

Hon. A. SANDERSON: There was a very good reason. In the case of a shareholder the provision could be enforced, but not in the case of the employees. We had seen that already in the history of our own arbitration laws.

Hon. J. E. DODD: Mr. Sanderson was forgetting that the union was liable, and that if the union could not meet the penalty the unionist was liable for the deficiency. That was the present law. Therefore, if the company could not meet the deficiency, why should not the shareholders be held liable?

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

Ayes	.. .. ..	11
Noes	.. .. ..	9
Majority for	.. ..	2

AYES.

Hon. E. M. Clarke	Hon. W. Patrick
Hon. H. P. Colebatch	Hon. C. Sommers
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. J. F. Cullen	Hon. Sir E. H. Wittenoom
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. A. G. Jenkins	(*Teller*).

NOES.

Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	Hon. R. D. McKenzie
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. R. G. Ardagh
Hon. Sir J. W. Hackett	(*Teller*).

Amendment thus passed.

Clause as amended agreed to.

Postponed Clause 17—agreed to.

Postponed Clause 18—Power to refuse registration in certain cases:

Hon. D. G. GAWLER moved an amendment—

That in line 1 the words "shall, unless in all the circumstances he thinks it undesirable so to do" be struck out, and "may" inserted in lieu.

The clause was aimed at free labourers' unions. It was a direct invitation to the registrar to refuse to register certain unions. A much fairer way would be to leave it optional with the registrar. Under the clause the free labourers would be shut out from the benefits of the Act. In the existing Act the registrar was directed to refuse to register a society in a locality in which another society in the same industry already existed. In the clause however, no such qualification was provided. Under the Commonwealth and New Zealand Acts it was optional with the registrar. Unless the Minister wished to keep out free unions, he could not oppose the amendment. The clause as it stood was a direct invitation to the registrar to refuse. He desired that the registrar should take into consideration other reasons than convenience namely if a free labourers' union did not wish to register because they did not desire their funds to be devoted to political purposes. It was advisable not to have a multiplicity of unions, but in the circumstances these men should not be shut out.

Hon. J. E. DODD: The amendment would not be opposed. It put into fewer words what was already in the clause and he could see no difference.

Amendment put and passed.

Hon. D. G. GAWLER moved a further amendment—

That the following words be added at the end of the clause, "and if such first-mentioned society, trade union, or company shows no reasonable ground for desiring to be so registered."

The object was to enable the registrar to take reasons other than convenience into consideration.

Hon. J. CORNELL: There was no necessity for the additional words. The

registrar had discretionary powers to register and if reasonable grounds were not shown, he would not register.

Hon. F. DAVIS: The word "conveniently" was intended to obviate the friction likely to arise from two unions existing for the same industry in one district. The amalgamated society of engineers and the Australian society of engineers were registered, and their operations were exactly the same. An agreement was made with the amalgamated society and when that was completed the same ground had to be covered again with the Australian society.

Hon. D. G. GAWLER: The question of convenience would cease in in the case quoted by Mr. Davis. His object was to protect a free labourers' union.

Hon. A. Sanderson: What is a free labourers' union?

Hon. D. G. GAWLER: A union of men free to vote for whom they chose. The object was to allow other grounds than convenience to be taken into consideration.

Hon. J. E. DODD: The amendment would only cloud the clause and make it more difficult to administer. He was quite content to leave the question of free labourers to the unions themselves, without endeavouring to do anything in this measure which would protect them or do otherwise.

Hon. J. F. Cullen: You want to leave the way open for them.

Hon. J. E. DODD: It was not clear to him how the amendment would assist them in any shape or form.

Hon. D. G. Gawler: The only question the registrar takes into consideration is that of convenience.

Hon. J. E. DODD: No; Clause 19 provided distance, diversity of interest or other substantial reason. There was no reason why the words in the amendment should be added.

Hon. J. W. KIRWAN: The amendment should not be pressed to a division. Mr. Gawler had secured an important amendment, altering a mandatory direction to the registrar to one of permission. The difference for which Mr. Gawler now contended was slight in view of the concession extended by the Minister.

Hon. A. SANDERSON: It was his hope that there would not be a division. He could not see any important concession on the part of the Minister, though perhaps he had made a graceful concession.

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

Ayes	9
Noes	11
Majority against ..	2

AYES.

Hon. E. M. Clarke	Hon. W. Patrick
Hon. H. P. Colebatch	Hon. T. H. Wilding
Hon. J. D. Connolly	Hon. Sir E. H. Wittenoom
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	(*Teller*).

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. R. D. McKenzie
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. A. G. Jenkins
Hon. Sir J. W. Hackett	(*Teller*).

Amendment thus negatived.

Clause as previously amended put and passed.

Postponed Clause 19—Appeal from Registrar to President.

Hon. D. G. GAWLER moved an amendment—

That the proviso be struck out.

The object of the proviso was to put the onus of proof, if they disagreed with the decision of the Registrar on to the society which had made application to register and which had been refused.

Hon. J. F. CULLEN: The hon. member should not press the amendment because "diversity of interest or other substantial reason" would provide for every contingency.

Hon. H. P. COLEBATCH: It might meet the wishes of the hon. member if, instead of pressing his amendment to delete the proviso, he were to add the words "or more equitable," which would give a larger scope; then it would provide that if the registrar had refused registration it would lie on the society to satisfy the president that owing to distance, diversity of interest, or other substantial reason, it would be more convenient or

more equitable for the members to belong to an industrial union separately registered.

Hon. D. G. GAWLER: The suggestion made by Mr. Colebatch was worthy of consideration, and he asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. D. G. GAWLER moved an amendment—

That in line 5 of the proviso, after the word "convenient," the words "or more equitable" be inserted.

Hon. J. E. DODD: The clause was exactly as it appeared in the existing Act.

Hon. D. G. GAWLER: That does not make it blameless.

Hon. J. E. DODD: But there was no likelihood of any of the dangers which hon. members foresaw. It had been in operation now for ten years. He was satisfied that the amendment would only tend to complicate matters.

Hon. H. P. COLEBATCH: It would strike hon. members as curious to hear the Honorary Minister desiring to prohibit the president from considering the equity of the position, because that was what his objection amounted to; it was only proper that the president should be allowed to consider the equity of the position. We were now raising an entirely different set of conditions by allowing composite unions.

Hon. J. W. KIRWAN: Hon. members who favoured the inclusion of these words should give the Committee some idea how the court would interpret the particular words it was desired to insert. The court would find it extremely difficult to understand what was meant by the word "equitable" in this particular sense; the court could easily interpret the word "convenient," but how "equitable" could be applied in this sense was difficult to understand. Perhaps some members who were strongly in favour of the amendment would throw some light on the subject before asking the Committee to vote on it.

Hon. A. SANDERSON: It was quite enough to insist on essentials instead of loading up the Bill with minor points which were needlessly irritating to the Government and exhausting to members. He would support the clause as it stood.

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

Ayes	10
Noes	11
Majority against ..	1

Ayes.	
Hon. E. M. Clarke	Hon. C. Sommers
Hon. H. P. Colebatch	Hon. T. H. Wilding
Hon. J. F. Cullen	Hon. Sir E. H. Wittenoom
Hon. D. G. Gawler	Hon. J. D. Connolly (*Teller*).
Hon. R. J. Lynn	
Hon. W. Patrick	

Noes.	
Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. J. Cornel	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. R. D. McKenzie
Hon. Sir J. W. Hackett	(*Teller.*)

Amendment thus negatived.

Clause put and passed.

Postponed Clause 20—Amendment of rules:

On motion by Hon. Sir E. H. Wittenoom, clause amended by inserting after "rules" in line one of paragraph two the words "certified as in Subsection 3," and the clause as amended agreed to.

Postponed Clauses 21 to 29—agreed to.

Postponed Clause 30—Saving of right to transfer shares in company:

Hon. D. G. GAWLER: This clause should be struck out because it was following up the attempt to make a shareholder liable for more than he had contracted for. The obvious effect of the clause was to make every shareholder liable for disputes for a period of 12 months.

Hon. J. E. DODD: The clause simply provided that the shareholder as well as the company should be liable. The unionist as well as the union was liable; and why not the shareholder as well as the company? He hoped the clause would be retained.

Hon. Sir E. H. WITTENOOM: Many companies were floated under the no-liability laws, under which no one was liable for more than he paid. The clause would

mean, however, that a no-liability shareholder would be liable for £10 for a period of 12 months.

Hon. J. F. CULLEN: The Committee should strike out this clause in pursuance of amendments already made, but if the clause was retained slight reconstruction would be necessary in order to correct a defect in the drafting.

Hon. A. SANDERSON: The dragging in of shareholders in this way was surely putting on their shoulders more than they should be asked to carry. The analogy drawn by the Minister between the shareholder and a unionist was not fair; the individual members of a union were not being made liable so much as the union funds.

Hon. J. E. Dodd: Both are liable.

Hon. A. SANDERSON: The clause was an intrusion into the company law and would seriously affect Western Australia as a place where shareholders had one additional liability placed on their shoulders over and above their ordinary liabilities as commonly understood, and that addition would be the liability under the Industrial Arbitration Act.

Hon. J. E. DODD: A unionist could be fined £10 if the union funds were not sufficient to meet any demands that might be made. The Bill affected the unionist's wife just as much as the shareholder's wife, and the unionist was liable to imprisonment if the money could not be found from the union funds. The proviso was inserted at the instance of the Hon. J. Mitchell in another place.

Hon. D. G. Gawler: Because he found he could not strike out the other portion, I suppose.

Hon. J. E. DODD: It prevented any shareholder transferring his shares in order to free him from liability. The clause was not worth fighting, but if it was equitable to fix a penalty on the unionist it was also equitable to fix a penalty on the shareholder of a company.

Hon. H. P. COLEBATCH: The striking out of the clause followed as a matter of course on the previous decision of the Committee that we could not recover from the shareholder of a company.

Hon. J. CORNELL: If we voted for the deletion of the clause it should be on the understanding that later on we would put the unionist in a similar position, letting him go free and only fixing the penalty on the union funds.

Clause put and declared negatived.

Hon. J. E. DODD: Divide.

The CHAIRMAN: On this occasion he would be justified in refusing to allow a division to be taken, because, so far as he could hear there were no voices for the ayes.

Division taken with the following result:—

Ayes	.. .. ..	9
Noes	.. .. ..	11
Majority against	..	2

AYES.

Hon. R. G. Ardagh	Hon. R. D. McKenzie
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. W. Patrick
Hon. J. M. Drew	Hon. J. Cornell (*Teller*).
Hon. J. W. Kirwan	

NOES.

Hon. E. M. Clarke	Hon. R. J. Lynn
Hon. H. P. Colebatch	Hon. C. Sommers
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. J. F. Cullen	Hon. Sir E. H. Wittenoom
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. A. G. Jenkins	(*Teller*).

Clause thus negatived.

Postponed Clauses 31 to 34—agreed to.

Postponed Clause 35—Industrial agreement may be made:

Hon. Sir E. H. WITTENOOM moved an amendment—

That in line 1 of Subclause 6 the words "or not more than 30 days before" be struck out.

An award continued and was subject to 30 days' notice after expiry. This provided that a notice to terminate an agreement could be made 30 days before the expiry of the agreement. Why should the agreement not continue as long as an award?

Hon. D. G. GAWLER: The object of the clause was that an agreement should not be capable of being put an end to before its due expiry. Under existing conditions it could be put an end to 30 days after its due expiry. The clause

meant that if a man wished to say to the other side that at the expiration of an award he was not going to be bound any further by it, he could give notice 30 days before its expiry.

Hon. Sir E. H. Wittenoom: It makes an award expire 30 days before it ought to.

Hon. J. E. DODD: It was simply giving 30 days' notice of the expiry of an agreement. At Kalgoorlie to-day the men were giving notice to retire from the existing agreement. It would be impossible for the Kalgoorlie unions to take a case to the court until they had given notice of expiring the agreement.

Hon. J. CORNELL: Sir E. H. Wittenoom was right up to a certain point. The hon. member held that it was possible under the clause that an agreement might be a month shorter than it would be under existing conditions. That was right.

Hon. Sir E. H. Wittenoom: It terminates an award a month sooner than it should do.

Hon. J. CORNELL: That was not quite correct. It merely provided that an award might expire at its prescribed date of expiry. Under the existing law a two years' agreement would run two years and one month, but under the clause it could be made to expire at the end of two years.

Amendment put and negatived.

Clause put and passed.

Postponed Clause 36—agreed to.

Postponed Clause 37—Parties to agreement may be added:

Hon. Sir E. H. WITTENOOM moved an amendment—

That in lines 2, 3 and 4 the words "with the consent of the original parties to the agreement or their respective representatives" be struck out.

The words proposed to be struck out took away all the benefits of the clause giving power to concur in any agreements. The words had been inserted in another place as an afterthought.

Hon. J. E. DODD: The words proposed to be struck out were really the saving part of the clause. He could not understand the hon. member's objection in moving to strike them out. The hon. member was seeking to defeat his own object.

Hon. A. SANDERSON: What had the parties to do with it? It was for the court to decide these matters. If the court decided that a certain association ought to get the benefit of 10s. or 12s. a day why should not other workers in the same section of the same industry come in and claim the same amount?

Hon. Sir E. H. WITTENOOM: There was no reason at all why any additional parties who wished to come under the agreement should first receive the consent of the original parties. Why not allow anybody to come in who wished to, once the agreement was made?

Hon. J. E. DODD: Suppose two parties entered into an agreement when wages were low and that other firms of employers stood out from that agreement. In the course of time wages increased, whereupon some of the employers who had refused to enter into the agreement with their employees when wages were down, seeing that wages were now up, sought to come in and take advantage of the agreement made when wages were low. Why should they be enabled to do that without the consent of the original parties to the agreement?

Hon. J. F. Cullen: Why should they wish to keep out in the first place?

Hon. J. E. DODD: Because it was possible for one party to come in and express concurrence in the agreement and so defeat the other party from seeking redress in the court. Some firms of employers had been known to come in when wages rose, and signify their concurrence in a previously declined agreement.

Hon. Sir E. H. Wittenoom: Would it not make it possible for two employers to pay different rates?

Hon. J. E. DODD: They were doing that at the present time. Some employers could not be induced to consent to an agreement, because they were paying lower rates of wages than those set out in the agreement.

Hon. Sir E. H. WITTENOOM: The Committee would be well advised to accept the amendment and allow any em-

ployers to come in on any agreeement. It might so happen that a firm of employers would endeavour to come in when wages were rising, but that would not occur very often. It should be left open to any additional party to come in under an agreement whenever they liked.

Hon. J. F. CULLEN: In view of the serious character of the clause the Minister ought to postpone it. He moved—

That the further consideration of the clause be postponed until after consideration of Clause 128.

Motion put and negatived.

Hon. A. SANDERSON: The objection to the clause was that it would give parties to an agreement a say when it came to a matter of general application. For the parties to be permitted to exercise control over other people engaged in the same industry seemed to destroy the independence of the judge, who should be the sole arbiter. He supported the amendment.

Hon. Sir E. H. WITTENOOM: To make the point clear, if three or four timber companies entered into an agreement for three years and five or six small ones stood out, they could when wages began to rise decide to enter into the arrangement. Under the clause they could not enter without the consent of the original parties, but he held they should have a right to come in when they liked. Some companies had made long and satisfactory agreements, in fact had paid their men too much, but others now wanted to come in as their employees thought they should be paid higher wages. The trouble was that they could not come under the agreement. The object of the amendment was to enable a company which stood out in the first place to come in under an agreement when they liked.

Hon. J. E. DODD: Supposing the Horseshoe and Ivanhoe companies entered into a three years' agreeement with their men, and the Boulder company stood out and that during that time wages and the cost of living increased. If the employees of the Boulder company agitated to get their wages increased the company, to avoid the obligation of paying a fair rate, might say they would sign the agreement whether the employees liked it or not. If they signed it the employees would be bound to obey the agreement until the expiration of the three years. The company would get the benefit of the agreement although it might be bad for the men.

Hon. J. F. Cullen: What security is there for the party that do not want to come in? It is their concern, and not the concern of the other party.

Hon. J. E. DODD: It was the concern of the other party. He could not see why there should be any objection to the clause.

Hon. J. F. CULLEN: The Minister was not arguing the point. The parties concerned were those wishing to come under the agreement. What did it matter to the original parties? How would it affect them? The only party who could be hurt by coming under the agreement would be the employees. The words in parenthesis which it was sought to strike out were neither here nor there. The clause was a serious one and if the Minister was wise he would postpone it. How could the Committee vote on it when the Minister was missing the point.

Hon. Sir E. H. Wittenoom: The Minister sees the point all right.

Hon. J. F. CULLEN: If an employer wished to come in, the people to be considered were his employees, and not the original parties. We should not decide such an important point while the Committee, including the Minister, were in such a state of confusion.

Hon. J. CORNELL: If anyone was confused it was the hon. member. He hoped the amendment would be rejected. The clause would go a long way to strengthen the brightest feature of the old Act, and of this measure, namely the industrial agreement. Suppose a number of workers who would invariably belong to one union approached five employers and three of the number stood out while the other two arrived at an agreement, those who stood out would not be endeavouring to preserve industrial peace. The union could cite the three parties, but supposing they did not, those employers might pay their employees less wages and work them longer hours, and

under worse conditions than the others. If the union later decided to cite them in the court, they could immediately desire to join in the agreement. He would go so far as to say if only one employer entered into an agreement with the majority of the employees, that agreement should be made a common rule. Before any fresh parties could come under an agreement they should give some reason why they did not enter originally. That was all which was asked for under this clause. If the clause was passed, employers desirous of entering into an agreement could do so instead of going to the court.

Hon. Sir E. H. WITTENOOM: Another side of the question might be given Say a certain number of employers entered into a combination and made an arrangement to pay a certain amount to their employees and there were three or four who stood out because they could get men to work for lower wages than the arrangement with the larger number, then as the wages went up they naturally expressed a desire to come in. The unionists would say, "No, we will not allow them in. We have five or six of you outside, and unless you give higher wages you cannot come in." They would force a higher rate of wages to be paid to the expiration of the term, and then they would say to the large number of unions, "You have to pay the same as these people." The best thing that could be done would be to take out these words and say no more about it.

Hon. W. PATRICK: There was nothing wrong with the clause as it stood. If a number of employers entered into an agreement, that was a matter between themselves, and if others after the agreement had been in force for some time wanted to come in because it would be to their advantage to do so, it was only fair that the original parties should have some say as to whether they could get in or not.

Hon. D. G. GAWLER: If the Minister took the New Zealand Act of 1908 he would find that these words were not in it.

Hon. J. E. Dodd: I do not know whether it has been amended since then.

Hon. D. G. GAWLER: The clause could well be allowed to stand over for further consideration. At any rate he could not see why the consent should be required of the parties to the original agreement.

Hon. Sir E. H. Wittenoom: Would it not be possible for two employers in the one industry to pay a different rate?

Hon. J. E. DODD: Certainly. It seemed fair and reasonable that the original parties should be consulted before the other parties came in, and he hoped the clause would not be altered.

Amendment put and negatived.

Clause put and passed.

Progress reported.

House adjourned at 10.37 p.m.

Legislative Assembly,

Tuesday, 22nd October, 1912.

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

QUESTION—RAILWAY CONSTRUCTION, MERREDIN-COOLGARDIE.

Mr. GREEN asked the Minister for Works: When will the work of construction of the Merredin-Coolgardie railway be taken in hand?