

trials and troubles which will be theirs when they return. I am grateful to the hon. member for bringing the matter forward, and trust that the collective wisdom of this Assembly will devise some means for carrying out the wishes which are in the hearts of every Australian; and that this voice, even if it has only a faint echo, will be heard in the Federal Parliament and that the Federal Parliament, with the great powers it possesses, will do its duty to Australia.

On motion by Hon. J. Mitchell debate adjourned.

*House adjourned at 10.43 p.m.*

## Legislative Council,

*Thursday, 9th September, 1915.*

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

### QUESTION — STEAMSHIP "WESTERN AUSTRALIA."

Hon. W. KINGSMILL asked the Colonial Secretary: 1, With what firm of shipbrokers has the steamship "Western Australia" been placed for sale? 2, What is the amount involved in the purchase of a steamship to replace the "Western Australia"? 3, Under what Parliamentary authorisation has this expenditure been incurred? 4, In what form has it been arranged that payment shall be made? 5, On what date was the purchase

concluded, who were the vendors, and through whom was the purchase effected?

The COLONIAL SECRETARY replied: 1, Gilbert J. McCaul and Co., Wallbrook, London, E.C. The senior member of the firm, Mr. Tredwen, is chairman of the Australian Merchants' Association in London, is a member of Lloyd's, the Baltic Shipping Association, and of the Government Committee appointed to fix the rates of freight for chartering ships for Admiralty purposes. 2, £140,000. It is presumed the question refers to the new Deisel ship and not to the vessel proposed to be built later, as outlined in answer to question given on Tuesday last. 3, Parliamentary authority will be sought in the Loan Bill to be introduced at an early date. 4, The insurance companies have agreed to finance the purchase, the loan to have a currency of 20 years at 5 per cent. The Government will issue inscribed stock for the amount, and provide sinking fund at the rate of 75 shillings per cent. The stock is to be a purely collateral security, and is not negotiable except in the event of default. 5, The matter was finalised by cable despatched on August 26 to the Agent General; the vendors are Messrs. Harland & Wolff (builders), in conjunction with the Eastern Asiatic Steamship Co., a firm of Danish shipowners by whom the order for the construction of the vessel was placed, and the purchase was effected on the advice of Sir John Biles, through the Agent General. As already intimated to the House, the papers dealing with this purchase will be laid on the Table at an early date, the delay in doing so being due only to the time required for the preparation of a duplicate file.

### QUESTION—BRAN, POLLARD AND MAIZE IMPORTED BY THE GOVERNMENT.

Hon. J. J. HOLMES asked the Colonial Secretary: 1, What is the total cost of bran, pollard, and maize imported by or on behalf of the Government? Cost to include freight, duty, crushing maize, and all other charges: 2, Net proceeds of

sale? 3, Value of stock on hand? 4, Cost of maize crushing plant? 5, Proceeds of sale of maize crushing plant? 6, What is estimated loss on these transactions?

The COLONIAL SECRETARY replied: I will ask that this question be postponed. The task is too great to get out the figures asked for at short notice; and besides, the sales are yet in a transition stage, so to speak. Buyers have purchased on railway weights, paying in the meantime only deposits and awaiting receipt of railway advice notes before paying over balances.

#### MOTION—ELECTRIC POWER HOUSE, EAST PERTH.

Hon. J. F. ALLEN (West) [4.35]: On account of the absence of Mr. Colebatch through indisposition, I move—

*That there be laid upon the Table of the House all contracts, agreements, correspondence, and papers relating to—(i.) the erection of the electric power house at East Perth; and (ii.) the supply of electric current therefrom.*

The Colonial Secretary: The mover ought to give reasons.

The PRESIDENT: The mover has an opportunity now of giving reasons for moving the motion, or the motion can be postponed until Mr. Colebatch is here.

Hon. J. F. ALLEN: If the Colonial Secretary desires reasons for this request, I might refer him to the remarks already made by me in the House in dealing with the Government Electric Works Act Amendment Bill now under consideration, and also to the remarks which Mr. Colebatch made in connection with the measure. On the occasion I refer to I gave ample reasons to the House to show the necessity of further light being thrown on one of the dark transactions of the Government. We are always asking for light and we occasionally get a gleam of it. It is very often obtained after a considerable amount of effort and we are thankful to get the

small amount which we do. There is no doubt that this question of a power house at East Perth is one which we are entirely ignorant of except that we know such a thing is in existence; first because we see it from the trains as we pass and, secondly, because the Government are asking for power to utilise the product of those works. Beyond that, members know nothing about the matter. It is in the interests of the people that their representatives in Parliament should be fully advised of all transactions of this nature that the Government enter into. For these reasons I ask that the motion be carried.

Hon. Sir E. H. WITTENOOM (North) [4.37]: I second the motion.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [4.38]: Under ordinary circumstances there would be no objection to the production of these papers, but if they are laid on the Table they must remain until the close of the session. These papers are in daily use and the department will be subjected to grave inconvenience if these papers are taken away.

The PRESIDENT: I may tell the Colonial Secretary that it is within the power of the President, and it is often done, when papers are laid on the Table of the House, to permit the department to take them away for their use, so long as they are returned.

The COLONIAL SECRETARY: But these papers are in frequent use from time to time. I have a letter here from the Commissioner of Railways to the Premier explaining the position. It is dated the 9th September, 1915, and is as follows:—

With reference to the motion to be moved by Mr. Colebatch as follows:—  
“That there be laid upon the Table all contracts, agreements, correspondence, and papers relating to (a) the erection of the power house at East Perth, and (b) the supply of electric current therefrom,” I desire to point out that the files and papers relating to this matter are in constant daily use, and some portions of the files are being referred

to almost hourly each day, and if removed from this office very serious inconvenience would be caused, and the business connected with the new power house and electric supply will be practically at a standstill during the absence of the papers. If Mr. Colebatch desires to peruse the files in question, this could be arranged if he would call at this office at any time convenient to himself, when all papers and other information he may desire would be placed at his disposal. I strongly recommend that this course be adopted. (Sgd.) John T. Short, Commissioner of Railways.

And the Government are quite prepared to afford these facilities to Mr. Colebatch or any other member of the House.

Hon. W. Kingsmill: Or to the Press?

The COLONIAL SECRETARY: It seems strange to me that Mr. Colebatch did not ask for the files before making the grave statements which he uttered yesterday. Mr. Allen says that he bases his request for the production of the papers on the remarks made by Mr. Colebatch yesterday. It is very unfortunate indeed that, before giving currency to the statements he made, Mr. Colebatch did not seek information by a perusal of the files. He admitted that the statements he made were based on rumour, but that really is no excuse for the attitude which he took up. The statements he gave currency to were false in some instances. It was not through any intention of the hon. member but through the source from which he obtained his information. As members know well, public rumour is a notorious liar and in this instance it has proved true to its reputation. Mr. Colebatch owns a newspaper. Would he dare to make the statements which he did yesterday in the columns of his newspaper?

Hon. W. Kingsmill: What statements do you refer to?

The COLONIAL SECRETARY: I will give the statements presently. If Mr. Colebatch would not take the risk of making the statements public in the columns of his newspaper, he should not

do so in this House. The hon. gentleman sheltered himself behind the privileges of the House. He says the contracts in connection with the works were made without calling for tenders. That is a perfect falsehood. Public tenders were called and advertised. He further said the material was of German manufacture. That is not correct. A very small portion of it was of German manufacture. That was before the war, and the whole of the British possessions at that time were dealing in German goods. I am game to bet that if you entered Mr. Colebatch's own home you would find there a German piano. I have no ground for making that statement, but German pianos were in such general use that I have no doubt that I am correct in making that remark. Nearly the whole of the material used in the construction of the power house is of British manufacture, and the only portion which is of German manufacture is the switch gear utilised in connection with the works. The reason that the tender of a German firm was accepted for this material was that it was the best and most modern, and will prove of the greatest use economically in the production of power. From the remarks of the hon. gentleman one would conclude that the Government had given the whole of this work to some German firm, whereas only an infinitesimal portion was given to German manufacturers. The object of the hon. gentleman's statement was to damage the Government. It has been my experience in this House that some hon. gentlemen make statements which are not true, but are based on rumour, and who acknowledge that this is so, but half a dozen other members rise in their places and base all their comments on the slander to which currency has been given. This is unfair. The whole of it is published in the newspapers in detail day after day—columns of criticism based on absolute falsehood in some instances. By the time the leader of the House comes to reply, the whole of this slander is in circulation throughout the State, and when he does reply only a very scanty report of his remarks is given. In many

instances the statements he places before the House are mutilated, and, consequently, the slander is not refuted and it goes on. I intended to say more in this connection, but Mr. Colebatch is not present. There is another phase of the attitude adopted by Mr. Colebatch to which I intended to direct attention, but it seems scarcely fair to do so in his absence.

Hon. Sir E. H. Wittenoom: He will see it in print.

The COLONIAL SECRETARY: I do not think it is fair to do so. Anyhow, the Government have fully decided to take steps to defend themselves against these calumnies. They cannot go into the libel court owing to the protection which is afforded by this House to hon. members, but they can adopt other means and throw upon Mr. Colebatch and others the full responsibility for their statements, and this is the attitude which the Government will take up. If a charge is made, it should be a specific charge. There should not be a charge of general criminality laid against public officers. Any hon. member who wants to make an accusation against a Minister or public official should be prepared to give the basis upon which the charge rests in order that it might be investigated. This has not been the practice, but the time has arrived when steps must be taken to ensure that this sort of thing will be stopped, or hon. members will have to take the responsibility before a properly constituted tribunal.

Hon. W. KINGSMILL (Metropolitan) [448]: Now that I have heard what the Colonial Secretary has had to say about the motion, I hope more than ever it will be carried. The file will be intensely interesting. It was amusing to hear the remarks of the hon. gentleman about the ethics of Parliamentary privilege. I would like him to repeat those remarks in Cabinet, whereby he may possibly induce some of his colleagues to repeat in public some of the remarks which they have made on the floor of another place with, no doubt, unexpected results to themselves. I hope the motion will be carried. I cannot believe that this

file is in hourly use in the Railway Department. It is essential, if this is not a secret contract, that the Government should take steps to prove it, and I for one would be very glad if they could clear themselves of the charge of this being a secret contract. With regard to the erection of the buildings, tenders were called, but with regard to the material I still very much doubt—and the Minister has not touched upon the point—whether tenders were called here for the supply of the material and the necessary machinery for the power house.

The Colonial Secretary: For the machinery, yes.

Hon. W. KINGSMILL: I am very glad to hear it.

The Colonial Secretary: You mean called in Western Australia?

Hon. W. KINGSMILL: Yes.

The Colonial Secretary: I could not say: it could not be supplied here.

Hon. W. KINGSMILL: I venture to say the machinery could have been supplied here. The gentlemen in business in this State, with the connections they have in England, could supply the material just as well as Merz and McLellan.

Hon. R. G. Ardagh: And make the Government pay 30 per cent. more for it.

Hon. W. KINGSMILL: I do not think there would be the slightest danger of that. I understand that when these contracts are let, it often happens that material is used which would not be used if public tenders were called. I understand that to-day material is being unsuccessfully offered for sale in Perth, the residue of material used on some of these contracts, and it is unsaleable because contractors know that the Public Works officials will not specify it in their contracts. If these statements are wrong, all I can say is that my information has been derived from the highest possible authority, because it comes from a man of high standing to whom such material was offered. If the statement is wrong, I shall be very glad to learn from the file or from any other file which may be produced that this is so. This House has a right, when any doubt whatever exists to ask that the

files be laid upon the Table, and that the Railway Department or any other department should put up with any little temporary inconvenience caused thereby. No doubt, Mr. President, you would be only too glad to release the file after a few days, as has often been done in the past.

On motion by Hon. R. J. Lynn debate adjourned.

#### BILL—NEWCASTLE-BOLGART RAILWAY EXTENSION.

Read a third time and *passed*.

#### MOTION — STATE IMPLEMENT WORKS, TO INQUIRE.

Debate resumed from the 24th August on the motion by Hon. C. F. Baxter—"That a select committee be appointed to inquire into the conduct and management (past and present) of the State Implement Works."

Hon. W. KINGSMILL (Metropolitan) [4.53]: I have no very pronounced feeling on this matter now that a Royal Commission has been appointed, except that the terms of the appointment of the Commission are not as wide as they possibly might have been. Quoting from memory, the Commission has been appointed to inquire into the control and management of the State Implement Works, situated at Rocky Bay, by the late manager, Mr. Davies, and the terms of the commission proceed to direct an inquiry more particularly into certain other phases of Mr. Davies's employment. On reading the instructions to the Commission one realises that those instructions are personal to Mr. Davies. The business prospects of the venture when it was started, while it was running and for the future do not form any part of the inquiry, and indeed it is not likely that unaided a judge of the Supreme Court would undertake the task of giving an opinion on the prospects of the implement works as they were, as they are, and as he thinks they might be in future. That is the only fault I have

to find with the instructions to the Commission. I am entirely in the hands of the mover of the motion. If he wishes to adhere to his motion for a select committee, I certainly shall vote for it. If, on the other hand, he wishes to withdraw the motion, my voice will not be raised against any withdrawal. At the same time, I cannot help thinking that to this country and to this Chamber, the business aspect of the matter is very much more important than the personal quarrel between Mr. Davies and the department. That aspect of the question, I am afraid, will, under the instructions issued, be omitted by the Commission. I would like to know what the leader of the House thinks of this matter.

The Colonial Secretary: Unfortunately I have already spoken.

Hon. W. KINGSMILL: It would be a pity if, while an inquiry is being held, the business aspect and the prospects of the implement works developing into a decent business were not investigated. I confess that I have very grave doubts indeed upon this particular aspect of the question, but if the hon. Mr. Baxter wishes to proceed with it he may rely on my support. On the other hand, if he wishes to withdraw the motion I shall not dissent.

On motion by Hon. J. Duffell debate adjourned.

#### BILL—WEIGHTS AND MEASURES.

##### *Second reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [4.58] in moving the second reading said: For the information of hon. members I shall in the first place briefly explain the method of bringing into operation the machinery of the present law and the manner of the administration of the statute. The Act was passed in 1899 and it created the metropolitan corporation, which means the council of the city of Perth, as a sort of executor and endowed it with the functions of enforcing the Act and extending its authority to other municipal councils in the State. It was provided

that all verified standard weights and measures should be deposited at the offices of the metropolitan corporation and kept under the control of that corporation. On the payment of prescribed fees by any municipal council, the city council could dispose of sets of standard weights and measures. Every municipal council was required under the Act to appoint an inspector of weights and measures, and to pay him a salary which was considered by that council to be reasonable. But there was no provision for extending these powers to roads boards. No doubt, the reason for that was that at the time the principal Act was passed the functions of roads boards were very limited. Their duties then were confined to the construction and maintenance of public thoroughfares and bridges in their respective districts. Since that period the sphere of usefulness of roads boards has been enlarged, and they are now charged with many responsibilities identical with those entrusted to municipal councils. It was found that the Act was defective in many important particulars. For instance, whereas municipalities were empowered to adopt standards, similar authority, as I have already said, was not enjoyed by roads boards. Municipal inspectors, it is true, were empowered to travel beyond the boundaries of their municipal district in order to test scales; but the prohibitive cost rendered this provision practically a dead letter. Wheat buying in the country districts emphasised the necessity for some measure of protection to farmers; and in one case it is on record that a large vendor secured a refund of short payments because he was in a position to prove that the scales used by the purchaser were not true. The matter was taken up very seriously by the roads boards conference last year, and the Government representative at the conference, who is the clerk in charge of local government, was asked to specially represent the desirability of some action being taken during the then current session to give roads boards similar powers to those enjoyed by municipalities. Since the present Government have been in office, we

have been so pressed from different quarters for an amendment of the Act, that we decided to delay no longer. Although we intended to take action early in the session, other legislation, perhaps considered more important at the time, was introduced, and this particular measure had to give way. Outside the city of Perth the Act has been to a large extent a dead letter. In Perth the corporation have done good work. They appointed an inspector solely to discharge the duties; and from what I can gather I believe he performed his task well. He was, however, considerably hampered by the defective character of the law on the subject. In the country, on the other hand, although inspectors were appointed—it was an obligation which devolved upon municipal councils—little or nothing was done. Most of the municipalities were not in a financial position to appoint an officer specially for the post. The duties were generally assigned to some employee whose hands were already full with other obligations. Hence, there have been merely spasmodic attempts to administer the law; and this notwithstanding the fact that there was a stimulus in the shape of a provision that half the fine should go to the inspector who had been instrumental in having an offender convicted. In spite of that stimulus, little or nothing has been done in the country districts. The time has come when it is considered by a large number of farmers, as well as others, that the question of dealing with the whole matter from a representative standpoint should be deferred no longer. Hon. members will realise that a measure of this kind is not intended to be on the statute-book merely for ornamental purposes. It is there to be administered, and administered not only in the city of Perth, but in at least all the principal centres of the State. That this is not being done is proved by the fact that out of all the municipalities in the State, a total of 31, authorised copies of the standard have been supplied by the Perth City Council to only the following: Fremantle, Kalgoorlie, Bunbury, Coolgardie, Boulder, Mount Morgans, Kanowna, Guildford, York and

Subiaco. Thus, only ten out of 31 municipalities have secured the recognised standards, and those ten alone are in a position to administer the Act. Whether it is administered by them is a point very much open to doubt. The fact I have mentioned should in itself be sufficient to show the urgent need for an alteration in the method of administering the measure; and we propose to effect such an alteration by this Bill. Having said this, I wish to repeat that the Government have introduced the Bill at this particular period only after the strongest pressure from the country districts. The previous Government, I may mention, had the matter in hand when we accepted office. The file on the subject shows that the question was first raised by the Prime Minister in 1910, by a circular letter to the State Premiers pointing out that inquiries supported the statement that scales, weights, and measures not of sufficiently high grade to permit of their being used for trade in England would, under Australian regulations, be exported to, and passed for trade in, Australia. The letter I refer to was sent to all the State Premiers. Following on this, the first suggestion made was by the Perth City Council, which proposed an amendment of the Act to the effect "That no scale, measure, or weighing machine shall be used except of a description approved by the Colonial Secretary," or, alternatively, "approved by the metropolitan corporation." The Perth City Council pointed out that under the regulations there was no power to seize or confiscate untrue weighing appliances. The Customs Department were instructed to advise the State authorities of the arrival of consignments of weighing machines; and of the first two consignments thereafter received, the majority of the machines were considered to be of defective type. The council proposed to institute proceedings, but intimated that "under the present Statute it would appear the result is somewhat doubtful." This doubt is shown to be well founded by an opinion given by the City solicitor, to whom the question was referred. In a letter to the Colonial Secretary of the day, forward-

ing that opinion, the Perth town clerk wrote—

At the present time numbers of scales in use throughout the State would not be permitted in any country which has proper regulations in this matter. None of the scales referred to in the City solicitor's letter should be permitted to be used for the purposes of trade; yet the council has apparently no power to prevent them from being used.

The seriousness of the position was recognised by the then Colonial Secretary, and steps were taken to prepare an amendment of the Act; but for one reason or another an amending Bill was not introduced. The vital provision of the present Bill is that the administration shall be in the hands of the Commissioner of Police. That official will have power to appoint inspectors. They will in the main be members of the police force, but not necessarily; and by this means the application of the measure can be more widely extended than is possible now. I do not say that in every small town a police constable should be appointed and supplied with standards. Hon. members will recognise that such a proceeding would involve the State in considerable expense. In the centre of every large district, however, a suitable officer might be selected, and he would operate from that centre by travelling at irregular intervals to outlying parts for the purpose of making surprise visits. This Bill, when it becomes an Act, should in my opinion be administered with discretion. Its provisions should be set in motion, not for the purpose of wantonly harassing business people, but with the object of detecting and punishing meditated dishonesty. Under the control of the Commissioner of Police I am sure that object would be attained. The measure is copied from the New South Wales Act, which in turn is based upon the regulations of the English Board of Trade. I shall now proceed to explain the clauses concisely. Clause 3 repeals the existing Weights and Measures Act. Hitherto, as I have already explained, the administration has vested

in the Perth City Council. Clause 5 proposes to transfer the control, under the Minister, to the Commissioner of Police, who, by the succeeding clause, is authorised to appoint inspectors. These officers as I have already stated will be appointed from the members of the police force, though not necessarily so. Clause 7 establishes a standard of weights and measures for the State, and provides for the lodgment at the Treasury of specimens of such standards. Under Clause 11 verified copies of such standards, to be known as "departmental standards," are to be deposited at the office of the Commissioner of Police. Clause 12 provides for "local standards," and copies of these are to be provided by the Minister in such number as may be necessary. Each such copy, whenever practicable, is to be stamped with such letters and figures as are commonly used to denote the Sovereign, together with "S.W." for "standard weight," or "S.M." for "standard measure." These local standards will be in the keeping of the various inspectors. Clause 14 fixes a penalty, not exceeding £100, for the offence of falsification, injury, or destruction of any standard. The future sale of goods is dealt with in Clauses 16 to 23, which provide, *inter alia*, that contracts and sales shall be according to standard weights, except in the case of contracts for the importation or exportation of goods from or to a country in which other than the standards under this measure are used; that all goods sold by weight shall be sold by avoirdupois weight, with the following exceptions: for gold, silver, platinum, or precious stones, the standard shall be the ounce troy; for diamonds or other precious stones, the metric carat; and for drugs, apothecaries' weight. Under Clause 19, all measurements and weights are to be net, and all delivery notes are to be accompanied by invoices showing the net weight, except where goods have been weighed or measured in the presence of the purchaser. The package enclosing any article exposed for sale by weight shall show on the outside the net weight when packed.

Hon. Sir E. H. Wittenoom: Will not all these provisions hamper the retailer?

The COLONIAL SECRETARY: They should not hamper any honest man. Either the Bill is required, or it is not required. If it is the desire of this House that traders should sell just as they like—under weight, if they choose—then the proper course is to reject the Bill. The measures set forth in any Act dealing with the sale of liquor are to be held to satisfy the requirements of Clause 19, to which I have just referred. It is further provided that the requirements under this clause shall not become operative until one year after the commencement of the Act. Where fraud has been proved, the weight, measure, or instrument concerned is made liable to seizure under Clause 23. Clauses 24 and 25 provide for the verification and re-verification every two years of weights and measures used in trade, and a scale of fees payable for this service is provided in Schedule C. Special provisions governing the sale of coal and firewood are contained in Clauses 29 to 33. Under these, all sales of coal or firewood up to five hundred weights are to be made by weight. Above that quantity it shall be legal for a trader, with the consent of the purchaser, to sell "as otherwise agreed." But the driver of any vehicle delivering coal or firewood under this exemption must carry the purchaser's written consent to the sale otherwise than by weight. This provision, so far as it relates to firewood, is limited to such districts or places as are notified by proclamation. The remaining clauses are mainly of a machinery nature, dealing with inspections, forged stamps, false weights or measures, penalties, disposition of fees and the making of regulations. I move—

*That the Bill be now read a second time.*

On motion by Hon. C. F. Baxter debate adjourned.

*House adjourned at 5.17 p.m.*

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