been in use for a number of years. The only remaining new clause is No. 103, which enables the evidence of children to be taken not necessarily on oath. The operation of the clause is limited. I do not think it is well that children should always be sworn; for some of them may not understand the nature of an oath. Those are the main provisions of the Bill. I trust I have explained it sufficiently to the House; and I think it will be appreciated by legal members, particularly by Mr. Moss. I understand that it is a measure which he when in office had partly prepared, and which I believe he intended to introduce.

MR. MOSS: It was prepared under my instructions.

THE COLONIAL SECRETARY: It was only prepared three weeks ago. I believe that the Bill will be generally appreciated by the legal profession. As I said at the opening, there are now 21 statutes governing the law of evidence. Of these the Bill will repeal 19, and will consolidate the law so that it may be contained in one Act. Some new principles are introduced, which I have briefly explained. If there are any other points with which the House would like to be acquainted, I shall be pleased, when in Committee, to afford the necessary information. I do not think that the new provisions are aught but improvements of the existing law, with the exception of one or two which I have indicated as perhaps going too far. Most of the new clauses are taken from the Indian Act, compiled by the eminent jurist to whom I have previously referred.

Question put and passed.

Bill read a second time.

BILL—MONEY-LENDERS.

IN COMMITTEE.

HON. M. L. Moss in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Definition of money-lender:

HON. M. L. MOSS moved that Subclause (*a*) be struck out. The reasons were given on the second reading. In this State money-lending transactions were frequently conducted by pawnbrokers; hence it was necessary to bring them within the scope of the Bill.

Amendment passed; the clause as amended agreed to.

Clause 6—agreed to.

Title—agreed to.

Bill reported with an amendment; the report adopted.

ADJOURNMENT.

THE COLONIAL SECRETARY: At the request of several members who live at some distance and cannot conveniently attend the House for only one day in the week, I will ask the House to adjourn till Tuesday, the 11th September. A Bill which was expected but which has not yet been completed by the printer will meanwhile be posted to members. When the House reassembles there will be sufficient business to keep members fully engaged.

The House adjourned accordingly at 23 minutes past 8 o'clock, until Tuesday, the 11th September.

Legislative Assembly,

Wednesday, 29th August, 1906.

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

PRAYERS.

QUESTION—SEWERAGE RETICULATION, PERTH.

MR. H. BROWN asked the Minister for Works: When does he propose call-

ing for tenders for any portion of the reticulation works in connection with the sewerage of the city of Perth?

THE MINISTER FOR WORKS replied: The time cannot be definitely stated owing to the fact that a contract has not yet been let for the delivery of stoneware pipes. To encourage local industry, certain tests as to the suitability of local clay (as a substitute for Camberfield clay) for the manufacture of these pipes are now being carried out in Melbourne, and results are not yet available. Reticulation works are dependent on the construction of the main sewers. It is hoped to call for tenders for the first section of this latter work next month.

QUESTION—RAILWAY BRIDGE, PERTH.

MR. H. BROWN asked the Minister for Railways: When is it proposed to commence the work of widening the Beaufort Street bridge, Perth? I would like to explain my reasons for asking this question. It is the only work I have asked the Government to carry out in Perth for the last three years. The bridge is absolutely dangerous now. Last year a sum was placed on the Estimates for the widening of the bridge, and the citizens of Perth expected the work to be completed some time ago. Now we learn through the Press that the work has been postponed because of the proposed viaduct.

THE MINISTER FOR RAILWAYS replied: Notice has to be given to tenants to vacate premises, and material has to be got together. It is hoped that a start will be made early next month. In reply to the remarks of the hon. member, I may say that many good reasons could be advanced for the delay.

PAPERS PRESENTED.

By the PREMIER: 1, Public Library of Western Australia—Report for year ended 30th June, 1906. 2, Notes on Western Australian Timbers suitable for railway and other constructional purposes.

By the MINISTER FOR MINES: 1, Additional Reports on the Analysis of Liquors.

RETURN—IMMIGRANTS AND SETTLEMENT.

MR. HEITMANN (Cue) moved that there be laid upon the table a Return showing—

1, The number of immigrants assisted to this State by the Government during the last six months. 2, The occupations of the male adult immigrants prior to coming here. 3, How many of these have settled on the land.

MR. BATH moved an amendment that the following be added as paragraph 4:—

4, The number of men and lads registered at the Government Labour Bureau, Perth, for the first six months of 1906 (who had been not more than six months in the State) from the British Isles and the Continent of Europe, together with their occupations as registered.

Amendment passed; the question as amended agreed to.

PAPERS—JUSTICE OF THE PEACE REMOVED.

MR. E. E. HEITMANN (Cue) moved—

That all papers relating to the removal of Mr. E. Lloyd's name from the list of Justices of the Peace for the Murchison District be laid on the table.

THE PREMIER (Hon. N. J. Moore): I have to oppose this motion. I think it would be unprecedented for confidential communications of such a nature to be laid on the table. This gentleman's name was omitted from the list of justices of the peace when the list was revised last year, and I do not think it is at all advisable to lay the papers on the table.

MR. HEITMANN: Will you allow me to see the papers?

THE PREMIER: If you approach me later on, perhaps I may.

MR. G. TAYLOR (Mt. Margaret): There may perhaps be some justification for the member for the district obtaining some knowledge of the cause for the removal of the name of a justice of the peace; but I think it is a rather bad precedent to establish to move in this House for confidential papers to be laid upon the table. The Premier controls the appointments to the position of justices of the peace, and Premiers from year to year have to exercise much discretion in allowing certain gentlemen to retain the positions of justices. Probably some

gentlemen when appointed were quite competent to hold the positions, but as time rolls on there is found necessity to remove their names from the list. In many instances the Premier has to rely on very confidential communications, and it would be hardly fair or right, and it would be a very bad precedent, to make these private and confidential communications public by placing them on the table of the House. However, I think the Premier might allow the member for the district to peruse the papers to satisfy himself as to the justness or otherwise for removal of the name. I know there are several wise propositions that could be made from various parts of this State with reference to the removal of justices of the peace. It is idle for members to be hypocritical and to think that men are placed on the roll of justices of the peace purely because of their knowledge of and ability to administer the law. In all the States appointments have been made for political reasons—perhaps it will not continue too long in the future—and strong partisans and Government supporters have been recommended from various sources as justices of the peace; and as long as there is no strong opposition concerning the character of the gentlemen recommended, the Premiers make the appointments. In after years it is found absolutely necessary that names should be struck off. I would like to see the member for Cue get every facility to know why this name was removed. I do not think that I have the pleasure of knowing the gentleman in question — [MR. HEITMANN: He is well known]—but the hon. member must have strong reasons for moving for these papers. I hope the Premier will give the hon. member the necessary information through a perusal of the file. I know that since I have been a member of Parliament I have been called upon by men who have been removed from the roll to find out the reason of their removal. I have inquired from the Premier of the day and have been satisfied that it was absolutely necessary for their names to be removed from the roll; and it is perhaps not right that those reasons should be published. Sufficient I think is done on the part of the Government when they remove one who is objectionable.

MR. HORAN: They omit his name; they do not remove him.

MR. TAYLOR: They omit his name, which is practically removal. I hope it will not be necessary for this motion to be pressed, because I do not feel inclined under the circumstances to support it. I think it would be a very bad precedent. I would like to hear other members give their views on the point.

MR. HEITMANN (in reply as mover): The reasons for my moving this motion are various. I may state that this gentleman is a business man in the centre of my electorate. He has been there for some 10 or 12 years, I believe, doing business with many people in Western Australia. He is a mine-owner employing a great number of men. For I believe the last five or six years he has been on the commission of the peace. Recently an individual approached him with the object of getting him to sign a certain document. That document was signed—I believe it was in connection with some law case which went before the warden—and this individual was told that this gentleman's name had been removed from the list. Naturally he would wonder why the name was removed. This gentleman is well known in the district, and it is likely to damage him to a certain extent. I think that seeing he is prepared to have it made public—and the fact that I move this motion to-day shows he is not afraid of what will be divulged—his conscience must be clear, and surely some reason must be given to him privately. If you have sufficient reason and are satisfied he is not a fit and proper person, it is only fair to tell the man straight out, and not put him to the bother of trying to find out for himself.

MR. HORAN: And lay yourself open to an action.

MR. HEITMANN: Whether one would be open to an action or not, this fact remains, that this man has had the honour conferred on him for some time, and now suddenly it has been taken away. If he is not fit to hold that position, the general public should, I think, know why.

MR. DAGLISH: Why advertise the matter?

MR. HEITMANN: At the request of the individual himself. If he is prepared

to have it published, why should we be afraid to make it public? Therefore, I move the motion, and you can do what you like with it.

Question put and negatived.

MOTION — ELECTORAL, EAST FREMANTLE, TO DECLARE VACANCY.

MR. W. D. JOHNSON (Guildford) moved—

That in consequence of the decision of the Chief Justice in the matter of the petition of Angwin *v.* Holmes, lodged under the Electoral Act 1904, that the election of Holmes the sitting member was void, the seat of the hon. member for East Fremantle be declared vacant.

He said: In rising to move the motion standing in my name, asking that the seat of the member for East Fremantle be declared vacant, I wish to point out that I am influenced in bringing the motion forward solely because I feel that the House is sitting silent on a question that directly affects the rights and powers of members in this Legislative Assembly; and I also feel that by sitting silent on this point we are committing or aiding and abetting injustice being done to the electors of East Fremantle. In my endeavour to justify this opinion it will be necessary for me to quote considerably from authorities, and I trust I shall not weary members in giving those quotations. To my mind they will be very interesting, and they are quotations that should be within the knowledge of every member, because they directly refer to the rights, privileges, and powers of the members of this Legislative Assembly. In order to bring members up to the time that the appeal was lodged against the decision of the Chief Justice of this State, it will be necessary for me to outline exactly the course adopted by those who claim that the return of Mr. Holmes was invalid. The petition was lodged by Mr. Angwin on the 14th December last year. An application was made on two occasions to the Court, asking the Court to take evidence of witnesses who were leaving the State. Then again another application was made to the Court to inspect the rolls, or in all three times this case was brought on by Mr. Angwin before the Supreme Court previous to the actual hearing of the petition. The petition was heard by the Chief Justice on the 26th March, over three months after the actual lodging of the petition. I desire to bring this point out because it has been urged that this case has been unduly delayed, not by the Court, or not by the defendant, but by the petitioner. This is absolutely unfair to the petitioner. Members will realise the importance this will have on the forthcoming election. Personally I have no doubt the election will come eventually. I think that after I have finished this motion we shall have an election more speedily than we should have done had this motion not come forward, because I feel sure that I can convince members that it is not only our right to interfere in this matter, but it is our absolute duty to do so. Secondly, if the defendant can convince the people of East Fremantle that this case has been unduly delayed by the petitioner—[MEMBER: He cannot]—I do not think he can; but if he were successful in that, it would have a big influence on the forthcoming election. I have pointed out that it took three months, after the lodging of the petition, before the petition actually came before the Supreme Court. The case lasted four days. A decision was given on the 12th April, or four months after the lodging of the case. The decision was given by the Chief Justice on that date that the election was null and void. After that decision was given, Mr. Barsden, on behalf of Messrs. Moss & Barsden, applied for a stay of proceedings. This stay of proceedings was refused by the Chief Justice, who stated that his decision was final and gave no right of appeal. After the right of appeal was refused by the Chief Justice, inquiries were made as to whether the Government of the day intended to take action for the issue of a writ for a new election. It was found out by the petitioner that the Government did not intend to take any action until Parliament met. Then the petitioner, feeling that the Government were not justified in waiting till Parliament met after the decision was given by the Chief Justice, caused the following letter to be written to His Excellency the Governor:—

Sir,—I am instructed by my client, Mr. W. C. Angwin, who is a candidate for the seat, to inquire why the writ for the election for a

member to represent the East Fremantle electorate in the Western Australian Legislative Assembly has not yet been issued. Under the Electoral Act 1904, Clause 171 (3), when an election has been declared absolutely void, as has been the case of the election on the 27th October last of Mr. J. J. Holmes, a new election shall be held, and under Clause 29 of the Constitution Act Amendment Act 1899, the writ for such a new election shall be issued by the Governor, except as provided in Section 30 of the said Act. The case in point is not provided for under the said 30th Section, and it follows therefore that the writ should be issued by Your Excellency. The order of Court declaring the election absolutely void was taken out on the 18th April last. I have the honour to be, sir, your obedient servant, (Signed) C. J. R. LE MESURIER.

The following reply was received from His Excellency the Governor:—

I am directed by his Excellency the Governor to acknowledge the receipt of your letter of the 30th ultimo, and to state that the solicitor for the respondent has intimated that he is appealing from the judgment of the Supreme Court to the High Court of Australia, and His Excellency is advised that a writ should not be issued for a supplementary election until the appeal is disposed of. I have the honour to be, sir (etcetera).

I want to emphasise the point that when His Excellency the Governor replied to the letter sent to him the appeal had not been lodged, but His Excellency only received an intimation that it was the intention of the defendant to appeal against the decision of the Chief Justice. In connection with this matter I do not desire to cast any reflections on anyone, but I feel that I am absolutely justified in pointing out to hon. members these facts, that the firm of solicitors who represented Mr. Holmes in this petition were Messrs. Moss and Barsden, and it is well known that Mr. Moss took a very active interest in the East Fremantle election. He was an electioneering agent practically, or electioneering canvasser, for the return of Mr. J. J. Holmes. Then after the return of Mr. J. J. Holmes this same Mr. Moss, when the petition was lodged, was requested by Mr. Holmes to represent him before the Supreme Court. When the petition was successful and the election declared null and void Mr. Moss was Attorney General. [MR. DAGLISH: Honorary Minister.] If he was not Attorney General, we all know he occupied the position of Attorney General. He was the legal adviser of the Government; he was the head of the Crown Law Department. Then we have Mr. Moss as an electioneering agent; we have Mr. Moss as the lawyer on behalf of the defendant; and we have Mr. Moss as Attorney General advising the Governor that an appeal was pending. And I desire to emphasise this point, that after the authorities I have read on this question I feel satisfied I can convince this House that Mr. Moss's advice to His Excellency the Governor on that occasion was not sound; and, farther, after reading these authorities, I am absolutely convinced that the Crown Solicitor and the Crown Law Department generally do not concur in the decision arrived at by Mr. Moss on that occasion, and they could not possibly agree with the advice tendered to His Excellency the Governor by the legal practitioner, then acting Attorney General, Mr. Moss. On the 12th June, on an *ex parte* statement, application was made by Messrs. Moss and Barsden, on behalf of Mr. J. J. Holmes, to the High Court, for leave to appeal against the decision of the Supreme Court of Western Australia. The Supreme Court agreed to grant the right of appeal, reserving certain rights for Mr. Angwin; and for the information of members I will just read the decision of the High Court on the occasion when the first application was made by the solicitors representing Mr. J. J. Holmes. This is from the *Melbourne Herald* of the 12th June, 1906:—

A Disputed Election.—In the High Court to-day an application was made on behalf of John Joseph Holmes, of Fremantle, for special leave to appeal against a decision of the Supreme Court of Western Australia. Mr. Holmes was elected in October last to represent the constituency of Fremantle East in the Legislative Assembly of Western Australia, and a petition against his return was subsequently lodged by Mr. William Charles Angwin, another candidate for the seat. The grounds of the petition were that people who had left the district had been allowed to vote and that other voters had been personated. The Supreme Court of Western Australia declared the election void, and Mr. Holmes desired to appeal to the High Court, with the view of testing the power of the Supreme Court to hear the petition in the absence of evidence as to the date of the return of the writ. The High Court granted the leave asked for, but the Chief Justice (Sir Samuel Griffith) expressed a doubt as to whether that Court had jurisdiction to determine the appeal. It would be a question, he said, to be decided when the appeal came

before the Court, and it reserved leave to the respondent to move that the appeal be discharged.

So consequently we find that on the application of the representatives of Mr. J. J. Holmes, the Court stated that they would grant an appeal; but they reserved the right to Mr. Angwin to oppose the granting of that appeal, because the Chief Justice of the High Court of Australia was of opinion that the appeal could not be allowed.

THE ATTORNEY GENERAL: No; he reserves all rights, but does not say that the appeal could not be allowed.

MR. JOHNSON: The remarks of the Chief Justice were: "He expressed doubt that the court had jurisdiction to hear the appeal."

THE ATTORNEY GENERAL: Because the matter had not been argued.

MR. JOHNSON: The Chief Justice expressed a doubt as to whether they had a right to do so, and gave Mr. Angwin the opportunity to protest against the appeal being allowed. That was on the 12th. On the 19th a letter was sent to Mr. Le Mesurier, Mr. Angwin's solicitor, giving the decision of the High Court, and requesting that he should state a time when he would be prepared to argue the question of the right of appeal before the High Court. But while that letter was written on the 19th, we find on the 21st that Mr. Holmes, in an interview published in the Press, tried to place the responsibility for delay on the shoulders of Mr. Angwin. Mr. Holmes tried to lead the people of the State, and more especially the people of East Fremantle, to believe that Mr. Angwin was unduly delaying the question. In other words, he tried to contend that Mr. Angwin should, in less than two days, do what it had taken Mr. Holmes two or three months to do. It was absolutely unfair for the solicitors on behalf of Mr. Holmes, or for Mr. Holmes himself, to claim that the delay was due to Mr. Angwin. If there be any crime attached to the delay it is absolutely on the shoulders of Mr. Holmes and no one else. I desire to draw attention to the fact that an appeal has been lodged in the High Court, and that the Chief Justice has doubts as to whether the High Court can determine that appeal. In our Electoral Act of 1904, we clearly outlined in Section 167 that all decisions of the Court should be final and conclusive without appeal, and should not be questioned in any way. The Act provides in Section 168 that the Master of the Supreme Court shall forthwith on the filing of a petition forward to the Clerk of the House of Parliament affected by the petition a copy thereof, and that after the hearing of the petition he shall forthwith forward to the Clerk the order of the court. When we passed that Act we distinctly laid down our desire that there should be no appeal; and it was our intention that immediately the Clerk of Parliament was notified, it was his duty to forthwith issue a writ for a new election. From these sections it will be found that our Act distinctly provides that there shall be no appeal. At least that is how it appears to a layman. Those of us who were in Parliament at that time know full well that it was the intention of Parliament that there should be no appeal against the decision of the Supreme Court of Western Australia in connection with these petitions. It was urged by the solicitors for the defendant that under the Federal Constitution Act the right of appeal is given; but I would point out that an appeal from the Supreme Court to the High Court can only take place when an appeal is justified from the Supreme Court to the Privy Council; and to clearly demonstrate that this is so, I desire to quote from a decision of the High Court on this very question. I quote from the case of Parkin and James. The question was as to whether the High Court had the right to hear appeals, and the High Court decided as follows:—

> The appellate jurisdiction of the High Court is conferred by the Constitution Act, and not by the Judiciary Act. Section 73 of the former provides that the High Court shall have jurisdiction "with such exceptions and subject to such regulations as Parliament prescribes to hear and determine appeals from all judgments, decrees, orders, and sentences" of Federal Courts, or "of the Supreme Court of any State, or of any other court of any State from which the establishment of the Commonwealth an appeal lies to the Queen in Council."

I quote this to show that the appeal from the Supreme Court to the High Court can only take place when the right exists for an appeal from the Supreme Court

to the Privy Council. If there is no right of appeal from the Supreme Court to the Privy Council, there is absolutely no right for an appeal from the Supreme Court to the High Court. The decision goes on:—

> The section proceeds—"But no exception or regulation prescribed by the Parliament shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which at the establishment of the Commonwealth an appeal lies . . . . . to the Queen in Council. Until the Parliament otherwise provides, the conditions of and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States shall be applicable to appeals from them to the High Court."

The High Court distinctly lays down that they have only the right of hearing appeals when the Privy Council would have the same right to hear an appeal from the decision of a Supreme Court. It is necessary for us, therefore, to see what opinion the Privy Council hold on this question. It has been clearly pointed out by that decision of the High Court that if the Privy Council have no right to hear an appeal on a question of this description, then the High Court have no right to hear one. Consequently it will be necessary for me to show members the exact opinion of the Privy Council on a question exactly similar to the one under review.

THE ATTORNEY GENERAL: Where is the case of Parkin and James reported?

MR. JOHNSON: In the Commonwealth Law Reports, Vol. 2, Part 3. Before giving the decision of the Privy Council on a similar case to that under review, I desire to outline to members that it was decided by the Legislative Assembly of Western Australia that we should hand over the determining of all election petitions to the Supreme Court. We know that previously the different Parliaments of Australia reserved the right to hear and determine these petitions themselves by what I think were called Elections and Qualifications Committees, or something of that kind; but in our legislation we removed the settlement of these disputes from the members of the Legislative Assembly to the Judges of the Supreme Court, and our action in that regard was absolutely concurred in by His Majesty-in-Council; because our Bill, in which we stated that we would give the right to the Supreme Court to determine these petitions and that the decision of the Court should be final, was reserved for the Royal assent and was confirmed by His Majesty-in-Council. It must be remembered, also, that we distinctly laid it down in Section 165 of the Electoral Act 1904 that the law of evidence should not influence the Judge, but that he should be guided by equity and good conscience. The section says:—

> The Court shall be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities.

When we gave the right from this Assembly to the Supreme Court to settle these election petitions, we gave the Court absolute power to conclude the question and to give a final decision, and our action was confirmed by His Majesty-in-Council. We also decided that the Judge should be guided by equity and good conscience rather than by legal technicalities. It will be seen that this particular Court was specially created to relieve the Legislative Assembly of the trouble of deciding these petitions, and we clearly laid it down that the Court should have absolute power to conclude the question. To show that there is no appeal from a decision under an Act where it is clearly laid down that the Judge shall be guided by equity and good conscience rather than by legal technicalities, I will quote from a decision of the Privy Council in the case of special leave to appeal from an equity and good conscience section contained in an Act passed in Tasmania. It is the case of Moss and Parker (Law Reports 96, Appeal Cases). I will read sufficient of this decision to justify my contention that there is no appeal from an equity and good conscience section; that from a measure in which it is clearly laid down that the decision of the Judge shall be guided by equity and conscience rather than by legal technicalities, there is absolutely no appeal. This decision is as follows:—

> The present petitioner applied for a grant of land, and certain persons entered caveats, alleging that the land was already granted to someone under whom they claimed. If so, the Court could not deal with the case. The question turned on the construction of a grant—whether it was made for life or in fee simple. The Court held that it was a fee simple grant,

which, so far as their duties went, put an end to the case. The petitioner then applied for leave to appeal; and the Court held that they were precluded from granting such leave by s. 5 of the Act of 1858. In this opinion they were clearly right.

This is the opinion of the Privy Council. The judgment continues:—

This application, however, is made to the discretion of Her Majesty-in-Council; and the refusal of a claim to appeal as of right is only used, as it is often quite unfairly used, to influence the discretion of the Crown in the petitioner's favour. So we are led to the farther question whether the subject matter is one to which the prerogative of granting appeals from courts of justice can apply. The Supreme Court has rightly observed that Her Majesty's prerogative is not taken away by the Act of 1858, but intimates a doubt whether it ever came into existence. Their Lordships think that this doubt is well founded. They cannot look upon the decision of the Supreme Court as a judicial decision admitting of appeal. The court has been substituted for the commissioners to report to the Governor. The difference is that their report is to be binding on him. Probably it was thought that the status and training of the Judges made them the most proper depositaries of that power. But that does not make their action a judicial action in the sense that it can be tested and altered by appeal. It was no more judicial than was the action of the commissioners and the Governor. The court is to be guided by equity and good conscience and the best evidence. So were the commissioners. So every public officer ought to be. But they are expressly exonerated from all rules of law and equity, and all legal forms.

Exactly the same as in our measure. The judgment continues:—

How then can the propriety of their decision be tested on appeal? What are the canons by which this board is to be guided in advising Her Majesty whether the Supreme Court is right or wrong? It seems almost impossible that decisions can be varied except by reference to some rule; whereas the court making them is free from rules. If appeals were allowed, the certain result would be to establish some system of rules; and that is the very thing from which the Tasmanian Legislature has desired to leave the Supreme Court free and unfettered in each case. If it were clear that appeals ought to be allowed, such difficulties would have to be met somehow. But there are strong arguments to show that the matter is not of an appealable nature.

That would clearly show that in that case the Tasmanian Legislature laid down in the special Act in connection with land transactions that the Court should be guided by good conscience and not by legal forms and technicalities. And they laid down that where that was distinctly specified by the Legislature there was no appeal from the decision of the Supreme Court on the question. To find out how this question affects the conclusion I have arrived at, that there is no appeal, it will be necessary to read a decision arrived at by the Privy Council upon an election petition almost similar to the one under review. The Privy Council agrees that there is no right of appeal where it is laid down that the Supreme Court of the State should be final and conclusive; and in order to show this I shall have to quote somewhat extensively, and I hope members will bear with me, because this is the crux of the whole question. There was an appeal from the Supreme Court of Canada to the Privy Council, and the Privy Council has laid down its opinion on a question which is almost identical with the question raised here. If the Privy Council has laid down that there is no appeal from the State to the Privy Council, then there is no appeal from the State Court to the High Court. Therefore, it is necessary for me to quote rather extensively from this decision, so that members shall know that on that question there is no right of appeal, and it is not only our right to interfere in the matter, but it is our duty to do so. This is the case of Joseph Theberge and another *v.* Philippe Laudry, reported in Law Reports 40 and 41 Vict., 1876-7, Appeal Cases, Vol. 2. The judgment is as follows:—

Their Lordships wish to state distinctly that they do not desire to imply any doubt whatever as to the general principle, that the prerogative of the Crown cannot be taken away except by express words; and they would be prepared to hold, as often has been held before, that in any case where the prerogative of the Crown has existed, precise words must be shown to take away that prerogative.

I forgot to state that this was the case of an election petition. It is as follows:—

The petitioner having been declared duly elected a member to represent the electoral district of Montmanier, in the Legislative Assembly of the province of Quebec, his election was afterwards, on petition, declared null and void by judgment of the superior court, under the Quebec Controverted Elections Act 1875, and himself declared guilty of corrupt practice, both personally and by his agents. He now applied for special leave to appeal to Her Majesty-in-Council:—

Held that such application must be refused.

In refusing it their Lordships went on to state:—

But, in the opinion of their Lordships, a somewhat different question arises in the present case. These two Acts of Parliament, the Acts of 1872 and 1875, are Acts peculiar in their character. They are not Acts constituting or providing for the decision of mere ordinary civil rights; they are Acts creating an entirely new, and up to that time unknown, jurisdiction in a particular court of the colony for the purpose of taking out, with its own consent, of the Legislative Assembly, and vesting in that court that very peculiar jurisdiction which, up to that time, had existed in the Legislative Assembly of deciding election petitions, and determining the status of those who claimed to be members of the Legislative Assembly.

Members will see that this position is almost identical with our own legislation. Previously we retained the right to deal with these election petitions ourselves, but under the Act of 1894 we removed the right to a Judge of the Supreme Court, which is identical with the Act passed by the Canadian Legislature. The judgment goes on:—

A jurisdiction of that kind is extremely special, and one of the obvious incidents or consequences of such a jurisdiction must be that the jurisdiction, by whosoever it is to be exercised, should be exercised in a way that should as soon as possible become conclusive, and enable the constitution of the Legislative Assembly to be distinctly and speedily known. Accordingly we find, on looking at the Act of Parliament, that after providing by the 89th section as to the matters which the superior court is authorised to determine, that 91st section declares that a certified copy of the judgment shall be transmitted without delay to the Speaker, and another to the prothonotary in the district in which the petition was presented.

That is almost identical with our measure. Then it goes on to state what the Speaker shall do as to the issue of the writs. I will leave out a small portion that has no relative bearing, except as to what the Speaker shall do. The judgment proceeds:—

Then the 119th section is:—"When a special report has been received, the Legislative Assembly may make such order in respect of such special report as it may deem proper." The whole scheme, therefore, of the Act of Parliament is that once the action of the superior court takes place, and the decision of the superior court arrived at, the machinery is to go on just as it had formerly gone on inside the Legislative Assembly; writs are to be issued, seats are to be taken, other proceedings are to be had, as would have been the case before the court was called into operation, and when the Legislative Assembly decided these matters by its own authority. Stopping there it would be very difficult to do otherwise than conclude, from the character of these enactments, that the object that the Legislature had in view was to have a decision of the superior court which, once arrived at, should be for all purposes conclusive.

Exactly as we did previous to the passing of the 1894 Act. Previous to that we took the responsibility on our own shoulders to determine this matter, and if we declared an election null and void we would have to issue a writ. Immediately the Supreme Court Judge had given his decision it was our bounden duty to proceed as we did previously to handing the power to the Supreme Court. The judgment goes on:—

But there is a farther consideration which arises upon this Act. If the judgment of the superior court should not be conclusive, of course the argument is that the power which is to be brought to bear to review the judgment is the power of the Crown-in-Council. Now, the subject matter, as has been said, of the legislation is extremely peculiar. It concerns the rights and privileges of the Legislative Assembly to which they elect members. Those rights and privileges have always in every colony, following the example of the mother country, been jealously maintained and guarded by the Legislative Assembly. Above all they have been looked upon as rights and privileges which pertain to the Legislative Assembly, in complete independence of the Crown, so far as they properly exist. And it would be a result somewhat surprising, and hardly in consonance with the general scheme of the legislation, if, with regard to the rights and privileges of this kind, it were to be found that in the last resort the determination of them no longer belonged to the Legislative Assembly, no longer belonged to the superior court which the Legislative Assembly had put in its place, but belonged to the Crown-in-Council, with the advice of the advisers of the Crown at home, to be determined without reference either to the judgment of the Legislative Assembly, or of that court which the Legislative Assembly had substituted in its place.

Members will see the argument, and this particular measure exactly fits in with the measure under which the petition was lodged. The judgment goes on:—

These are considerations which lead their Lordships not in any way to infringe, which they would be far from doing, upon the general principle that the prerogative of the Crown, once established, cannot be taken away except by express words; but to consider with anxiety whether in the scheme of this legislation it ever was intended to create a tribunal

which would have, as one of its incidents, the liability to be reviewed by the Crown under its prerogative. In other words, their Lordships have to consider not whether there are express words here taking away prerogative, but whether there ever was the intention of creating this tribunal with the ordinary incident of an appeal to the Crown. In the opinion of their Lordships, adverting to these considerations, the 90th section, which says that the judgment shall not be susceptible of appeal, is an enactment which indicates clearly the intention of the Legislature under this Act—an Act which is assented to on the part of the Crown, and to which the Crown therefore is a party—to create this tribunal for the purpose of trying election petitions in a manner which should make its decision final to all purposes, and should not annex to it the incident of its judgment being reviewed by the Crown under its prerogative.

Consequently we must perceive that when we passed our Act of 1904, providing that an appeal should not be allowed, we had an absolute right to make that provision; because a similar Act was passed in Canada under a Constitution almost identical with that of Australia, and the Privy Council held that the Assembly of Quebec was absolutely justified in passing that Act, and that, as provided in the measure, there was absolutely no appeal from the decision of the Supreme Court. The Privy Council's decision continues:—

In the opinion, therefore, of their Lordships, there was not in this case, adverting to the peculiar character of the enactment, the prerogative right to admit an appeal, and therefore the petition must be refused. It is, of course, in this view of the case unnecessary to consider whether, if there had been a right to admit an appeal, it would have been a case in which, in the discretion of this tribunal, an appeal should be admitted. On that point their Lordships have never entertained any shadow of doubt. They clearly are of opinion, that even if there was the power of admitting an appeal, this is not a case in which an appeal ought to be admitted: but, in their opinion, it is not a case in which it was ever contemplated or intended that there should be a power to admit an appeal, on the part of the Legislature.

It will be clearly seen from that decision of the Privy Council, on an appeal in a case identical with the case under review, that the Privy Council absolutely laid down that the Assembly of Quebec was justified in passing a measure identical with the measure passed by the Parliament of this State, providing that the decision of a Supreme Court Judge should be conclusive. The Privy Council ruled that from such decision there was no right of appeal to the Privy Council; and consequently I claim that the petition of Mr. Angwin, being identical with the petition in the case I have cited, the Chief Justice deciding that the election was null and void, the duty of the Governor was immediately to proceed as outlined in that decision of the Privy Council, and to issue a writ and to hold a new election. Because if the Crown Law Department or Mr. Moss had taken the trouble to read these decisions, he would have found that there was no right of appeal to the High Court; and he would not have delayed the matter as it has been delayed; he would not have induced the Government not to issue the writ, but would rather have clearly pointed out the absolute right to issue the writ, and that it was its duty to this Assembly to see that the writ was issued. Of course we know that the Governer does not decide such questions on his own responsibility: he is advised by his Ministers. And consequently, when we say that the Governor neglected to issue the writ, we are casting the blame on the Government, whose duty it was, having these decisions before them, to issue a writ immediately the decision of the Chief Justice was given. I think that I have clearly pointed out the intention of the Legislature. It is clear that our intention was to place on the Supreme Court Bench the responsibilty of deciding these petitions, and to provide that there should be no right of appeal from the Supreme Court decision. In conclusion, I have but to say I am extremely sorry that when the decision was given the Government did not see that the writ for a new election was immediately issued; and I am extremely sorry to find that action was not taken immediately Parliament met. It was the duty of the Government to take action prior to the assembling of Parliament; but when the Government failed in that duty, it was the duty of members of this Assembly to keep Ministers up to their responsibilities, and to see that the desire of this House, as expressed in the Electoral Act of 1904, was absolutely carried out. We have to deplore the fact that East Fremantle has been so long unrepresented. For 12 months this case has been drifting on. The position now is that it cannot

possibly reach the High Court till October. I fully expect that the Attorney General will argue that it could have reached the High Court before. But a poor man has not always an opportunity of going before the High Court; and we must realise that Mr. Angwin is a poor man.

THE ATTORNEY GENERAL: I shall not introduce any personalities in my reply.

MR. JOHNSON: Well, I am pleased to hear that. But it must be borne in mind that Mr. Angwin is a poor man; though I trust that the Attorney General does not insinuate that I have introduced personalities. It is absolutely necessary to refer to the parties; but I do not think I have overstepped the rights of members by my references, and I do not desire to be at all personal, but merely to try to convince the House that it is our absolute duty to move in this matter. If it be contended that Mr. Angwin could previously have moved the High Court, I wish members to bear in mind that he is a poor man, that to move the High Court costs money, and consequently it is utterly impossible for him to finance a case before the High Court at Melbourne, Brisbane, or Sydney, in which centres the High Court has indicated that it will be prepared to hear the case. Failing the petitioner's going before the Court at one of these centres, the case will have to wait till the Court comes to Western Australia. That is the position to-day. Mr. Angwin cannot possibly go before the High Court in the Eastern States. For financial reasons he is compelled to wait till the Court comes here. Consequently we have acted wrongly in the past by allowing the matter to drift, and we shall be doing a farther wrong if we allow it to continue to drift. If we do let it drift, East Fremantle will not be represented till October, November, or possibly December. And it must also be borne in mind that when the question is settled Parliament will be out of session; consequently we shall have East Fremantle unrepresented in the Assembly during the whole term of one session of Parliament. That is absolutely wrong, especially when it is our right and our duty to see that the seat is filled. East Fremantle has up to date suffered an injustice; and it is the duty of members to pass this motion, and to put the matter right by declaring the seat vacant. Before sitting down I would make a special appeal to those gentlemen who are so fond of advocating State rights. They say that the encroachments of the Federal authority are becoming too strong, and are being felt too keenly in Western Australia. Here we have a case in point. We provide in a State Act that there shall be no appeal from a certain kind of decision by a Supreme Court Judge; and we find that the High Court is asked to grant a right of appeal against that Act passed by this Assembly, and in which this Assembly distinctly provided that there should be no right of appeal. With all confidence I ask those members who feel that the Federal Parliament is encroaching too far on State rights to give me their support on this motion. This is a question that directly affects Western Australia, and the rights, privileges, and powers of this House; and I trust that, if for no other reason, members will see that we exert the powers we have, perform the duty placed on our shoulders, and declare this seat vacant.

MR. G. TAYLOR (Mount Margaret): I second the motion.

MR. A. A. HORAN (Yilgarn): I desire to congratulate the member for Guildford on his excellent speech, which was all to the point. I have but little to add. It is contended, probably by the legal authorities, that under the Federal Constitution the High Court has a right to review all the decisions of the State courts. I presume that this House did not intend, when it appointed a Supreme Court Judge to preside over the Court of Disputed Returns, that he should form a court within the meaning of the State Constitution. The legal authorities may contend that this was the intention; but that is not so. This is, I suppose, the first case of its kind in the Australian Commonwealth. Turning to Bryce's *American Commonwealth*, which we have all read in the days of our youth, we find a decision which seems to throw much light on this case, and which will in all probability govern the decision of the High Court. Everyone knows the great eminence attained by Chief Justice Marshall in the evolving of the American

Constitution; and I suppose that a similar duty will devolve on the distinguished Chief Justice of the High Court of Australia. This is the doctrine laid down by Chief Justice Marshall:—

> But every power alleged to be vested in the National Government, or any organ thereof, must be affirmatively shown to be granted.

That, as the member for Guildford points out, has clearly not been shown in this case. On the contrary, in our Act of 1904, the power to grant a right of appeal from the decision of the Court of Disputed Returns is, as it were, taken from the Federal High Court. My authority continues:—

> There is no presumption in favour of the existence of a power. On the contrary, the burden of proof lies on those who assert its existence, to point out something in the Constitution which either expressly or by necessary implication confers it.

There is in the Federal Constitution nothing whatever which confers this power; but on the contrary, there is in our State Act something which prevents any person from concluding that the power to hear appeals from the Court of Disputed Returns is vested in the Federal High Court. I certainly appreciate the action taken by the member for Guildford, and hope that the House will agree to his motion.

THE ATTORNEY GENERAL (Hon. N. Keenan): I move—

> That the debate be adjourned.

I wish to give the reason for my motion. Shall I be in order if I do so?

MR. SPEAKER: No.

MR. BATH: I take it that the Attorney General moved the adjournment in order to look up some authorities.

THE ATTORNEY GENERAL: Yes; the authorities quoted by the mover.

MR. BATH: Will the Attorney General or the Premier agree to give a motion of this importance a prominent position on the Notice Paper, so that it may soon be reached?

THE ATTORNEY GENERAL: Yes, certainly.

Motion passed, the debate adjourned.

PAPERS—PUBLIC SMELTER AT RAVENSTHORPE, SALE.

MR. C. A. HUDSON (Dundas) moved—

> That all papers in connection with the sale of the Government smelter at Ravensthorpe and other dealings between the parties to such sale in any way relating to the lands or other property of the Government in the Phillips River Goldfield, be laid on the table of this House.

He said: I do not purpose enlarging on the motion, which speaks for itself. There seems to be great confusion in the minds of the public and of some members, as to the real relation of the Government towards the Phillips River Company, who have bought the Government smelter at Ravensthorpe. The report of Mr. Charles Kaufman, on behalf of the Phillips River Gold and Copper Company Limited, distinctly states one set of circumstances; and the Minister for Mines (Hon. H. Gregory) has given us another. I must say that some of the Minister's explanations are rather vague and self-contradictory. I refer to one item in particular, that of the ironstone quarry sold with the smelter. Mr. Kaufman in his report says he has a lease of this quarry for 99 years. The other day the Minister for Mines practically confirmed this part of the report, saying that the mineral rights had been reserved to the company; but he did not say the company had a lease for 99 years. When speaking on the subject during the debate on the Address-in-Reply, the Minister mentioned, as an instance of how he safeguarded the interests of the prospectors, the fact that he had given only two years' lease of this quarry to Mr. Kaufman. So there is a conflict, and if the papers were presented to the House they would save a lot of unnecessary questions.

THE MINISTER FOR MINES (Hon. H. Gregory): I have not the slightest objection to the papers being laid on the table, and they will be here as speedily as possible. In regard to the remarks of the hon. member, I wish again to assure the House in connection with the area reserved for smelting purposes and paddocks that the land is similar to that we lease for homestead blocks with the right of purchase in 20 years for which we charge a rental of 6d. an acre per annum. The agreement with the company states that the Minister for Lands shall give a lease of this area, and that the company

shall only have the right over the land to a depth of 40 feet, except that they may sink to a greater depth to obtain water for smelting purposes. It says also that the rent shall not exceed 5s. per acre, and shall be determined by the Minister for Lands. In regard to the mineral area containing the ironstone quarry, that will be leased by the Mines Department to the company for the first two years, so that in the event of the agreement not being carried out the lease will be liable for forfeiture. After that period a lease may be obtained from the Lands Department or from the Mines Department; but in either case, in the ironstone quarry the mineral rights are reserved to the company. It is only a small area, and the rent is 5s. an acre.

MR. HOLMAN: Has there been any contradiction in the London papers of Mr. Kaufman's statement?

THE MINISTER: I have given full information to the Press here. In regard to the large area, no mineral rights are granted, because they are specially reserved to the Crown; but in regard to the ironstone quarry, the mineral rights will, of course, go with the lease according to the Act.

MR. G. TAYLOR (Mt. Margaret): I have previously referred to the purchase of this smelter, and if I had been so well equipped with argument then as I am now, I should have made my case much stronger. I ask the Premier or Minister for Mines whether they have informed the public of London that the statements contained in the prospectus—[MR. BATH: Report]—was it not prospectus?—issued by Mr. Kaufman with reference to the sum of £70,000 being placed on the Estimates for the construction of a railway to Ravensthorpe and with reference to other concessions, are incorrect. Have the Government refuted these statements? Because, between the statements of Mr. Kaufman with reference to the purchase of the properties from the Government at Ravensthorpe, and the statement from the Government, there is direct conflict, and the British public, along with the public of Western Australia, should know whether Mr. Kaufman is speaking the truth in that report or not. It will materially affect the mining prosperity of Western Australia if a man in Mr. Kaufman's position in mining circles in London can issue a statement that he has been promised certain concessions from this Government which the Government says it has not given. Since Mr. Kaufman's statements in reference to these concessions he says were promised to him are untrue, has the Government taken up the attitude, which I think is the proper one, of at once advising the people of London of the exact position?

THE PREMIER (Hon. N. J. Moore): Mr. Kaufman had absolutely no authority to make the statement he did in connection with this proposal. I take it that he, as chairman of his company, is possibly taking the ordinary method of booming the company as far as he possibly can. The action of the Government has simply been to advise the Agent General of what it has done in the matter.

MR. J. B. HOLMAN: By cable?

THE PREMIER: No; by writing to him. I take it that it is not the prospectus, because the company has already been formed, and that Mr. Kaufman, as chairman of directors of the company, is making a statement he has no authority to make in that report.

Question put and passed.

PAPERS—PERTH MUNICIPALITY AND AID FROM GOVERNMENT.

MR. C. A. HUDSON (Dundas) moved—

That all papers dealing with or relating to the loan or payment of £40,000 by the Government to the Perth Municipal Council be laid on the table.

A Bill was to be presented with regard to the Perth Town Hall, and it was shown in the Press that certain sums of money were to be paid over to the council, that a certain amount was to be given to the council on certain conditions, and that there was to be an exchange of land. When we were dealing with a Bill involving such a large expenditure, we should have the fullest information as to the financial relations of the parties. We should know what money had been paid to the Perth City Council, whether it was

a loan or a gift, and if a loan, whether it had been repaid. He was informed that a sum of £40,000 was paid to the council in 1900.

THE PREMIER: What for?

MR. HUDSON: That was what he desired to ascertain. The information would be obtained from the papers.

THE PREMIER (Hon. N. J. Moore): The papers asked for would have nothing to do with the proposed Bill, the second reading of which would probably be moved to-morrow. They probably referred to the advance made some years ago in connection with surface drainage.

MR. HUDSON: That was the point.

THE PREMIER: There was no objection to the papers being laid on the table.

Question put and passed.

RETURN—EDUCATION, JAMES STREET SCHOOL.

SCHOLARS FROM SUBURBS.

MR. H. BROWN (Perth) moved—

That there be laid upon the table a Return giving the names and addresses of scholars attending the James Street school, Perth, who reside beyond the boundaries of the municipality.

Possibly the return would show that a saving could be effected. He believed a great many suburban residents, from Guildford to Cottesloe, sent their children to the James Street school, and that on some occasions not long since the children of residents of Perth were practically refused admission to the James Street school owing to its being overcrowded. If residents in the suburbs could afford to buy railway tickets for their children to attend a Perth school, they should almost be able to afford to pay for the education of their children. It was the rule in country districts that children must attend the nearest State school, and the Government gave the children free railway passes to attend it; but it was never intended that parents should overlook the schools in their particular district and send children to a school miles away. If the education given in the central school was good, the education given all over the State should be good. The cream of the teaching staff should not be concentrated in the capital.

MR. DAGLISH: Would the hon. member send the best teachers to where the fewest children were?

MR. BROWN: No; but there must be some reason why people sent their children from the suburbs to the James Street school.

MR. TAYLOR: Because it was absolutely the best school.

MR. BROWN: Then there must be something wrong with the teaching staffs of suburban schools. [MR. DAGLISH: Absurd.] There might be a saving to the department by making a charge whereby those in receipt of a certain income should be compelled to pay for the education of their children.

MR. A. C. GULL (Swan) seconded the motion. We were asked by the Treasurer to impose a land tax; but here was an item where economy could be effected. The Government neglected many points in which economies could be effected. The James Street school was attracting children from all the suburbs, and the school would soon need to be enlarged. We already subsidised the secondary school, the High School. People were sending children in from the suburbs who could well afford to send them to some other institution, thereby relieving the State of the extreme number that congregated at a place like the James Street school. If wealthy people were able to send their children there and cause this establishment to be continually requiring more accommodation, it was not a fair thing to the other schools, neither was it a fair thing to the State generally.

HON. F. H. PIESSE (Katanning): The object in moving for the return was, he thought, to give assistance to the country. We already had established at Claremont and Guildford, State schools which had been established for some time, and which had a very good teaching staff. It was recognised that the James Street school had also reached very great prominence from a teaching standpoint. The staff was an excellent one. Whilst people sent their children from Guildford, Claremont, and other places they were taking the course

which most people would take where they had the opportunity of giving a good education to their children. At the same time the object of the hon. member who moved the motion was apparently to prevent the overcrowding of these schools when schools were already provided in the neighbourhood where the children lived. An instance came under his notice recently, where a parent objected to send his children to a particular school, but preferred to send them to another, but was informed that the children would not be received at the school he preferred, and therefore they must attend the school nearest to the place where they resided. If that was so, the principle should apply to other places in the State. What was taking place was building up a practice which would cause some difficulty in the future, for the reason that we should have to build very much more school accommodation in the centre, and the schools in the parts where children resided would be neglected. We had sufficient accommodation in these outlying suburbs, and people should be compelled to make use of those schools in preference to sending their children to the James Street school to swell the numbers and necessitate increased accommodation. He was glad the hon. member brought the motion forward.

MR. H. DAGLISH (Subiaco): The reasons which influenced the member for Perth (Mr. Brown) in bringing this motion forward had occasioned him much surprise. It was rather late in the day to hear that we should have two classes in our State separately catered for; that if people were able to pay for the education of their children, their children had no right to enter our State schools, and that we should make the State schools a receptacle only for children of persons who had to confess themselves unable to provide the cost of education for their family. In other words, the hon. member, supported by the member for Swan (Mr. Gull) advocated that we should create a new division of classes, between the rich and the poor.

Mr. GULL: Nothing of the kind.

MR. DAGLISH: Undoubtedly they said there were many children attending our James Street school whose parents were able to afford to pay for their education and who ought to pay for their education.

MR. BROWN (in explanation): What was urged by him was that if parents could afford to pay for a railway ticket for their children to come to Perth they ought to be able to pay for the education of their children, and it was never intended that a child who had a school in his district should be able to attend a school five or six miles away.

MR. DAGLISH: The hon. member's explanation was one that he could not understand. The hon. member still said that if parents were able to pay for a railway ticket for their children they ought to be able to pay for the education of the children. Carrying the argument to the only conclusion it could reach, it was that if they were able to pay for the education of their children they ought to do so and thus relieve the State of a burden. That was the only inference the hon. member's remarks conveyed. The member for Swan went farther. He contended that it was an outrage practically on the people of the State to require them to pay a land tax when very many children were being educated by the State whose parents could afford to pay for their education, and when there were secondary schools in existence at which the education of those children could be provided. Did we in Western Australia at this date desire to revert to the old state of things, that there should be this wide division between children of the different classes? Surely not.

HON. F. H. PIESSE: The hon. member was on the wrong track altogether.

MR. DAGLISH: The member for Swan complained of a land tax being imposed whilst people who could afford to pay for the education of their children were having them educated in State establishments.

MR. GULL: What was said by him was that there was to be a land tax, and it was desirable to have economy, and this was an instance where economy could be effected.

MR. DAGLISH: Economise how? By refraining from educating the children whose parents could pay for the education? The member for Perth talked of economy, and also the member for Katanning.

HON. F. H. PIESSE (in explanation): Nothing had been said by him about economy. What he said was, if we were going to make a practice it should be the practice throughout the State. He did not take away one iota from what he had said. He had said that the James Street school was an excellent one, and so were many others. If children resided in a neighbourhood where there was a State school, they should attend that school. He did not wish to say anything about the question of rich or poor. He was a State school scholar himself. State schools had done great good for the country.

MR. DAGLISH: The member for Katanning had not been accused by him of making any such remarks as those suggested; but the member for Katanning said that the mover—and he endorsed the action of the mover—desired to help the Government. How were they going to help them? By not enlarging the schools. In other words, by economy. The argument was that, although in every other respect it was better to centralise our work as much as we could, it would be cheaper in regard to education to distribute the work.

MR. TAYLOR: We were centralising in the James Street school.

MR. DAGLISH: Exactly. But members were objecting to centralisation because they said that if we educated children in the suburbs it would be cheaper to do so. The cost to the Government of educating a child was not greater because that child went to Perth for its education than it would be if it obtained its education in Subiaco, Claremont, Cottesloe, or Guildford. The cost, in fact, was less in Perth so long as a teacher had not an undue number of scholars. Assuming 50 to be a suitable number to represent a class, a teacher could more economically engage in teaching 50 than in teaching 25. The cost of erecting a building for the accommodation of children was not greater in Perth than in the suburbs.

HON. F. H. PIESSE: It was desirable to settle the principle.

MR. DAGLISH: Where, then, came room for complaint? One member alleged that whereas the suburbs were well supplied with accommodation for children, Perth was not. He (Mr. Daglish), speaking with knowledge as an ex-Minister for Education, and also speaking with knowledge as a parent, could in both respects assert that the suburbs were equally deficient with Perth in regard to school accommodation, and year after year in a large number of our suburbs it was necessary to either build new schools or add new accommodation to old schools in order to provide for the large number of children. He had the pleasure of providing for a large increase of accommodation in the different suburbs, and year after year that accommodation would have to be made in the future as it had had to be made in one instance in a school of which he had particular knowledge, almost every year since the school was created. The hon. member would have had a case if he had stated that Perth children were excluded from the school at James Street because the school was rushed, and that the children in the suburbs could have got equal accommodation and equal teaching in the suburbs in which they lived.

MR. TAYLOR: That had been the rule generally?

MR. DAGLISH: It had not been the rule. It might have been the rule that children had at times not been able to gain admission to the James Street school. Other schools, in the suburbs, had been exactly in the same position. In his district there had been children time after time sent back to their homes because the local schools were not big enough to contain them. If the James Street school had not been large enough the complaint should be against the Government of the day for not having made it larger, and the complaint should not be against the parents who sent their children to the school. The hon. member, strangely enough, took up a remarkable argument, and said that the James Street school

should not be any better than any other school; in other words that there should be no best school in Western Australia, that every school should be equal. That socialistic (should he call it) suggestion could only be met by providing that every teacher admitted to the Western Australian Education Department should be of equal merit and capacity. Where one teacher was better than another, whether naturally, by education, or by training, there must be a difference in the value of the instruction imparted; and where should the better teachers be found unless in the particular locality where the greater number of children could benefit by their higher qualifications? It was absurd to complain that one school was a model school. There were certain classes of teaching given at the James Street school that could not be obtained in suburban schools; and in saying that, there was no reflection cast on the teaching staffs of suburban schools.

HON. F. H. PIESSE: That could be overcome by making the James Street school a secondary school, which it really was in a sense.

MR. DAGLISH: There were manual training classes and cooking classes at the James Street school, and when the parents of children shared in the cost of maintaining the teaching staffs of these special classes, surely they were entitled to send their children to participate in the benefits of the teaching. The member for Perth maintained that children in the suburbs should not profit by what their parents were paying for.

MR. H. BROWN: That was not correct. Parents who could afford to send their children into Perth could afford to send them to the Technical School.

MR. DAGLISH: Technical teaching and manual training were different. If the member for Perth asked for an enlargement of the James Street school, all members would support him; but in his present position no member would support him, nor would his own constituents support him. Continuation classes had been established at James Street. This was the first step in secondary education. Again the member for Perth urged that the suburban children should be debarred from the advantage of those classes; because they could derive no advantage from continuation classes except by attending a central school, or it would be necessary to establish these classes in all schools. From the Government point of view it was an advantage to have these children from the suburbs attending the James Street school because there was a contribution to the railway revenue which otherwise would not be obtained. The member for Katanning had raised the point that the rule adopted should be general.

HON. F. H. PIESSE: If there was any advantage at the James Street school, children should be selected from other schools and be drafted to it.

MR. DAGLISH: There should be a general rule adopted; but to do that, circumstances must be the same. Circumstances in regard to the James Street school were not similar to the circumstances of country schools. A school was established in the country only where there were sufficient children in the district to attend it, and the special rule requiring children in country districts to attend the nearest school was necessary in order that the parents should not take away their children from the school and possibly bring down the number below the number required for the maintenance of a school. If the attendance fell below the requisite number, the school would need to be closed or else carried on at an undue expense. Therefore in making a special rule for the country districts, the Education Department preserved the interests of parents by insisting that the number of children necessary to keep the school open should be maintained. The hon. member should withdraw the motion.

MR. J. B. HOLMAN (Murchison): The member for Perth evidently intended the James Street school to be a monopoly for Perth children, but overlooked the fact that there was more than one school in Perth. Did the hon. member intend that children living in North Perth must attend the Lincoln Street school? Were they to be prohibited from attending the

James Street school? If so, the hon. member was wrong in his object. If parents thought their children could be better educated at the James Street school they should be allowed to send them there. The member for Swan talked of economy in education. He (Mr. Holman) hoped that every form of taxation would be imposed before there was any reduction in the education vote. Some people through the wealth of their parents had had an opportunity of being educated, but others had not that opportunity. Nevertheless the education of his (Mr. Holman's) children did not cost the State one halfpenny, and he intended them to have the best possible education. It was to be regretted that any member should raise the word economy in regard to education. We should extend our system. Continuation classes should be extended. We should strive to give higher education. He (Mr. Holman) had heard rumours that it was the intention of the Government to economise in the educational vote. He had heard that from a high authority, but he hoped the idea would not be entertained. If any saving could be effected by refusing this return, he hoped the motion would be negatived.

MR. J. C. G. FOULKES (Claremont): There was no objection to having the return prepared. It would show that not so many children from the suburbs as members thought attended the James Street school. The fact of the motion appearing on the Notice Paper was a compliment to the teaching staff of the James Street school. The Government should refrain from giving judgment on the matter until it was ascertained that a large percentage of children from the suburbs travelled into Perth to attend the James Street school. The time would rapidly come when the same facilities in teaching, as given in the James Street school, must be extended to the suburban schools. The large populations of the suburbs would demand that first-class school teaching should be given in their districts. The member for Subiaco drew a red-herring across the track by saying that it was a question of rich and poor; but the hon. member was always eloquent when replying to remarks that had never been uttered.

At 6·30, the SPEAKER left the Chair.
At 7·30, Chair resumed.

Resolved, that motions be continued.

MR. WALKER (Kanowna): One was at a loss precisely to know what the member for Perth desired to attain by the motion. Surely it was unnecessary to move the House to obtain the names of the children attending the James Street school. Such information could be obtained at any time if the member visited the James Street school. But from one or two expressions which the member let fall it would appear he was anxious to play into the hands of the Government in saving them the expenditure of money in education. His argument amounted to this, that a vast number of scholars attending the James Street school were children of the well-to-do, who could afford to pay train fares to the metropolis and therefore were able to dispense with State assistance; and the suggestion was evident to the Government that these people should be debarred from sending their children to this particular school, and this would mean they would be taken away from any other schools of a primary character, and he supposed sent to secondary schools. That appeared to be the argument of the member, and if he disclaimed it the argument would resolve itself into a question of the education of the children of the rich by one process and the education of the children of the poor by another process. The hon. member could argue as he liked, there was bound to be in the State some particular school better than the rest of the schools, and this motion was exceedingly high testimony to the quality of the teachers and the training given at the James Street school. It was an evidence that there was more of the *esprit de corps* among teachers which it would be well to have imitated in other schools. True it had the advantage of being a metropolitan school, and therefore we should expect to find our best teachers in the central metropolitan school of the State; but there was more in that school,

he believed, to recommend parents to send their children there than in similar schools of its character in the State. He was mentioning this because he desired to see the methods of the James Street school imitated and applied to other schools. The children at the James Street school could be carried farther, their education was stimulated and the spirit of learning was infused in the children in a degree that was really refreshing to observe, as also to note the results obtained from the efforts of the teachers. Surely this was a very desirable thing. Surely this should be imitated by other schools by and by, and he submitted it was due entirely to the spirit of the head teacher. The selection of the head teacher was of the utmost importance in any school. In Mr. Parsons the State had a man full of the spirit of the teacher, who had the power of infusing into the teachers under him the spirit he felt himself. Consequently there was a stir and a life in the teaching of the James Street school which was refreshing to find. The lacadaisical merely passing the hours in routine, going through the formality of teaching that too often was found in the schools of the State was dispensed with there. There was something more than formality, something more than routine. There were life, emulation, zeal and love of teaching for teaching sake, a spirit in the school of which the feeling was caught by the scholars, and this spirit would benefit the State ultimately. He mentioned this not because he wished to unduly exalt this school, but because he wished the teachers in other schools to recognise what it was that had made the James Street school, the particular attraction that brought scholars from Claremont and beyond Cottesloe and all the different parts of the suburbs. They went there because there was some benefit from it, and if we could get that same benefit conferred on the local schools in the suburbs we would have the same result. Too much attention could not be paid to our class of teachers, and it was this that led him to comment on economy. Nothing could be more disastrous to education in the State than economy in matters of education. He held that our teachers were wretchedly underpaid in the State. We were spending too little money, much as it might appear, on educational matters; and if our Government were to make ends meet in their balance-sheet by cutting down the educational vote they were prepared to commit a wrong on the rising generation and on the future of this State, for it was not alone in the matter of reading, writing and arithmetic, as the saying was, that education benefited the learner, but it was in the discipline of the brains, it was in the teaching to think, training the reasoning capacity, therefore the fitting of the poorest in the land not only to become a citizen but to become an intelligent citizen. There could be no sympathy with those who in the past talked of getting too much education and by education unfitting people for the sterner duties of life, that disqualified them for the toil and hardships that had to be endured by those who wished to make the earth more fertile or more prosperous. As a matter of fact the century in which we lived was the noblest testimony we could have to the benefit of education; for our workmen by the education they had received, which this century and the last decade afforded, had done better work even among labourers. As a great American writer and author had said, "Man advances in proportion as he mingles his thoughts with his labour." And it was education that enabled us to mingle our thoughts with our labour. As John Stuart Mill told an audience at the Edinburgh University, a man who is educated with trained brains, be he a bootmaker, can make his boots better by the virtue disciplined education has given to him. It was by education that every art and every advancement of life, every avenue of life, was improved and all things were benefited. It helped the man on the farm, where one might imagine the least degree of cultivated brains were necessary. As a matter of fact it was the intelligent farmer and the intelligent labourer who made the earth yield its fullest increase, and improved thereby the possibility of supplying a larger population with food. The wealth we saw about us, the furniture displayed in the

home of even the poorest to-day, in comparison with the lot of our ancestors was a proof of the benefit of education. Education was the key that unlocked every chamber of the treasury of nature. By education we had the magic wand that made nature herself respond to our ambitions and desires and necessities; therefore whosoever helped in the matter of education was not merely helping the recipient of the education, but helping all he himself might come in contact with in days to come. Education had given a refinement to life. It was education that had removed the squalor and dirt and filth which surrounded the rich a few centuries ago. It was education that had given comfort to the poor. If it had helped to build the palaces of the rich it had at least painted the homes of the toilers; so he could not conceive the purpose of those who would talk about economy in our education, or who would discourage it by forbidding children to go to the particular school where the zeal and interest displayed in that school in the welfare of our children were so beneficially manifest. Even if one had the power and could dictate to the Government, he would say not only should we have more money spent on the primary schools and the schools properly called State schools, but we should go farther and encourage not only with subsidies where it was not possible to have State ownership of the secondary schools, but still go farther and hasten on that dream of Walter James that he hoped would soon become a reality, a University of our own in our midst. The proper policy of education should be not to draw these distinctions that had been made by the member for Perth between the children of the rich and the poor, but to recognise that education was the great democratiser; that it was education that placed the poorest son of the poorest man in our State on the same footing with the son of the rich and the privileged. It was education that brought us into touch with the entire range of human nature; that enabled the poorest boy to prove that he possessed the same qualities of mind and heart as the boy whose blood was supposed to be of the bluest. Therefore, instead of economising, we should spend more money, that we might educate children from the a-b-c class till they were able to enter whatever profession they chose. Why should we have to send children to other States to be educated for the learned professions? This was a disgrace. We should be able to educate them at the State expense, from the first form till they could obtain the highest degree any Australian University could bestow. This would not be charity. The State could not make a better investment. Instead of cutting off subsidies to our secondary schools, increase them and extend them to schools other than the High School, so that parents might have a choice of schools equally endowed. What earthly good could be achieved by the motion? It would not achieve economy, and there could not be a better advertisement for the particular school mentioned. While we had schools that gave better education than others, masters who took more than ordinary interest in their work, subordinate teachers, men and women uniting in particular schools with a common emulation to farther the interests of education, surely the benefits which they bestowed ought not to be confined to a particular constituency. Why did the mover want for his constituency a monopoly of the best teachers and best methods of instruction? The motion meant that Mr. Parsons' methods, his love of imparting instruction, should be confined to the hon. member's constituents. Why did not the hon. member rather lecture the Government on not finding more teachers like Mr. Parsons, and on the poor payment of teachers in outside schools?

MR. TAYLOR: He lectured them severely on the land tax.

MR. WALKER: While lecturing them on their meanness in getting money out of the land, he ought to have reproached them for refusing to pay for the education of our children. We should pay good salaries to our teachers, and then we might get more men like Mr. Parsons. But for a paltry pittance, teachers were sent out to the suburbs and the country and expected to give their whole souls

to training the youthful mind. What work could be more important than that of the schoolmaster, to whom the plastic child was committed to be trained as a citizen, with a love for art and literature, or for the more practical things of life, with results either noble or very commonplace? There was no more important work than that of fitting our children not only to repeat parrot-like a few lessons, but to become familiarised with the great arcana of nature. The Japanese, a people who 50 years ago were barbarians, had recognised that the future of their nation depended on their schoolmasters; hence, from the universities of Europe, they had imported professors, teachers and guides, to familiarise the youth of the country with the latest scientific discoveries. And here, in a nation that had been civilised for as many centuries as the Japanese had spent years in acquiring the arts of civilisation, we treated the schoolmaster as inferior to any artizan. No reflection on artizans was intended, but we sent out teachers to the agricultural districts virtually to live on the poverty of the farmers. The salaries were too low to enable teachers to live respectably, or to have any of those fine feelings with which knowledge was ever associated. Teachers must not be worried in respect of the bare necessities of existence, if they were to impart instruction to the young. More would be said on the Estimates; but he now protested against any possible curtailment of the Education vote, or the stoppage of any educational subsidies. In spite of the apparent poverty of the State, our chief duty should be to increase the vote, that we might develop the latent possibilities of our growing citizens. Give the mind a chance, and the body would not go far wrong.

THE TREASURER (Hon. Frank Wilson, Minister in charge of Education): Anyone listening to the preceding speaker would imagine that the Education Department were pretty hard taskmasters.

MR. WALKER: That was not the exact statement.

THE TREASURER: So far as he could learn from information obtained since taking charge of the Education Department, we had an excellent batch of teachers taking them all round, who were fairly well paid. It was clear that all teachers could not rise to the same level; and naturally, the best sought positions in the best schools. The same state of affairs obtained in the East. Our central school was increasing in pupils, in importance, and in the variety of the instruction imparted. There could not be an equality of teachers. All grades were needed, from those able to instruct the infant mind, perhaps more efficiently than the headmaster of the James Street school, up to those charged with the higher branches of secondary education. At the present time any citizen was justified in sending his children from any portion of the State to the best public school in Perth. None would venture to say that free compulsory education should be interfered with or abolished; but it was necessary for him as Minister, and for the officers of the department, to see that the means of the State were not unduly taxed. Whilst every member desired that the best and most far-reaching system of education which the State could afford should be available, we must realise that State education was limited by the means at our disposal. The cost was heavy, and was increasing year after year, by leaps and bounds. The increase was natural. Every school opened in outlying districts needed teachers; hence, apart from the cost of the building, a staff must be maintained as long as the school continued. Thus the vote increased yearly, in spite of the present decrease in our revenue. Consequently, a member moving for such a return as the motion sought should not be jumped on because of his desire for economy. He (the Minister) had been forced to consider this subject, his task being to try to procure the funds to keep the department at its present high state of efficiency. Certain economies could possibly be effected. Our present system of free primary education was equal to any in the Commonwealth, and in some respects better. When members considered the vast extent of country over which our public schools were spread, and the outback localities which were served far

away from the large centres of population, we must recognise that the State up to the present had done as much as it could be fairly expected to do in this connection. Economy was justifiable. While the system had grown, yet it had extended somewhat beyond what was the first duty of the State. We should give our children a primary and elementary education, teach them to read and write and calculate, so that they might go forth into the world prepared to fight the ordinary battle of life, and succeed if success was in them. When we found some of our schools—the James Street school in particular—were going beyond that and appertaining more to a secondary system of education, then it was the duty of the Minister and of members to consider whether we had not gone slightly beyond what was necessary. He knew members would say that we could not give children too much education. He agreed with that; but he believed the State should do as a parent did. If a parent could afford it, that parent would send a child from the ordinary school to a college to complete the child's education, no matter what it would cost. If the State could afford it, we could not go too far in our system of free education; but at present we had to consider the ways and means. In the James Street school and in other schools throughout the State, we had been permitting children to attend school up to the age of 16 years. He did not know if there were children beyond that age; but he knew there were 1,700 scholars attending school between 14 and 16 years of age. Fourteen years was the compulsory age, and when the State gave a sound primary education to every child in the country up to 14 years, the State had gone as far as it could be called upon to go at present. He (the Minister) proposed to alter that. He proposed to see that if parents, after a child reached the age of 14 years, wished that child to go on receiving benefits from the State, the parent should be charged for that education, and he was recommending his colleagues to approve of a system of charging 1s. per week for children between 14 and 15 years of age, and 2s. per week for children between 15 and 16 years of age. This would apply more to the James Street school than to any other school in the State. This was not a system that was new. It appertained in New Zealand, and he was not sure whether it was not so in the other States of Australia. In New Zealand the State charged for what was termed the higher branches of education. In Queensland he thought that certain examinations had to be passed before children were admitted into what might be termed the secondary schools. All these matters were receiving consideration at the hands of the department and himself at present. A month ago he called for information on this subject. He had some sympathy with members who had mentioned that pupils were coming from as far down the line as Cottesloe and he believed Fremantle on the one side, and Guildford on the other, to go to the James Street school. We ought to endeavour to bring the standard of our suburban schools sufficiently high to say to a person residing at Claremont, "If you wish education for your children you can get it in your own district." That would be his endeavour. We could not get an exact equality in all schools: that was impossible. One school would stand out above the others. We might limit the age for the introduction of children to the James Street school. We might say the suburban schools were sufficient for children up to 10 or 12 years of age, and after that, if a parent wished a child to attend the higher schools, they must pay for the education. This might encroach on the secondary school system, and we must be careful not to hamper the secondary educational establishments in our midst. The subject was hedged round with difficulty; but his ambition was to do what was fair and right with the means at his disposal. Many of our infant schools to some extent were turned into nurseries. There were numbers of children of three years of age sent to school, naturally to get them out of the way of the mother. She was hard-worked, and if she could send her child to be taken care of by a teacher she would do so. The time had arrived when we should limit the entrance into State schools to children of five years of age.

That was early enough for children to attend schools, and it would effect considerable economy in the way of teachers' salaries; as would also the limiting of the age to 14 years when a child must leave school, or the parents pay for the education received. There was no objection to a motion of this description. The information would certainly be useful, and he (the Minister) would have to get it in any case. If the member had gone to him, however, the information could have been supplied without the motion. He wished the mover to accept an amendment. It would serve no good purpose to have the names and addresses of the scholars attending the schools, and he moved an amendment—

That the words "names and addresses" be struck out, and the word "number" be inserted in lieu; also at the end of the motion to add the words "and the localities in which they reside."

MR. H. BROWN accepted the amendment.

MR. G. TAYLOR (Mount Margaret): There was no desire to oppose the motion or the amendment; but he preferred the motion. The member for Perth had no intention to convey that there was any desire to go in for drastic economy, or to prevent every possible freedom for children attending any school in the State. It was the desire of the member for Perth, he thought, that we should know what children were attending the James Street school; those who lived at distances between Fremantle on the one side and Guildford on the other. There were children living closer to the James Street school than to the Newcastle Street school, and these children had been compelled to go to the Newcastle Street school while children from Cottesloe, Guildford, and Claremont, whose parents held high positions in the State, were allowed to go to the James Street school. The member for Perth desired to know how many of these children came from beyond the boundaries of Perth, or from a distance, to the detriment of children living in the vicinity of the James Street school. We in all probability would learn from the return the number of children who came from a distance and who were called children of the privileged classes; but we would not know who they were. He was sorry the motion would not be carried in its original form. If that had been carried on to the extent he had been told it had within the last three or four years the Education Department was greatly to blame. There should be no privileged classes in the State schools. No man, were he in the highest possible position, should have any more advantage in sending his child to a State school than the humblest citizen. Whilst he (Mr. Taylor) contributed as much to the Education Department as any other individual in the State, he did not personally participate in any way. The great majority of the people of Australia paid no taxes with a better grace than they did the tax for educational purposes. It was proved beyond doubt by all the great writers of ancient and modern times that the success of a nation depended upon the education of its people. That being so, he failed to see why members to-night desired to draw a red-herring across the track in relation to the motion by the member for Perth. The hon. member was absolutely clear, and moved his motion without one scintilla of animus towards the Education Department or the Government or any citizen, whether he lived within the boundary of the Perth electorate or any other part of the State. We should have the return, and it should be on the table to guide members when dealing with the educational vote on the Estimates in conjunction with the Report of the Education Department, on which he would have much to say when the Estimates came forward. The Minister for Education was smiling. If when the Estimates came down he found one trace of economy in the Estimates for education except in keeping with efficiency, he would oppose it for all he was worth. No Government or Parliament should curtail in the least the educational vote. When one travelled through the large area represented in this Parliament, it was plain as day that the children required educational facilities. No one knew better than the Treasurer the cost, but one hoped the hon. gentle-

man would bring down a substantial vote, and would not only be able to make schools in the suburbs of Perth practically equal to the James Street school, but would also offer greater facilities in the mining and agricultural areas for the education of our children.

MR. TROY (Mount Magnet): With regard to the suggestion of the Treasurer that it was his intention to compel children between the ages of 14 and 15 attending the James street school to pay a shilling a week, and children between the ages of 15 and 16 two shillings a week——

MR. BATH: Was it not any school? The Minister did not mean to apply that only to the James Street school, did he?

THE TREASURER: No; to any school.

MR. TROY: Surely it was not the Treasurer's intention to carry out such a scheme?

THE TREASURER: What did the hon. member want? Did he want the age to be seventeen?

MR. TROY: So long as a child was worthy of receiving education and education was necessary, the State should give that education on as easy terms as possible.

THE TREASURER: That had been stated by him.

MR. TROY: If this was going to be the case, the only persons who would be able to receive education at the hands of the State would be people who were able to pay for it. It would mean that the children of widows and of poor people, children who in the past had been able to receive education on fair terms, would not be able to receive it. The Treasurer would get a warm time when the vote on the next Estimates was dealt with. It seemed to be the intention of the Treasurer and the member for Perth to provide that the James Street school should be secured to the children living within the Municipality of Perth. There was no justification for that, because if a teacher at one school was better than those at another and gave greater results, the children in any part of the State should be entitled to attend. If the Treasurer was going to have the status of the schools raised as far as possible so that the children might get the same class of education in various schools, the class of tuition which the children received must depend largely upon the teachers we had. There was a number of schools of one grade or class in which the teachers were more or less better or worse than one another. He attended a school where the teacher, who was now inspector of schools in New South Wales and who was then fresh from a University, had such a name that children came to him from a distance of 10 or 12 miles. That would obtain, provided a teacher was a good man. There was no reason why children should not be sent from any part of the State to James Street school, if they could receive a better education there. Why should we prevent the children of Fremantle, Cottesloe, Subiaco, Guildford, or any other locality from being sent to the James Street school, if it was the endeavour of their parents to give them the best possible education? Rather than do anything to prevent that, we should see that they were given facilities to attend that school.

MR. ILLINGWORTH: The motion was to count them, not to prevent them.

MR. TROY: What was the necessity for counting them? To count them with a view to prevention. Whilst the Treasurer did not agree in full with the member for Perth, he had a great deal of sympathy with the motion. Although the Treasurer told us it was not the case, it would appear that he was instrumental in having the motion moved in the first place.

THE TREASURER: Oh no, nothing of the sort.

MR. TROY: We should endeavour to provide the fullest education at the lowest possible cost. We should try to secure as far as possible primary education for the children of the State, and when we had given primary education to as many as possible, we could go in for secondary education. In connection with our primary schools we should make the standard as high as we possibly could. There were localities in the Northern portion of this State where it was said the children were not sufficient to warrant a school. These children, eight, nine, or ten years of age, had no

education. He knew of one locality where there were seven children between seven and sixteen, and not one of them had had a day's education.

MR. T. H. BATH (Brown Hill): It came with some surprise to him that, under cover of a proposal to secure certain information as to children outside the Perth area attending the James Street school, we should have a pronouncement from the Treasurer to the effect that he was going to make a charge to the extent of one shilling a week for children between 14 and 15 years of age, and two shillings for children between 15 and 16, attending our State schools. This was essentially a retrogressive step, and he was not only much astonished to hear such a proposal from the Treasurer, but also more astonished to hear the sentiment approved by the "hears-hears" of members on that (Government) side of the House. The whole aim in recent years had been to confer political equality on all the adults of the State. We also endeavoured by legislation to secure economic equality, and above all things, if those two principles were to be given their full effect, we should have equality of educational facilities. What was the position at the present time? Who were paying the greatest contribution towards the expense not only of our educational system but also of the other Governmental sources but the very people who were availing themselves of these educational opportunities, who perhaps at considerable sacrifice to themselves were endeavouring to give their children over the age of 14 an opportunity of attending our primary schools and perfecting their education more than they would have done if they had been taken away at the age of 14? If every person in the community were to contribute to the revenues of the State, out of which the educational system was supported, amounts equal to those contributed by the people in the metropolitan and goldfields areas who were sending children to those schools, we would have no fear of being able to provide educational facilities; but we would have additional funds to expend to advantage in other directions. This money was derived from people to whom free educational facilities represented so much; and they were paying more than their fair share. Now we had a proposal to make them pay for the education of children kept at school when 15 years of age.

THE TREASURER: Those were not the people who kept their children at school after 14 years of age.

MR. BATH: Yes; but they were the people whose children we desired to see kept at school. The State should assist the people to keep their children at school until 15 years of age. If we wished to remove many of the prejudices that divided citizen from citizen in the State, we should place on their shoulders the burden of additional expenditure to give educational facilities. It was said it would mean a great continual expenditure; but if a poor country like Finland, which had a higher percentage of educated people than any country in the world, could afford to provide educational facilities up to the age of 20 years, surely it was possible for richer communities to do so. When the Education Estimates were before the House there would be an opportunity of discussing this question; and on that occasion he would have more to say on the proposal the Treasurer had outlined.

MR. EWING: There should be no charge whatever in connection with State school primary education. According to his interpretation of the Treasurer's remarks, the matter was under consideration, but the Government had not decided on any policy. It must first be referred to Cabinet. He (Mr. Ewing) had not heard the "hear-hears" mentioned by the Leader of the Opposition. He thought that upon mature consideration the Treasurer would abandon the intention expressed.

MR. H. BROWN (in reply as mover): One had no idea that such a simple motion would raise such a great debate. The speakers had all gone beyond the object sought by the motion, and the return asked for had been left unmentioned. His idea in moving for a return was that we might economise in the building of

schools. No member would propose to spend thousands of pounds in extending the James Street school to accommodate children coming to the city from the suburbs, when the suburban schools were only half or two-thirds filled.

Amendment passed; the question as amended agreed to.

PAPERS — PUBLIC BATTERY AT BURTVILLE, MR. MATHEA'S GRIEVANCE.

MR. G. TAYLOR (Mount Margaret) moved—

That all the papers relating to the dispute between the Mines Department and Mr. C. F. Mathea, of the Mikado Gold Mine, Burtville, concerning the crushing and cyaniding at the Burtville State Battery, be laid upon the table.

He said: It is hardly necessary for me to do more than formally move this. It is generally understood that the Minister for Mines will not oppose the motion, but perhaps it is necessary for me to say a few words. A dispute has arisen between Mr. Mathea, the manager and part-owner of the Mikado mine, and the manager of this battery. Mr. Mathea has told me that he completed a crushing at the battery on the 30th December, 1905, of about 241 tons for a yield of 262ozs., leaving the sands to be cyanided. The State treated the tailings, and there is a dispute as to their value. The department are of opinion that they have given Mr. Mathea all that is due to him, while Mr. Mathea is of opinion, from assays he has received from duly qualified assayers, that there was a larger quantity of gold in the tailings than he received from the cyaniding process at the State battery. I have no feeling in the matter. I gathered from Mr. Mathea, when introducing him to the Minister, and I have some facts here that he has set forth, that his reasons are sufficiently strong to support his contention. I desire, at his request, that the papers be laid on the table. Burtville is in my district, so I am naturally anxious to see the papers myself and to see if the statements alleged are correct. I have no reason to believe more than that there has been a misunderstanding between Mr. Mathea and the department in some way. I am perfectly satisfied that Mr. Mathea has a grievance against the department from conversations I have had with him and from letters I have received from him at different times.

THE MINISTER FOR MINES (Hon. H. Gregory): I may say at once that I have grave objections to placing the papers on the table. At the same time I do not intend to offer any opposition to the motion, but I desire the hon. member to take the responsibility for these papers being laid on the table with the full knowledge he already possesses as to many of the things contained in the papers. It appears that Mr. Mathea had a certain crushing treated at the Burtville battery. Some grievance existed between him and the battery manager, and many letters and telegrams which passed were offensive in a high degree, and reflected considerably on the character of the manager of the battery. Of course if these papers are placed on the table, they become public property. To my mind, there was no truth in the statement of this man. An inquiry was held by Mr. Powell, a departmental inspector, who reported that he was perfectly satisfied the demands made in our presence (the hon. member was there at the time) were excessive. To my mind they were exceedingly excessive. I gave careful consideration to the request made, and felt satisfied that though possibly there may have been some slight injustice done (I do not admit there was), this person was asking for something he was not entitled to. As part of the letters written by this man were offensive to a great degree, I would not like to put them on the table. It is due to the hon. member, knowing these circumstances, to take the responsibility for their being laid on the table.

HON. F. H. PIESSE: Could not the hon. member see the papers at your office?

THE MINISTER: The hon. member knows well that he can run through the papers at my office whenever he chooses. I shall be glad if the member will withdraw his motion. He can have the papers placed at his disposal at any time he likes, and can examine them. Knowing that reflections have been made by the man Mathea which are not justified, that is

the only reason why I have reluctance in placing the papers on the table. The reflections are so offensive that I sent the correspondence to the Crown Law Department to see if they could not take proceedings against the man. Unless we have dishonest employees, it is our duty to protect them. I sent the papers to the Crown Law Department to find out if we could take action; but they said they did not think it advisable. The letters were most offensive; so offensive that in the end I declined to have anything to do with the man. If a man has a grievance, there is always a proper way to bring the matter before the Minister; but this man called an officer a swindler, a robber, and a thief. When a man does that, one begins to think that there is something wrong with him in the "upper storey," or that he has some personal grievance. I would prefer the member to withdraw the motion, and come and see the papers; I will give him every chance to go through them, and will let him have a clerk to explain how the returns were taken out, so as to obtain a thorough grasp of all matters on the file. On the other hand, I will not take the responsibility of refusing to have this file laid on the table, because the man has stated he has been robbed. We have had an inquiry, and it has been found that the man was properly treated; so I refused to take farther action.

MR. J. C. G. FOULKES (Claremont): I do not know anything about this matter, but I have risen to protest against any papers being laid on the table of an offensive character. It appears from what the Minister said, serious charges have been made by one man against an officer of the department, charges which the Minister is satisfied are not true or correct; therefore I strongly appeal to the member for Mount Margaret that he should agree to the suggestion of the Minister. I think it is unfair to make use of the privileges of Parliament for the purpose of making public charges against a civil servant, who has not an opportunity of protecting himself. I ask the member for Mount Margaret, if he thinks it necessary that these papers should be laid on the table, that all the papers and letters written by Mr. Mathea of an insulting character should be excised.

MR. WALKER: We could not have an imperfect file.

MR. FOULKES: I think if a man is foolish enough and so unjust to write letters of that kind he must take the consequences. If he likes to bring charges wholesale against innocent people he must take the responsibility.

THE MINISTER FOR MINES: It is not making the charges, but the offensive terms in which they were couched.

MR. FOULKES: The member for Mount Margaret is the last person to be unjust to an officer, and he will see the difficulty the Minister is in. I suggest he should withdraw the motion, and that the papers should be submitted to him.

MR. WALKER (Kanowna): I believe the man who made this very offensive charge against an officer is a foreigner, and not a man who can either speak or write in eloquent English. I think I have seen one or two of his letters, and I can testify that he may be able to write but not able to spell.

MR. GULL: He is able to express himself, at any rate.

MR. WALKER: Some foreigners learn swear-words first of all, and fancy they are putting things mildly, when a person accustomed to ordinary English knows the statements are very strong.

THE ATTORNEY GENERAL: It depends on the company you keep.

MR. WALKER: He has been amongst managers and people of that kind, battery managers. I think a certain amount of discount can be given to a man in that position, not being an Englishman and not being acquainted with the mild and delicate form of putting things forward. After this allowance is made I do not know why we should not have the papers just as they are, complete. We fully understand what allowance to make in a case of this description. If there are serious charges, no matter in what language they are couched, the House should know those charges. I do not think the member for Mount Margaret would ask for the papers if he did not intend to

take farther steps, if the papers disclosed a necessity. The member may think the matter is of public importance, and if he does the papers should be produced. I understand the Minister has no objection to produce them.

THE MINISTER FOR MINES: No other objection, except the offensive terms.

MR. WALKER: I think we can make allowance for them. We can put the letters into English for him.

MR. TAYLOR (in reply): I am in no way anxious that the papers should injure any person. All I desire is that the fullest investigation possible should be made in connection with this matter. I can bear out what the member for Kanowna said as to this man's nationality. He is a foreigner, but a smart practical man as far as mining is concerned. He thoroughly understands mining in all its phases and branches. He is of an excitable nature; and according to his own statement he has a full knowledge of mining, of the value of sands, and also a knowledge of exactly whom to go to to have his tailings assayed, to get the best value. I think he should be treated fairly. The papers will disclose everything without its being necessary for me to state anything farther. This man has not received full value in money for the gold extracted from his tailings, according to the assays which he received from two or three reputable assaying firms in Kalgoorlie and Perth.

THE MINISTER FOR MINES: These reputable firms did not take the samples that were assayed.

MR. TAYLOR: The man has a grievance, and it is working on his nervous system. When I was ill he came to the House and interviewed the member for Guildford and placed the matter before that member. He asked if the member for Guildford would see me as I knew all about this case, and to ask me to call for the papers. He farther asked that if I was not able to do so would the member for Guildford call for the papers himself? The member for Guildford had the motion written out when I came to the House. Through illness I was not able to be present last Wednesday, and the motion lapsed. I gave notice of the motion yesterday, and had an opportunity of moving it to-night. From my knowledge of the battery manager against whom the charges were made—the vile threats and insulting charges—I have no reason to believe they are true, no matter how condemnatory the statements may appear on the face of them. When they are investigated I am sure the battery manager will be able to clear himself. I have known this battery manager for five or six years, and I have not heard a complaint of a damaging character against him. At the request of Mr. Mathea I move that the papers be laid on the table, and I desire to have the motion carried. I thank the Minister for not opposing the motion, and I shall take the full responsibility of whatever disclosures are made. As the member for Kanowna pointed out, we can make an allowance for a foreigner who has not an extensive command of the English language. This man is suffering and smarting under a loss, which in his opinion amounts to something like £180. If this man has made charges against any civil servant or any Government employee, and they are false, he should be punished. A man cannot make charges which are detrimental to another man's character, and because he is a foreigner be let off scot-free.

THE MINISTER FOR MINES: The man had a remedy in the courts.

MR. TAYLOR: Yes, Mathea had a remedy in the courts and the battery manager also had a remedy. If Mathea has made charges against the personal honour of the battery manager and cannot substantiate them, it is open to the manager to punish Mr. Mathea. We must consider also that Mr. Mathea is not a man of straw; he is the sole shareholder in a mine which is averaging considerably over one ounce, and therefore he is good enough to be shot at. He has threatened litigation against the Mines Department for some time. And I can quite understand the feeling of the Minister, because when I first opened up this question with the Minister he pointed out that the language had been so insulting by letter, verbally and by telegram, that it was impossible for one to receive

him as a deputation unless certain statements were withdrawn. I again want to thank the Minister for allowing the interview on that occasion to take place. If there has been any injustice let us know what it is, and whoever is to blame, whoever is guilty, let him be punished. We have repeatedly had complaints about State batteries in this State by prospectors, and it is idle for members to say these things can be hushed up successfully. If there is anything in the files in connection with a dispute between prospectors and a battery manager or the Mines Department, let us see if it will bear the light of day and then we shall know where we are. I could instance cases where we have had feeling running very high in connection with a battery manager and a prospector. I want to say this, in case the matter may be printed or published in the Press, that I know there have been public meetings on this particular case at Burtville, right on the scene of action, and the local Press, which is about 18 miles distant from the scene of action, has reported those meetings faithfully. I must say that almost without exception the prospectors have been on the side of the battery manager and against this man. That being so it strengthens the case for the department. That is a testimony in favour of the battery manager. I know the battery manager personally, and I know that this matter has been threshed out, and that the people took his side, people who are prospectors. I want to point out in justice to Mr. Mathea, who is a foreigner, that he would be unable with his broken English to stand up before an audience at a public meeting and make his case as clear as a man who has a great command of the English language would be able to do; and in a matter to be decided purely upon the statements made at a public meeting, the man who had the greater command of the English language would have far and away the best chance of having his own argument carried. A man with the small knowledge of English that Mr. Mathea has, and with his excitable temperament, would in front of an audience, and especially an audience of Englishmen, be absolutely incapacitated under those conditions from making himself clear at all. All he would be able to say would be that he was practically robbed out of £185. I have no feeling on the matter at all. It was urged that certain things should be deleted from the papers, and that I should not do anything to cast reflections on any person in the department. I have no desire to do so, and I am sure the battery manager in question would recognise that he has as good a friend in me as he has in any other member in this Chamber. I have nothing to say against the battery manager, who has been managing and erecting batteries in my district off and on for something like three or four years. This is the only case I have ever heard of against this gentleman. I move for the papers.

THE MINISTER FOR MINES: The only place where there could be any final settlement would be the court. There can be no investigation here.

MR. WALKER; A select committee.

MR. TAYLOR: I know these papers contain the report of a gentleman who was specially appointed to go round the batteries to put them on a sound footing. Mr. Powell went there and held an investigation, and I am told by Mr. Mathea—I do not know whether it is true—that he said he would have acted exactly as the battery manager acted, and the battery manager acted precisely in the proper order in which a manager of a State battery or any other battery should act. This incensed Mr. Mathea, he being a foreigner, and he looked upon this person as a natural enemy and considered that he did not know what he was talking about. As I say, there has been an investigation, and the file would disclose the whole thing from the start to the finish.

MR. FOULKES: It has been investigated.

MR. TAYLOR: I want to point out to the member who represents Claremont that the investigation has been in favour of the department and against Mr. Mathea, and Mr. Mathea, from his practical mining knowledge, argues that he has not received within something like £180 approximately of the value of his tailings from the department.

MR. FOULKES: That has been investigated, and it has been found against him.

MR. TAYLOR: I am surprised at the hon. gentleman with his legal mental fibre being satisfied with any such investigation. If this were a case in the law courts it would be taken to the District Court, from the District Court to the Supreme Court, from the Supreme Court to the Full Court, from the Full Court to the High Court of Australia, and if it could reach the Privy Council the hon. member would recommend that it should do so. Mr. Mathea is not satisfied to sit down in silence. You may get an Englishman to do it, but you will not get an intellectual foreigner to do so when he thinks anybody has robbed him. The blood circulates too rapidly in his veins for him to do so. It he had happened to be a constituent of the member for Claremont I am sure he would have worried the hon. member, and the hon. member would have moved several motions before this. If that were the only reason, it would be a laudable reason. I am here to represent the people of Mount Margaret, and this is one of my electors, [MEMBER: I can see that.] I want to tell the hon. member that perhaps I have not to thank that gentleman for being in Parliament. He did not happen to be a member of one of the unions which the hon. member would wish this House and the country to believe are responsible for the return of members on this (Opposition) side of the House. There are broader views than trades unionism in the Labour politics of the Commonwealth of Australia. If that were the only reason for moving the motion, it would be a laudable reason. I will take the opportunity of telling the House that should any person in any part of Western Australia come to me and tell me he has a grievance and that he believes the Government have robbed him of £180 odd, and the member for his district will not move for the papers to be laid on the table, I will move with your permission, sir, every time, that the fullest investigation shall be made. That is what I am doing to-night, and I want to thank the Minister for not opposing the motion.

Question put and passed.

BILL—GOVERNMENT SAVINGS BANK.

Returned from the Legislative Council, with eight amendments; ordered to be considered at the next sitting.

BILLS—THIRD READING (2).

(1) Stock Diseases Act Amendment Bill, (2) Fremantle Jockey Club Trust Funds, *passed*. Transmitted to the Legislative Council.

MOTION—RAILWAY FREIGHTS AND LOCAL INDUSTRIES.

Debate resumed from the 22nd August, on the motion of Mr. A. J. Wilson for revision of rates, especially as affecting timber.

MR. M. F. TROY (Mount Magnet): My remarks on this subject will be necessarily brief, because the members who have already spoken from both sides of the House have traversed all the grounds that can be traversed in a discussion of this nature. I wish to say at the outset that it is not my intention to oppose the motion, because I hold that if the Government can reasonably reduce railway freights to encourage the industries of the State it is their duty to do so without having to be told by this House. At the same time I venture to hope that the Government will not be too weak to resist any attempt made by any persons in this State to exploit the industries for their own individual purposes or for the good of the shareholders who reside outside the State. We feel that this is being done in some connections, and we hope the Government will not be a party to carry out the wishes of these people. This session has been noted for one thing above all others, namely the number of motions which have been tabled and the efforts made with a view to obtain some advantage from this State. Almost since this House had its first sitting, motions have been tabled with a view to having some concession granted to some industry or persons. We had first a motion with a view to assisting the timber industry. We have had another motion, for the adoption of Dr. Jack's report, in order that a concession might be given to the coal industry; and we have in connection with the Coolgardie Water Scheme people

on the the goldfields crying out for a reduction in the price of water. Besides these, we have numberless persons waiting on the Government in deputations, accompanied by local representatives, asking for some concession or other; this in spite of the fact that the State is faced with the biggest deficit known in its history. And the Government will have to be very careful indeed in considering requests of this nature, so that nothing may be done detrimental to the interest of the country. As to the timber industry, which is after all the one industry dealt with by every member who has joined in this debate, it has been shown that in some cases a reduction of railway rates is necessary, as recommended in the timber inquiry board's report. Several gentlemen who had a comprehensive knowledge of the industry were constituted a timber inquiry board, and this House, I am sure, is willing to accept the board's recommendations for the reduction of freights. At the same time, the board has not gone so far as is desired by the Timber Combine; and that Mr. Teesdale Smith is not pleased with the board's recommendations is fully proved by his strong criticism of the report on its first appearance. The board recommends the reduction of freights over a certain zone, so that mills remote from the port may receive the same treatment as those more favourably situated. That is a recommendation that I intend to support. As to the coal-mining industry, if we were to adopt Dr. Jack's report and to reduce the freights as desired by the member for Collie (Mr. Ewing), the reduction could do no good, because the local coal could not compete against Newcastle coal more successfully than it competes now. If we bring down the railway rates on Collie coal, we must bring down the rates of Newcastle coal also; and if Collie coal cannot compete to-day against Newcastle, it cannot compete when the rates on the two products are correspondingly reduced. When we discuss the reduction of railway freights we should consider the timber on the goldfields, where Newcastle coal is competing with the local wood-cutters. That coal is being conveyed on the Murchison Goldfield at a much lower rate than wood. On the Murchison we have sufficient wood adjacent to the railway between the south of Yalgoo and Magnet to supply the mines there for 10 years to come; and the utilisation of the wood for fuel is a greater advantage to the Murchison district than the importation of coal from Collie or from Newcastle. Wood-cutting would employ a large number of men on the Murchison, and would provide the farmers on the coast, in the Greenough and Victoria districts, with a market for their chaff; because a large number of teams would be required, utilising many horses by which the farmers' produce would be consumed.

THE MINISTER FOR RAILWAYS: Do you say there is a large quantity of timber between Yalgoo and Mount Magnet?

MR. TROY: A very great quantity; and farther south than Yalgoo, towards Mullewa. And if the railway rates were reduced to the rates on coal, that timber would be utilised, and would afford to the Murchison a much greater benefit than can be derived from imported coal.

MR. HORAN: Who reduced the rates for coal to the Murchison?

MR. TROY: I do not care who reduced them; and if the hon. member is so anxious that the House should know about it, let him tell us when he rises to speak. In conclusion, if the Government can reasonably reduce the railway rates without detriment to the State, it should begin for the mining industry; because, up to date, the mining industry has paid more to the revenue in the way of railway rates than any other industry. Every other industry has received more consideration from the Railway Department than has been given to the mining industry; and if we wish to encourage that industry, we should revise the railway freights in order that mining machinery, as well as the necessaries of life, may be carried as cheaply as possible to the goldfields. If that were done the industry would be materially assisted, and the development of our mines greatly facilitated. I do not intend to oppose the motion; but if the Government can see their way to reduce the existing rates, let it be an all-round reduction in which

every industry can share. Do not let one industry be pampered at the expense of the others. If Ministers will act on this recommendation, the motion should meet with no objection. It is not the duty of Opposition members to advise the Government to be careful in such a matter; but faced as we are with a large deficit, Ministers should be careful in making reductions and granting concessions. They should take a definite stand. I feel assured that if they reduce the rates at all they will not reduce them to encourage one industry, but will make an all-round reduction in which every industry can share. At the same time I hope that Ministers will be sufficiently strong to resist any endeavour by interested persons to exploit the State for their own benefit, and I trust that as far as possible, when reduction is made, the interests of the State will be safeguarded.

MR. J. VERYARD (Balkatta): It is my intention to support this motion. Though it refers to local industries generally. The mover has spoken exhaustively on the proposed reduction as it affects the timber industry, and on this point I am of opinion that he has made out a strong case; therefore I do not propose to touch on the timber question. My impression of the Commissioner of Railways is that he has in the past endeavoured to conduct his department on commercial lines; and I do not think we should find fault with him for so doing. But in the interests of our industries I think that the Government should allow of some departure from strict commercial principles, and should, if necessary, permit the railways to sustain a loss with a view to building up our industries. In my opinion, if we succeed in that object, we shall in future be able to make the railway system pay; and if a reduction of railway freights be made, our agricultural and other industries will greatly benefit. While I think a revision of rates necessary, yet it must be made with caution, having in view our present financial position. One aspect of the question has not, I think, been touched: I refer to the port-to-port rates. I presume that the object of this system was to induce importers to send teirh goods from port to port by rail rather than by water. By the port-to-port system the importer has great advantages over the small traders. I will give one or two instances. By the port-to-port system an importer can send a four-ton parcel of goods from Fremantle to Bunbury and can reconsign the same to Yarloop for £6 10s., a distance of 164 miles; but if he sent it direct from Fremantle to Yarloop it would cost £8 0s. 8d. Thus it would cost £1 10s. 8d. more for a distance of 70 miles less. In another instance an importer may send a four-ton parcel from Fremantle to Katanning. If he sends it direct it will cost him £21 1s. for 286 miles: but if he sends it to Albany and reconsigns it to Katanning it will cost only £10 0s. 8d., for 418 miles; or, roughly, it will cost 50 per cent. less to send that four-ton parcel over a 50 per cent. greater distance. The port-to-port rates as they now stand do not help to foster our industries, but have, I think, the opposite effect. I take it that every effort should be made by the Government to foster our local industries; but the system of port-to-port rates seems to encourage the merchant to buy his goods in the Eastern States and in other countries. I do not think we should help outside manufacturers, especially to the detriment of local industries. I would point out that mosr of the business houses in Fremantle are managed by agents, the proprietors living in other parts of the world. The result is, the agents are in no way interested in our local industries, and are anxious to get through their business as easily as they can, so as to make the largest possible profit for their employers. The port-to-port system enables them to import their goods in bulk and send them straight from Fremantle to other ports, instead of buying goods from local factories. The system makes it easy for the agents to sell imported rather than local goods, and has a very serious effect on our small factories, which cannot send goods up country from Fremantle or Perth at the port-to-port rates. Moreover, I am led to believe that the railway regulations provide that the whole of the four-ton

parcel consigned at the lower rate must be sent to one person or firm. But I am informed that this regulation is evaded, and that in some cases three, four, or more firms are supplied from one four-ton parcel. If that is so I think that the Commissioner should see that the regulations are not defied.

MR. TAYLOR: Surely no firm would do that.

MR. VERYARD: I certainly do not think that the railway tariff was framed to assist manufacturers outside the State; but it seems to me it has had that effect. I will support the motion with the hope that the Minister for Railways will see the advisableness of amending the port-to-port rates, so as to encourage our local industries.

THE MINISTER FOR MINES AND RAILWAYS (Hon. H. Gregory): This motion is one that will not be opposed by the Government. No doubt it is eminently desirable that, as far as we possibly can, we should do everything to promote the local industries in this State; and that will be the policy that will always be in front of us. A little while ago, certain reductions in rates were made in regard to the carriage of agricultural produce and manures and things of that sort in connection with agricultural industry, and applications have been made for reductions in rates in regard to other industries. I hope that whatever is done with a view of promoting local industries will, as far as possible, be done generally, so as to give genuine assistance to all industries without specially catering for any one industry. Some industries, of course, must get a little more consideration than others, owing to local conditions. A remark made by the member for Mount Magnet (Mr. Troy) a little while ago brought to my mind the negotiations opened up recently for the carriage of Collie coal to Day Dawn. It was pointed out to the department that if we could carry coal to Day Dawn at the rate of about three-eighths of a penny per mile. it would mean the consumption of between 1,200 and 2,000 tons of coal per month. The member for Mount Magnet said that there was an abundance of firewood between Mount Magnet and Yalgoo, sufficient to supply the mines for years.

MR. TROY: I should have said south of Yalgoo.

THE MINISTER: I hope the hon. member will inform the forest rangers as to where these magnificent forests are. It costs about 17s. a ton to land Newcastle coal at Geraldton, and the freight and wharfage from Geraldton to Day Dawn are 19s. per ton. One and three-quarter tons of mulga firewood has been looked upon as equal to a ton of Newcastle coal; so that with Newcastle coal costing 36s. at Day Dawn, the wood-cutters would be able to supply wood at £1 per ton to compete with the Newcastle coal, if the firewood were available at the price. At the present time there is a big demand for wood in that district; and as they are now carrying wood 60 to 80 miles to Kalgoorlie and supplying it to the mines at 12s. 6d. to 13s. a ton, I should imagine that if these forests exist on the Murchison there should be a splendid market for the wood-cutter. But it has been generally conceded that wood does not exist on the Murchison fields within any reasonable distance from the railway. It is a matter to be regretted. I wish we could evolve some scheme of planting forests on the Murchison. That is a matter that deserves consideration. I regret exceedingly that I did not see my way to give instructions that Collie coal should be carried at the reduced rate. I could not do it, because we could not see that it would be profitable to the Railway Department. Mining companies were prepared to buy it, and it meant a consumption of 1,200 to 2,000 tons of coal extra per month, and a considerable increase in employment at Collie. But the distance was so great from Collie to Day Dawn that it was impossible for us to take the coal there as a payable proposition as against the Newcastle coal. During the debate on this motion the arguments raised have been more in connection with the carriage of timber for export than anything else; but the member for Coolgardie made certain statements in regard to anomalies in the railway rate-book. The hon.

member said that pearl barley was carried at a certain rate, tapioca at a certain rate, rice at another rate, sago at another rate, and so on. These anomalies exist in all railway rates. The rates depend a great deal upon the value of the article carried. On such articles as pianos, whisky and spirits of all kinds, I consider the department should be able to get high rates, and to compel people who go in for luxuries to pay a little more. In that way we could foster our industries. That is the principle we adopt in connection with our railway tariff. The system exists not only in Western Australia but elsewhere. In regard to the commodities quoted, the rates we charge compare favourably with the rates charged in other States. The trade value of pearl barley is £16 a ton. On the distance from Fremantle to Kalgoorlie, 387 miles, our rate per ton is £5 0s. 10d. as against South Australia £6 12s. 6d., Victoria £4 18s. 6d., New South Wales £5 5s. 3d., and Queensland £5 14s. 8d., and our rate is cheaper than the rates in any other State with the exception of Victoria. Tapioca is of a higher commercial value than pearl barley, and is carried at a higher rate. We charge £6 12s. 5d. for 387 miles. For the same distance in South Australia the rate is £6 12s. 5d., in Victoria it is £6 10s. 6d., in New South Wales £6 11s., and in Queensland £8 11s. 7d. In reference to the various commodities quoted, the rate of freight is determined to a great extent by the trade value of the article; but we can see that the rates charged on these articles on our railways compare very favourably and more than favourably with the rates charged on them in the Eastern States. Therefore the statement of the member for Coolgardie falls to the ground. Complaint was also made by the hon. member in regard to the charge for the carriage of sandalwood. He pointed out that we charge 24s. 9d. for jarrah, and £2 5s. 7d. for the carriage of sandalwood over the same distance; but sandalwood will not pack as well as jarrah and it is of greater value. At any rate, the matter is being looked into, and it is the intention of the department to make a small reduction in regard to the carriage of sandalwood. In reference to the carriage of timber, sleepers and hardwoods generally, it is exceedingly difficult to point to comparisons. If we take South Australia and Victoria to try and make comparisons with Western Australia, it is idle. Those States have very little timber for export, and there is no exporting being done there. We can hardly compare Queensland with Western Australia, because in Queensland the carriage of hardwoods is over greater distances than here. Also in New South Wales to a great extent the carriage of timbers is by water, and only to a slight extent is timber carried on the railways of that State. I had proposed to deal with the various charges made in each of the States; but as I say, they do not apply, and I hardly think any benefit would result from giving the various rates charged. Statements were made more especially in regard to the charges in Queensland and in regard to the special rate being paid there. The ordinary rate in Queensland for 52 miles, which is the longest distance we are carrying timber here by rail, is 8s. 4d. as against 7s. 1d. here. I believe a special rate was granted there lately, but it was only made for one contract.

MR. A. J. WILSON: That special rate was 2s. 9d It is now 5s.

THE MINISTER: I may say the Commissioner of Railways telegraphed to Queensland and received a reply that the 2s. 9d. rate was for a trial lot of sleepers only, and that afterwards the ordinary rate applied; but I found the ordinary rate could not apply, because it would be 8s. 4d. for 52 miles. So I caused another telegram to be sent, and the reply was that they charged M class rates for logs and sawn timber for export beyond Australia, but that very little was conveyed under 50 miles. The M rate for 52 miles would be 5s. as against 7s. 1d. in Western Australia; but I wish to be fair, and in Queensland they do not charge wharfage, whereas here we charge wharfage to the extent of 2s. a ton; also for longer distances our rate would be higher. But the average rate from 52 to 90 miles, the distance they carry sleepers in Queensland, is 6s. 7d. there as against 8s. 6d. here. There are no wharfage charges

in the 6s. 7d., while they must be added to the 8s. 6d., the average rate here. The question of wharfage was dealt with recently by the Premier. A deputation waited on him and he informed them that it was the intention of the Government to reduce the wharfage to 1s. per ton. That will be given effect to very shortly, but it will mean a loss of £9,000 to the State.

MR. HORAN: It was robbery before.

THE MINISTER: Of course in some places they pay a higher rate of wharfage than the 2s. charged here. Members must remember that there has been a large expenditure of public money at Bunbury and other places; and we must look to the people using the harbour facilities for some portion of the upkeep and for some proportion of the outlay on the construction of works. They should pay some proportion for the business being done through the construction of the harbours. Therefore we are justified in making some charge for these services. We are prepared to sacrifice £9,000 a year, and I think that, in conjunction with the wharfage, considering our financial position, is exceedingly generous indeed. Other arguments were used why freights should be reduced. Bush haulage was one matter referred to. I think some anomalies exist there. I have heard where a truck has been run on to a company's line loaded, and sent back loaded, and a double charge has been made for the truck. If the truck is sent in loaded, a certain wheel charge is made, and if it is sent out empty no extra charge is made, but if the truck is sent out full again, a double haulage charge is made. That seems unfair. In the first place the Railway Department ought to be thankful for getting a loaded truck out rather than an empty one. There has been a big outcry as to the large expenditure companies are put to in connection with renting places alongside the railway line, or at our railway stations, for the storage of goods. The total amount received last year by the Railway Department not only for the storage of timber but for rental of sites was £734 12s. 6d. There are no fewer than 73 sites rented by 23 firms, and on these sites offices are erected, and the total amount which the Railway Department received during 1905-6 was £734 12s. 6d.

MR. A. J. WILSON: That was received; what was claimed?

THE MINISTER FOR RAILWAYS: I believe some exorbitant claims were made. The department naturally wished to show they must have control, and although the charges made might be nominal where the stacking of timber takes place, still there must be some control. At Bunbury some of the sites granted to Millar Bros. and others are exceedingly valuable as business sites, and a fair rental should be paid if persons desire to have these sites along the railway line. When I point out that only £734 was paid last year for storage for 73 sites, divided amongst 23 firms, it shows that the timber companies have not been heavily dealt with. I do not want the member for Forrest to think that I apply this argument to him. He has naturally heard statements made and he would, not knowing the amount, naturally assume that these charges amount to some thousands of pounds, because there has been a big outcry by those interested. Dealing generally with the rates for carrying timber, I think our charges are rather high. There is no doubt when we compare our rates with the rates in existence in all the other States of Australia they are high. But we have a big industry that requires fostering, and so long as we can foster it fairly and equitably in the best interests of the State we should do so. I do not think that anyone desires that the Government should carry the timber at a loss. Our timber is world-famed, and it commands a big price in the markets of the world. I notice the prices which have been quoted are as follow: Tasmania asks 72s. a load; in Queensland the price is 76s. a load, against 98s. for Western Australian timber. That shows that we have a magnificent asset in our timber, and the industry should be fostered. I do not say this because I think the industry is declining, for such is not the case. We find that the timber locally grown conveyed over the railways was as follows:—In 1902–3, 328,000 tons were

carried; 1903–4, 410,000 tons; 1904–5, 378,000; and in 1905–6, the quantity had increased to 446,000 tons, the largest output in any year for the past four years, therefore there has been no decrease in the output.

MR. A. J. WILSON: There was a considerable diminution in the profits. It is not the quantity that pays but the profits.

THE MINISTER FOR RAILWAYS: Take four years, we find there has been an increase during that period. At Bunbury during 1904-5 the exports amounted to 214,763 tons. Last year the export was 245,643 tons. There was a considerable increase in the export from Bunbury as well as the general increase throughout the State. One other statement was made. It was pointed out that at a number of stations a much smaller amount in freight had been received. No doubt there was a reduction at side stations. Instructions were issued to give better facilities to companies so that they should be able to pay at stations to which goods were sent. Last year there was an increase of freight on timber to Fremantle of £10,106, at North Fremantle £16,381, and the increase at Bunbury was £10,168, or a total increase in regard to timber freights last year of £36,565, being an excess in value of £8,009 at nine sations, which had shown a deficit. It will be seen that as far as the industry is concerned, there has been no falling off so far as we can judge. Concessions will be made in the wharfage, and a concession also will be made in the freights. What method will be adopted has not yet been determined upon. The report of the board of inquiry makes certain recommendations to the Government, and these recommendations will receive consideration. I can only assure members that with a desire to promote the industry, we think some reductions should be made. Some reduction was made last year in connection with the agricultural industry, and every industry of the State is worthy of consideration. The chief object of the Government should be to try and promote the local industries of the State. Our freight charges in connection with the carriage of timber are somewhat in excess of those in the Eastern States. I think it has been clearly pointed out not only by those interested, but by the board appointed, that if we desire to see the timber industry fostered as it should be, greater facilities must be given and cheaper freights granted by the Government. Reductions will be made. They may be small, but at the same time farther concessions will be granted to give better facilities, and cheaper freights will be charged than have been the case in the past.

MR. A. A. HORAN (Yilgarn): But for a remark of the Minister in dealing with this question, I should not have risen to address the House. Whilst he was speaking he alluded to the fact, quite innocently, as to how freights were arrived at. I think the hon. member was slightly astray on that score. There are several elements considered in the due determination of what is to be the rate for a ton of goods carried from one point to another on our railway system. We had a question asked last night, and I somewhat regret that such a question should be asked in the House, because it is a question that is impossible to answer, as the Minister rather appropriately and diplomatically replied. But there are given factors in the question where a ton of goods have to be conveyed from one point to another as to classification of goods, as generally accepted by the Clearing House of the Board of Trade in England, and all the States have accepted them with slight modifications. I think personally if an article be admited into the State at 10s. less duty than another type of article, probably something equivalent to that 10s. would be put on in extra carriage on the railways. There are three or four other elements which have to be considered. Take a ton at the bed-rock price, as was asked in the House. Let us take four simple illustrations, a ton of furniture, a ton of caneware furniture, a ton of iron, and a ton of salt. From a railway point of view to convey a ton of caneware furniture, or any kind of furniture, would naturally necessitate two trucks, which would be at least ten tons

dead weight. Then there is the element of wind resistance, necessitating farther engine power, the question of the possibility of damage by rain, or by sparks from the engine caused by Collie coal or fires, or on account of an accident. All these things have to be brought into consideration. Supposing a ton of salt were carried, this would have to be sheeted and a ton of salt would not occupy more space than a ton of iron, which would not require to be sheeted. But nevertheless a ton of iron would not necessitate the sheeting of that ton, and it would not occupy nearly the space. It would not necessitate the great amount of dead weight to be hauled, it would not mean a dozen trucks being put on instead of one; and a ton of salt would suffer the result of rain falling on it. A ton of iron could be stowed away in a truck, and three or four more tons of stuff could be placed in that truck, and consequently four or five tons could be put in one truck, whereas in the case of a ton of furniture it would require two or possibly three trucks. These are things which do not strike people. It is surprising to find not only the Minister for Railways but the ex-Minister making some absurd remarks from time to time, because he does not understand the basis on which all these rates are calculated. [Interjection.] The information is supplied by departmental officers who probably themselves are acting by rule of rote and do not know what they are doing. I have had to do with the striking of rates from time to time, and these are things which have to be taken into very serious consideration, and consequently they are not likely to be discussed in this House by people who simply look at the rates and compare the rates here with the rates elsewhere, and do not know why they exist. They want to get at the basis of what it costs the country to haul a ton of one kind of goods as against another kind. I agree with the motion of the member for Forrest for two or three reasons. The principal one is this. I think the House might generally agree that it is not intended to make a very highly paying concern of any section of the public departments. The Railway Department, the great developmental department of this State, should be made to assist the progress of the country, and if the progress of the country can be achieved by reducing the railway rates in some particular degree where a particular industry has to be assisted, that should be done if possible. I know nothing about the timber industry. I have never been in the South-Western District where the member for Forrest has been so familiar lately, but I have been in the goldfields districts, and there they certainly do require some consideration and very substantial reductions in the cost of conveyance of mining machinery. I could quote dozens and dozens of cases to the House, but instead of doing that I will submit them to the Minister, and I believe he will give consideration to them. I have known many prospecting parties deprived of the opportunity of developing good shows on account of the iniquitous rates they are subjected to by the Railway Department. There they might have made a new Kalgoorlie, a new Coolgardie, a new Golden Mile by the assistance that might have been given to new prospecting shows by reducing the railway rates for the conveyance of mechanical appliances and machinery for mining, and similarly I suppose that in agricultural matters the same argument would hold good. In the Eastern States—I have mentioned it before, though not in this House, on certain occasions—a mining company with which I was connected found itself unable to compete with the foreign trade. The then Chief Commissioner of the New South Wales Railway Department was Mr. Eddy, now deceased, who was generally recognised as being the greatest railway expert who has ever occupied any position of importance in Australia. The question was submitted to him whether or not a reduction should be made for the conveyance of coal from the point I am alluding to, to Sydney. It was a question of threepence, which was not much. The Commissioner recognised that we were paying at that time sixpence per ton royalty to the Mines Department, and that the railway could convey the stuff at a reduced price. Knowing that for every ton by which the Railway Department increased its traffic the Mines Department got sixpence, and that whilst one department did not exactly gain (neither did it lose), the

Government as a whole gained by the transaction, he readily acceded to my request and reduced the rate; and in that locality where previously there had been only 200 or 300 men, and where they had been working only two or three days a fortnight, there were constantly 5,000 or 6,000 men working on full time. I would like the Minister and the Government generally not to have the idea of making the Railway Department by itself a paying concern. The Railway Department is there for the development of the country, and perhaps the Government might lose in one direction, but the Mines Department, the timber industry, or any other industry might gain tenfold, to compensate for a small loss probably made in the working costs of the Railway Department.

THE MINISTER FOR RAILWAYS: You will increase the traffic, and that is a strong consideration.

MR. HORAN: Exactly. Largely increased traffic is a great point, and greatly increased population. Although the question of Customs is out of our hands, we get back the Customs payments in an indirect fashion from the Federal Government. These things should be remembered, and it would be well for the House to bear in mind that the railways should not, any more than any other Government department, be the means of exacting profits out of the pockets of the people. Profits should be distributed through some channel whereby the people themselves would get the benefit. I had no intention to speak on this motion; but I lay down a broad principle to which no man can take exception. I do not care whether the railways lose a little here or a little there. If the Lands Department achieve twice as much benefit, let the Lands Department do so. Let us segregate if you will the Railway Department from any other public department, and then of course the Commissioner will be able to say whether or not he is making it a success. That is the proper thing to do. We should make the whole administration of the railways, like any other department, tend to the mutual benefit of everybody.

[MR. ILLINGWORTH took the Chair.]

MR. J. EWING (Collie): Before the question is put I would like to say a few words. I had intended to speak at some length, but the Minister has told us practically the intention of the Government, and it seems perhaps unnecessary to take up the time of the House to any extent. I think that the member for Forrest (Mr. A. J. Wilson) has brought before the House and the country one of the most important questions that could receive consideration. As far as I am concerned, the member for Leonora (Mr. Lynch), in speaking to this question at some length, and greatly to the point, stated in reference to a certain deputation that it revealed a position of affairs between myself and the company which should not exist. I congratulate the small mill-owners on going to the Premier as a deputation. A controversy had been going on for a very considerable time between certain people and Millars' Company which seemed to me to require either endorsement or denial from some source or another. That endorsement came from the small owners, and it seems to me a matter for congratulation that at any rate the statements made had some truth in them. I am justified in congratulating the people who stated that a reduction of freights was necessary, because it would have been a bad thing to impress people with the opinion that misstatements had been made. In my opinion, the only consideration the timber industry requires is in respect of its export trade; and if the Government deal with that aspect of the industry, they will do all that is necessary. The member for Forrest stated that Queensland timber is sold for something like 16s. 6d. per load less, c.i.f. India, than our local timber. This shows that Queensland has control of the market; that we have not a market for our exported timber, and shall have to recover it if possible. But I wish particularly to touch on the question of the carriage of coal to the Murchison Goldfields. The Minister for Railways stated to-night that the Commissioner has found it impossible to stimulate the coal industry by carrying the product at the lower freights requested. It has also been stated by the member for Mt. Magnet (Mr. Troy) that there is an abundance of wood in the Murchison district. If that is so, then, as pointed out by the Minister, there is a splendid market for that wood

at the present time. But the position seems to be that we are now importing coal from Newcastle for the Murchison goldfields. If we can displace that coal by our local product we shall be doing something of great advantage to the State. If the Commissioner for Railways or the Government could have seen their way to meet the wishes of those who have local coal to sell and those who wish to purchase it, the output would have been increased by 30,000 or 40,000 tons per annum. However, it is not necessary to go farther into the question than to express regret that the Government have not been able to meet the wishes of the producers and would-be purchasers. Perhaps the position is that a certain profit is made on the carriage of Newcastle coal from Geraldton to Day Dawn. But we have to look at the other side of the question also—what it means to the State if Collie coal were consumed there instead of Newcastle. Practically 500 additional men would be employed at Collie and a considerable wages fund distributed. I believe that the question will be opened again at an early date; and I hope that a more satisfactory decision will be come to on that occasion. I should like to point out a very satisfactory statement made the other night by the Minister for Railways (Hon. H. Gregory), when he stated his personal opinion that he was not concerned so much for a railway sinking fund; that if the railways were properly maintained and paid interest on capital, he personally would not be opposed to devoting a certain portion of the money set apart for our sinking fund to securing a reduction in freights. I hope that this will be the opinion of the Ministry as a whole. We must recognise that we have no weapon but our railways with which to fight imports from the Eastern States. Of course we are all anxious to live on good terms with the Eastern States; but we must recognise that they will by every possible means develop their industries, if necessary to the detriment of the industries of Western Australia. Self-preservation is the first law of nature, and we must practise it in Western Australia. Therefore we must use our railways, when we can without any injustice to the people, to develop our local industries. I should like to refer to the remarks which you, sir (Mr. Illingworth), have made in this debate. As a financial authority you are highly respected; and you have impressed upon us the necessity for great caution in reducing our railway rates. But unless we are prepared to assist in developing our industries, by carrying as cheaply as possible not only agricultural produce but the produce of our forests and our mines, we cannot have progress in this State. The Government have, I think, acted wisely, and I regret that they have not gone so far as I should like to go in this direction. However, we shall judge by results the reductions they make in freights, and the bearing that the reductions will have on our industries. It has been stated, doubtless with truth, that if the reductions are adequate these industries will go ahead by leaps and bounds. We shall have a large export trade in timber, and a very considerable local trade in coal, which trade is now in the hands of the Eastern producers. If we can do these things, then a reduction of freights is the correct policy to pursue, and a policy that will always have my support. And in order to reduce the railway rates I should be prepared to wipe out the railway sinking fund, and to use for the purpose of such reductions the £100,000 available for sinking-fund purposes. I hope that due regard will be paid to what is known as the zone system, so as to enable the timber mills at a distance from the base of operations to consign their timber so as compete fairly with mills nearer the ports. But outside that, I think it is unfair in this House to attack any particular timber company, such as Millars; for we must recognise that whatever our opinions may be of the policy pursued by that company, we owe a great debt of gratitude to the people who, like the Combine shareholders, invested their money in the timber industry. We must remember that in all parts of the civilised globe they have opened up agencies and popularised our timber, and make it possible to place West Australian jarrah on the markets of the world. Therefore they deserve well at our hands, and I would not be a party in this House to saying a word against those people. I hope that whatever is done will be done without regard to Millars or to any other com-

pany, but simply with a view to developing the industry which the member for Forrest has so ably defended here. I hope that before many days have passed this question will be finally settled as regards the timber industry, and that we shall again have a considerable export trade in timber.

MR. A. C. GULL (Swan): I should like to say a word or two in support of the motion. The hard-and-fast system by which the Commissioner of Railways now runs his department on purely business lines certainly does not tend to develop the country. I know instances in which small local industries have asked for certain concessions in respect of sidings, etcetera. The price demanded by the department is absolutely prohibitive and out of all reason. My argument is that the Railway Department ought to meet a developing industry, at all events halfway. What is the use of asking a beginner, before putting in a siding for him, to prove that the siding will show a profit of eight per cent.? I say we should use the Railway Department largely as a means of developing the country; and it is a mistake to run the railways entirely as a commercial concern. I have held for many years that the zone system should be applied not only to timber but to produce generally. Many years ago, when living on the Williams River, although I was 100 miles from Perth direct, my journey to Perth by rail covered 160 miles. The extra 60 miles of railway was of no particular use to me, though I had to pay for that mileage. It would have been infinitely preferable to me had the route been straight. If we follow out the zone system we immediately create a fresh asset for the State every time we throw out a fresh zone; because the man situated at the extremity of the zone can place his produce on the market at the same cost for freight as the man situated near the home boundary. Consequently the deterrent now existing to men settling in outlying districts is done away with, because a man will be able to place his stuff on the market at the same price as any other man in his zone. The system should apply not only in the timber industry, but all round. I am with the member for Collie that every endeavour should be made to supplant Newcastle coal by the local article. The argument used that it does not pay to give a reduced rate to convey Collie coal to the Murchison is used exactly in the same way by the Commissioner when he tells us in his report that it pays him better to buy private dams on the goldfields to compete with the Coolgardie water scheme which we have constructed at a cost of millions of money. He is able to get water at 3s. perhaps, as against 4s. charged by the scheme; and he considers it pays him better to sink £500 or £600 in the purchase of private dams in order to defraud another State department running the water scheme. That is an entirely wrong hypothesis to work on. The railways should be used largely to assist in the development of the country, and should not be run on hard-and-fast commercial lines. In exoneration of the Commissioner to some extent, Mr. George has told me that under the present Act he is bound to run everything as a hard-and-fast commercial concern; but if the House will say to him that he is to run the railways more in accordance with the desire of the country for developmental purposes, he is quite prepared to do so and is prepared to face the consequences if he does not run the railways as well as they should be run. So long as the Act lays down hard-and-fast lines that he must run the railways as a commercial concern, he is going to do it. All I say is that it rests with this House to alter the Commissioner's instructions, and I for one am quite satisfied that the railways should be used to assist in the development of the country, and not to exploit industries already in existence.

[The SPEAKER resumed the Chair.]

MR. A. J. WILSON (in reply as mover): I have very little to reply to. I have to thank members generally for the reception accorded to the motion moved by me some weeks ago; and I have to thank the Government particularly for their attitude in regard to this matter. I have every reason to believe that in their hands the matter will receive that consideration the industry deserves. I desire to take some exception to certain remarks made in the course of this debate by the

member for Murchison (Mr. Holman); remarks which he had absolutely no justification for making, because he knew that the contrary of what he said was a fact. The hon. member tried to mislead—I will not say that—but he made statements which were liable to lead members of the House to certain conclusions which in my opinion were directed more particularly for the purpose of rivetting the attention of workers in the timber industry and causing them to take a wrong impression and a wrong view of the whole matter. The hon. member allowed himself to make statements which he knew were quite contrary to the actual facts of the case. He said that if I had adopted a reasonable attitude in the month of August, 1903, there would have been no difficulty or trouble in the timber industry at all. He said that if I had advised the men to accept the offer made to him as president of the A.W.A. by Mr. Teesdale Smith, a copy of whose letter was read in this House, the position would be very much different from whatit is now. But the hon. member knows very well that the offer contained in that proposal was submitted to a ballot of the whole of the workers in the timber industry, and that the offer contained a proposal to level down the wages to the rate paid at Yarloop and Mornington, meaning a serious reduction to workers in many of the mills. For that reason if for no other reason the offer of Mr. Teesdale Smith was declined with thanks.

MR. HOLMAN: The letter was never placed before the men.

MR. A. J. WILSON: The hon. member knows differently. He knows that the whole question was submitted to the workers throughout the industry and that they took a ballot on the question. He knows that the delegates from Mornington attended with himself at Mr. Teesdale Smith's office and heard the offer made, which was subsequently submitted by the same delegates to the men whom they represented at the particular conference. It is idle for the hon. member to manifest his colossal intelligence in this matter in this way. Whatever else he may desire to do, he should first of all have a desire to be perfectly fair to everybody.

MR. HOLMAN: I was too careful.

MR. A. J. WILSON: The hon. member never knew how to be other than what he is, and he cannot help being what he is. The hon. member said that the question we have to ask ourselves is, What is the position so far as the Combine are concerned in this business—do they make the business pay? When the hon. member asks a question like that, surely he recognises that we have members in this House with sufficient intelligence to discriminate between facts; and if he had any reason to believe that the business of the Combine was paying, he should have demonstrated it, and should not have asked us to accept his *ipse dixit* on the matter. What I have to take exception to in connection with the remarks of the member for Murchison and other members who have spoken on the Opposition side of the House, is that they have entirely and absolutely ignored the vital issue contained in the motion. It is not as to whether the railway rates are too high, but the issue at stake is the existence of an important industry giving employment to between 3,000 and 4,000 men.

MR. BOLTON: It does not say so.

MR. A. J. WILSON: That is the question at issue in the debate. It is a question which I went to considerable trouble to place before the House. It is the issue that has been placed emphatically, clearly, and unanswerably not only before the House but before the country during the last three or four months; yet some hon. members who profess to know all about the business, who make bald and meaningless statements, cannot produce one fact or tittle of evidence to disprove the case brought forward. [MR. BOLTON interjected.] I venture to say this to the member for North Fremantle, that when the next election comes round I challenge him to fight the Forrest electorate against me. I give the member that challenge now.

MR. HEITMANN: Resign now, straight away.

MR. WILSON: The member knows when he has a good thing, and will not take any risk. I brought the motion before the House because I recognised one or two things were likely to take place in regard to the timber industry, that either the men would have to sacrifice their employment or else we must

throw a burden on the shoulders of the workers by reducing wages, which they could not reasonably bear. One of these two issues was at stake, and the only alternative to a realisation of either one of the two issues was to give some tangible relief to the industry on the part of the State, and the only way I could see in which relief could be given was along the lines suggested by the timber board inquiry. But to say as some members have said that we should adopt the timber board inquiry's recommendations is something I am not prepared personally to indorse; because the adoption of the timber board inquiry's recommendations would only give that relief which I seek to confer on all the timber employees to about 10 per cent. of the workers in the industry, and the remainder 85 to 90 per cent. of the timber workers would not receive the slightest benefit by the adoption of the timber board's recommendations. Whether we like it or not we have no right to close our eyes to the fact that the timber industry for the time being is centred within distances which come within a railway radius of the port of shipment, to which the adoption of the timber board's recommendations would give but very slight benefit or concession; therefore whatever we do in regard to this matter, we must recognise primarily that the only portion of the industry that has a claim to consideration is that portion which engages in competition in the world's market with the produce from the Eastern States and from other portions of the world. There is at the present time no immediate concern as to that portion of the timber trade which is consumed in the local market of the State. I want to emphasise that fact. There is no immediate necessity to make concessions to meet that portion of the industry confined to the local market of the State. The position is somewhat difficult. I want to point out in reply to the Minister for Railways, although the distances which timber has to be carried in the Eastern States may be longer than the average distance here, the question at issue is not whether we have greater or shorter distances of land transit, but whether the life of our industry is at stake, and whether we are justified in asking that some rebate or revision shall take place in our railway freights in order to carry on the industry in competition with the other States. I merely use the illustration as far as the Eastern States are concerned, not because the total amount paid for land transit in this State is higher than that in the Eastern States, but that as far as the bulk of goods conveyed is concerned the rate charged here for a given service is higher than would be charged for a similar service in the Eastern States. That goes to prove I think that if they can carry a load of timber 52 miles in Queensland for 5s., exclusive of wharfage, and make it pay, there is no reason why we ought not to be able to do it for something approaching that rate here. I am not saying we could do it for the same rate under precisely the same conditions and make precisely the same profit, but I say we ought to be able to make an allowance for the difference, and approximate somewhat nearer to the amount than is the case at the present time in Queensland. That is the only reason why personally I desire to instance the disparity between the cost of the services. There appears to be very little difference whether you carry your goods 37 miles or whether they are carried 52 miles. The difficulty in regard to the timber board's recommendations is this. If the timber board's recommendations are adopted and the 5s. zone for 27 miles and over is adopted, the result will be that only one timber company in the State will receive any tangible benefit at all, and that one company is situated at the 52 miles radius, the Greenbushes Timber Corporation. There are only three timber export companies in the State, so that the Western Australian Jarrah Timber Company, with their radius of 37 miles, will only receive an advantage, if the 5s. zone system is adopted, of 10d. per load, and the same advantage would be enjoyed by Millars as far as exports from Yarloop are concerned, which would also come within the 37 miles zone. But the 10d. would not be sufficient to enable the industry to be carried on and to pay wages now being paid, and to secure to the people who have invested their money in the business anything like a reasonable return for the capital put into the business. These people do not ask for a profit of 4

per cent. for all the years they have had their money in the business, but they ask for a reasonable guarantee, as far as the future is concerned, of some hope or possibility of being able to carry on the industry in the State under normal conditions, as far as the wages and hours of labour are concerned, and guarantee some slight return on the money invested in the business. I want to point out that it has not been proved by any member who has been opposed to this motion that the request which has been made for a small dividend is an unfair or unreasonable proposition on the part of the shareholders who have invested their money and capital in this business. That seems to me a rather important feature of the whole question. Either those people are or are not entitled to a fair return. I think they are. I think that a man who puts his money into that business is entitled to just as much—no more and no less—consideration and just as fair treatment as anybody else who engages in business, whether a worker or a capitalist. [Interjection by MR. LYNCH.] I must admit that the member for Leonora made out a very good case from the somewhat bewildered view (as he said) that he has on the whole of this subject. I admit he made a very strong case, and that he seemed to take what were apparently the weakest points in the armour of the case put up as far as the industry is concerned. He instituted a comparison as to the amount of capital which the M. C. Davies Company was floated for in 1894—I think the figure he gave was £28,000, and that he said it was sold to the Combine in 1902 for £225,000. He forgot to tell the House that when that company sold out to Millars' Combine there was £45,000 worth of railways alone, and between £20,000 and £30,000 worth of jetties, without paying any regard to the building plant which stands upon the concession, and without any regard whatever to what would be the ordinary Government charge for that timber royalty to be paid, which the company has had up to date. He also forgot to mention that when all these companies were amalgamated an estimate was made of the actual market value of every company joining the amalgamation, and every item was most carefully and minutely valued before the concern was taken over, and each of the amalgamating companies had an opportunity of seeing and knowing exactly what it was paying for the other fellow's assets. I am slow to believe that keen business men are going to pay anything unnecessary for a business which they are buying over in the ordinary way; and I venture to say that if the member for Leonora had approached this question with a fair, free, and unprejudiced mind and had investigated all the facts that could be placed before him, he would have been satisfied that value was given for value received so far as the amalgamation was concerned.

MR. LYNCH: I am prepared to allow you the value of those railways and plant, and that will leave about £100,000 of capital on which interest was expected, but which capital was never invested.

MR. A. J. WILSON: I venture to say that if the hon. member had approached the question and the information placed before him with a fair and open mind he would have risen from the investigation fully convinced that value was given for value received. However, that does not get away from the fact that these people are entitled to some consideration, and unless they receive that consideration what is going to be the alternative? Are we going to ask—I am not going to do so, anyhow — the workers in this industry to bear this burden? I say certainly not, because I know only too well the position of the workers engaged in that industry, and I have striven all through to do my utmost to prevent the possibility of interference with the industrial conditions of the men. I have fought as strenuously as I have been able in order that some consideration should be given to the timber industry in relation to railway rates and wharfage charges with a view to prevent the possibility of any interference with the industrial conditions. I believe I shall succeed in doing so. Whether I shall get any honour or credit for having done so is a matter that does not concern me in any degree. All that has concerned me throughout the turmoil, bother, and trouble has been this. I have asked myself all through one question: Am I doing what I believe honestly and conscientiously to be in the best interests of the men I represent? Having answered

that question in the affirmative all the time, I have kept strictly to that line heedless of the consequences, regardless of the adverse criticism and of the odium and opprobrium I have been subjected to. I have been satisfied with that one conviction, that throughout the whole of this business I have acted conscientiously and straightforwardly, believing that I was serving the best interests of the men, and that I was adopting one line of conduct calculated to save the position as far as the men were concerned, and relieve them of the possibility of industrial trouble and strife and a lowering of their wages. I have to thank members for the way they have received the motion and for the consideration given to it, and I hope that in considering this question the Government will not forget that there are 90 per cent. of the workers engaged in this industry to whom the adoption of the timber board's recommendation would mean but a very small concession, and it would probably mean that those workers would also have to pay their portion when contributing to the upkeep of this particular industry. I hope that due regard will be had to that matter, and that as far as the present Government are concerned nothing will be left undone to prevent the possibility of those workers having to suffer any interference with the existing industrial conditions. I hope the Government will so act in order that the people of Western Australia may reap the advantage that is at present enjoyed of the circulation of between £650,000 and £700,000 capital every year coming into the country on account of the timber industry of this State.

Question put and passed.

ADJOURNMENT.

The House adjourned at 10·49 o'clock, until the next day.

Legislative Assembly,

Thursday, 30th August, 1906.

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

PRAYERS.

QUESTION—ESTIMATES, WHEN READY.

MR. BATH (without notice) asked the Treasurer: When may we expect the Annual Estimates to be brought before the House?

THE TREASURER replied: It will be readily understood that we can hardly complete the Estimates until we know the result of the Land Tax Bill and the Land Tax Assessment Bill. I am working at the Estimates now, and I hope to have everything in readiness in a fortnight, or at any rate three weeks.

REPORT—TIMBERS OF WEST AUSTRALIA.

THE PREMIER, in presenting the Report on the Supply of Wooden Sleepers from Australia, by Mr. J. Adam, F.C.H.A., M.I.C.E., Junior Consulting Engineer for Railways to the Government of India, said: The Leader of the Opposition referred to this report, and I would like to say that Mr. Adam, in his report to his Government, has referred in some instances to West Australian jarrah in rather complimentary terms, and he quotes from different authorities in regard to it. The report of Mr. Moncreiff, the Engineer-in-Chief of South Australia, which is quoted by Mr. Adam, says:—

> Jarrah timber from Western Australia has given every satisfaction when used for railway sleepers in South Australia, and if properly seasoned before putting into the road, I should expect, as heretofore, a life of from 20 to 25 years from the same under ordinary traffic.

I commend the perusal of Mr. Adam's report to hon. members, together with the report presented yesterday containing the result of the tests made by Mr. Julius. Those tests were most compre-