

PHARMACY AND POISONS ACT AMENDMENT BILL.

Received from the Legislative Council, and, on motion by the PREMIER, read a first time.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Received from the Legislative Council, and, on motion by the PREMIER, read a first time.

ADJOURNMENT.

The House adjourned at 10.45 o'clock, until the next day.

Legislative Assembly, Thursday, 21st August, 1902.

Papers presented—Question: Circuit Courts—Question: Boiler-makers engaged in England—Question: Steamship Subsidies—Return ordered: Public Buildings, Furniture and Fittings—Return ordered: Canning Railway, Particulars—Standing Order, new—Justices Bill, third reading—City of Perth Building Fees Validation Bill, second reading, Committee—Fremantle Prison Site Bill, second reading, in Committee, reported—Railways Acts Amendment Bill, second reading (resumed)—Indecent Publications Bill, in Committee, progress—Adjournment.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR RAILWAYS: Plan showing route of proposed Collie to Collie-Boulder Railway.

By the PREMIER: Amended regulation under the Industrial Conciliation and Arbitration Act of 1902.

Order: To lie on the table.

QUESTION—CIRCUIT COURTS.

MR. TAYLOR asked the Attorney General: What action has been taken

by the Government with regard to the establishing of Circuit Courts in the principal centres, such as Geraldton, Cue, Albany, etc.?

THE ATTORNEY GENERAL replied: This question is covered by the answer given to the member for Greenough yesterday, viz., That the question of establishing Circuit Courts in other districts besides Kalgoorlie was being considered. At present the Attorney General is watching how they work at Kalgoorlie before establishing additional Courts.

QUESTION—BOILER-MAKERS ENGAGED IN ENGLAND.

MR. TAYLOR, for Mr. Reside, asked the Minister for Railways: 1, Who authorised the Agent General to advertise for boiler-makers in England. 2, Whether a similar advertisement was inserted in any newspaper in Australia. If not, why not. 3, How many boiler-makers have been engaged by the Agent General in accordance with advertisement in *Lloyd's Weekly* of 13th July, 1902. 4, How many boiler-makers have left the Railway Department during the past three months because they would not accept less than the minimum wage of 11s. 6d. per day. 5, Why were the Government seeking to import men at a cost of £30 per head, while refusing to employ skilled men, trained in their own workshops, who were willing to accept the same rate of wages that was offered to men in England (viz., 12s. to 13s. per day). 6, Whether the Government would give preference of employment to boiler-makers resident in this State whose services are available, rather than import men from England, at public cost.

THE MINISTER FOR RAILWAYS replied: 1, The Government. 2, No. Advertisements had been previously inserted in the principal inter-State newspapers. The secretary of the Boiler-makers' Society was also asked to supply boiler-makers. All those who presented themselves, and were considered likely to be suitable, were taken on, but they were not sufficient for the requirements of the department. 3, No advice had yet been received. 4, Three youths just out of their apprenticeship, who would not work for 11s. per diem. 5, Because sufficient

skilled workmen did not offer in the Commonwealth. I know of no such refusal, except as explained in answer No. 4. 6, Sufficiently skilled and suitable boiler-makers can obtain employment, but if any applicants have been previously employed in the department, then the manner of their leaving would have to be considered.

QUESTION—STEAMSHIP SUBSIDIES.

MR. STONE asked the Treasurer: 1, Whether the Government pays any subsidies to steamships in West Australia. 2, If so, to what steamships. 3, What is the amount of the subsidy in each instance. 4, For what purpose is it granted. 5, Whether the Government has any control over the rates and freights of those steamships receiving such subsidies.

THE TREASURER replied: If any subsidies are paid to steamships in Western Australia they are charged to Commonwealth funds, and consequently the State Government has not any control over the rates and freight of such vessels.

RETURN—PUBLIC BUILDINGS, FURNITURE AND FITTINGS.

On motion by Mr. DAGLISH, ordered: "That there be laid upon the table a return, showing the amounts paid by the Public Works Department during the financial year 1901-2 for furniture and fittings for public buildings and offices, and specifying separately the sums paid for such purposes under contract, and the sums paid in cases where no contract existed and no tenders were invited.

RETURN—CANNING RAILWAY, PARTICULARS.

MR. M. H. JACOBY (Swan) moved:

That there be laid upon the table of the House—1, A return of the traffic (inward and outward) through Midland Junction Station, from and to the Canning railway line, for the year preceding June 30th last. 2, Reports of the engineers concerning the condition of the Canning line. 3, Departmental reports concerning the probable traffic returns of the line.

It would be of some assistance to members in discussing the motion relating to this matter if the return were placed on the table before Wednesday next.

Question put and passed.

STANDING ORDER, NEW.

THE PREMIER (Hon. Walter James) moved that the following be added as a Standing Order, to follow No. 21:—

The Chairman of Committees shall take the Chair as Deputy Speaker whenever requested so to do by Mr. Speaker, without any formal communication to the House; and Mr. Speaker shall nominate during every session a panel of not less than two members, who shall act as temporary Chairmen of Committees, whenever requested so to do by Mr. Speaker or the Chairman of Committees. In case of the unavoidable absence or illness of the Chairman of Committees, Mr. Speaker may nominate a member who shall perform the duties and exercise the authority of the Speaker, in relation to all proceedings of the House, during the temporary absence of Mr. Speaker from the Chair.

Members who had perused the motion would see that the object was to enable the Speaker to nominate certain members of the House to occupy the Chair in those cases where the Chairman of Committees happened to be absent. A debate occurred the other night which showed the need of some such provision.

Question put and passed.

Resolved, That the Speaker do present the new Standing Order to the Administrator for approval.

JUSTICES BILL.

Read a third time, and transmitted to the Legislative Council.

CITY OF PERTH BUILDING FEES VALIDATION BILL.

SECOND READING.

MR. W. M. PURKISS (Perth), in moving the second reading, said: This is a Bill to provide for the rectification really of a very simple omission. It appears that the Municipal Council for the Borough of Perth were empowered under the Building Act Amendment Act, 1897, to levy a scale of fees to be paid by any owner or builder in respect of any order or license or matter or thing required or permitted by the same; also that under that Act certain by-laws were made levying certain fees to be paid by contractors and others, and the fees were indicated in the schedule of those by-laws. Subsequently the particular by-laws were repealed and a new set brought in. The new by-laws really re-enacted the old ones with certain alterations, but by an oversight the schedule was omitted, and

consequently after December, 1898, fees were levied without proper legal authority. That was afterwards cured, and it has been cured for some time, but during that little interval, there was no legal power to levy those fees. They were collected in a *bo a fide* manner and no one was hurt. There was nothing wrong about it, so this is really a validating Act. Not that any trouble has arisen so far, but still trouble may arise. I ask members to assent to the second reading of this Bill without demur.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

FREMANTLE PRISON SITE BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. Walter James), in moving the second reading, said: Under the Act 14 Vict., No. 22, passed in the year 1851, certain land therein mentioned which was required for a convict prison site was vested in the controller general of convicts as far back as 1851. Until quite recently this land has been treated as the ordinary waste lands of the Crown in the disposal of the Government for the time being, and if members will refer to the second schedule of the Bill they will find that five grants are referred to, by which the Government for the time being granted certain portions of the land to various bodies; for instance, a grant was made to the Presbyterian Church, three grants for the town of Fremantle, and one grant to trustees on behalf of the members of the Jewish Church. The question has recently cropped up as to the title of this land, and at once attention was drawn to the fact that by virtue of 14 Vict., No. 22, the land had not been taken out of the control of the controller general of convicts. For many years past all the convicts have been controlled by the Government, and it was thought that all the land utilised by convict settlements had also passed to the Government. This is a Bill to repeal the Act of 1851 by which this land, which was left in the control of the controller general of convicts, is vested in the Gov-

ernment, and authorising the grants which have been made. The balance of the land will be dealt with as it ought to be by the Crown, because the Government is the real successor to the controller general of convicts.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1 — Repeal of 14 Victoria, No. 22:

MR. ILLINGWORTH: Would the Attorney General explain to the Committee what was involved in this clause?

THE ATTORNEY GENERAL: The grants were set forth in the second schedule, and were made by the Government under the belief that the land was vested in the Government, overlooking the fact that by the old Act of 1851 the land was granted to the controller general of convicts, and that the grants were really not valid, because the Government were giving land away which it was not legally in their power to do. By Clause 3 the Bill validated these grants.

Clause put and passed.

Clauses 2 and 3—agreed to.

Schedule, Title—agreed to.

Bill reported without amendment, and the report adopted.

RAILWAYS ACTS AMENDMENT BILL.

SECOND READING.

Debate resumed from the 12th August.

HON. F. H. PIESSE (Williams): I regret I was not present at the time the Colonial Secretary, who had charge of the Bill, moved the second reading. Unfortunately, owing to business, I could not be present at that time, otherwise I should have been able to have made notes, by which I could have followed the course of the Bill with much greater accuracy than I am able to do from the ordinary reports. I have made myself acquainted with the facts laid before the House by the Colonial Secretary, and I hope to be able to deal with them from the various standpoints. I may say at the outset my desire is not to deal in an antagonistic spirit with the Bill, but in a fair and what I may term a generous manner, and to criticise the points which I consider should be criticised, also to place my opinion before the House in respect to what I consider

the defects of the Bill, and to touch on the points where I consider the Bill is in accordance with my own opinions. I cannot congratulate the Colonial Secretary on the comprehensiveness of the measure. The Bill as placed before the House is defective in so far that there are many provisions that should have been included in the measure. From my standpoint of opposition to the appointment of Commissioners, the Bill does not go far enough. It is a novel Bill, if I may term it so. It endeavours as far as possible to retain control of the policy of management in connection with the railways, and in many particulars I am in accord with the Government in that respect. Again, there is a departure in placing the railways under a Commission, and I think it may be termed—to use an expression which has been used on several occasions, and which must not be taken as casting any reflection on those who framed the measure—a hybrid Bill. It has no doubt been framed with a desire to meet the exigencies of the case. The very objects intended to be attained by the Bill will be lost. The Minister stated that one of his reasons for introducing the Bill at this stage and on such lines was deduced from the history of the various Railway Bills introduced and Railway Acts passed throughout Australasia. The hon. gentleman mentioned that in the year 1888 a wave of feeling swept over the whole of this continent with regard to railway management. With that statement I agree. It is well known that there was such a wave of feeling, springing no doubt from the objection in the minds of members of Parliament of that day, and of the people as well, to what was termed “improper political influence.” This feeling amounted to almost an epidemic, which passed through the whole of Australia and even reached New Zealand, with the result that Bills were passed very much on the lines of a measure introduced into the Victorian Parliament some five years previously. But there came, in 1895 or 1894, a revulsion of feeling, and there was a reversion to the one-commissioner system in all the Australian States, except New South Wales, where the system of that day has ever since been successfully continued, and with the farther exception of New Zealand, where commissioners were

entirely done away with. The experience of the majority of the sister States, therefore, goes to prove that the general-manager system—you may call it what you please, but it amounts to control of the railways by one man—was the system which gave the greatest satisfaction. It may be argued, accordingly, that the very system under which our railways have been worked for so long a period, namely the system of control by a Minister with a general manager, gave greater general satisfaction than the system of control by a board of commissioners. The objection to the three-commissioners system seems to have been general, with the result that in all the States except New South Wales there was a reversion to the system of control by one commissioner, whilst in New Zealand commissioners were altogether abolished. I shall show later why I consider the system of control by one man is more likely to be for the benefit of the country than the system of control by a board. I admit that our existing railway legislation needs amendment. I held this view in 1897, when a Bill dealing with the question was introduced into the House. The second reading was moved; but the measure was not followed up except by one member, and subsequently it was discharged from the Notice Paper. Again, in 1890—as the sponsor of this Bill no doubt knows, having investigated the matter—a Bill was prepared giving greater powers to the general manager and dealing with the whole question as I thought it should be dealt with. That is to say, the Bill proposed a continuance of the system of control by a Minister, but with a general manager possessing greater powers. The Bill was prepared, and would have been introduced in 1900 but that I then relinquished office; and there was not time to deal with the matter during the session. If that Bill were looked through, it would be found, I think, that a great many of the provisions embodied in the Bill now before the House were embodied in that previous measure, which however went farther. That Bill amended and consolidated the whole of the existing railway legislation, the endeavour being to remedy then existing defects and to draft such a measure as would meet the requirements of the country for some time to come. Un-

fortunately, all the labour put into that Bill has been thrown away, since the measure has not been placed before the House by any succeeding Ministry.

THE COLONIAL SECRETARY: I have not been able to find that Bill.

HON. F. H. PIESSE: It can be found. The Bill can be traced, because it was undoubtedly framed. I think the Crown law officers drafted the measure after several conferences with the heads of the Railway Department and myself. As for the Bill now before the House, I ask what are the evils to be remedied by this measure? The Minister states that political influence has crept into the Railway Department during the last 12 years, and has become rampant during the last two or three years. We find now that the Government are anxious to be relieved of their responsibilities. They place before the House a Bill designed to put the railways under the control of commissioners, but, as I said before, not going far enough to achieve that end. The Minister gave as his principal reason for introducing the Bill that members of Parliament were always demanding the erection of useless sidings and the running of non-paying trains. After all, however, is it not right that the representatives of the people should make applications for such facilities as sidings, stating the reasons which go to justify their erection, and should make application for the running of trains required for the public convenience? The Minister of the day should be sufficiently strong of will to resist unreasonable applications. If the grounds on which a request is based be insufficient, then the Minister should refuse it. He should not come to the House and ask for an Act designed, practically, to protect him against himself in matters which fall entirely within his province. The providing of station conveniences and the running of trains required for the development of the country's industries are matters with which the Minister ought to deal. The Colonial Secretary probably has in his mind the experience of the past. He thinks that those who had control of the railway destinies in times gone by were, perhaps, too eager to accede to demands made for sidings and trains; but I claim that Railway Ministers of the past had sufficient strength of will to resist

applications which they considered unjustifiable. As I take it, the country desires that the Minister controlling the department should show firmness and should show that he is able to judge of the reasonableness or otherwise of a request. We find, however, that the Government of the day are anxious to be relieved of their responsibilities, being unable to say "no" to importunate members of Parliament. Ministers say, "We must have an Act behind which we can shelter ourselves; we must throw the responsibility of deciding applications for conveniences on the shoulders of commissioners." If the Bill be introduced with that end in view, then I maintain the Government are really seeking to shirk their responsibilities, and that they are not ready to deal with matters which rightly come before them. Ministers are not prepared, I say, to give unfavourable replies to unreasonable requests. My opinion of the system of control by a board of commissioners is well known. I consider that no better system can be devised than that of control by a Minister, with a manager in charge of the administration and responsible, through the Minister, to Parliament. That is the ideal system, which has worked satisfactorily in the past, as I think I shall be able to show, notwithstanding all the adverse opinions expressed on the conduct of past Administrations, and which I think would have continued to work satisfactorily to this day if sufficient support had been accorded to those in administrative control.

THE COLONIAL SECRETARY: Where does the responsibility of the general manager come in?

HON. F. H. PIESSE: I consider the principle enunciated by the Colonial Secretary, as to placing the railways under a board of commissioners, detrimental to a self-governing community. The Bill, it will be found, throws on the shoulders of the commissioners even the responsibility of deciding, or at any rate of advising the Government, on new lines of railway. If such a law had existed in the past, how should we have been able to cope with the rapid developments which occurred during the years from 1896 to 1900? In connection with many works which, in order to meet the urgent requirements of the country, had

to be carried out as quickly as possible, we should have had to wait several months in order to place proposals before Parliament. Of course, Parliament had during those years an opportunity of considering various Railway Bills, but nevertheless the Government of the day took on themselves the responsibility of developing the country by building railways wherever they were required. Moreover, there is no getting away from the fact that the privileges possessed and the authority exercised by the Minister and by Parliament should be jealously guarded and should be in no degree relinquished. Our privileges and our authority should be exercised with judgment, but should be jealously guarded; for, after all, the system of control which I advocate is the proper system for a new and rapidly developing country such as this. One point to be noted is that the Government seem to admit this contention, in a certain measure, because they reserve to Parliament the right of controlling the railway rates as well as the right to deal with the employees as a body. I maintain that if the control of the railways is to be handed over to commissioners, it must be handed over to them entirely. If we are to throw the responsibility for the proper management of the railway system on commissioners, then we must adopt the system which was, in similar circumstances, adopted by other countries, and especially by a State mentioned by the mover, namely New South Wales. The commissioner system of that State is based on complete control of the railways by commissioners, who settle the rates of freight and the classification and wages of the men, decide on improvements to open lines, and even have within the scope of their duties the partial duplication of open lines. The authority of the New South Wales commissioners thus extends to all important matters. Here, however, the Government propose to introduce a Bill giving only partial control to the commissioners. The Government propose to leave with Parliament—and rightly so, I say—the control of the railway rates. If this Bill is to be made a workable Act, one under which the railways may be successfully managed, then full control must be given to the commissioners. As it stands, the measure

practically gives the commissioners powers with one hand and takes them away with the other. Commissioners without full authority will prove entirely useless; and I maintain therefore that this Bill, unless suitably amended, will result in an even worse state of chaos than any exemplified hitherto. It is far preferable to continue the present system. If, however, the wish of the House and the country be to adopt the system of commissioners, then I say, let us go the full length and adopt the Act of New South Wales, giving the commissioners adequate, that is full, control. I repeat, the Government do recognise, in a measure, that Parliament should exercise some control; because they propose to leave with Parliament the control of the rates. I thoroughly concur in that view. I consider a railway tariff of equal importance with a customs tariff in regard to the development of the resources of any country such as this. I have strongly urged the contention that the Government in framing a railway tariff should, as far as possible, frame it on such lines as will most encourage the development of our industries. We have heard it said, I do not think by the Colonial Secretary, but certainly in the Governor's Speech, that it is intended to work the railways on commercial principles. Now, what are commercial principles? I think it is rather difficult to define them. We have heard much of them from time to time, but I fear we shall find that commercial principles applied to such a concern will give a dominant power to the commissioners to make a direct profit. They themselves will go to work with a view to a profit, whether or not they promote the development of the country and conserve its interests. My opinion is that the interests of the country demand that questions of development and of railway rates be left entirely in the hands of the Government, and that it is the duty of the Government, in the circumstances of this State, to develop its industries. By the Bill the commissioners are empowered to control the railways in their administrative capacity, and from a commercial standpoint, that is to say to work on commercial lines; and if they decided to do so they would not be prepared to meet the wishes of the people. The commissioners know no policy in regard to the development of

the country: all they wish is to make the railways pay. They are told the lines must pay interest and sinking fund on the cost of construction, together with working expenses, and consequently they will not study the interests of this great country. If we take the Bill itself, we shall find the Government seem to have made up their minds regarding the appointment of the present Commissioner, Mr. George. We find that by Clause 5, "One of the three commissioners shall be appointed by the Governor as chairman." Then by Clause 6, the chairman is to receive a salary of £1,500 a year, and each of the other commissioners £1,000 a year; and the latter may, and if required by the Governor shall, hold the office and perform the duties of the head of any of the branches of the Government railway service without additional salary. There will thus be two commissioners at £1,000 each, and one at £1,500 a year. We know there is already an agreement between the Government and Mr. George in regard to his position, by which he is to be paid £1,500 a year; and it consequently follows that he must receive the position of chairman of the Board of Commissioners. Clause 11 reads thus:—

The Commissioners shall have the management, maintenance, and control of all Government railways open for traffic, and, with the approval of the Minister, may make additions and improvements to existing lines, and in the performance of their duties shall have the powers, and be subject to the liabilities, of a Commissioner of Railways under the Railway Acts.

This is admittedly a clause defining their powers; but it takes away from the Government the right of dealing with certain matters with which the commissioners, if appointed, will have full power and authority to deal; and that is one of the great objections I have to the commissioner system. By Clause 14 it is provided that:

The Commissioners shall decide upon the position, character, and suitability of all stations, etc.

Now I think whoever is to be the general manager or commissioner should possess that authority and have that right.

THE COLONIAL SECRETARY: A pity he did not possess it a few years ago.

HON. F. H. PIESSE: I can assure the House that the right did exist; and that

is what caused a great deal of trouble in the past between the Railway and the Works Departments. The Minister said the other evening that more friction had been caused and heavier expenditure incurred in connection with stations and other buildings, than should otherwise have been necessary. I admit the expenditure has in some cases been heavier than it should have been; but from about the latter part of 1897 up to the middle of 1900, very much greater care was exercised in respect to the location of station-yards and the designing of various buildings. Clause 15 states:

The Commissioners may apply in writing to the Minister for additional stores, plant, material, rolling-stock, stations, sheds, and other accommodation.

That is a sort of permissive clause, and evidently means it is necessary that they shall apply, if they are to carry on their work; for they must have the authority so to do. That is a clause which should be made more definite if the Bill reaches the Committee stage, and greater powers should be given the commissioners than are there indicated. In Clause 17 we find that:

If at any meeting at which two Commissioners only are present such Commissioners differ in opinion upon any matter, the determination of such matter shall be postponed until all the Commissioners are present.

There will be a difficulty over that clause. If we have three commissioners, it will be found that the two subordinates can override the chairman, and by voting, as they probably will, together, can place him in a most invidious position. The way out of that, and a way must be found, is to give the chairman some greater authority, otherwise he will be subordinated to the two inferior commissioners—and by their salaries they are inferior in position: he will be subordinated to them by virtue of their votes on all questions in which he and they are not in agreement.

MR. ILLINGWORTH: There will always be one of them away on leave, the same as with the Judges.

HON. F. H. PIESSE: Clause 20 makes an innovation which will cause much trouble. It provides that the approximate cost and earnings of trains per ton per train mile in respect of passengers and goods respectively carried during the

past quarter shall be reported in writing to the Minister in the first month in each quarter of every year. This will cause endless work and trouble in preparing the necessary information, and this has not been done anywhere else, except for a short time in New Zealand.

MR. MORAN: What is the exact meaning of the clause?

HON. F. H. PLESSE: It means that if we are to take the earnings of trains per ton per train mile, it will be very difficult to prepare the return, because we may have one train of greater capacity in carrying power, or greater power of traction, taking a larger load than a train of smaller capacity. And how are we to average these? One may be entirely loaded with grain, another with a mixed freight. One may carry bales of wool, which goes at a high rate; or may carry chaff or coal, which goes at a lower rate.

THE COLONIAL SECRETARY: That is a very unimportant detail.

HON. F. H. PLESSE: It is a point which has probably escaped the notice of the framers of the Bill; but it is a provision which, even on the railways of America, has been very strongly opposed; and it has been opposed in every other country in the world, in consequence of the immense detail involved. The clause has evidently been framed by someone who did not know the nature of the work it would entail; and it is an error which will have to be rectified in Committee, by striking out the words "per ton," and leaving the old provision, "per train mile." [**THE COLONIAL SECRETARY:** Certainly.] By Clause 23, Sub-clause (3.):—

A Commissioner suspended under this section shall be restored to office unless each House of Parliament, within 21 days from the time when such statement has been laid before it, declares by resolution that the said Commissioner ought to be removed from office.

That is a most difficult thing again, because it involves the two Houses of Parliament; and probably the two Houses could not decide such a matter within 21 days, in which case the suspension would have to be removed; because, as we know, a debate on such a question, even in this House, might last for 21 days; and therefore that is another point which I hope will be dealt with if the Bill reach the Committee stage. With those exceptions, there is nothing else in the Bill to

which I need refer. I have pointed out the three or four clauses in which I think some improvement may be made, and those to which exception can be taken. Before leaving the Bill, I may say there is one other matter which will cause difficulty—the clause providing that a difference among the commissioners cannot be determined unless all three be present. That again will cause delay, and will lead to endless confusion, because there may be some very important matter to be dealt with, and it will have to stand over until the whole of the board can be got together. In some countries where there are three commissioners, two can decide and settle the matter, provided one of them be the chairman himself. I may say, on the whole, that the Bill does not go far enough, if it be called a Bill for placing the railways under commissioners. Let us have the whole Bill, if we are to have a Bill at all, or let us keep to the present system. We want either one or the other. We do not want a Bill giving part control to the commissioners and part to the Government, because no matter what Government take the railways in hand, it will be a most onerous task to deal with the railways under such a Bill as this. The Government do not appear to have properly grasped the question. They have evidently, with the best intentions, brought in this Bill, and there has admittedly been a desire on the part of the people to have such a Bill; but if the Government wish to introduce such a measure, let it be on the recognised lines of the Acts of the Eastern States, or, better still, let us amend the existing law; let us consolidate the existing Acts dealing with our railways, and let us give the authority to our General Manager—term him Commissioner if you like—to administer and deal with certain things, by giving him authoritative control over the employees while Parliament retains the control through our Ministerial head, who is responsible to Parliament. The reason why I am so strong an advocate of the present or of some similar system is because it is a system that has been tried. It has been said by a number of members that the system has not been a success, and its non-success has been attributed to various Ministers. It has been said that for the last 12 years the railways have been in a chaotic condition,

that they have never given satisfaction, and that the time has arrived when they should be removed from political control; and this, in the opinion of the present Government, seems to be the only course to take to place them upon satisfactory lines. But I say those comments on the past working of the railways have been unfair. No doubt unintentionally in some instances, remarks have been made regarding those who have had control in the past; remarks which, though perhaps not intended, at the same time did convey an inference that sufficient attention and sufficient care were not given by responsible persons, who did not carry out their work to the satisfaction of the country. In regard to my predecessor (Hon. H. W. Venn), who took office at the commencement of responsible government and held it till the year 1896, notwithstanding that there may have been some differences of opinion between him on the one hand and members of this House and the public on the other, still, after all, I have had the opportunity of seeing in the records of the Railway Department the good work which he did there. Good work has been done by the preceding Ministers in regard to the management. The conditions of working in those days were admittedly different from those which exist now. We found ourselves in the boom period of 1896. We found matters engrossing the attention of the then Government, and that there was a need for a very great deal of expense in regard to the rolling-stock and carrying out work in connection with the railways to make them a success. We found difficulties cropping up. What do we find later on? We find the work is carried on by the various Ministers from time to time, and no one gives them any credit for having done any good at all. I presume that even up to the present day—as has been pointed out by the hon member himself when speaking, and by the Premier some nights ago—no man has ever succeeded in getting credit for having done anything to enable the railways to be worked successfully. I consider it most unjust to those who have given the best of their time to endeavour to work the railways in a satisfactory manner. Some nights ago when dealing with the railways the Premier said my remarks were ungene-

rous towards the member who recently occupied the position of Minister for Railways, that is the hon. member who introduces this Bill. I deny that my remarks were ungenerous. I might have been very much more severe with regard to my accusations than I was. In fact it is not my custom to be severe, because I prefer to be fair in my criticism, and to make due allowance for the onerousness of the office, which I know is difficult to fill. No matter who has control of this department, whether it be under commissioners or under a Minister, the department will always be unpopular. The unpopularity of railways is proverbial throughout the world, and more especially in Australia. We have heard from time to time that they have never given satisfaction. At the same time, however, there must be some good done by them. My opinion is that we have heard quite enough of this recrimination with regard to past administration of the railways, and it should now cease. If by means of this Bill we can put the railways on a better footing, let us start from scratch, and see what the future is likely to be. But I am afraid that, notwithstanding the very earnest desire of the Government apparently in introducing this Bill, we shall not see any greater satisfaction than in the past; that is, in the opinion of some people. In regard to this rolling-stock question which has been alluded to from time to time, one of the causes why the railways are not worked successfully to-day is, it has been stated, that the rolling-stock right throughout the railway system needed repair; that there were missing trucks and engines, and that they were only replaced by the instrumentality of the member for East Fremantle (Mr. Holmes), who then took up the administration of the railways. If we turn to the locomotive engineer's remarks in 1900, we shall find that this officer then recommended, long before the member for East Fremantle came into office, that a proper classification of the stock, together with the stocktaking, should be made. We shall find this on page 29 of the report of that year. The acting general manager, in his report in the year following, stated that the stock had been taken in accordance with the decision arrived at in the year 1900. How can

the member for East Fremantle take credit for having this stocktaking when prior to his assumption of office the whole of the work in connection with that stock had been placed in hand by a previous Government? Then just follow up the working of the railways from the year 1896, which may be termed the boom period, what do we find? We find that from then up to the year 1900 there was nothing but difficulty in regard to the working. It has been stated that had it not been for the maladministration of those in control we would not to-day have found the railways in the unsatisfactory condition in which they are. I admit that the working expenses to-day are very much higher than they should be, but that can easily be accounted for if reference be made to the various reports from time to time since 1896. If we take the reports of those years, we shall find, as I have mentioned in this House before, that in 1896 the railways to the goldfields were being constructed, and that the work in connection with conveying the traffic was carried out very largely by the contractors who were concerned in the railways. Then subsequently we find that the Government in their desire to help the goldfields decided to assimilate the rates then existing on the goldfields, and which were 50 per cent. higher than those ordinarily ruling, to the rates in other parts of the State, with the result that a very considerable loss was made; a loss put down by the general manager that year at something like £230,000. This fact must not be lost sight of, that most of the work in connection with the handling of this stock or goods prior to that date was done by the servants of the contractor, and that there had been no expense incurred by the Government in connection with the handling. If we turn to page 5 of the report of that year we shall find that a statement by the then general manager showed that if the proposals of the Government were entertained it would mean a great loss; that the working expenses, which had prior to that been 49·79, would be probably increased to 60. We find that this really did take place, for in the following year the expense had increased to 64·57, so that what was anticipated really took place. Why? Because of the reduction made

at that date to meet the desires of the people of the goldfields for cheaper freights. If we take the estimates right through, we shall find that in every instance the increase can be accounted for by some outside cause other than mismanagement. The water difficulty in 1898 also led to increased expenditure, and brought the working expenses up to a much higher figure. In 1899 they reached a very high level, the figures being 77·7. In 1900, the year in which I relinquished office, they were brought back again to 68. So it will be seen that there was an improvement in that year, and that we were beginning to make headway. And had it not been for the conditions ruling at that time, one of which was the want of support on the part of the Premier of the day in regard to the recognition of the Railway Association, we should certainly have seen an improvement with regard to the working expenses. There have been these barometrical changes during these years, ups and downs, all of which can be fully accounted for, and it is unfair to attribute much of the result to bad working, as it has been termed, on the part of those who were in charge of the railways at the time. No better indication that a great change had taken place can be found than is shown by the tonnage of goods carried, together with the receipts. If we take the goods traffic in 1896, we shall see that the tonnage was 435,855 tons. In 1897 there were 868,748 tons, or an increase of 97 per cent. That is a very big increase on the tonnage. In 1898 there were 1,203,911 tons, or an increase of 40 per cent.; and in 1899, the year when the change took place and the working expenses went up very high, 1,132,246 tons were carried, or a decrease of 6 per cent. Therefore it will be seen it was not altogether a question of the working of the railways that caused these losses, but it was a question of the business of the railways having suffered in consequence of the falling off in traffic. We find that in 1900 there is a slight increase, there being 1,384,040 tons, or an increase of 18 per cent.; and in 1901, 1,719,720 tons, or an increase of 19 per cent. These figures show there have been these ups and downs, and it is not fair, I take it, to charge the administration of the

past with the losses which it is said have occurred through want of care and the maladministration by those connected with the railways. It will be seen there were changes taking place in consequence of the altered condition of things and the depression which occurred about that time. If we take the total earnings of those periods we shall find that in 1896 the earnings were £529,615, being an increase of 78 per cent. on the previous year; in 1897, £915,483, an increase of 72 per cent.; in 1898, £1,019,677, an increase of 80 per cent. What do we find in 1899? That the amount was £1,004,620, or a decrease of $1\frac{1}{2}$ per cent., corresponding with the statement I have given that a great deal of the trouble which came upon the railways at the time is to be attributed to the loss of business, and not to a want of care on the part of those concerned. It was, I say, the want of business, because, as will be seen, there was a falling off in the business of the railways. We do not find an improvement until the following year. We find that in 1900 there was an increase of 20 per cent., and in 1901 an increase of $7\frac{1}{2}$ per cent. This improvement has gone on. In 1900, the year I relinquished the position, matters were again beginning to improve. In the year 1900 there was paid to the revenue of this State £398,042 in excess of the working expenses; so I do not see why it should be said that those who were responsible were in any way unsatisfactorily working the railway system of the country. In relation to rolling-stock, it has been said that, had it not been for the care exercised by succeeding Governments, we would not to-day have had sufficient rolling-stock for the carrying on of our traffic. It may be news to most people that prior to 1896 the whole amount of expenditure for rolling-stock was only £290,000. The amount expended between the years 1896 and 1900 for rolling-stock was £1,141,745, thus proving that those responsible at that time were prepared to place on the railways of the country sufficient rolling-stock to meet the requirements. I would like to utter a word of warning to members in this House. Although there was such a hue and cry as to the rolling-stock being short and not sufficient to meet the requirements of the country, after all

had it not been for those who made provision at the time, there would have been much greater difficulties. There is this about it: the £500,000 worth of rolling-stock provided for the railways, and which is coming to hand now, will not be required. There is sufficient rolling-stock in the country already to meet the whole of the requirements, which shows that those responsible in the past did look to the necessities of the future and made the required provision. I will say too that there will be more rolling-stock in the country when all that is ordered comes to hand than will be required for the working of the railways. Then again, we find that in taking the course the Government have taken, although they are blaming the past administration of the railways, the Government have taken to themselves the credit of introducing the innovation of management by commissioners, having appointed the present Commissioner to carry on the railways. But the railways have reached a stage now when it will be found that in the future there will not be so many complaints. The Government are what I may term a lucky Ministry, for the railways are changing for the better, which is not the result of the efforts of the present Administration, but the efforts of those who preceded them. The Government have appointed to a position in this State a gentleman whose object will be to carry on the railways satisfactorily, and I hope he may do so. I have nothing to say against that gentleman, but if the railways be properly handled by that gentleman, he has an easy task before him compared to what his predecessors had. The Commissioner has a great deal to do, and he will find the work easier than those who were in office before him. There is no doubt a good saving will be effected, and who will take credit for it? Those who say they have introduced the system of appointing Commissioners. I think, notwithstanding that Mr. George may make a good administrator and no doubt is able to do the work, still after all we cannot get away from the fact that the improvement will be brought about more by luck than anything else.

MR. MORAN: Will you state before you sit down what are the powers of Mr. George at the present time?

HON. F. H. PIESSE: Under the present law Mr. George has the power to administer the railways. As the Colonial Secretary pointed out a few nights ago, the appointment of a Commissioner in the old time was an official appointment; he was a civil servant of the country, and the Act under which the appointment has been made has not been repealed. Any action in regard to dismissal which the Commissioner takes must be approved in Executive Council. The Commissioner has authority, under the present law, to dismiss, but the dismissal must be confirmed by the Governor-in-Council; but I take it that the recommendations of the Commissioner, who holds a high official position, will be carried out by the Governor, or will be approved of by the Government.

MR. MORAN: He has no arbitrary power of his own?

HON. F. H. PIESSE: He cannot act without the authority of the Cabinet.

MR. TAYLOR: Does that apply to all the employees?

HON. F. H. PIESSE: Only certain employees are named in the Act—from the inspectors downward, the employees can be dealt with by the Commissioner. As I mentioned in my opening remarks, the present Act is sufficient for all requirements, provided there is a consolidating measure. The various Acts should be simplified and amended in some directions. Such a consolidated Act would be sufficient for some time to come to carry on the present railway system. If a trial had been given to someone in the department under an amended Act, that was all that was needed; but the Government have decided to introduce this Bill, distributing the control and taking upon themselves the power of deciding what the policy of the railways shall be, and having the control over the employees.

MR. HASTIE: What are the powers of the Commissioner?

HON. F. H. PIESSE: He has not the power to dismiss without the approval of the Cabinet. Under the Railway Act of New South Wales the Commissioners can dismiss without approval, but the person dismissed has the right of appeal to the Board of Commissioners, who can sit as a body, so that they have supreme control over the employees of the railways.

MR. HASTIE: That does not apply here.

HON. F. H. PIESSE: The power under our Act is that the Commissioner can dismiss, but it is with the approval of the Executive Council. I would like to say that the treatment which has been meted out to officers generally should be condemned by members in the House and deprecated generally, because we find from time to time members make remarks in regard to various officials, finding fault with one department and another. This has a most discouraging effect, but I am not here to defend any special officer or anyone I may have in my mind's eye at the present time. I think the time has arrived when remarks which tend to discourage officers should not be made. Unless the information which a member receives is accurate and authentic, it is unfair and unjust to place it before the House, as has been done by some members. One point was touched upon by the member for Beverley (Mr. Harper) when dealing with the railway question which deserves the consideration of the House. It is in regard to officials generally. The science of railway management is a progressive one, and unless we encourage men to work up to the higher positions from the bottom rung of the ladder, as it were, we shall not succeed in obtaining successful railway administration in this State. We find in other countries of the world, the highest positions are open to those who have ambition enough to work up to them, and such officers should be encouraged; we should give those who are desirous of working up and are ambitious every opportunity of doing so. We find too, in regard to the railways in other parts of the world, that to-day there is difficulty in obtaining experienced railway men. We have only to refer to one instance, the taking away of Mr. Mathieson from Australia to manage one of the great railways of England, to show this is so. The railway people of England were glad to come to Australia for a gentleman to manage a railway at home. We hear of the difficulty at home in getting men to take the leading positions in managing railways, and we should do our part in encouraging men; if officers show they have talent, let us assist them. A remark was made by the member for East Fremantle

(Mr. Holmes) which I would specially like to allude to. It was about a general clearance before a reorganisation of the railway department could be effected. There are instances in which officers could be removed with advantage to the service, but to say there should be a wholesale clearing out means that we would be casting a reflection on many worthy and deserving officers in the service. The member for Hannans, in alluding to the work of the Locomotive Department, cast a very strong aspersion on the ability of the gentleman who fills the responsible position of mechanical engineer. I was pleased to read the remarks of the member for Mount Burges (Mr. Reid), and the simile which he gave was one that most certainly should be looked at by the House as a very fair one, and one that commends itself to members generally. The trouble is that people will not wait until a work which is in progress is finished before passing a verdict upon it, and the work may be of a very difficult character. The mechanical engineer came at a time when there was great trouble as to the working of the railways, and he has worked under extreme difficulties. Yet we find condemnation showered upon him before he has had time to show what he can do. As to this gentleman's attainments, few will disagree with me that they are of a high order. He has had 37 years' experience in the working of railways throughout the old country and in Australasia. He has been trusted by various Governments and companies by whom he has been employed, and I say, surely all his work and experience count for something? He is a man with great knowledge of his work, and there should be something done to stop and avoid the condemnatory remarks which have been so frequently uttered in the House.

MR. RESIDE: Why not investigate them? I challenge investigation.

HON. F. H. PIESSE: I understand the Minister for Railways has given an answer to the House that an investigation is in progress, and until that investigation is complete and the result is before the House—while such an inquiry is *sub judice*—these remarks should not be indulged in. It is unfair to anyone who may be trying to do his best to find such

discouraging remarks made as those by the member for Hannans.

MR. MORAN: Somebody must make the charges.

HON. F. H. PIESSE: I think people should obtain more authentic information before they make charges.

MR. RESIDE: Are you in a position to say the charges are not authentic?

HON. F. H. PIESSE: I am not in a position to say anything in regard to them, but I deprecate charges being made unless a member is able to prove what he says, and if he is able to prove his charges, then he is within his rights in bringing them before the House. The member for Perth (Mr. Purkiss) made a remark the other night which I challenged, and the hon. member then said: "Well, I give it for what it is worth." When a man says he gives a statement for what it is worth, then I maintain it should not be brought before the House, because it means taking away from a man his good name; and we know that "a good name is better than great riches." We should be most careful not to condemn a man without being thoroughly sure of our facts. I have spoken somewhat lengthily on this point, because I was, in a measure, responsible for the appointment, which I recommended to the Cabinet of the day. The officer in question entered on his duties only a few months before I relinquished office, but in view of the recommendations which he brought with him, and of the knowledge I have since obtained of his work, I hold that condemnatory observations should not be passed without full inquiry into the truthfulness of the accusations levelled at him. Again, let me point out the discouraging treatment meted out to the officers I have mentioned—officers who undoubtedly should to-day be filling positions held by others who have been advanced over their heads. If the officers passed over had been given any sort of chance at all, if the responsibility which ought to have been cast on them had been cast on them, and if the Ministry had supported them in their administration and granted them absolute authority in some directions, those officers would have given a good account of themselves. However, we find that the Government have taken the discouraging course of placing the control of

the railways in the hands of an outsider, a man with a certain reputation, admittedly. I cannot refrain from saying that it would be far preferable to have afforded some officer in the department a chance of showing what he is made of. If the officer had not proved a success, then it would have been an easy matter to dispense with his services. [MEMBER: After five years.] No; the officers I refer to are not engaged under agreement. Mr. Rotheram himself was not engaged under agreement. I was cautious enough to arrange that his appointment should run for just the ordinary period, and that his services could be dispensed with at any time. I took this course, not because of any doubt of Mr. Rotheram's ability, but because I considered that in the initiation of a new system, under the charge of a new man, it behoved me to be careful, and to be thoroughly well assured of the success of both system and man before confirming the appointment. It appears that those who succeeded me in the control of the Railway Department were satisfied with Mr. Rotheram's discharge of his duties, for the appointment was confirmed; justly and properly, I make no doubt. As regards our railway system and its administration generally, I take it the desire of every hon. member is to do his best to have the system managed on such lines as will insure success. We have heard a good deal against the railway administration of the past. Much has been said of the non-success of past administrators, who put their very best energies into the work, and who, I maintain, were in many respects successful. The conditions under which they worked were such as do not now exist. Those who come now will reap the advantages and the benefits resulting from the efforts of past administrators. I am speaking of the officers who were in control, and not so much of the Ministers. A reference to the files will show recommendations made by the officials I refer to, such as stamp them as men of judgment, as men anxious to forward the interests of the State. To accuse them, as one officer was accused on a recent evening—I refer to the general manager of the past—of having borne no responsibility, is utterly wrong. I say the general manager bore the responsibility of a very high official position. He had

the control of the greatest asset of this country, and I say that he faithfully observed the responsibility thrown on his shoulders. Notwithstanding that officer's shortcomings, I consider that the country is indebted to him for many important and well-judged recommendations affecting works which to-day are of great advantage to the State. During the past two years the Railway Department has been in a state of chaos. Disorder has reigned—disorder consequent on the creation of a spirit of unrest throughout the service. Had it not been for the period of unrest, the railways, I think, would have shown better results recently. No officer, however, appears to have worked with any feeling of safety; a species of Damocles' sword has been hanging over the head of every railway official, who has not known when it would fall and cut short his career. The want of confidence in their officials shown by those in authority is the cause of recent troubles. There has been a want of that support which should have been given to the officers—loyal officers, I say, who have well performed their duties and who deserve well of the country. When, however, this period of unrest set in, little wonder that they began to feel dissatisfied and no longer carried out their duties with the same zeal and zest as previously. Notwithstanding the disparagement cast on previous railway administrators, I maintain that the successful management of our railways and the great advantage resulting therefrom to the country constitute a noble achievement, and prove that those responsible for the initiation of the system knew their business and knew what was for the good of the State. That, indeed, amounts to the sum total of my remarks. With the support of a capable, strong Ministry, the railways can be better and more successfully managed, I think, under the old system than under any measure which Ministers can introduce or Parliament can pass.

MR. MORAN: With a weak Ministry the commissioner system is the best.

HON. F. H. PIESSE: I do not feel justified in moving that this Bill be read a second time this day six months, because I agree with many of its principles. I agree with the principle enunciated by the sponsor of the Bill, that Parliament should retain the control of rates and the

control of certain phases of the management; therefore I feel that, in consistency, I must support the second reading. The existing legislation on the subject already embraces certain principles of which I approve, and—

MR. MORAN : What new principles are enunciated by this Bill?

HON. F. H. PIESSE : The Bill sets up no new principles, but merely presents old principles in a different form. The measure does not propose to confer on the Commissioners the whole of the powers possessed by Parliament: certain powers of the Legislature are left altogether untouched. The Bill, however, if adopted in its present form, will make confusion worse confounded; since it will leave existing Acts unamended, save in certain particulars. An Act on the lines of this Bill will render the working of the railways much more difficult than it has been in the past, and I therefore urge on the Government the necessity of drafting practically a new Bill. If they adopted that course and consolidated existing legislation, we should arrive at a much more workable measure than can possibly be evolved out of the present Bill.

MR. MORAN : This is a Bill to confirm the appointment of Mr. George and two others unknown.

HON. F. H. PIESSE : While holding these views, however, I have to bear in mind that to destroy is far easier than to originate or to restore. To demolish the structure erected by the Government, in the shape of this Bill, would be unfair on my part unless I were ready to raise another structure in its place. I am prepared to assist the Government, so far as lies in my power, to frame a good Bill, with a view to improving the system of railway management, if that can be done. No one knows better than myself the difficulties inseparable from the management of our railway system; and I feel, in common with other members, that in the interests of the country we should use our knowledge and experience to improve, so far as we can, the condition of our railways. We should sink personal and party considerations in order to perform the noble and patriotic duty of insuring the successful future of the greatest of our State institutions. I shall, therefore, do my best to help the

Bill forward in the direction I think it should take, at the same time opposing such of its provisions as I hold should not be adopted. To conclude, I consider the better course for the Government would have been to amend the existing Acts, to give the general manager power of an administrative character, and at the same time to continue the control of the railways by a Minister responsible to Parliament.

MR. TEESDALE SMITH (Wellington): To my mind, the Government might have brought in a much more comprehensive Bill, and one better calculated to meet the wishes of the people, than the measure now under discussion. However, the Bill being here and I being a supporter of the system of management by commissioners, I should be sorry indeed if the measure were thrown out and the Railway Department in consequence cast back into the state of chaos and unrest which has obtained for the last year or two. Many members have spoken against the system of management by commissioners; but I do not see how those members can maintain their attitude in view of the fact that whilst the railway systems of other States were under the control of commissioners they were a great success.

MR. ILLINGWORTH : No; they were not.

MR. TEESDALE SMITH : I may claim to have had as much experience of railway matters as the member for Cue (Mr. Illingworth). Having been very closely connected with railways all my life, I consider myself in a position to express the opinion that whilst commissioners controlled the railway systems of the Eastern States those systems were —

MR. TAYLOR : A failure.

MR. TEESDALE SMITH : No; an absolute success; which you will never be. I have seen the railways of Victoria, New South Wales, and South Australia handled by commissioners. What do we find now in the States which have abandoned the system of management by commissioners? Nothing but deficits. The member for Mount Margaret (Mr. Taylor) may, if he choose, refer to the statistics on the subject, which will speedily satisfy him that the railway systems of the Eastern States during the

régime of the commissioners returned working expenses and interest on capital. Since their time, they have been going back.

HON. F. H. PIESSE: They still have commissioners there.

MR. TAYLOR: In what years did the lines pay?

MR. TEESDALE SMITH: In Victoria, for the last seven or eight years they have lost something like five millions of money; and that has been without commissioners.

MR. ILLINGWORTH: How much did they lose in 1890?

MR. TEESDALE SMITH: And yet we are told that with a Minister and general manager and political control, Parliament can, infinitely better than commissioners, run the railways! Anyway, it is, in my opinion, to the best advantage of the State to take the control of the railways altogether out of the hands of Parliament and the Minister. That is why I am sorry that this Bill is defective, because it does not give the control and the responsibility either to the Minister or to the Commissioners. Clause 6, Sub-clause (2), is I think unworkable. It provides that one or two of the Commissioners may be heads of departments. I do not see how that is possible. If the heads of the departments are Commissioners, and at the same time wish to protect themselves, they can outvote the chairman or the third Commissioner every time; so that, in my opinion, if it be thought well by the Minister to make any head of a department a Commissioner, let him be Commissioner, but do not let him have control of any particular department. Clause 11 is, I consider, as it ought to be. The Commissioners, who are responsible for the working of the railways, should, in my opinion, have control of their sidings and their station buildings, and the sort of buildings they require.

MR. MORAN: By Clause 11 they have no control; and that, from your standpoint, is the big objection to the clause. They have to apply to the Minister even for the erection of a latrine.

MR. TEESDALE SMITH: I may be mistaken in my reading of the clause; but in my opinion the Commissioners should have such control without applying to the Minister. Make the Commis-

sioners responsible for carrying on the railways. With regard to Clause 13, I do not see why it is necessary to have portion only of the railway employees under classification, or why they should not all be classified.

THE COLONIAL SECRETARY: The others will be classified by the Civil Service Board.

MR. TEESDALE SMITH: The clause says, "All except the clerical staff." I do not see why, if the Commissioners have to classify one portion of their staff, they should not do it for the other. Put all servants on a firm footing, and on such a basis that they will know exactly where they are. [MR. ILLINGWORTH: As part of the civil service?] Part of the civil service, if it be necessary. Exception was taken by the member for the Williams (Hon. F. H. Piesse) to Clause 17, by which, he says, any two Commissioners may override the Chief Commissioner. Well, I take it the Commissioners will be in the same position as the Judges. Two puisne Judges may override the Chief Justice, but their award or their opinion is always taken as being honest and reliable; and if we appoint three men to the responsible positions of Commissioners, surely if any two of them elect to decide against the third, we must believe that they are honest in giving their decision.

MR. YELVEERTON: Are you in favour of three Commissioners as against one?

MR. TEESDALE SMITH: For the last ten minutes I have been trying to tell the House that I am in favour of this Bill, which provides for three Commissioners. I do not think the Bill is by any means as perfect as it might be; but as it is before the House and as the country has been crying out for stable management, I say, let us get to work on this Bill and make it as good as we possibly can. Clause 22 provides that no deputation headed by a member of Parliament shall interview the Commissioners. Now, I consider this is not right. If a member of Parliament happens to be a man connected with business, and wishes to lay that business before the Commissioners, he perhaps knowing more about it than anybody else, he is debarred from interviewing them because he is a member of this honourable House.

THE COLONIAL SECRETARY: One man is not a deputation.

MR. TEESDALE SMITH: He can be a member of a deputation, and may know more of the subject than any other member; yet he is debarred from placing before the Commissioners a satisfactory statement.

MR. TAYLOR: He can go to the Minister.

MR. TEESDALE SMITH: He cannot go to the Commissioners, whom I wish to see intrusted with full control; and what is the use of going to the Minister, who will have no control? I cannot see that there is any use whatever in this clause, and it is one I should like to see struck out. I take it that if the clause be carried, a Commissioner will refuse to see a member of Parliament, who will in vain knock at his door for admittance. With reference to the appointment of the two other Commissioners, we hear any number of rumours; and, as far as I am concerned, I think it absolutely necessary, seeing that the Chief Commissioner is not what we may call a railway expert—

MR. MORAN: Who is the Chief Commissioner?

MR. TEESDALE SMITH: You may take it from me Mr. George is the chief. As the member for Williams says, "Take that for what it is worth." The Chief Commissioner, I take it, will be Mr. George; and with him there should be a thorough expert in traffic matters. Mr. George is, in my opinion, a commercial man of considerable knowledge and training; but as to intricate matters of traffic, I do not think he knows anything at all.

MR. JACOBY: You backed him up the other day.

MR. TEESDALE SMITH: Yes; I did, as a man who was able, as Chief Commissioner, to handle the railways successfully with the assistance of two other men. It is also necessary to place someone in charge of the permanent way. The working expenses could in my opinion be reduced by fully 15 to 20 per cent. if the permanent way were put into thoroughly good working order. I think the first thing the Commissioners should do is to apply to the House for a loan of three-quarters of a million of money for re-ballasting and lowering the

grades on their railways. In days gone by, I take it, Governments thought it best to have their railways constructed somehow, rather than wait until they were in a position to build them more scientifically. But wherever heavy traffic is, and cheap running is to be done, the lines must be built much more stably than ours; and the only reasonable course now is practically to rebuild the railways; that is, to alter the grades and to re-ballast, and in many cases to re-sleeper the lines. To do this work, someone must be appointed as a Commissioner to take control of this big branch. I trust that when the Bill goes into Committee we shall have an assurance of the Minister in charge that such Commissioners will be appointed, or perhaps he will give us the names of those who are to get the positions.

At 6:30, the SPEAKER left the Chair.

At 7:30, Chair resumed.

THE MINISTER FOR WORKS AND RAILWAYS (Hon. C. H. Rason): I have no wish to cast any reflection upon past Administrations. On the contrary, I believe that every effort has been made by those who have controlled the railways in the past to bring about a better state of affairs. I, for my part, am willing to give every credit to those who have been administering the railways in the past; but I think it is generally admitted that those efforts, honest though they may have been, have failed for all practical purposes, and it is generally recognised that something has to be done in order to bring about an improvement in regard to our railways and their management. That, I think, cannot be denied, and in my opinion there will be no attempt to deny it; and it is generally admitted that the solution of the difficulty is in the appointment of Railway Commissioners. Undoubtedly, the feeling—if we can gauge the public feeling at all—throughout the length and breadth of this State is that Railway Commissioners should be appointed. It has been said that the Government, in endeavouring to appoint Commissioners, are trying to shirk responsibility. I challenge that statement, and utterly deny it. I think that, on the contrary, the Government are recognising the

responsibility due to the State in the endeavour to bring about a better condition of affairs with regard to its most valuable asset—its railways. I confess that with some of the remarks of the member for the Williams (Hon F. H. Piesse) I to a very great extent agree; but I could not possibly follow him in some of his arguments, for he said that, while he wholly agreed that the control of the railway rates should be left in the hands of the Minister, he did not agree that the control of the employees should be left in the hands of the Minister. Surely, if there be a difference, the difference should be on the part of the men. Surely it is equally important that the men should receive fair treatment, as it is that the rates should be properly adjusted. We propose to retain in the hands of the Minister the control of the rates, and also all questions affecting large bodies of men. It has been said also, during the course of this debate, that certain charges made as to the administration by the Chief Mechanical Engineer had better not have been made; should not have been made, in fact. To a very great extent, I am inclined to agree with the hon. member when he says that charges against officials or servants of the State of any grade should not be made in this House unless they can be authenticated; but if they can be authenticated, then the member who brings forward those charges is rendering a duty to the State. With regard to the charges made by the member for Hannans (Mr. Reside), I regret that I, as Minister for Railways for the time being, am not in a position to say whether those charges are true or untrue. All I can say is that personally I am somewhat obliged to the hon. member for having drawn my attention to what he alleges to be facts, and that the fullest inquiry will be made into those allegations in order that, if true, the party in fault may be punished, and if untrue, those charges should be refuted. If they are untrue, undoubtedly it will be my duty to refute them at the very earliest opportunity. At present I can only say that the statements demand inquiry, and that inquiry will be fully made. The member for Wellington (Mr. Teesdale Smith) gave some very valuable information to the House, which I trust members will

take to heart. He pointed out what is undoubtedly the weak spot, or one of the weak spots, in our railway system, that being cheap construction. It has been held out by some members that, for the very reason of the cheap construction of our railways, it ought to be the more easy for us to pay interest upon them. Anyone who knows anything of the practical working of a railway will know that it is a railway axiom that cheap construction means dear maintenance; and undoubtedly we are paying now for the sins of the past, if it can be called a sin to build a railway at the cheapest possible price, not minding how much it will cost in the future so long as it is obtained. That is what was done, and we are, I say, now paying the penalty of cheap railways in the increased cost of maintenance. I submit that this Bill, although there may be faults—faults which can be remedied in Committee—is an honest endeavour to deal with the recognised requirements of the public, that an alteration for the better shall be attempted in regard to our railways. I have all along, throughout the whole of my political career, urged that the railways should be placed in the hands of Commissioners. The member for Beverley (Mr. Harper), speaking the other evening, was good enough to say that this Bill would place a Minister for Railways, and especially myself, in a very awkward position. Personally, I care nothing for that. It will place me in no more awkward position than I was in when I was seeking election at the hands of my constituents. I argued then that the thing to be done for our railways was to place them in the hands of three Commissioners. It was pointed out to me at the time that if I continued to urge this theory it would count against me, and go very strongly against my election. My reply to that was that I could not alter my opinion. I maintained that opinion, and as in spite of that I was elected, and have been re-elected, I am certainly not going to alter that opinion now, which I believe to be the correct one in the best interests of the State. I am fully prepared to meet the consequences, whatever they may be. It is because I have a fixed opinion on the subject, and because I think in the interests of the employees as well as of the

State that there should be three commissioners instead of one. I believe in the good old maxim, that two or three heads are better than one—of course something depends on the quality of the heads—and if the maxim is true in ordinary circumstances of life, it is undoubtedly the more true in regard to railway management. These railways of ours have never settled down into well defined lines. We have all along, if I may be allowed to say so without offence to those who have gone before in the administration of the railways, been experimenting, and it does not do to experiment with such a costly thing as the railway system of the State.

MR. HARPER: Is not this Bill an experiment?

THE MINISTER FOR WORKS: This Bill is following to a great extent the example of other States—it follows the principle, if it does not follow in actual details. And it has been proved beyond the shadow of a doubt, in the early history of the railways in the other States at all events, that commissioners have managed their railways well and to the utmost advantage. Perhaps when we have settled down into a well-defined course it may be possible to do without commissioners; but at the present time having given some consideration to the subject and having this handicap in my favour, that is some knowledge of railways, I am convinced that without commissioners these railways of ours will be, for years to come, impossible of good management. I submit that members will be doing well if they pass the second reading of the Bill, and if there are points in it capable of alteration and improvement, that can easily be done in Committee.

MR. F. ILLINGWORTH (Cue): I feel we are facing one of the greatest difficulties, as well as one of the most important questions, which are likely to engage the attention of this Parliament. We have practically dealt with some of the main principles involved in the question in the Address-in-reply. Unfortunately the question which then presented itself was very largely a question of the management of the railways. I said then that I regretted the subject had taken that form. Now I take it we at any rate are free in discussing this question, and

that we on the floor of the House are endeavouring to arrive at a conclusion as to how the railways of this State can be best managed with a view to their utility, and when I say utility I do not mean mere financial results, but their general utility to this State. The argument that has been placed before the House, and ably placed before the House by the Colonial Secretary who introduced the Bill, is that experience in the other States has led to the conclusion that the system of management by commissioners is the most satisfactory system. We must take into consideration the fact that every State in this continent has had the same difficulty to meet that we have to meet to-day; that every State started with the idea of political management; that they continued it for a considerable period of time; and found that the railways, particularly in their extension, became unfinancial; and they started the proposition that the cause of that evil, and not making the railways pay, consisted in bad management. And in order to deal with the question they all took up the position that there was some defect in the management and that the difficulty consisted in political influence. In order to get free from political influence, it was desired to take the management of the railways out of the control of Parliament and place them under the control of commissioners. This was assuming the very point that had to be proved, and this is what is assumed in this debate. That the railways are not in an effective position financially, on the one hand, and in regard to their best utility to the State on the other, is indeed an admitted fact in this State. And it has been argued, and practically argued out, that the cause of this is bad management. And then because there has been defective management, it is supposed this fetish—for it is nothing else—of a commission is presented as the radical cure. I would like members to ask themselves, what has been the effect in the other States, the practical effect of dealing with railways under commission? The Colonial Secretary admits the fact, and brought the very best proof it was possible to bring, therefore it is unnecessary for me to produce it, that in every case where a commission of three had been appointed

the principle of three commissioners had been abandoned, and that the management of the railways at the present moment, and the latest and best proved management of railways, was the direction of one man. But he argued, and the Government argue, that it is not a departure from the principle of commission. I say it is an absolute declaration of the failure of the commissioner principle, a complete declaration, because if there is anything in a commission at all, the united wisdom of three men, or more if necessary, combining special qualifications for special departments in railway management, ought to have produced the very best possible results, that is if the idea of a commission is to be accepted as the remedy for the ills under which we labour. If it is, will the Minister for Railways kindly explain how it is that in every case the idea of three commissioners has been abandoned?

THE PREMIER: What about New South Wales?

MR. ILLINGWORTH: In every case the principle of control by three men has been abandoned and that the control has come back practically to one man. The Premier interjects, "New South Wales." There is nothing more unfortunate for anyone who wants to establish the idea of a commission than to quote New South Wales. It is an absolute refutation of the whole question. If anyone wants to give an instance that a commission does away with political control, the most effective answer is New South Wales, for the railways of New South Wales during the best seasons of their success were practically under political control. They were absolutely controlled by Mr. Eddy, and Mr. Eddy held his position because he had the weight of political opinion behind him, and the weight of Parliament behind him. As one member said, if there had been a general manager, and he was supported as he ought to be supported by the Minister on the one hand and by the House on the other, then there would be absolutely the most effective principle of control. If Mr. Eddy had been placed under the same conditions as Mr. Speight was in Melbourne, what would have been the operation? During the whole history of railway management in Victoria, I was there. I was in Parliament when the difficulty

arose; I was acquainted with the questions as they presented themselves; I was over the railways constantly; and I say there never was a time in the history of Victoria when the railways were so completely dominated by political influence. The defects were protested against absolutely by the commissioners themselves, and the commissioners were overruled, as Mr. Speight confessed, by political influence. There is only one argument which has ever been presented in this State, or anywhere else, for removing the railways from politics to a commission, and that is to remove them from political control. I say nothing of the kind is done. Under a commission you have political control in its absolutely worst form, in its most destructive form, and the proof is in the results themselves. In New South Wales, Mr. Eddy was absolutely made a general manager in the highest sense, with all possible powers. The defect in our management is that the general manager has not had sufficient power, and the remedy is not in appointing a commission of three men with the responsibility divided by which one man's influence may be thwarted by two men of defective knowledge, but by giving the general manager the necessary powers to control this great spending and earning concern. That is the remedy. If Parliament is going to locate absolute power, and I contend that is what is wanted, in the hands of a commission—be it one or be it three—I argue, and appeal to hon. members' judgments, there must be something behind that central force of control. The Government railways are not merely financial concerns. With a company whose one idea is to make money, absolute control can be located in the hands of a general manager, or board if you will, because specifically he has one duty to perform, to maintain the railways and to make dividends. But that is not the idea of the State control of railways. The very object why we always contend against private railways is that there are certain things to be considered in railway management altogether different and separate from the one financial question. We say the State is in such a condition—a condition as I showed by the figures which I gave on the Address-in-reply—that the State is not in a position

to bear any burden from the railways. But the State is in a position to so manage the railways as to help its industries; because, behind all else, the main question to be considered in connection with railway management is the development of the country. That is the main end for which the railways exist. If such be not the main end, then the State should not undertake the responsibilities involved in ownership of railways at all. If the State is not to consider the State side of the question, our railways had better be turned over into private hands, to be dealt with as purely commercial concerns; and then we shall get financial results. But what is intended in Australia, though not in England or America, is that a great concern such as the railways, touching all industries and immediately and practically affecting the interests of nearly everyone in the State, should be under the control of the Government of the State, so that it may be used for the highest interests of the people as a whole. Now, the mere manager or the mere commissioner, when dealing with the question of railways, deals with it simply from the standpoint and with the object of making two ends meet. He will not consider such questions as whether it is desirable to promote a certain industry; he will not consider such a question, for example, as whether it is desirable to let trucks, which otherwise would run back empty from the fields, convey ore at a price which, if one comes down to hard and simple facts, is not payable; he will not consider the question whether it is desirable, for the general best interests of the State, to carry coal from the Collie fields at such a price that it may compete with imported coal. He will not, as a commissioner, if he do his duty, consider questions of this nature at all, for they do not and cannot come within the range of his thought. We as members of Parliament and representatives of the people, however, have to consider such questions; and we must therefore retain control. That this point has been grasped, even by Ministers, is evident from the fact that they propose to retain the control of rates. They propose to leave Parliament power to deal with the question of rates; and that very admission, I say, absolutely kills the proposal for a board of commis-

sioners; because, if there is anything at all in commissioners, you must give them the whole control, absolutely the whole control of your railways, or else the effective principle of commissionership is gone. If you say that for the best interests of the State you must control the rates and in some cases the railway service—and the Government admit that principle in this Bill—then you have thrown away absolutely the only argument which exists in favour of a commission, and all that you are asking for, and all that should be asked for, is that this House should give certain powers to the commissioner or to the general manager. For that is all the commissioners really are. You cannot invest a man with any special qualifications by calling him a commissioner, since all that he has to do is to manage a railway; and I do not care whether you call him commissioner, duke, or archangel: it will not make any difference. I do not object to the term commissioner: call the man in charge what you like. If you want to give to some man, to your general manager, the control of a whole host of papers which now worry the Minister, though they ought never to come under the Minister's control, though he ought never be asked to consider them, and if in order to attain this end you want this Bill, and you want to call some man a commissioner, well, there may be something in it. But, as I said in speaking to the Address-in-reply, such a power is given by the existing Acts. Looking at the matter from this standpoint, I greatly regret that the Government have brought in this Bill at all. In the first place, the Bill is not necessary—the Government have sufficient power; for, if they have not sufficient power, how came they to appoint Mr. George? They had sufficient power under the existing Act, and they used that power. If the existing Act be defective, an amending Bill ought to have been brought in. What is now proposed, however, is to appoint a commission. Let hon. members observe what is really proposed by this measure, that the Governor may, if he likes, appoint three persons to be railway commissioners. One has been appointed, and, at some time, when the Government please, two others may be appointed. Primarily, then, even in the minds of the Govern-

ment themselves, the main thing is the one man. Then comes another point. According to this Bill the commissioners, at a certain stage of their existence, are to be told to go out of the commissioners' office and manage a portion of the railways. A commissioner may be told off to manage a particular branch of the Railway Department. Very well; but who is going to manage the commissioners while they are managing the branches? In these circumstances, at such periods they absolutely cease to be commissioners: instead of remaining commissioners, they become something else—head of the Locomotive Branch, say, or head of some other branch. The moment the commissioners go out of the commissioners' office, the moment they cease to be the controlling force of the Railway Department as a whole, the moment they take up a separate branch of the department, that moment do they cease to be commissioners; and then we are back to just where we ought to be. One man, and one man only, will be responsible; and he, I say, is a general manager. A general manager, I say, Mr. Eddy was; a general manager, I say, there is in all the States at the present time. In reality, there is no such thing to be found anywhere as a Commissioner of Railways. The remnant left after the trial and failure of the commissioner principle is a glorified general manager, called a commissioner. Now, if that be what the House wants, then I contend that what we ought to aim at is to place the management of the railways in the hands of one man responsible to this House, we as a Parliament being responsible to the owner of the railway system; that is to say, the people. We have two duties to perform, admittedly, under this Bill. One is to decide on the rates; that is to say, to decide whether particular goods may be carried over a portion of our railways for the distinct purpose of helping some industry or promoting the development of some of our resources. If not, why should we discuss the question of rates at all? Why do we want control of rates to remain in the hands of Ministers and Parliament, if the reason be not to decide some such point as this? If the question be simply one of making the railways pay, then it is a question purely of arithmetic, which the accountants in

the railway office can settle better than we can. The Government, however, see the defect; they are not prepared to hand our railways over absolutely to the control of commissioners who shall control rates, because they know the principle underlying the whole of the railway systems of Australia to be that the railways, while they must be made to pay, while they must not become a burden on the taxpayers, yet must be used for the development of industries. That being so, it is clear that Parliament must control railway rates; and therefore Ministers have inserted in this Bill the provision in question. But is it not apparent to every member that the moment the Government take out the two points I have mentioned, they are back on a general manager pure and simple, a general manager under the control of the Minister responsible to the House? And that is the way it ought to be; we ought to have a general manager. Now, I do not want that general manager's control to be whittled down by association with two other men, or three other men. I want the general manager to be responsible to his Minister, and I want his Minister to be responsible to this House, for the management of the railways. This is a most important question, even from a financial standpoint. I have endeavoured to get authoritative figures relating to the Victorian railways, but unfortunately I have not yet received them. Happily, however, the *West Australian* a few days ago published certain figures bearing on the point. What do those figures show? That absolutely in the centre of commissioner management, under Mr. Speight and two other commissioners, in 1889-90 there was a deficit in the railway accounts of £617,740. Then Parliament said to the commissioners, "We cannot provide this money, and you must alter your management of the railways." Thereupon the commissioners set to work to deal with the question, but in 1890-1 there was another deficit of £514,580; in 1891-2 there was a deficiency, roundly, of £416,000; in 1892-3 a loss of £377,000; and in 1893-4 a loss of £402,320. Thereupon Mr. Wheeler, the Minister for Railways of the day, said "This business must be stopped"; and he insisted on the Cabinet giving him power to do away with the commissioners

altogether. He obtained that power, and he walked straightway into the railway offices and dismissed the commissioners. We know what followed. There was a good deal of trouble, and wrong was done to some individuals through the method by which the dismissals were effected. However, the Victorian Government of the day had to face the fact that in five years close on three millions of money had been lost, that the people had been called on to make good out of general revenue nearly three millions of money in return for the luxury of owning their railways. It was considered that the time had come to deal with the question. The Government set to work, but unfortunately the leakage could not be stopped, and was not stopped; indeed, it is not stopped yet, for in 1900-1, the latest year for which figures are available, there was a loss on the railways of £236,281. So that in the 12 years those railways have cast on the Victorian taxpayers a burden of £5,167,000. Last year, when dealing with the railways in my Budget speech, I tried to show hon. members, and I tried again to show them when speaking to the Address-in-reply this year, that our railways have approached a condition which makes it probable that with a continuance of our present style of management we shall be called on to make good out of general revenue losses on our railways. Now, if it can be shown that we shall gain some direct benefit by suffering this loss, or apparent loss, then there is some argument. If, for instance, it can be said that we lose £20,000 by carrying Collie coal at a certain rate, but that, on the other hand, if we did not carry the coal at that rate the coal mines would have to shut down, with the result that 3,000 men now profitably employed would have to be discharged, and if it be shown, farther, that those 3,000 men are worth about £10 per head in customs revenue—which in fact is practically what they are worth—then we may consider the question whether we can afford to lose £20,000 annually on the railways by the carriage of Collie coal at an apparently unremunerative rate for the purpose of keeping those 3,000 men employed. But is that a question which commissioners should decide? Is that the kind of question which three commissioners sitting in yonder office should

settle? Or is it the kind of question which the Parliament of the country, acting on behalf of the people who have to pay the taxes, should settle? I say it is a question for Parliament to settle. The Government recognise that; hence in this Bill they propose to hold the control of the rates. When we come to look at the details of the Bill itself, we are met with quite a number of difficulties, which have already been pointed out. According to Clause 6, Sub-clause (2):

Each of the Commissioners . . . may, and if required by the Governor shall, hold office and perform the duties of the head of any of the branches of the Government railway service without additional salary.

Now, assuming by way of illustration that the Government propose to appoint Mr. Short, the present general manager of railways, to a commissionership, to call him a commissioner, is Mr. Short, I ask, a better man in any respect because he is called a commissioner? Shall we get, or can we get, any more effective work out of Mr. Short by calling him a commissioner? Is he not at the present moment in his very best place if he is worth anything at all? Is he not in the place where he will do the best service for the State? If we call him away from the general management of the railways to sit in an office and to consult on matters with Mr. George, shall we gain anything in the management of our railways? Suppose, again, it were suggested to appoint Mr. Rotherham as another commissioner. Then, one of two things must be done: either Mr. Rotherham must continue to manage his branch, or, if he do not so continue, then he must go into the office as a commissioner. Now, shall we gain anything by appointing Mr. Rotherham to a commissionership? Are we not absolutely in a better position if we retain the two gentlemen I have named in the particular positions for which they are specially fitted, at the same time placing them under the financial control of one man—the Commissioner if you like, or a general manager as I prefer to call him? I think if we look at things in this way we shall see that our plain duty is to retain the control of these railways and not to allow it to pass into the hands of commissioners. I say the experience of every other place where commissioners have been tried has

proved that the system is a failure; and if we take the case of private railways, we find the management must have absolute control. But that absolute control is equivalent to a small Parliament. The English railways are managed by directors, and those directors represent the shareholders, just as this House represents the owners of our State railways; and the general manager is responsible to the directors, and the directors to the owners. That is the position in which we ought to be. One man should be in control of the whole working of the railways, and he should be responsible through the Minister to this House, as we are responsible to the State. If the Government are prepared to say there are points in this Bill which are necessary for increasing the power of the general manager, well, it may be worth passing the second reading. I do not say there are; I do not know of any point in it which would lead to that result; I think the proper thing to do with this Bill is to do away with it—have it read this day six months. Somebody says, "Ah!" I conclude, therefore, that I am wasting the time of the House by making that proposal; but I still say that is the right thing to do with the Bill, and that the Government would have acted wisely had they accepted my suggestion on the Address-in-reply, and inserted new clauses in the existing Act which would have given the required power to the general manager. Supposing we take the other side of the question, and say, "Well, we are dissatisfied with Ministerial control, and will put the railways into commission." I do not believe in doing anything by halves. If we are to have a commission, let it be a commission which will control our railways, a commission responsible to these two Houses only, just as the Judges of the Supreme Court are responsible, and freed entirely from any responsibility to the Minister. Why does the Minister need any controlling power if we are to transfer the whole control to commissioners? The Government seem to have taken up this idea, because they have blended the two portfolios of Works and Railways. When I sat in Opposition for many years, and dealt with this railway question, I always argued it was a mistake to have the public works and the railways under one Minister. I hold the

same opinion now; and hence, as far as my influence went in the formation of the late Leake Government, I made arrangements for the separation of those two portfolios; and I think the Government have acted very unwisely in again combining them. I think those departments are two large spending concerns of the State, each of which ought to have the whole time of a Minister. Take the Public Works Department, controlling such undertakings as the great Coolgardie Water Scheme and the Fremantle Harbour Works. I maintain that any man who wishes to do justice to this State and take up his proper position in this House, ought to have his whole time to attend to that department. If not, we have not management by Ministers at all, but by the heads of the departments; and that is the most dangerous thing any country can get. The former arrangement of portfolios was infinitely better than the existing arrangement; but I do not wish to discuss that point, merely calling attention to the fact that the evident idea of the Premier in making this alteration was that the Minister for Railways would have very little to do. I cannot understand why he should have made such a change except on that hypothesis. Now if the Minister for Railways have to settle the hundred and one questions that arise out of rates, he will have just enough to do. If he have to deal with the great questions that arise in respect of State servants employed on the railways he will have quite enough to do. I dare say the member for the Williams is well aware of the truth of the opinion I formed from observation during the short time I was a Minister of the Crown—that about two-thirds of the Minister's time in the railway and a good many other departments is occupied in doing work which a Minister ought never to be asked to do. Why, the Under Treasurer could not fine a man half-a-crown for putting the wrong stamp on a document without getting my signature. The thing is absurd. A teacher could not be given a three-days holiday without the Minister's signature. The thing is ridiculous. It weighs down the Minister with a lot of detail work he ought never to be asked to undertake; and that sort of thing should be abolished in all the departments, but especially in the railways. The Minister never had

the time or the opportunity for discussing great questions. My wonder is, not that the railways have been badly managed under a Minister, but that they have been managed so well in the circumstances.

HON. F. H. PIESSE: There was any amount of time. Any number of great questions have been dealt with in years past.

MR. ILLINGWORTH: Since the hon. member left office, we have not been able to rise to the high rank of men who can work like him, though I consider I can do as much work of that kind as most men. But the fact remains that we should transfer a lot of this detail work to the general manager, and should give him more control over the men who have to carry out the work. Unless we are prepared, in a big concern like this, to place control in the hands of one man, we shall fail. That is where a board of commissioners will fail. If a question has to be referred to a commission, we know what it is. The commission is like a directorate. Men will do in a directorate as a whole what they would not do as individuals singly responsible. We want someone whom we can look to in this State, and to whom we can say: "You are responsible for the management of these railways, responsible to see justice done to the men, responsible for making the railways pay; and if you know that Parliament, by some action they have taken, have done something which militates against the financial success of the railways, point it out; and if Parliament still hold that for some reason other than financial it is desirable to conduct the railways in that particular way, Parliament will take the responsibility, and will make up the loss." It has been argued here to-night that if a certain course had been taken, and if the demands of the men had not been granted, the railways would have shown a better return. Now, I contend we ought to make our railways pay without grinding the faces of our men. But we want an honest day's work out of our men. If we give an honest day's pay—and that is what we ought to give—we ought to get an honest day's work. I have had to say, and I am sorry to say it again, that Governments do not get the same amount of work for the money they spend as is got by private

individuals. That ought not to be so. The Government of every country gives more privileges than a private employer; and a man in the employment of a Government is in a better position than the private employee; and if he be an honest man, he ought to give honest work and labour and an honest result for the money he gets; so the management we want is one which will see that we get that. [HON. F. H. PIESSE: How?] The difficulty is the same in private employment. It is easy, when we have under our own immediate control, in our own office or factory, say 10 men, whom we see every day. Of course, we can ourselves control them. But when we have to extend our business and employ a thousand men, we cannot personally control them all, and we have to trust to other men who are responsible to us. Now how should we run a big mercantile concern—say a bank, or any other institution of the kind? Should we be able to run it at all if we had not some central power that controlled the whole?

MR. DIAMOND: The board of directors hold that central power in the case of a bank.

MR. ILLINGWORTH: They occupy the same position in that institution that this Parliament occupies between the State on the one hand—the owners of the property—and the men working for them on the other. That is the position. But the general manager is the man responsible for the whole concern. Of course we must admit, because it is self-evident, that the wider we extend our business—the larger the number of men outside our immediate control—the greater will be our difficulties. But should we make those difficulties less by putting three men in office instead of one? I say, no. I say the true principle is to get one man in whom we have confidence, and to make him personally responsible for the conduct of the whole concern. By way of illustration, if we make Mr. Short a commissioner; he will come in and sit with Mr. George and Mr. Rotherham to settle something. One thing they may settle is that Mr. Short is to go out of the Commissioner's office and manage the traffic branch, while Mr. Rotherham is to manage the mechanical branch. Who is left behind? Mr. George. But if something go wrong, say in the mechanical

branch, then Mr. George, Mr. Short, and Mr. Rotherham come back to the Commissioners' office to settle the question. Now if that is not ridiculous, I do not know what is. If that will work, anything will work. If a proposal that a man may be a commissioner to-day and a general manager to-morrow, and then come back again into the Commissioners' office for an hour as commissioner—if that is the idea of the Government about a railway commission, I think we shall make things ten times worse than they are. Perhaps the best way of testing the question will be to deal with it when in Committee on Clause 3; and I shall then move to strike out the word "three" and the words that follow, for the purpose of inserting "a general manager." If the Committee follow me in this, I presume the Government will then desire to report progress. I do not wish to say or do anything that will in any way militate against the prosperity of our railways. I believe Government, Opposition, and everybody else are sincerely interested in trying to put the railways on a sound basis. If I were dealing with this as a party question, I should move that the Bill be read this day six months, and I am not sure that I could not carry the motion. But I do not wish to throw out the Bill in the face of the Government. What I want is to devise some means for managing the railways; and I say the true principle is to get a single manager. The experience of all the other States which have had commissioners agrees on that point. It may be argued, is argued, and has been argued by the member who introduced the Bill, that they never departed from the principle of a commission. But if you go back from a commission of three to one commissioner—and practically that is the effect in the other States—you abandon the idea of a commission and get back to a general manager. You can call him commissioner, but he is nothing but general manager. I think the wisest thing to do is to deal with this clause when we come to it, and if the Committee are with me we shall do well in confirming the principle by striking out the word "three." Then I presume the Government will recast the Bill on the lines of one commissioner, or general manager if you like, and take the neces-

sary power under this Bill to give the manager more control; sufficient control. I contend, in a single word, that the only difficulty in our existing system is that the manager is not sufficiently responsible and has not enough control; and the remedy is not by appointing three men, but by retaining the principle of individual personal management, and by giving the manager sufficient control. In a single word that is what I am arguing for, and in order to carry this out I think we may pass the second reading of the Bill—though I do not like it a bit—for the purpose of arriving at some amendment which will be better. I do not wish to occupy the time of the House farther, if I have conveyed the point I rose to convey. The general manager or commissioner, call him what you like, it will not make any difference to him, should, I say, have sufficient control. Make him responsible to the Minister and the Minister responsible to the House, and then we shall have a control and management which I think will work best for our railway system.

Mr. W. ATKINS (Murray): With regard to the Bill now before the House, I am certainly against the appointment, at present at any rate, of three commissioners. We have one, and, as I understand, he is responsible to the Minister for the management of the railways. Although in the other States the system of having three commissioners was not a great success, still it was much better than what existed previously. I have known the States now I think as long or longer than anybody else in the House almost; I have been messing about the railways I may say since 1856; in fact I worked in connection with W. H. Greene, who was one of the first railway commissioners, and was engineer in charge in Victoria for the first railway built there. I mention that to show that I have taken an interest in the subject. Certainly the railways were worse in all the States before the commissioner system came in than they were afterwards. I still assert, however, that I am not in favour of three commissioners. The member for Cue (Mr. Illingworth) voiced my opinion very much, which is that if you have divided control, it may be democratic, parliamentary, or anything else—you can call it

what you like—you cannot manage the railways efficiently. That is my experience in all sorts of things. No mining manager would put two men in charge of a mine; no squatter would put two men in charge of a station; and no contractor would put two men in charge of a contract. Then, why should the Government want to put two or three men in charge of a more important matter than any of them? One man would have to be the head and the others would have to do what he said, or there would be no satisfaction or working at all; they could not get on. With regard to political control, I think we are in rather a state of misunderstanding about it. The Minister should have control of the policy of the railways, but the commissioner or manager, or call him what you like, should have complete control over the business management and over the men. One part of the House will not speak straight out as to what would happen, because it is afraid that the other part of the House will think it is something unfair. I am of opinion that no members of the House wish men to be put into an unfair position, but I hold that the business men of the House—and I appeal to the Labour members as a portion of the business men—know as well as I do that if they were to have three or four men running their affairs, or interfering with them, they would not stand it five minutes. I think that interference by members of Parliament is bad, and that this House considers it bad. Let the Minister who is in charge do that. If a member of Parliament has anything to say about men or business, let him go to the Minister and not interfere with the management, and get this thing done or that thing done. Let him not try to get a siding for himself somewhere where it ought not to be, and all that sort of thing, and interfere with the men. If a man has misbehaved and is discharged, a member of Parliament goes and says, "He is a very great friend of mine; give him another chance," and all that sort of thing. If the manager is not fit to know what chances a man ought to get, certainly an outside man, although he may be a friend of the person, cannot tell him any better. If you do not give the manager full charge, you are going to put a man in charge of a thing and tie his hands,

and you are going to kill another good man, as a lot of good men have been killed. Mr. Speight was ruined, and a good deal of that was just through interference. Mr. Eddy was supported by the Ministry and Parliament; and if this Parliament does not back up the Minister, or manager, or commissioners, or anything you like to call them, but will keep interfering outside the House where it has no business to interfere, you will never get any decent management of any railway or any other Government business. That is one of the reasons why men will not work for the Government as for other people, because they know very well that they need not work, in the first place. It is all very well to talk about working for love, but fear is a much greater factor than love. When the millennium comes you may get a little more love. My opinion is that if a man is not afraid of something either morally or physically, he is not much good in private life. With regard to New South Wales and Mr. Eddy, I would like to say that in that State, as soon as Mr. Eddy was appointed they commenced to cut down the rates. The same was done in the other States as well, when commissioners were appointed. Therefore although the business showed a loss, it should be remembered that the rates were very much higher before commissioners were appointed, that although the railways are under different management the rates were cut down to suit the class of goods. With regard to Clause 13, the commissioner alone should have the right to interfere with the men, and he should have the power, if a man does not do what is right, to discharge him. A salaried officer is under the Civil Service Act, and I do not suppose he would be dealt with in the same manner; but if there is no power over men, how can the commissioner do any good? As the member for Cue said, the rates should be under the charge of the Government, because they may want to make differential rates, but that will not interfere with the management of the railways. What we are troubling about is the question of working the railways cheaply. That is what we want. The House will make what rates they like. If they want to make a loss, they can make a loss, and if they want to make a gain, they can make a

gain; they can do what they think proper. But we want to check bad management and waste of public money. My opinion, and I think the opinion of the House, is that we should have our railways managed by a first-rate man, who is perfectly clear of every sort of influence, except that he has his bread-and-butter first from the Minister of Railways and then from this House, and that if he does not do his work right he is to be talked to by his "boss," by the Minister for Railways and by the House. But he should not be interfered with outside. If he cannot do his work, get another; but do not have two or three. Give him all responsibility, and let the men under him know that he is "boss." In our business, and the member for Wellington can tell you the same, if we have a man under us, a ganger or an inspector, who is not satisfied with a man puts him off. And if that man goes to the "boss" and complains, the "boss" will say, "You must go." But if the "boss" does wrong, then the "boss" is put off. If a manager does not know how to rule his men, then get another man.

MR. A. J. DIAMOND (South Fremantle): I have listened with the greatest attention to the members for Cue and the Murray, and while I agree with them in some details, I cannot agree with them on general principles. I think, to a certain extent unintentionally, a false issue has been placed before the House. The member for Cue has assumed, as a matter of course, that two officers of the Railway Department will be appointed as second and third commissioners. As far as I am aware, the Government have given no intimation, directly or indirectly, that they intend to appoint two officers of the Railway Department as second and third commissioners. I would like to point out that if this Bill is passed it lies within the province of the Government to appoint whom they like as second and third commissioners. Consequently a large number of the arguments of the member for Cue have been based on false premises. The shareholders in a bank seldom or never appoint their officers as the directors of the bank. The affairs of a bank are certainly controlled by the general manager. But above and beyond the general manager is a board of directors. In my opinion this Bill intends

that the three commissioners of railways shall be virtually in the position of the board of directors of a bank; that they shall have their officers below them to carry out the detail duties of the work. I am quite at one with the members who have spoken and said that these commissioners—they said commissioner or general manager, I prefer three commissioners—should have supreme control and be free entirely from political influence; only that they should be subject to the usual penalties, that if in any way they do not carry out their duties properly, there should be some provision placed in the Bill for their removal. If three commissioners are appointed, virtually we should give them supreme control, subject to Parliament only, that is not as to matters of detail, but in matters of general policy. In reference to expert control, as I said before, bank directors seldom if ever are experts in banking; yet they virtually occupy the position of supreme controllers of the bank. At their weekly meetings or bi-weekly meetings, the general manager of the bank brings matters of general policy forward, and at times matters of detail, as the case may be. I do not think we should find any meeting of shareholders—and to a large extent we are here the proxies of the shareholders of the railways, that is the people of Western Australia are virtually the shareholders of the railways, and we the members of Parliament are the proxies of those shareholders—

MR. MORAN: We are the directors, and we do not want commissioners.

MR. DIAMOND: I have never known, during my 40 years' business experience, a meeting of shareholders appointing one man to the supreme control of their affairs; and I, for one, will never be a party to intrusting the affairs of the railways in Western Australia to one man solely and exclusively. As one member previously remarked this evening, two heads are better than, or perhaps three heads are better than, one. Someone interjected, fifty heads are better than one. That is carrying the argument by what is called *reductio ad absurdum*. That is the sort of thing reasonable men take no notice of. I believe the affairs of the railways of Western Australia are now demanding a very great amount of

attention, and I believe three men, sitting in conclave from week to week, or day to day, as the case may be, will certainly do far better than one man, with the whole of the responsibility thrown on his shoulders; and for these reasons I shall vote for the Bill.

MR. H. DAGLISH (Subiaco): In regard to this measure, I am quite prepared to follow the lines suggested by the member for Cue (Mr. Illingworth), that is to vote for the second reading of the measure with the object of getting it amended in Committee. It seems to me to be the duty of a Government, when proposing an important and new departure such as this Bill suggests, to have given some strong reasons for the change; to have shown, first of all, that a bad condition of affairs exists in the Railway Department, and that once established, to have shown that the only remedy, or the best remedy, was the remedy proposed to be adopted by the Bill. I am willing to concede that it has been shown over and over again that the Railway Department is urgently in need of reform, but what I deny is that the Ministry have made out any case for the Bill as it stands. They have not proved, or attempted to prove, that any remedy, or indeed the best remedy for the state of affairs in the Railway Department, and the disorganised condition of the Railway Department, lay in the appointment of a board of commissioners. As a matter of fact, the only argument brought forward is that which has been so ably answered by the member for Cue, that the experience of the Eastern States has been in favour of a board of commissioners. I do not think it is necessary that I should go over the ground which the member for Cue has so ably taken up to-night. I have seen, as he has seen, what has been the result of management by commissioners in Victoria, and I am quite satisfied that, apart altogether from the question of whether it would be in the interests of the administration of the Railway Department to appoint commissioners, or whether a board of commissioners could be made to work efficiently, apart from that we need to hesitate carefully before we part with any more of the powers of Parliament. At present, we have given away too many of the

rights of the people to irresponsible bodies. We have parted with a great deal of our power already, and now it is proposed to construct the railways, or to manage our railways by commission when constructed. It seems certain members of the House have not enough confidence in their own judgment to take the responsibility which the electors have intrusted to them. There has been no demand by the people of the State for the appointment of a board to manage our railways. In most cases where the members of this House have submitted the question openly to the electors, they have been returned to oppose the appointment of a board of commissioners. What the electors have demanded is that the Railway Department should be put on an efficient footing; and that the House is required to do. Until it has been shown that it can only be done at the expense of handing over the powers of Parliament to a board of three commissioners, we are not justified in passing the measure in its present form. I do not intend at any length to discuss the many minor provisions contained in the Bill. The Committee stage, of course, is the proper stage for that to be done. I do not here refer to the appointment of three commissioners with large powers, or the appointment of one man with large powers; but I think as the Bill now stands, the powers of Parliament are not sufficient with regard to the removal of the Railway Commissioners, if it be proved they are unsuitable for the business or are guilty of misconduct. We have already had a general manager whom a great number of members of Parliament desired to get rid of, and a great number of the electors likewise desired to see him removed from the control of the railways. The only way it was found possible to get rid of that gentleman was by buying him out at a very heavy price indeed. I find practically the same thing will be rendered necessary if this Bill be passed in its present form. We find for misbehaviour or incompetence, for engaging in employment outside the duties of his office, becoming bankrupt, or being absent from duty, or being interested in any contract or agreement with the Government, a Railway Commissioner can be suspended. But if he be suspended, "he shall be restored to office unless each

House of Parliament, within twenty-one days from the time when such statement has been laid before it, declares by resolution that the said Commissioner ought to be removed from office." That really means this, that unless both Houses of Parliament are agreed to remove the Commissioner, he cannot be removed. Not only that, but unless they agree within 21 days after the statement is laid before Parliament, the Commissioner cannot be removed. There might be important public business to be dealt with in either House, which would prevent a decision being arrived at, and which might prevent the matter being discussed for a couple of weeks.

MR. TAYLOR: Parliament might be in recess.

MR. DAGLISH: That is provided for. There is one point which I particularly invite attention to. If we appoint Commissioners under these provisions, we are making the Commissioners more powerful than is this House of Parliament. One public employee will possess more power than the House of Assembly or the Legislative Council, and I, for one, say we are giving too great a power into the hands of our Railway Commissioners by having such a thing as that. I likewise object, as one who feels it my duty to stand up for the rights of this Chamber, to this House, in a matter like the controlling of a large spending and earning department, being put on a level with another place. I contend the powers of this House are constitutionally greater in a matter like this than the powers of another place, and we are robbing this House of its constitutional powers if we allow that in any matter of this kind we should be placed on a footing of equality with the other House.

MR. MORAN: Then vote against the Bill.

MR. DAGLISH: I shall vote against the provision of the Bill when in Committee. I should vote against the Bill as a whole if I thought it necessary in order to defeat this or one or two other clauses that I object to.

MR. MORAN: You are running a big risk, you know.

MR. DAGLISH: I do not think the hon. member can be serious in saying that a big risk is being run. I believe that he and other members sitting with

him will join with me in an effort to make this a better measure than it is at present. I certainly do not wish to cast a vote simply for the purpose of administering to either the Government or the Opposition a slap in the face. I am here not to do that, but to see that good legislation is passed; and if I can achieve that end by supporting a measure like this on the second reading, I am quite prepared to do so, because I take it that the principle we affirm in voting for the second reading is that there is some need of a Bill to amend the existing Railway Acts. That, really, is all I understand myself to be affirming in voting for the second reading of the measure; and I am quite prepared to indorse that principle.

MR. MORAN: There is no principle at all, if you strike out the commissioners.

MR. DAGLISH: The simple principle I am willing to allow is that the general manager shall be called a commissioner. I am quite ready to support the Bill so far as it relates to the appointment of one man to manage our railways.

MR. MORAN: Giving him no more powers than he has at present?

MR. DAGLISH: I should not give him any more powers at all. I wish only to say, on that point, that I have heard in this State as well as in another State a number of statements concerning the influence wielded by members of Parliament; but I have never yet been able in this State to get a concrete instance of the wielding of that influence. I am quite prepared to challenge contradiction, when I say here now, in public, that I have never attempted to bring any influence or any pressure to bear on the head of the Railway Department, or on the head of any other public department, to do anything which is wrong. I maintain that before these wholesale charges, implying corruption on the part of members of Parliament, are raised in the House or in public, the persons who raise them should prepare themselves to instance acts of corruption and to name the members who have been guilty of them. I contend that if we pass a measure on such a ground as that we are really casting a most serious reflection not only on the capacity but also on the honesty of the House. Certainly, I am not prepared to remove the railways from political control on any such ground. If we had had submitted

to us a measure such as we were first led to expect, namely a measure to remove the railways absolutely and altogether from political control, then, I say, we should not have been justified in passing the second reading. This Bill, however, has after all very little in it as regards the powers of the commissioners, though one or two of its points are dangerous. Those dangerous points I have already mentioned. There are, in addition, two or three utterly useless proposals. Take for instance, the proposal that a member of Parliament shall be prohibited from going on a deputation to the commissioner. That, I say, is a simple absurdity. If pressure is brought to bear by members of Parliament on Government officials, it is not at deputations to which the Press may be admitted and which members of the general public may attend. It is not there the damage is done. If the Government fear that influence is exercised and pressure is brought to bear on public officers by members of Parliament, then they would act wisely in introducing a clause providing that a member of Parliament shall not meet or speak with a railway commissioner outside the public offices or on occasions when no members of the general public are present. For that is where the damage is done. The damage is done at private interviews, interviews at the club, or at meetings in private establishments. Those are the occasions when improper personal pressure and improper political pressure have in the past been brought to bear, and will probably be brought to bear in the future. The clause I refer to, which prohibits a member of Parliament from introducing a deputation, is a downright absurdity, such an absurdity as I am astonished to find in a measure submitted for the consideration of Parliament. The clause says, in effect, that while a mayor of a municipality or municipal councillors may interview the commissioner of railways to lay requests before him, and while the commissioner may tour the whole country and receive deputations at every stopping place, yet he must not see a member of Parliament on any account. If a member should happen to be at a stopping place when the touring commissioner reaches it, that member must not accompany any deputation which may wait on the commissioner.

In fact, I should imagine that, under this clause, if a deputation were received on a railway station, it would be necessary for any member of Parliament who might happen to be on the platform to leave the precincts of the station in order to escape the suspicion of having brought influence or pressure to bear on the commissioner. I do not know what the clause is intended to effect. I am afraid, however, that its effect will be to render the measure, in one aspect at all events, ridiculous. Beyond that, I do not think the clause will achieve much. However, I deem it unnecessary to enter farther into the details of the Bill, and I shall content myself by simply saying that I am prepared to assist in getting this Bill into Committee, where I shall endeavour to help in licking it into decent shape.

MR. HARPER: I move the adjournment of the debate.

Motion (adjournment) put, and a division taken with the following result:—

Ayes	...	...	...	16
Noes	...	...	...	16
A tie				0

AYES.	NOES.
Mr. Atkins	Mr. Daglish
Mr. Butcher	Mr. Diamond
Mr. Harper	Mr. Ewing
Mr. Holman	Mr. Foulkes
Mr. Illingworth	Mr. Gardiner
Mr. Moran	Mr. Gregory
Mr. Morgans	Mr. Hastie
Mr. Nanson	Mr. Hayward
Mr. O'Connor	Mr. Hicks
Mr. Piesse	Mr. James
Mr. Purkiss	Mr. Kingmill
Mr. Quinlan	Mr. Phillips
Mr. Taylor	Mr. Rason
Mr. Thomas	Mr. Reid
Mr. Yelverton	Mr. Reside
Mr. Jacoby (Teller).	Mr. Wallace (Teller).

The SPEAKER gave his vote with the Ayes.

Motion thus passed, and the debate farther adjourned.

INDECENT PUBLICATIONS BILL.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Printing and publishing obscene books, etc.:

MR. MORAN: Sub-clause 1 was very vague. What was "indecent"? Prudes might consider some portions of Shakespeare indecent.

THE PREMIER moved that the words "or indecent" be struck out. Retain the word "obscene," leaving the law as

it stood at present. The offence defined by the sub-clause was now an offence at common law, and by certain statutes also, though it was punishable, not summarily, but as a misdemeanour. There must therefore be an indictment. Under the English Vagrancy Act of 1824, a vagrant selling obscene books could be summarily punished, and there was a similar provision in our Police Act; though, curiously enough, no person other than a vagrant could be summarily convicted. When the English Act was passed such literature was mostly sold by vagrants.

MR. NANSON: It was passed to prevent the sale of political pamphlets.

THE PREMIER: No; this had been the common law for centuries, and had never fallen into desuetude. The prosecution of Mrs. Besant was based on the common law. A man selling an obviously obscene book should also be liable to summary conviction. As to the definition of "obscene," Lord Chief Justice Cockburn, in a decision on a point reserved from a jury trial on a charge of publishing an obscene book, said:—

It is quite clear that publishing an obscene book is an offence against the law of the land. It is perfectly true, as pointed out by Mr. Kidd (accused's counsel), that there are a great many publications of high repute in the literary productions of this country, the tendency of which is immodest, and if you please, immoral; and possibly there might have been subject-matter for indictment in many of the works referred to. But it is not to be said, because there are in many standard and established works objectionable passages, that therefore the law is not as alleged on the part of this prosecution, namely, that obscene works are the subject-matter of indictment. And I think the test of obscenity is this: whether the tendency of the matter charged as obscenity is to deprave or corrupt those whose minds are open to immoral influences, and into whose hands a publication of this sort may fall. Now with regard to this work, it is quite clear that it might suggest thoughts of a most libidinous character.

Sub-clause 1 was merely a recognition of the common law existing for centuries; but it was proposed that a person found printing, selling, or exhibiting any obscene book, paper, etc., should be liable to summary punishment such as applied to the cases referred to in the subsequent parts of the clause. Why should not a person who sold, printed, or published an obscene book be punishable in the same way as

one who affixed an obscene publication to a hoarding?

MR. DAGLISH: Would Zola's works come within the sub-clause?

THE PREMIER: They might or might not. To ascertain whether they would, Lord Chief Justice Cockburn's test must be applied. But whether or not, the law was not hereby altered; the punishment was simply made summary. The English Act was used to deal with publications manifestly obscene, and the object of the Bill was to deal with similar publications. If a pamphlet distributed or posted were objectionable, was not similar matter bound in book form equally objectionable?

MR. DAGLISH: Were two backblocks justices always a competent tribunal?

THE PREMIER: It was only when dealing with books that such tribunal was objected to. There was no such sub-clause as this in the New South Wales Act of 1900; and the fact that a similar provision appeared in that State's Act of 1901 showed there was need for it.

MR. NANSON: Surely a man could buy what he liked?

THE PREMIER: The statute book was full of laws to prevent men from buying and from doing what they liked. If men had such rights, half the laws on the statute book should be repealed. There was a recognised common-law definition of "obscene"; but when a question of indecency arose, the court would have to turn to Clause 4 of the Bill, which had been inserted to indicate the nature of the indecency aimed at by the earlier clauses; and a similar clause would be found in all the Acts dealing with this question.

MR. NANSON: The objection to Sub-clause 1 of Clause 2 lay in the fact that the law made an alteration in the tribunal which was to try such cases. He could understand that the Premier, who was afflicted with so profound a distrust of trial by jury, should desire to remove cases of this description from the cognisance of a jury and place them before two justices of the peace. He (Mr. Nanson) would rather be tried before a jury than two illiterate justices of the peace when a matter of literature had to be decided. The Premier quoted an old dead-letter Act passed as far back as 1824.

THE PREMIER: And our Police Act.

MR. NANSON: And our Police Act. The Act of 1824 was passed in the mother country at a period of very grave unrest and political disturbance, the agitation for the great Reform Bill of 1832 being then in full swing. The radicals of that date were not always very particular in the terms they used in denouncing their political opponents. They spoke with a vigour and force which seriously annoyed the Government of the day, and this Act of 1824 was largely a political measure to prevent the dissemination of literature which the governing body of that time thought inimical to the ruling classes.

MR. HASTIE: Had a person accused to be tried by jury?

MR. NANSON: He could not be tried by jury for the very good reason that, if brought before a jury, the chances were he would be acquitted, but that if brought before two justices of the peace it was almost a dead certainty he would be convicted.

THE PREMIER: Let the hon. member come down to our own Act, and the Act of New South Wales of 1901.

MR. NANSON: In this matter he preferred not to take New South Wales as a model, but to pin his faith, as he always had done, to trial by jury.

MR. DALGLISH: Why not give a man the option of a trial either way?

MR. NANSON: That might be done, but there was not only the question of the liberty of the subject, but the question of the affirmation of a principle. He would come to the question of the meaning of the word "obscene." The hon. gentleman read a judgment by Lord Chief Justice Cockburn, but he (Mr. Nanson) did not think members were very much wiser after the extract was read than they were before. Obscene descriptions occurred in very many books which were rightly regarded as being amongst the greatest ornaments of English literature. If one took "Gulliver's Travels," he found running through that work nothing suggestive of immorality, nothing that could excite any evil emotions in the mind of the reader, but allusions and descriptions to which no other term than "obscene" could be applied. The pages of that work were simply reeking with filth, and yet persons whose judgment was entitled to respect thought it would be a blow to

English literature if it were made a penal offence to publish works of that kind, and if anyone publishing them were to be liable to be harassed and brought before justices of the peace and called upon to defend his conduct. Still, it was recognised in the English law that whilst that would be an abuse of power, yet some power must be given to the Government of the country to prevent the liberty of publishing from being carried to undue lengths. It was laid down in the law of England, and had never been departed from except in the case of the Act of 1824, which really did not apply, that if one was going to proceed against a person for publishing an obscene book, he must proceed by way of indictment; and there were good reasons for taking that view of the position. Milton declared, in one of the most eloquent pleas ever written in the English language in support of freedom of speech, that if one killed a book he did almost worse in a sense than if he murdered a man. That might sound extravagant, but he proceeded to argue that if one killed a book he destroyed that which under ordinary circumstances would live very much longer than an individual. If the Government gave authority to two justices of the peace to send a man to gaol or to fine him for publishing a work they considered to be obscene, were they not doing something that went very far to kill the right of free printing in this country, and instituting what could only be called a secular congregation of the index to decide what should be printed in this community and what should not? When he asked whether a man should not be allowed to buy what he liked, the hon. gentleman replied that the law interfered to prevent one from buying a number of things. We could understand that it was necessary to prevent a man, for instance, from buying poison, if there was reason to think he intended to put an end to his own life. When the Premier asked members to affirm the principle that any two justices of the peace should prevent a man buying what books he liked, it was the hon. member who was conservative, for he was reviving an old power. If two ecclesiastical personages had to decide as to whether a book was obscene or not, there would be great indignation in this

country; and why should there not be indignation if that power was placed in the hands of two justices of the peace? We must all recognise that to prevent evils arising the law must be given sufficient latitude, but surely sufficient latitude was given when the Government was allowed to proceed by indictment.

THE PREMIER: The contention of the hon. member in regard to the Vagrancy Act was fudge. It was a pure creation of the hon. member's imagination. The provision had been in the Police Act for years and in the Acts of the old country for years. Fancy a man in the House suggesting that the Act to deal with exposure was passed with a political animus. It was intolerable for anyone to get up and suggest that. By the law of the land at the present time twelve men determined whether a book was obscene or not. The whole tendency of the criminal law was to make punishment summary and short. The sooner after an offence was committed the punishment was inflicted the better. Any two justices or a police magistrate could deal with offences upon conviction of which the punishment was six months' and in some cases twelve months' imprisonment, and in other cases heavy fines could be inflicted. There had been very few abuses of the power and the abuses were very quickly redressed.

MR. MORAN: It was not fair to say that the leader of the Opposition wished wilfully to mislead the Committee. If the Premier looked this subject up, no matter what the wording of the Act was, there was a colouring given to it at the time because of the circulation of obscene literature amongst school children.

THE PREMIER: The argument was objected to by him because it was stated that the Act was passed because of political influence.

MR. MORAN: This matter could be traced right back to the Peterloo riots, and he remembered Lord Plunkett pointing out what insidious and mischievous practices were going on by circulating obscene literature amongst young children by vagrants, who were the labour members, the political agitators. It was an honest and sincere attempt made by the Conservatives in power in England in those days, and it was thought that the gravest harm would

be done, which might lead to the overthrow of the British Empire. The legislation was passed to prohibit the circulation of obscene literature, because it might lead to a disrespectful idea of those in power. The Liberal newspapers and the Radical newspapers dealt with the authorities in power at the time, and, perhaps, the argument had been a little far-fetched and overdrawn by the leader of the Opposition. But we had not come to that stage in a debate when a member's argument should be called "fudge." What might be called obscene literature in the early days might not be reckoned obscene now. It might be thought obscene if a newspaper wrote in a ribald fashion about the Ministry.

THE PREMIER: What was obscene a hundred years ago was not obscene now.

MR. MORAN: What was obscene literature a hundred years ago would be called political pamphlets now.

MR. NANSON: What he had stated was substantially correct. The Act, no doubt, was passed by well-meaning people, and it was a well-meaning Act, just as the measure now before the House was advocated by well-meaning people; but these well-meaning Bills were sometimes most dangerous because of the hidden dangers that lurked in them, and which had to be guarded against. In the Act of 1824 there was an unseen, hidden, and lurking danger, although on the outside the measure seemed a laudable one. It could be used as a weapon of political persecution, and the clause before the House could be used in the way of political persecution.

THE PREMIER: If articles in newspapers or pamphlets were obscene, why should they be protected?

MR. NANSON: It had been the rule in the early days to cover attacks under the cloak of obscenity. There was a familiar instance in the works of Rabelais. Members knew that these works were absolutely besmeared in filth, and for the definite purpose only to give an opportunity, as matters existed then, of getting out the truth that Rabelais wished to convey; and it might happen in this age that the same vehicle might have to be used to disseminate a truth that was not of a desirable character. No less an authority than Charles Kingsley—and no one could accuse Kingsley of reck-

lessly defending indecent literature—had defended the works of Rabelais for the reasons given. In one branch of journalism of this State, in the Sunday Press, allusions that verged very closely on what might be called indecent, if they were not actually so, were made. At any rate the allusions were of such a nature that it was quite possible that justices of the peace might consider themselves justified in sending the proprietor of such a newspaper to gaol for making use of those allusions. It would be regrettable if the power under this Bill were used to suppress newspapers of the kind simply because they referred to political matters in a vein of unnecessary coarseness, possibly with the idea of thus attracting more attention than would be drawn by the chastened language of the Senate. While it was necessary to provide a safeguard against the reckless use of the right of publishing indecent works, the contention held that as long as the Government were given power to indict persons indulging in obscenity of the kind, they were armed with ample powers. The Premier might have reason to object if the proposal were to remove these offences from the Criminal Code; but, as matters stood, the code went far enough. To test the feelings of the Committee, he moved that all the words in Sub-clause (2) after "indecent," in line 2, be struck out.

MR. HASTIE: If the amendment were carried, would it be legal to distribute obscene literature, or could a man be prosecuted for conduct of the kind; if the latter, would he be summarily dealt with by two justices, or would it be open to any person to put the man to the expense of a Supreme Court trial?

THE PREMIER: Section 204 of the Criminal Code provided that:—

Any person who knowingly, and without lawful justification or excuse—(1) Publicly sells or exposes for sale any obscene book or other obscene printed or written matter, or any obscene picture, photograph, drawing, or model, or any other object tending to corrupt morals; or (2) Exposes to view in any place to which the public are permitted to have access, whether on payment of a charge for admission or not, any obscene picture, photograph, drawing, or model, or any other object tending to corrupt morals; or (3) Publicly exhibits any indecent show or performance, whether on payment of a charge for admission

to see the show or performance or not; is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

A bookseller could sell an obscene work privately, but not publicly; nor could he expose an obscene work publicly for sale. The defect of that section was that, while it struck at the act of selling, it did not strike at the act of printing and publishing. If it was wrong to sell or expose publicly for sale a book, it was surely also wrong to print and publish the book, since if the book were not printed and published it could not be sold.

MR. NANSON: It appeared that to sell "Gulliver's Travels," for example, was an offence.

THE PREMIER: No; such works as "Gulliver's Travels" had been held not to be indecent. The principle had been laid down that regard must be had to the whole tendency of a book. Certain works published 100 or 150 years ago would, if published now, be open to serious and sound objection; although, judging by present tendencies we should in a few years be where our ancestors of 100 or 150 years back were. So far as books were concerned, the law was that a person charged with publicly selling or exposing for sale an indecent book, might be found guilty of a misdemeanour, after trial by jury in the ordinary way, and subjected to imprisonment with or without hard labour for two years. The member for the Murchison (Mr. Nanson) was, perhaps, right to this extent, that hardship might result from investing justices with summary powers. In Sydney, however, where justices had been so invested, cases of hardship had not arisen, and they were not likely to arise here.

MR. WALLACE: If the amendment were carried and the sub-clause struck out, what would be the purpose of the Bill then?

MR. NANSON: Sub-clause (2) would be left.

MR. WALLACE: Under the Criminal Code, as the Premier had just stated, there was power to punish for selling indecent books, but not for printing and publishing them. This Bill was not only difficult, but apparently impossible, to deal with. Why should Sub-clause (1) be struck out and the succeeding sub-clauses allowed to remain?

MR. NANSON: The succeeding sub-clauses referred to indecent advertisements and so forth in newspapers.

MR. WALLACE: Quite so; but there was difficulty in discriminating between indecent matter in a newspaper and indecent matter in a book.

THE PREMIER: If it were so, why should there be any discrimination?

MR. NANSON: Why not adopt the Imperial Act?

THE PREMIER: That Act did not go far enough. At home, things were not so rabid as here.

MR. NANSON: They were worse at home.

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

Ayes	...	...	...	4
Noes	...	...	...	20

Majority against ... 16

AYES.	NOES.
Mr. Hicks	Mr. Atkins
Mr. Moran	Mr. Butcher
Mr. Nanson	Mr. Daglish
Mr. Jacoby (Teller).	Mr. Diamond
	Mr. Ewing
	Mr. Gardiner
	Mr. Gregory
	Mr. Hastie
	Mr. Hayward
	Mr. Holman
	Mr. Kingsmill
	Mr. O'Connor
	Mr. Quinn
	Mr. Rason
	Mr. Reside
	Sir J. G. Lee Steere
	Mr. Taylor
	Mr. Thomas
	Mr. Wallace
	Mr. James (Teller).

Amendment thus negatived.

MR. NANSON moved that in Sub-clause 7 the words "or report" be struck out. There was a distinction between an indecent newspaper advertisement and a report which appeared sufficiently indecent to render the editor or proprietor liable to prosecution. By the Criminal Code, the publisher of an obscene libel could be prosecuted: there was no public duty involved in the non-publication of an advertisement. A journalist might possibly, in the execution of his duty to supply the public with news, publish details not fit for the perusal of young people, but still in the public interest. If such publication were unjustifiable, the newspaper should be punished; but it should not be left to two justices of the peace to decide the issue, which was one for a judge and a jury. The attitude of

the Committee reminded one of those who—

Compound for sins they are inclined to,
By damning those they have no mind to.

As this was a matter of great public importance, the Premier might move to report progress.

THE PREMIER: Undoubtedly, if the words "or report" were to remain, a clause must be added providing that a prosecution could not be laid unless by consent of the Attorney General; for even a perfectly fair report without any disgusting details, might by the parties affected be made the foundation for a charge. The same proviso should be applied to Sub-clause 1. He moved that progress be reported.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10:26 o'clock, until the next Tuesday.

Legislative Assembly, Tuesday, 26th August, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: 1, Plan showing proposed deviation of Perth-Fremantle Railway between East Fremantle and Cottesloe Beach. 2, Return showing works and buildings authorised