MR. JACOBY: If the Speaker was waiting for farther information, he would prefer to have the debate adjourned.

On motion by Mr. MORAN, debate adjourned for a fortnight.

ADJOURNMENT.

The House adjourned at 9·37 o'clock, until the next day.

Legislative Assembly,

Thursday, 4th September, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Guano Return, showing quantity exported from Abrolhos Islands, 1901-2.

BY THE MINISTER FOR MINES: Papers relating to Collie-Cardiff Coal Leases—Return to Order of the House dated 3rd September.

Ordered: To lie on the table.

QUESTION -- RAILWAY TO EASTERN GOLDFIELDS, RATES REDUCTION, HOW.

MR. HASTIE, for Mr. Thomas, asked the Minister for Railways: 1, Whether he has stated that the rates on the Eastern Goldfields Railway would be reduced as from the 1st of September? 2, What will be the percentage of reduction? 3, What was the percentage of the recent rise in rate.

THE MINISTER FOR RAILWAYS replied: 1, The rates on the following articles have been reduced:—Manure, explosives, fencing wire and standards, agricultural produce, ores. 2 and 3, Comparative statement showing old rates, new rates, and since amended on the undermentioned goods, as for mileage 375, Perth to Kalgoorlie, with percentages:—

Articles.	Old Rate.	New Rate.	Percentage over Old Rate.	Amended Rate.	Percentage of Reduction.
Manures	18/7	22/4	19 per cent.	18/7	19 per cent.
Explosives	149/7	159/10	6¾ per cent.	143/10	10 per cent.
Fencing Wire and Standards ...	80/11	98/4	21½ per cent.	55/9	43½ per cent.
1-ton lots	44/3	55/9	25¼ per cent.	55/9	
2-ton lots	35/5	44/7	25¼ per cent.	44/7	
Agricultural Produce, locally grown, any direction—					
Over 300 miles	28/-	33/6	19 per cent.	30/-	10 per cent.
Up journey	15/-	24/-	60 per cent.	17/3	28 per cent.
Ores—					
Not exceeding 2oz. gold per ton, etc. (min. 5 tons)	15/8	19/10	31 per cent.	15/8	31 per cent.
Gold-bearing ore and concentrates not exceeding 10oz. gold per ton, etc.	15/8	19/10	31 per cent.	15/8	31 per cent.

QUESTION—RAILWAY SUBURBAN FARES, GOLDFIELDS.

MR. HASTIE, for Mr. Thomas, asked the Minister for Railways: Whether it was the intention of the Government that the suburban fares should apply to Kalgoorlie and Coolgardie as well as to Fremantle, Perth, etc.

THE MINISTER FOR RAILWAYS replied: This matter was now under consideration.

QUESTION—ESPERANCE RAILWAY PROJECT, IF LOAN OFFERED.

MR. HASTIE, for Mr. Thomas, asked the Premier: If a loan at 3½ per cent. interest at par were offered to him to be used for the construction of the Esperance Bay to Goldfields Railway line, would he accept it.

THE PREMIER replied: When the offer was made would be the proper time to deal with it.

QUESTION—COLLIE RAILWAY SIDINGS, PAYMENT.

MR. NANSON asked the Minister for Railways: 1, Whether the West Australian Fireclay and Colliery Company paid the Railway Department for its sidings at the 21-Mile, Collie Railway. 2, If so, how much. 3, Whether the same company paid for its sidings to the Moora pit, near Collie. 4, If so, how much.

THE MINISTER FOR RAILWAYS replied: 1 and 2, The cost of the private siding put in at West Collie for this company was £416 7s. By special arrangement, arrived at by the then Commissioner of Railways, who was also Director of Public Works, it was agreed to accept payment in cash to the extent of £50 and the remainder in fully paid up shares in the company. 3 and 4, In April, 1900, a siding was constructed at the 24-Mile for this company at a cost of £125, which was paid by the company in full. Rails and other permanent way material were supplied to the extent of £803 9s. 11d. Of this amount £320 4s. 8d. has been paid by coal and cash (including £100 paid quite recently), and arrangements have now been made by which payment of the balance will be obtained.

QUESTION—COLLIE PROPRIETARY RAILWAY EXTENSION, PAYMENT.

MR. NANSON asked the Minister for Railways: 1, Whether the Collie Proprietary Company has paid the Railway Department for the extension of the railway line to its workings. 2, If so, how much. 3, If not, why not.

THE MINISTER FOR RAILWAYS replied: 1, No. 2, Nothing. 3, The reasons are not considered satisfactory, and the Commissioner of Railways is taking up the matter and expects to report fully very shortly.

QUESTION—SCHOOL OF MINES, SITE AT KALGOORLIE.

MR. RESIDE, for Mr. Hopkins, asked the Minister for Mines: 1, Whether the site has been chosen for the proposed School of Mines at Kalgoorlie. 2, Whether it is intended that this establishment will also supply the wants of the greater population of Boulder City and the Golden Mile. 3, If so, whether their interests will be considered when the choice of site is finally determined.

THE MINISTER FOR MINES replied: No; but a site has been reserved in Egan Street, Kalgoorlie. 2, Yes. 3, Yes.

QUESTION—GOVERNOR'S DEPARTURE, SPECIAL TRAIN, COST.

MR. DIAMOND asked the Minister for Railways: What would have been the cost to the State of a special train to convey His Excellency Sir Arthur Lawley, his suite and belongings, to Albany had the "Sophocles" not called at Fremantle.

THE MINISTER FOR RAILWAYS replied: The regulation charge for a private special is 7s. 6d. per mile. The distance from Perth to Albany and return is 680 miles, which, at 7s. 6d. per mile = £255. According to the latest returns the cost of working per train mile is 5s. 1d., and on this basis the actual cost of the train would have been £172 16s. 8d.

LEAVE OF ABSENCE.

On motion by the COLONIAL SECRETARY, leave of absence for one fortnight granted to the member for Yilgarn (Mr. Oats), on the ground of illness; and on motion by MR. EWING, leave granted to the member for Wellington (Mr. Teesdale Smith), on the ground of urgent private business.

O'CONNOR ANNUITY (WIDOW) BILL.

Introduced by the MINISTER FOR WORKS, and read a first time.

RAILWAY ACTS AMENDMENT BILL.

IN COMMITTEE.

The COLONIAL SECRETARY in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Appointment of Commissioners:

MR. ILLINGWORTH: To test the main question, he moved that in line 1 the word "three" be struck out, and that "a" be inserted in lieu [one commissioner, not three].

THE COLONIAL SECRETARY: It was clear that absolutely better results in railway management had been achieved by three commissioners; and where the reorganising of the railway system had to be undertaken, it was unwise that such a gigantic task should devolve on one man.

MR. DAGLISH: Was it intended to appoint three commissioners at once?

THE COLONIAL SECRETARY: If that were found necessary. It it were found not advisable to appoint three commissioners at once, then the appointment could be held over until the railways were placed in a state in which the work would be more readily carried on by three commissioners. He hoped the Committee would not accept the amendment.

MR. ILLINGWORTH: It was generally thought the discussion on this point practically ended with the second-reading debate, and it should not be necessary to repeat what he and other members had already said. There was not the slightest doubt, if we were going to put the railways in order, there must be one man, and not three; and if ever there was a time when it was necessary to appoint three men as commissioners it must be at the start, yet it was no part of the scheme of the Government to appoint three commissioners at once. If it was necessary to change the administration of the railways because the railways were in such a bad state, because there was too much work for one man, and because it was necessary to have the work done quickly, then three commissioners ought to be appointed at once. But that was not the plan of the Government. One commissioner was to be appointed at the start, and the Government at their own sweet will would appoint two others. One man should be put in control, and made responsible for the work being done.

MR. DIAMOND: And kill him.

MR. ILLINGWORTH: If a man was to be killed with work like that, the more men he had to consult the quicker he would be killed. If this great question was to be settled by a commission, and a commission which would consist partly of two officers of the department which was to be reorganised, then we should have to wait until the crack of doom before we saw that reorganisation. What was wanted was a good, sound, practical general manager. There was no objection on his part to the man being called a commissioner, and giving him, under the title of commissioner, more powers than a general manager would have; but the practical work of the railways would have to be done under a general manager, and not a commissioner. He asked members to vote as a majority had decided the other night they would do.

MR. DIAMOND: In opposing the amendment he declined to accept the dictum of the hon. member that a majority of the House had already expressed their determination to vote in a certain way. No one admired more than he did the qualification of the hon. member when speaking generally, or on finance; but on this particular question of railway management the hon. member looked on Victoria as the hub of the political universe. Because the system of three commissioners in Victoria had been a failure in that hon. member's opinion, the system was to be condemned everywhere. As a matter of fact the system of three commissioners in South Australia was generally believed to be a great success.

MR. JACOBY: Why did they drop it?

MR. DIAMOND: At the time three commissioners were appointed in Victoria the railways of South Australia were in a state of chaos, and a commission was appointed, consisting of an expert from England and two local men – one a sound commercial man of high standing, and the other a forwarding man, Mr. Hill, late traffic manager of Hill & Co. At the end of their term the railways had been so changed in the direction of improvement that the Government of the day, supported by Parliament, found they could turn the management over to one man. That was the very point he would like to see brought about in this State. The task at present was too great for one man, and he urged upon the Government the

appointment of three commissioners at once, as the task at the present time was almost superhuman, and if one man attempted it single-handed he would break down. The task before the country was to reorganise the system of management of the railways throughout, and it was a matter of opinion whether it could be done by one man or three. He objected to hear the positive statements made that the system of three commissioners had been a universal failure. It had been a success in New South Wales, and it had been a success while required in South Australia. He could not speak of Queensland, as he had no knowledge of the situation there. However, he understood from those who had inquired into the subject that the commissioner system had proved a success in Queensland also. As a practical man who had business connections with the railway system, he considered that the work of management should be delegated, for the first three to five years at all events, to commissioners. While nowise desiring to suggest the *personnel* of the commission, he felt bound to say that if two more men of Mr. George's calibre were appointed our railways would soon pay interest on capital and sinking fund, and moreover leave such a margin of profit as would justify reduction of the rates of freight to the goldfields. He strenuously opposed the amendment, and he proposed if it were negatived to urge on the Government the necessity for appointing two additional commissioners immediately.

MR. MORAN: A uniformly consistent line of action on this Bill was eminently desirable. The measure should not have been submitted to Parliament during this session at all. The only phase of novelty which the Bill displayed was now about to be destroyed. The passing of the amendment would convert this measure into one merely designed to change the appellation of the head of our railway system from "general manager" to "commissioner."

HON. F. H. PIESSE: According to the Government, a general manager had never existed, and a commissioner had already been appointed.

MR. MORAN: One Minister had delivered an able speech designed to bolster up the commissioner system; but, notwithstanding, this Bill contained nothing of the commissioner system. Despite the Colonial Secretary's speech, which was unreservedly in favour of the commissioner system, there was not a shred of the previously announced policy of the Government remaining; for even the semblance of commissionership was now disappearing. The thin Committee about to divide on this great question afforded sufficient warrant for the attitude maintained by the Opposition all through, that the previous approval of the country should be obtained for the change proposed. It was to be regretted that the member for East Fremantle (Mr. Holmes), the leading supporter of the reality of commissionership, was not present to fight for his principles. The member for South Fremantle (Mr. Diamond) had supported the commissioner system with reasons drawn from personal experience, and therefore entitled to every respect. The views of the Government, however, were yet unknown. While still professing to support the commissioner system, the Government had, in point of fact, abandoned that system in all but the name. The two additional commissioners, if appointed, would in truth be merely additional general managers; so that, under this Bill, the Railway Department would have three general managers on the top of Mr. Short, who was also a general manager. We had no right to do anything in connection with this matter but to leave Mr. George in charge as general manager until we should have taken the opinion of the country at a general election. The measure undoubtedly ought to have been thrown out on the second reading, the wisdom of which course would plainly appear before the close of the debate. Opposition members, at all events, had persistently pursued a consistent course. Supporters and opponents of the commissioner system were to be found on both sides of the House. One would have been glad to hear the reasons of the Colonial Secretary for his faith in the commissioner system as it obtained in New South Wales, and the hon. gentleman's grounds for believing that the New South Wales railways would not have been equally successful under political control. New South Wales should have supplied the hon. gentleman with conclusive arguments, for the capital cost of

its railways was £13,000 or £14,000 per mile, whilst the capital cost of ours was not half as much.

MR. ILLINGWORTH: The commissioner system was not to be found in the Bill at all.

MR. MORAN: True; the Bill was neither one thing nor the other. It was a botch, proposing a duality, or rather a triplicity of control. The policy of the Government was in the last degree shadowy, and in consequence utterly indefinable.

MR. PIGGOTT: The amendment would have his support. The drafting of the Bill and the speeches of the Minister in charge plainly showed that the Government, in their wisdom, had decided that it was impossible at the present stage to hand over to any body of commissioners the sole control of the State railways. Were the measure drafted in such terms as would lead one to believe that the Government really intended to hand over the entire control to commissioners, he would have voted for the clause; but unless the Committee were prepared to alter the Bill in radical fashion, the appointment of three gentlemen as commissioners would be almost a farce. The degree of control with which the commissioners were to be endowed was so paltry that to appoint a board of three would simply mean setting three men to do work which one man ought and probably would do thoroughly well. If three commissioners were appointed under the measure as it stood, the State would merely be providing three gentlemen with fat billets to do work which the ordinary officers of the department could satisfactorily perform.

THE PREMIER: The member for Cue (Mr. Illingworth) was always original in his criticisms, but the hon. member had never shown himself more original than in his remarks on this clause. According to the hon. member, the whole question arising in connection with the Bill was whether the work to be done was within the physical capacity of one man, or demanded the physical capacity of three men. The question thus was one of brawn, and not of railway management, in the view of the hon. member. The matter before the Committee, however, was whether three commissioners or one commissioner should be appointed; and it was desirable to keep to that point as closely as possible. The hon. member had interjected that the Bill did not embody the commissioner system, because it provided only one commissioner.

MR. ILLINGWORTH: It gave neither political nor non-political control.

THE PREMIER: There was no railway system in Australia except one where the commissioner system was not in vogue. Surely that justified the adoption, in fact and in name, of a principle applying throughout Australia. In none of the other States could be found the system existing here, while the best-managed railways in Australia—those of New South Wales—were controlled by commissioners: and even in Victoria it was apparently proposed to revert to the commissioner system, judging from the interim report of the commission of inquiry in that State. Thus both New South Wales and Victoria favoured three commissioners. It was not on those who were applying to this State principles well recognised throughout Australia that there rested the onus of showing that the principles were right. That the present system was right should be shown by its advocates.

MR. MORAN: No; the onus was on innovators.

THE PREMIER: The Government proposed to bring this State into line with the other States of Australia, and especially with the State in which railway management had been most successful. Farther, with the exception of one or two hon. members, the overwhelming majority of the population realised the need of some change in our present system; and the Government therefore placed the railways in the hands of one man with statutory powers and obligations, who bore the responsibility. It was maintained there was no distinction between this and the past system; but a general manager was a subordinate officer of the Minister, holding office at his pleasure; a mere political creature of a political head, who was similarly a creature of the House. A general manager was therefore controlled not merely by the policy laid down by Parliament, but by those individual and possibly backstairs influences which were called collectively "political influence," as distinguished from the will of the House expressed by resolution or in-

corporated in an Act. "Political influence" meant influence used outside by members, where they had no right to exercise any political power. The only difference between one or three commissioners and one or three general managers was that the former would be created by statute and would have statutory powers, whereas the latter would be simply subordinates under a political head.

HON. F. H. PIESSE: The existing Act provided for a commissioner.

THE PREMIER: Yes; but the Government had been strongly attacked at the beginning of the session for departing from the custom of the past, by those who maintained that though the Railways Act provided for a commissioner exercising statutory powers, that proviso should not be availed of because for the last 10 years the commissioner had been a political head. But the Bill provided that the man who managed the railways should be a commissioner, as intended by the Act of 1878 and as justified by the experience of the Eastern States. Whether there were one or three commissioners, the commissioner system was recognised by the appointment of Mr. George and the introduction of the Bill. The question now was, should there be one or three commissioners? In New South Wales, where the railways were best managed, there were now three. Western Australia, having regard to its opportunities and the profit-earning capacity of its traffic, possessed the worst-managed system on the continent. Victoria, judging by the result of an impartial commission of inquiry, was reverting to three commissioners; while in South Australia there had been three commissioners till the railways had been properly reorganised; and though that State had now only one commissioner, it had none of the difficulties here experienced, but, on the contrary, its frequent retrenchments showed an absence of expansion. While one man might manage a large department in thorough order, it was entirely different to ask him to take charge when things were in great disorder. All, save the member for the Williams, would admit our railways were disorganised, and that the commissioner or commissioners must work day and night to put them in order, the difficulty being to know where to begin.

HON. F. H. PIESSE: That he admitted, but it resulted from failure to support the man who would have put them in order.

THE PREMIER: Then the House was agreed that the department was entirely disorganised, and that the man called on to put it right had a stupendous task. By mere oversights difficulties could easily be created, the removal of which would require months and years of effort, causing great friction. All the sister States had had practical experience of the same difficulties from which we suffered to-day, resulting from Ministerial control; and in every State, including Queensland, three commissioners had been appointed; and in view of the report of the Victorian commission, it might be said that two States, New South Wales and Victoria, had maintained the three-commissioner system.

MR. DAGLISH: For five years Victoria had had only one commissioner.

THE PREMIER: The result being failure. Would the hon. member suggest that the report of the Victorian commission was entirely wrong, and that Victoria should stick to one commissioner? Would the House believe an impartial commission of inquiry, which was free from political animus, or the member for Subiaco?

MR. DAGLISH: Produce the report.

THE PREMIER: In Victoria they were not satisfied with one commissioner, and were so dissatisfied that they appointed a Royal Commission. Judging from the outlines of the proposed report referred to in the Press, the Royal Commission in Victoria was going to recommend the three commissionership system. It might be that the member for Subiaco (Mr. Daglish) would say the Victorian commission was wrong in that course; but he (the Premier) wished to refer to facts.

MR. DAGLISH: The Premier's facts were wrong.

THE PREMIER: From the outline report of the Victorian Commission, we gathered that three commissioners were to be recommended. We need not allude to Tasmania, where they found it hard enough to keep one man employed, and we could not refer to very much experience there. In New Zealand they had commissioners, but reverted to the

system of Ministerial control, and personally he thought that was wrong. When he found in the Commonwealth of Australia these instances all in favour of a commissionership system, and could not find one State which had the system we possessed to-day, and when he could not find one State that made the change he asked the House to make, unless it adopted the system of three commissioners, why should we start off on an original line and say one commissioner alone would be able to do the work? Personally, he hoped that one commissioner would be able to do it, and he would be glad to think he could; but he had grave doubts as to the physical power of any one man to put the railways straight in the course of a year or two. He was satisfied that if there were three men, the work would be done much more quickly. If they succeeded in putting things right six months before one man could do it, they would, in that six months, save three times the salary which would be paid to them for the whole five years. If members thought one commissioner could take on that disorganised mass and put it right in a reasonable time, let them support one commissioner, and one commissioner only. He saw no reason why, if we once had the railway system in good working order, one strong head should not be able to control and manage it; but he saw grave difficulties in the way of one man doing it at the jump. He would be inclined to give him every possible opportunity of doing so, and that was why, in this Bill, power was reserved to appoint two others, and such appointments were not made compulsory, because we wanted to see if one man could do the work. He appealed to members who knew the great difficulties there were in connection with railway administration, and how mistake after mistake had been made, and difficulty after difficulty had been created, there being an accumulation of errors, whether they really believed that any one man might be physically strong enough to go into that Railway Department and put things right in a reasonable time. It must not be forgotten that every month things remained as they were now, the people of this State lost a large sum of money, owing to the want of efficient administration. He asked members of experience whether they could point him to one State in Australia which, on making a change from the system of ministerial control to the system of commissioners, did not take three commissioners at the start. He asked them to bear in mind that the State where the administration was most admirable was that of New South Wales, where they had three commissioners.

MR. ILLINGWORTH: Where one was the controlling force.

MR. MORAN: Why did not the Government here give the same powers as those which were given in New South Wales?

THE PREMIER: The question he got up to talk about was as to whether there should be three commissioners or one. In reference to the powers given, that was another question, coming separately. The fact that the powers given in this Bill were not the same as in the Eastern States would justify members, when the clause relating to the powers came before them, in asking why the Government had departed from the recognised system. The onus in that case would rest upon him; but now the onus rested, not upon those who were adopting what experience had justified throughout the length and breadth of Australia, but upon those who came to the House and asked us to continue indefinitely a system under which we had to-day the most disorganised state of affairs in Australia with regard to railways.

MR. YELVERTON: There should be one commissioner, and one only. He did not believe in divided authority in any business, and the larger the business, the greater was the reason why there should be one man controlling it. In large financial institutions, and in large mining companies and timber companies, one man was the controlling spirit of the whole business. The same should be the case with regard to our railways. He would like to have seen as commissioner a man with expert knowledge; but Mr. George having been appointed, one was prepared to give him the fullest possible chance of making a success of the railways. To enable him to do that, we ought to give him full control and complete power. As to New South Wales, if the railways there had continued to be a success under three commissioners, it

was because of the admirable system founded by Mr. Eddy, who was really acting as one commissioner, because the other two were entirely under his control. [THE COLONIAL SECRETARY: No.] He would support the amendment.

MR. HASSELL: The system he believed in was that of one commissioner, and one only. The commissioner should have plenty of power, and then we should get good work from him. He believed that Mr. George, with the assistance of Parliament and the Ministry, would be able to do good work. Without that, he would not be able to do anything at all.

MR. DAGLISH: It was hardly right for the Premier to quote what he told us was the substance of the report of the Royal Commission in Victoria, unless the report of that commission was available. It was not fair for him to give what suited his own case, unless we had a chance of referring to the official document and finding out the evidence on which the report was based, and the objects for which the commission was appointed. What the member for Sussex (Mr. Yelverton) said in relation to New South Wales would apply to Victoria. When three commissioners were appointed in Victoria, the chairman had far greater powers than the other two, and was really the Commissioner of Railways, the other two commissioners being subordinate to him. The experience of Victoria was unsatisfactory. The very worst years were years in which it was under the three-commissioner rule. Apart from that, the Premier had raised the question of political influence. Political influence in Victoria was never more rampant than during the first five years of the commissioner system in that State.

THE PREMIER: On the question of constructing railways.

MR. ILLINGWORTH: And rates.

MEMBER: Not rates.

MR. DAGLISH: The whole control was in the hands of the commission, and the commission did not prove itself stronger than the Minister in respect of political influence, when it was brought from certain quarters. We had therefore no warrant for making a change of our railway system for the purpose of removing it from political influence, because if political influence was exercised on the Minister, the Minister was responsible to the House, and the House was responsible to the constituencies. With this complete chain of responsibility we could keep political influence far better in check than we could if we handed the railways over to an irresponsible board, appointed for a certain time. The real success of any system rested not so much in the system as in the administration, and the success of the administration rested really in the individual appointed to administer. If Mr. George had the personal attributes which would make him successful, he would be successful as the governing commissioner. If Mr. John Davies had possessed the requisite qualities, he would have been successful in his capacity of general manager. The success of Mr. Eddy and of Mr. Mathieson alike depended upon their abilities, and if they had been at the head of their departments under a different system, they would have been equally successful. If there were three commissioners' time would be taken up in discussing questions which one commissioner could settle with a little consideration. The Government seemed to speak with two voices on this question. He understood at the outset that they wanted power to appoint three commissioners, but did not propose to exercise that power at once. From the last speech of the Premier, three commissioners were required because the work of reorganising the department was too great for one man.

THE PREMIER: We wanted the power to reorganise recognised.

MR. DAGLISH: The two utterances seemed to conflict. The more reasonable way was to make the change of system gradual. Try the commissioner system under one commissioner first, and if that system, so far as it went, was a success, and if it was found that one commissioner was not sufficient to control the railways, but that he required assistance, then the Government could introduce a short amending Bill giving power to appoint two additional commissioners.

THE PREMIER: If the work should be too great for one man, how would there be an opportunity of adjusting it?

MR. DAGLISH: The Government would be able to bring in a Bill and run it through the House immediately. If the Government could make out a case

to-day for three commissioners, the Committee would give them the power to appoint three; but the Government had not attempted to make out a case. They had proved that in some of the other States the commissioner system had not been a failure.

THE PREMIER: The Government had found out that in every State where the commissioner system was adopted, three commissioners were appointed at the start to put things right.

MR. DAGLISH: In several cases it was found out a mistake had been made, and the Government abandoned the three commissioners. Would the Premier state that three commissioners had been appointed in other States with the idea of abandoning the three when things had been set straight?

THE PREMIER: It would not be possible to state that.

MR. DAGLISH: Three commissioners were appointed in other States because it was felt that it was unsafe to trust the whole power to one man in the first instance. Three commissioners were not appointed because it was found that that number was required to straighten up.

THE PREMIER: That did not apply to Victoria because the chairman had a dominating vote, therefore that individual must have been trusted.

MR. DAGLISH: Parliament would not trust him to act without advisers. The other gentlemen were appointed because it was felt that the powers were too great to be given to one man if he were not assisted by expert advice. The only time the commissioner system had been, to any extent, a success in Victoria, was under one commissioner, Mr. Mathieson, and then the commissioner system was undoubtedly a success. That was proved by the desire to re-engage Mr. Mathieson when an appointment was offered him in England. There had been a lot of trouble since Mr. Mathieson left; a lot of chaos and drifting back while the management was under the acting successor to Mr. Mathieson. In his opinion the Government had utterly failed to substantiate a case for the appointment of three commissioners, therefore he would support the amendment.

MR. PURKISS said he was not in favour of the appointment of three commissioners. The large railway concerns in England, having businesses which ran into millions, were managed and controlled by one general manager. The directors were governed almost entirely by the general manager; and yet these large concerns, dealing with large traffic and commerce, an enormous number of passengers, and great competition, turning over millions of pounds, were run successfully and paid dividends under a general manager. So far as the directors were concerned, they simply held their meetings and drew their fees and agreed to the dividends. In this country there were 1,500 miles of railways which it was said could not be controlled by one man. To say that it required three men to manage such a concern as we had in Western Australia was nonsense. If three commissioners were appointed, there would be a great deal of circumlocution to go through when probably one man could do the work much more quickly. The House of Assembly with 50 members was obliged to delegate not one but many questions to committees, and the larger the subject the greater the circumlocution. The weak spot in the past had been in not having good divisional commandants and good lieutenants. If there was a good man at the head with good lieutenants—a high-minded and able locomotive superintendent, and a high-minded and able traffic superintendent, and so forth, then the railways would be worked smoothly. Reform would have to be carried out right along the line. Good divisional commandants could be got if the Government would pay for them. If there was an honest, honourable, able, general manager, who had force of character, the railways could be run as well as possible. He was in favour of one commissioner with plenary powers; call him a manager or a commissioner, whichever was thought best.

MR. HUTCHINSON supported the proposal to have one commissioner. He was in New South Wales when Mr. Eddy was appointed chief commissioner. For years previous to this the railways were in a very bad condition. Mr. Eddy took supreme control, and the additional commissioners appointed were simply glorified clerks who had to do the bidding of Mr.

Eddy. If one man had set in order the New South Wales system, which at one time was rotten from one end to the other, then one man should be able—perhaps not in a few months or a year, but within a reasonable time—to set the railway system of Western Australia in order.

MR. TAYLOR: Although opposed to the commissioner system altogether, yet as the principle of one commissioner had been affirmed, and seeing there was no possible chance of improving the position, he intended to oppose Clause 3. He had hoped the Committee would see their way clear to strike out the three commissioner system altogether.

HON. F. H. PIESSE: The Government could have carried on the railway business without introducing this Bill at all. The Government should have selected a good general manager, or they might have kept the man they had and given him sufficient support, for one still maintained that if the late general manager had been properly looked after and given good support, there was no doubt about it we should not have seen the disorganisation which the Colonial Secretary stated existed in the Railway Department to-day. But he (Mr. Piesse) denied that there was disorganisation. He, as a large user of the railways, said that the complaints made from time to time, even during the past few months, if they had been looked into, would have been found in many cases to have proved conclusively want of management in certain directions; but to condemn the whole of the system and to say it was entirely disorganised because of one or two little cases of mismanagement, was not right. There had not been so many complaints in the past as the public had been led to believe. He threw the blame of what had occurred in the past, not on the present Government or their immediate predecessors, but on the Forrest Ministry. He (Mr. Piesse) had resigned his position in that Ministry rather than fall in with conditions which it was intended to propose. If sufficient support had been given by the Ministry to those who knew what they were about, to those directly in control and himself, the country would have been saved thousands of pounds, and to-day there would have been a better result. No one man was perfect in the management of railways. Even Mr. Eddy, who had been spoken of as a great railway administrator, was not perfect. He was a man who had many qualifications which placed him in the front rank of railway administrators, and we had in our late general manager a man of great qualifications. He had his faults; but had he been supported, there would have been better results seen in our railway system. That man had endeavoured, and endeavoured successfully, to save the country many thousands of pounds by his recommendations. Mr. Davies had not sought popularity, but had tried to manage the railways on what he considered a proper system, which system had proved highly commendable in many respects. The continuation of that system, accompanied by proper support from the Minister, would have led to success. However, the member for East Fremantle (Mr. Holmes), though with the best intentions, broke in like a tornado and destroyed the whole system of management. No necessity whatever existed for the introduction of this Bill. He (Mr. Piesse) had throughout supported the action of the Government in appointing a commissioner as being quite within the constitutional rights of Ministers, and had also concurred in the contention of the Government that the commissionership of railways was not a political office. In his opinion, the Government need not even have asked the House to vote the commissioner's salary.

THE PREMIER: But the commissioner, under existing legislation, had the power of construction.

HON. F. H. PIESSE: Admittedly. The fact of the matter was that railways were not, and never would be, popular anywhere. Railways did certain work in return for charges exacted, and users of railways expected a good deal more for their money than could be granted. A decided improvement in our railway management was now observable, and had been observable before the appointment of the present commissioner. In justice to railway servants who had done the State loyal service, however, he felt bound to say that the Government would have done right in intrusting one of the present officials with the general managership. If the leading officers had proved incapable, then, and not till then, the Govern-

ment might have brought down this Bill, which at present was premature. The measure being before us, however, it behoved the Committee to make the best of it; and, to that end, he urged that one commissioner only should be appointed. The railway system of New South Wales was at the time of Mr. Eddy's appointment admittedly in an unsatisfactory condition; and was there a more unpopular man than Mr. Eddy when commencing the work of reform? Mr. Eddy succeeded because he received strong political support. The commissioners associated with Mr. Eddy were certainly not merely glorified clerks, but were men of high standing and exceptional ability, though not of such ability as was possessed by Mr. Eddy, of whom he (Mr. Piesse) spoke from personal knowledge. After Mr. Eddy's death, the management of the railways was placed in the hands of a traffic expert, an engineering expert, and a man of great administrative ability. Notwithstanding the high qualifications of the gentlemen associated with Mr. Eddy, there was no doubt that gentleman would have succeeded equally well if he had been given sole control, or unaided control, of the New South Wales railways. In spite of the peculiar advantages enjoyed by the New South Wales system over ours in respect of gauge, coal supply, water supply, and closer proximity of population to the coast, the Western Australian railways, in many respects, compared by no means badly with those of New South Wales. He mentioned this circumstance because the Premier, speaking no doubt from information conveyed to him by people who had complained, had referred to the "disorganised condition of our greatest State asset." In spite of the number of complaints, our railways were not so disorganised as many people would have us believe. If he (Mr. Piesse) lived to the age of Methuselah he would still hold to the opinion that our railway system could be successfully administered by a general manager adequately supported by the Government. The great difficulties of the past, particularly the truck and water difficulties, had passed away. The Government ought to show confidence in the railway officers, or else dispense with them. However, the Government had done neither, but had brought down this Bill. Admittedly, political interference had been encountered in the past, and that political interference was of a nature which only a strong Minister could resist. It would be well for the country, and also for the Minister for Railways, if we could safeguard the railways from political influence; but it was to be feared that in this we should never succeed in so large a measure as the people perhaps thought we ought to succeed. In the circumstances, it was best to appoint one commissioner with full authority over those matters which usually fell within a commissioner's province.

Amendment put, and a division taken.

THE PREMIER: The member for Mt. Margaret (Mr. Taylor), having spoken in favour of the Government and called for a division, should vote with the Government. He claimed the hon. member's vote.

MR. TAYLOR: It was not his intention to vote with the Government.

THE CHAIRMAN: The hon. member must vote with the Government.

Division as follows:—

Ayes	27
Noes	11
Majority for	16

AYES.	NOES.
Mr. Atkins	Mr. Diamond
Mr. Butcher	Mr. Gregory
Mr. Daglish	Mr. James
Mr. Ewing	Mr Kingsmill
Mr. Gordon	Mr. McDonald
Mr. Hassell	Mr. Monger
Mr. Hastie	Mr. Phillips
Mr. Hayward	Mr. Rason
Mr. Hicks	Mr. Reid
Mr. Higham	Mr. Taylor
Mr. Holman	Mr. Gardiner (*Teller*).
Mr. Hutchinson	
Mr. Illingworth	
Mr. Johnson	
Mr. Moran	
Mr. Nanson	
Mr. Piesse	
Mr. Pigott	
Mr. Purkiss	
Mr. Quinlan	
Mr. Reside	
Sir J. G. Lee Steere	
Mr. Stone	
Mr. Throssell	
Mr. Wallace	
Mr. Yelverton	
Mr. Jacoby (*Teller*).	

Amendment thus passed, and the word "three" struck out.

THE PREMIER: The division disposed of the question as to the number of commissioners. He therefore asked the Committee not to pay attention to provisions dealing with more than one

commissioner, but to treat the Bill on the understanding that it would, on recommittal, be altered to provide for one commissioner only.

MR. ILLINGWORTH: It would be more convenient were the Government to report progress, and bring in the necessary amendments in print. The whole spirit of the Bill had been changed.

THE PREMIER: No.

MR. ILLINGWORTH: Besides, the Committee had expressed a desire not only to have one commissioner, but to give him much more power than the Bill proposed to confer.

THE PREMIER: Deal with that at the proper time.

MR. ILLINGWORTH objected to the Committee being asked to draft Bills. To this the Premier had seriously objected when in Opposition. It was too much to ask members to make all necessary alterations resulting from this amendment.

THE PREMIER: That was not asked.

MR. ILLINGWORTH: Were members to take the responsibility of altering the Bill clause by clause?

THE PREMIER: No. The hon. member had not listened to the explanation.

MR. ILLINGWORTH: One had listened, and perfectly understood it. The course adopted elsewhere would be to reprint the Bill with the consequential amendments.

THE PREMIER: Most distinctly he had said that the amendment settled the question of three commissioners or one; therefore all provisions dealing with three commissioners must be altered on recommittal. The Committee need not draft anything. There were other contentious matters to be be discussed; and it was not desirable that because this one point had been settled, the Bill should be redrafted, recommitted, and possibly again redrafted. The amendment did not affect the principle of the Bill, though he accepted it loyally as an emphatic intimation that the House desired only one commissioner; and the Bill, when recommitted, would carry out that intention. But there were other points: for instance, whether the commissioner of railways under the existing Act should be the commissioner mentioned in the Bill, or whether the commissioner should receive the £1,500 a year provided as the salary for the chairman of commissioners. There was no need for two or three recommittals.

MR. ILLINGWORTH: Surely the Government should take this decisive vote as a general indication of the feeling of the Committee. Did the Premier intend to stand by every clause in the Bill?

THE PREMIER: Did the last division alter all the other clauses?

MR. ILLINGWORTH: Not exactly; but it changed the whole principle of the Bill. The result of the debate showed that the House desired a general manager with ample powers, which powers the Bill did not give him. Consequently if those were to be granted, the clauses dealing with them must be altered; and it would be much more convenient were these to be redrafted.

THE COLONIAL SECRETARY: No.

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

THE COLONIAL SECRETARY: It would save an immense amount of time if we went on to discuss some of the other portions of the Bill involving principles, without at this stage reporting progress in order to redraft. If we reported progress now in order to redraft and other clauses were subsequently altered, farther redrafting being consequently required, that would be a source not only of great delay, but of considerable expense. After the declaration of the Premier that the Government would abide by the decision of the House given in the division which had just taken place, that we were not to have three commissioners but one, the duty of making the consequential amendments might safely be left to the Parliamentary Draftsman when the Bill reached him. It was better to go on and discuss other principles and make the necessary amendments if it was the wish of the Committee that amendments should be made, in order that the Parliamentary Draftsman might make one job of the whole Bill instead of two or three.

MR. MORAN: The only principle in this Bill was the appointment of three commissioners.

THE COLONIAL SECRETARY: Oh, no.

MR. MORAN: By this Bill the Government sought power to appoint what

they called three commissioners, but what he called three general managers. That right had been denied to them, and the Bill was at an end. The division taken before dinner was a direct consequence of the shilly-shallying lack of policy, or might he say the humbugging policy of the Government in confusing their own sympathisers and everybody else as to what their real intentions were, so that not even their veriest supporters could vote for them on this question; even members who believed in three commissioners could not support them. Had the Government made this a commissioner Bill, that division would not have resulted as it did, because there were members who voted against the Bill owing to its being neither one thing nor the other. The Government had not the courage of going beyond a name. They had not the courage to give the commissioner full power. The member for Cue (Mr. Illingworth) was perfectly right when he said the logical consequence of the division that had taken place was to withdraw the Bill. The Government did not propose to take away the control of the men from the Minister, nor the control of the rates either.

MR. NANSON: After the decision of the Committee that there should be only one commissioner, he took it that what the Government desired was that the Committee should proceed to define the powers of the commissioner. The course suggested by the Government would doubtless lead to great economy; but it would have been better to throw the Bill out on the second reading. As, however, we could not adopt the best course, we might adopt the next best. It would lead to considerable saving of time if we left the consequential amendments alone at present, and went on to deal with what powers the Government desired to give the commissioner. Presumably the Government would leave the decision of that to the Committee. It was for the Committee to decide what powers the commissioner should have.

THE PREMIER: The Government were maintaining throughout the whole of this debate the position they took up when they introduced the measure, and stated that they desired as far as possible to eliminate party lines altogether.

Farther amendment, to insert "a" in lieu, put and passed.

MR. MORAN: This clause should be struck out altogether, for it was redundant. The Government had appointed their one commissioner. They were putting a Bill through the House to appoint a man who had already been appointed for six years. What was needed, as previously stated, was an amendment of the Railway Commissioners Act to give the commissioner full power over the men.

Clause as amended put and passed.

Clauses 4 and 5—agreed to.

Clause 6—Salaries of Commissioners:

MR. MORAN: The Government had appointed Mr. George at £1,500 a year. If two other commissioners were appointed at £1,000 a year each, Mr. George would still be chairman. Mr. George secured the position of chairman from the jump; he got the pick of the basket; and the Bill had been a sort of framing round Mr. George's appointment. The salary of the chairman was fixed at £1,500 a year before the Bill was drafted.

MR. DIAMOND: The majority of members had approved of one commissioner, and it would be shown that the majority approved of the appointment of Mr. George. Why not put an end to this unfortunate embroglio? He asked the members for West Perth and Cue not to quibble over the Bill. The general principles of the measure were clear enough, and the redrafting of the Bill on the recommittal would clear up all the points. The wording of some of the clauses appeared to be absurd; but there was the assurance of the Government that the Bill would be recommitted. Although a number of members on the Government side voted against the Government on the question of one commissioner against three commissioners, there was a desire that the Bill should not be wrecked. This was not a party question. Members had voted as they thought proper, and the Committee should now endeavour to make the Bill workable, so that the railways might be put in a proper position at the earliest possible date.

MR. MORAN: It was not possible to move to strike out Mr. George's salary or he would willingly do it. Mr. George

had a fixed agreement for six years at £1,500 a year. There was no desire on his part to obstruct the measure, but he wished to be perfectly clear on all points.

Clause passed.

Clause 7—Appointees eligible for re-appointment:

MR. ILLINGWORTH: The Committee had now come to a snag, if we had not come across one before. The present general manager was appointed for five years under the old Act, and it had been decided that there was to be only one commissioner, who was not appointed under this Bill. He foresaw this, and on the Address-in-Reply urged the Government not to bring in the Bill, but to act on the appointment they had made. If that had been done, all the time and talk would have been saved, and there would have been a way out of the difficulty. This clause provided that the commissioner appointed under the Bill could be reappointed, but there was an existent commissioner, Mr. George, under a five-years agreement, appointed under another Act. Was it intended to appoint another commissioner under this Bill at a salary of £1,500 a year?

THE PREMIER: It was perfectly simple.

MR. ILLINGWORTH: It was perfectly absurd. The clause would have to be redrafted, because the commissioner had been appointed under the old Act. The clause might be required for the appointment of a future commissioner in the event of the death of the present occupant of the office. Why should the clause be made imperative when the present commissioner had been already appointed for five years?

THE PREMIER: Clause 3 dealt with the appointment for five years, and no man could be given security of tenure by a less term than five years.

MR. ILLINGWORTH: If the commissioner was given security of tenure for five years when he was first appointed, under the present clause he could not be reappointed for a less term than five years. There should be some modification which would enable the commissioner who now existed to be the commissioner under the Bill, and any reappointment should not necessarily be for five years.

THE PREMIER: Clause 3 stated that there should be three commissioners, and that the present commissioner should be one of them.

MR. ILLINGWORTH: The clause said "the commissioner appointed under the authority of this Act." His contention was that Mr. George had not been appointed under the authority of this measure.

THE PREMIER: Clause 8 said that Mr. George was.

MR. ILLINGWORTH: The language of the clause would have to be altered, because any reappointment should not necessarily be for five years.

THE PREMIER: A case might arise where it was necessary to appoint a commissioner for two or three months.

MR. ILLINGWORTH: Yes. The Premier would take a note of these points?

THE PREMIER said he would remember them.

Clause passed.

Clause 8—agreed to.

Clause 9—Vacancies:

MR. ILLINGWORTH: The clause was imperative. It said, "shall appoint a person to the vacant office."

THE PREMIER: The clause would require to be struck out, now there was only one commissioner.

MR. ILLINGWORTH: The clause should not be made imperative, because the judgment of the Government at the time might be that it would be well to appoint a general manager and not a commissioner.

THE PREMIER: The reason the clause was inserted was that, if three commissioners were appointed, the desire was to have all of them going out at the same time. The Committee having decided that there should be one commissioner, the clause was not now needed.

Clause formally passed.

Clause 10—Deputy Commissioner:

THE PREMIER: This clause was required in case the commissioner was away or ill, so that there should be an acting commissioner.

Clause passed.

Clause 11—Powers of Commissioners:

MR. YELVERTON moved that the following be added to the clause:—

Provided nevertheless that the commissioner shall have power to employ, fine, or dismiss any officer or employee, but that such officer or employee shall be permitted to appeal to a

conduct board as provided for in the Act, the decision of such board to be final.

THE PREMIER: That should come under Clause 13.

MR. MORAN: Would it not be well for notice to be given of the amendments?

THE PREMIER: If members brought them forward now, on recommittal they could be gone into.

MR. MORAN: This was a botch of a Bill, and we were wasting time over it. Notice ought to be given of such amendments.

THE PREMIER: This amendment did not arise because of the amendment of Clause 3. It would be better to discuss and decide amendments as they cropped up; and then, if they were carried, the Parliamentary Draftsman would put them in order, and they could be finally dealt with on recommittal.

MR. MORAN: Those who wanted the amendment carried would, if they took his advice, go to a division pretty slick.

MR. HOLMES: Believing that the Committee possessed sufficient intelligence to make this a really good Bill, he disagreed entirely with the member for West Perth (Mr. Moran). It was for the Committee to insert any clauses considered necessary.

MR. MORGANS: Would the Premier explain what exactly was meant by the words, "The Commissioner shall have the management, maintenance, and control of all Government railways"?

THE PREMIER: The clause gave the commissioner the power of management of lines open to traffic.

MR. MORGANS: Did that power include control of the officers and men?

THE PREMIER: No. Neither this clause, nor any other clause of the Bill, affected the men. The measure left the position of the men as it was to-day. Railway employees were nominally dismissed by the Governor-in-Council, but really dismissed by the commissioner, whose decisions were invariably confirmed by the Governor-in-Council. The only difference was that in the past the commissioner was a political head, whilst henceforth he would be a statutory head.

MR. ATKINS: Were we to understand that the commissioner had to get the consent of the Governor before discharging a porter or a navvy?

THE PREMIER: No. By the Railways Act, under which the system had been managed for years, the Governor-in-Council dismissed employees. The Executive Council had submitted to it by the commissioner recommendations for the dismissal of driver Smith, or the reduction of fireman Jones, or the dismissal of porter Brown.

MR. ILLINGWORTH: Was that as it ought to be?

THE PREMIER: That was as it always had been. Dismissals were, however, in the actual control of the commissioner. There was not a case on record in which the Executive Council had not adopted the commissioner's recommendations. The member for the Williams perhaps could confirm this statement.

HON. F. H. PIESSE: Such was the rule.

THE PREMIER: Such had been the standing practice for years. The amendment suggested by the member for Sussex (Mr. Yelverton) dealt with the matter, and that amendment might be moved in connection with Clause 13.

MR. ILLINGWORTH: Did not this clause really apply to maintenance alone?

THE PREMIER: No. The commissioner had the management, maintenance, and control of all lines open to traffic. With the approval of the Minister, the commissioner might make improvements to open lines. The necessity for obtaining the approval of the Minister secured parliamentary control.

MR. MORGANS: There was really no object in the latter part of the clause, since the power ostensibly granted to the commissioner really reverted to the Minister. It was provided that the commissioner should have the power, subject to the approval of the Minister, to make additions and improvements to existing lines; but the commissioner could do that at any time, because such a power was now vested in the Minister and would be vested in him when this Bill became law.

THE PREMIER: Under this clause the commissioner, if he wanted to expend money in improvements or additions to open lines, would first have to obtain the consent of the Minister, who, acting on behalf of Parliament, controlled expenditure. Failing such control, the commissioner might spend tens of thousands of pounds in improvements.

MR. MORGANS: Quite so; but what was the object of vesting in the commissioner powers which really belonged to the Minister?

THE PREMIER: Under Clause 11, the Minister would have no power to make additions and improvements to existing lines. The Minister ought not to have the right to interfere with the commissioner in such a fashion. On the other hand, if the commissioner wanted to expend money in additions and improvements—and the commissioner was the only person who could so spend—he must obtain the consent of the Minister. The clause prevented the Minister, of his own motion, from saddling the commissioner with needless expenditure.

MR. MORAN: We had now reached the stage so greatly longed for by the railway expert of the Ministry, the Colonial Secretary. Did the Government really mean to achieve by this measure a semblance of departure from existing legislation, or was the Bill a mere form of words without significance? The Government pretended to be introducing the system of commissionership as exemplified in other States, but they were really doing nothing of the kind. The whole virtue of the Bill was contained in Clause 11.

MR. MORGANS: The duties of the commissioner could not be defined in a Bill.

MR. MORAN: Granted. If the measure said nothing about a Classification Act and the approval of the Minister, it would have a meaning; but, as it stood, it was meaningless.

THE PREMIER: The approval of the Minister governed extensions only.

MR. MORAN: Whether for or against commissioner management, one would be sorry to see the words "with the approval of the Minister" struck out. To dispense with Ministerial approval meant that really large works, such as relaying the Eastern Goldfields line with heavier metals, might be done on the sole initiative of the commissioner. Was it not possible to define certain classes of work in respect of which the commissioner need not seek Ministerial approval? The amount so to be expended could, of course, be limited.

THE COLONIAL SECRETARY: There would not be much object in that.

MR. MORAN: Under this clause, the commissioner could not put a new lock on a door without prior Ministerial approval.

THE PREMIER: A new lock would not constitute an addition or an improvement to existing lines.

THE COLONIAL SECRETARY: "Additions and improvements to existing lines" was a recognised legal phrase.

MR. MORAN: The phrase included such works as putting in a cattle race, or building small culverts or bridges.

THE COLONIAL SECRETARY: Certainly not. Those works came under the head of maintenance.

MR. MORAN: Keeping ballast in good order, which came under the head of maintenance, might involve the expenditure of thousands of pounds.

THE COLONIAL SECRETARY: "Maintenance" meant keeping the lines up to standard.

MR. MORAN: "Maintenance" meant keeping both road and rolling-stock in a state of efficiency. The Premier had said that the Opposition had prevented this State from falling into line with the sister States in respect of commissioner control, and that, therefore, it was for the Opposition to make out a case. Here, however, the Government were proposing a departure from the very semblance of commissioner control; and, therefore, it was for the Government to make out a case.

MR. HOLMES: If the commissioner were confined to the expenditure of revenue money alone, the words "with the approval of the Minister" might be struck out; but the commissioner should certainly not have the power to spend loan money on his own initiative. If the commissioner were given the power suggested, to spend revenue on the general maintenance of his lines, he would be careful not to indulge in reckless expenditure, seeing that he had to make the railways pay.

MR. MORAN: Under such conditions, the commissioner might starve the railways.

MR. HOLMES: That was not likely. If, however, the commissioner were given power to spend loan money on the general improvement of his lines, he might perhaps involve the country in heavy expenditure in order to enable

himself to show better results. If the commissioner's spending power were limited as proposed, the necessity for Ministerial approval disappeared.

THE COLONIAL SECRETARY: It must be remembered that additions and improvements to existing lines—a generic phrase—were practically always paid out of loan; and the clause gave ample power to carry out all works required to keep the railways in proper condition. If necessary, define "maintenance," which meant maintenance out of revenue. Additions and improvements were charged to loan, though in such a case as relaying a line with heavier rails, part of the cost was debited to loan and part to revenue.

MR. HOLMES disagreed with the Minister. Not many months since, the Government separated the portfolios of works and railways to avoid what this clause would produce, the reckless expenditure of loan money. The commissioner should expend revenue, and the Minister for Works loan funds.

MR. MORAN: Then in relaying a line, there would be dual control.

MR. HOLMES: That would not matter. He moved that "with the approval of the Minister," in line 3, be struck out.

MR. NANSON: Would the hon. member explain what he proposed to add? Unless there were some safeguard, the commissioner should not be given power to make additions and improvements without the authority of the Minister.

THE MINISTER FOR WORKS: The clause was quite clear, and would effect what the Committee desired, by giving the commissioner entire control of open lines, and allowing him, with the approval of the Minister, to make additions and improvements. The initiative was entirely in the hands of the commissioner, and the Ministerial approval was simply a check on expenditure. Surely the Committee did not wish the entire control of the expenditure to pass from the Minister, and therefore from Parliament. Without these words, there would be no check on the commissioner's expenditure. The clause gave no power to the Minister to order the commissioner to make additions and improvements.

HON. F. H. PIESSE: The more the Bill was examined, the more complicated it appeared. So far from helping the commissioner, it would add to his obligations and his discomforts. The Government took New South Wales for their model; but in that State the commissioners had authority to make a partial reduplication, or a partial reconstruction of lines and other works, either from loan or from revenue. He opposed the amendment, because some additions and improvements might necessitate drawing on loan funds. The member for East Fremantle (Mr. Holmes) maintained that moneys had wrongfully been taken from loan and used to lessen revenue expenditure. To place the work under two departments would result in dual control, involving maintenance of a separate staff otherwise unnecessary. Better let the clause stand, though then the Minister would still have the burden of deciding which were necessary works.

THE PREMIER: Only with respect to new railways.

MR. HOLMES: Then the commissioner could expend portion of his revenue in the upkeep of the line. There was a safeguard in that the commissioner must bring out a satisfactory balance sheet, and therefore would not spend too much revenue in upkeep; and for loan moneys he must go to the Minister. If we appointed a commissioner for five years and gave him £1,500 a year, the highest salary paid to any officer in the State, we should give him power to carry out the upkeep of his railway. But if he wanted any new departure which had to be paid for out of loan, he must go to the Minister for Works. He had no power to spend loan money. Our safeguard was that he could only spend his revenue. If he spent the revenue on the upkeep of his line he brought about a bad result in the working,

THE MINISTER FOR WORKS: Under the Clause as it stood the commissioner would have full power to undertake all maintenance without reference to the Minister. If the words "with the approval of the Minister" were taken out, we should be giving the commissioner power to expend the whole of the revenue of the railways without any question at all. One could hardly think it was the wish of the Committee that such a power should be given. As to the capital cost of the railways, it was always understood it was fair to charge capital account with any improvement which went to

increase the earning power; whereas any improvement which was so much dead work, which did not increase the earning power in any way, was hardly a fair charge on capital account. That was a railway axiom.

THE COLONIAL SECRETARY: Only those works which increased the earning capacity of the railways, that was to say which would pay a percentage, should be chargeable to loan. All other works which, whilst perhaps conducive to the convenience of the travelling public, or shippers of goods, did not add directly to the profits of the railways should not be charged against loan, but should be paid for out of the revenue of the railways; and he took it that under this clause the commissioner would have full power to deal with those items. When it came to increasing the capital cost of the railways, which was implied in the words "additions and improvements to existing lines," then, and then only, had the commissioner to seek the concurrence of the Minister.

MR. MORAN: What was the difference between maintenance and improvement?

THE COLONIAL SECRETARY: There was a great deal of difference. If he had to maintain a line he had to keep it up to the standard it was at when he took it over.

MR. MORAN: Supposing one started an improvement, and got a light truck or an electric light car?

THE COLONIAL SECRETARY: That did not come within additions and improvements to open lines. That would be a rolling-stock vote, which as a loan vote came within the province of the Minister. Replacements to keep the rolling-stock up to the recognised standard should be met out of revenue, but any addition to the scope of the rolling-stock should be met out of loan.

MR. ILLINGWORTH: One of the reasons why the first Leake Ministry divided the two offices of Commissioner of Railways and Director of Public Works was to secure this end, that loan moneys should be absolutely under the control of the Engineer-in-Chief, and that the manager or commissioner of railways should not be able to manipulate loan moneys so as to show different results from the actual results upon the returns. If the commissioner could use loan moneys in such a way as to prevent the necessity of using a portion of his revenue for the necessary maintenance or improvement, he would do so, because it would give a better result. One understood the member for East Fremantle (MR. HOLMES) intended to limit the expenditure by the commissioner to money obtained from revenue. We ought to give the commissioner full control with regard to expenditure from revenue, he being responsible for the final result. It was for him to decide whether a certain improvement to an existing line would be profitable to him or not. If it was not profitable, we might take it for granted he would not spend the money, because it would affect the earning results. If the expenditure would be profitable he ought not to have to ask the Minister, practically the Works Department, whether he could perform the work or not. When, however, it came to the duplication of a line, or certain alterations for which the House provided the money by way of loan, that loan money should be in the control of the Works Department. The commissioner ought not to be required to refer to the Minister for ordinary expenditure. Let us give him sufficient power to manage the railways. He ought to have power to improve his line and work it in the most profitable manner.

MR. NANSON: If the amendment suggested by the member for East Fremantle (MR. HOLMES) were carried, it would give the Commissioner of Railways a power not possessed by any general manager of a private company, but which was invariably given to the directors of the company. It meant that the whole of the railway revenue of Western Australia would be at the disposal of the Commissioner of Railways. In the past there had been utilised, on capital expenditure in Western Australia out of revenue, a sum of something like half a million. If we had equal prosperity during the coming years—and it was assumed by the Government that under the operation of this measure we should have greater prosperity on the railways—it would mean that the whole of the profits of the railways would be absolutely at the disposal of the commissioner to expend either in improving or adding to the existing lines. In regard to improve-

ments we might get a commissioner with most extravagant ideas as to what was necessary on the railways. In the past we had had a general manager who believed in giving appliances on these railways quite out of keeping, on a line carrying very small traffic. We did not want our railways in this State constructed and maintained in the same way as those in the United Kingdom. We wanted them managed in the most economical manner possible consistent with lines carrying a very small amount of traffic. Although it was desired to give a good deal of power to the commissioner, the Committee would be going too far to allow the commissioner, without reference to anyone, to spend all the money he received in making improvements on a line, in excess of the requirements of a new country.

MR. HASTIE: If the commissioner could not be controlled in any way by the Minister, the commissioner would be seised with the idea that he should make the lines pay, and the consequence would be that he would improve to the utmost extent the lines that did pay. It had been stated often that the line that was paying well was the Eastern line, and consequently the tendency of the commissioner would be to make that line one of the best, and those particular lines that the agricultural members thought much of would be starved.

MR. HOLMES: The commissioner should be made absolutely responsible, so that there could be no shifting the responsibility from one to another, as past experience had shown had been done. Members knew that in the past when it was thought that one had seised on something against the general manager, the commissioner stepped in and said it was his doing. The responsibility should be saddled on the commissioner, so that at a later stage, if there was reckless expenditure, Parliament could blame the commissioner only. He did not know that the commissioner had to recommend, so long as the Minister approved of a work and sent it on to the commissioner. The Minister might approve of some expenditure which the commissioner did not approve of; but the expenditure having received the Minister's approval, the commissioner would have to carry out the work.

THE PREMIER: The commissioner was practically independent, and could refuse.

MR. HOLMES: If the Minister approved of a certain work, the commissioner could refuse to carry it out. If we were to do good with the railways there must be someone at the head who was made responsible. If he stood alone, he was going to try and make the commissioner responsible for the expenditure of revenue only, and the result would be satisfactory to the country. There would be no reckless expenditure, and there would be no shifting of the responsibility from one shoulder to another. If anything was done wrong, the commissioner would be held responsible. That was his reason for proposing to take out the words "with the approval of the Minister."

MR. DAGLISH: According to the clause, the commissioner had power to carry out maintenance work. He did not think any commissioner should have power to control the finances of the State

MR. MORAN: The hon. member did not believe in giving the commissioner any power.

MR. DAGLISH: The commissioner should not be given power which belonged to Parliament—that was the control of the finances of the State. The commissioner had the responsibility to keep the permanent way efficient and safe, and the Minister was not competent to judge as to the condition of the permanent way.

MR. MORAN: Should the commissioner have power to make additions also?

MR. DAGLISH: On large questions it was very important there should be parliamentary control, as we already had experience of nasty insinuations being raised in connection with sidings, and it was not right to ask the commissioner to take the responsibility. He believed in the responsibility of the commissioner for certain things, when the Minister could not accept the responsibility; but he believed in the responsibility of the Minister in things that came within the realm of political control. He would not go a step farther than the clause provided.

MR. MORAN: The member for Subiaco had expressed his belief in giving the commissioner control of maintenance. That meant thousands of pounds in a big system. Therefore the hon. member would give resposibility over the spending

of the people's money. Who was to decide whether Mr. George had power to do a certain work and call it "maintenance," and whether the Minister had power to say the commissioner could not do it, and call it "improvement?" Who would define the difference between maintenance and additions and improvements? The member for Cue agreed with the member for East Fremantle in striking out "with the approval of the Minister." What did that mean? [Mr. ILLINGWORTH: All except loan moneys.] Loan moneys might be used for improvements. All additions and improvements had been carried out with a mixture of loan moneys and revenue. A great deal of relaying had to be done between Perth and the goldfields. If 40lb. rails were being removed and 60lb. rails put in their place, the 40lb. rails had to be lifted, and the value of the 40lb. rail should go against the new rail, and be charged against revenue. [The COLONIAL SECRETARY: How much?] That was where the problem would come in between the two men. If the commissioner only controlled revenue, in the new rail there was so much loan money and so much revenue: who would be the boss? If the commissioner was boss, he was controlling the expenditure of loan moneys, and if he was not boss, then he would not be controlling all the expenditure of revenue. [THE COLONIAL SECRETARY: There would be some allocation.] In every instance the Minister for Railways would have control over all loan moneys for additions and improvements. Was that so?

THE COLONIAL SECRETARY: The Minister for Works, or Railways, or the Minister of the Crown administering the Act for the time being.

MR. MORAN: At the present time those offices were combined in the one person.

MEMBER: The Colonial Secretary wanted the railways again.

MR. MORAN: The railways did not want the Colonial Secretary again, and the public said that the Colonial Secretary was not a distinguished success as far as the administration of the railways was concerned. Was the proposal of the member for East Fremantle that the commissioner should have full control over additions and improvements, as well as maintenance?

MR. HOLMES: Revenue only.

THE PREMIER: The member for East Fremantle's proposition was that the commissioner could use as much revenue as he liked for additions and improvements to existing lines.

MR. MORAN: Then the proposal of the member for East Fremantle was that the commissioner, as well as spending as much as he liked on maintenance, could also spend as much revenue as he liked on additions and improvements?

MR. HOLMES: That was the proposal.

MR. MORAN: The Committee would not give the whole expenditure of a million and a half to the commissioner to do as he liked with, on additions and improvements. That was not what was intended.

THE COLONIAL SECRETARY: The hon member some little time back raised the question of the difference between "maintenance" and "additions and improvements." That difference was really a matter of convention between the Minister and the commissioner. The words had their ordinary meaning, and also a special meaning in connection with railway matters. It should not be difficult for the Minister and the commissioner to arrive at the meaning with which, for their purpose, the words should be invested. Maintenance might include minor works which did not add to the earning capacity of the railways.

MR. MORAN: Would the hon. gentleman mention a railway work of a character not adding to the earning capacity of the railways?

THE COLONIAL SECRETARY: A shelter shed for goods.

MR. MORAN: For what purpose were buildings wanted at all in connection with the railways?

THE COLONIAL SECRETARY: For the public convenience. People would travel just as much without those conveniences, because they had to travel. The Government, however, came to the assistance of travellers by providing conveniences which did not materially add to the earning capacity of the railways.

Amendment put and negatived, and the clause passed.

Clause 12—Fares, tolls, and freights:

MR. MORAN: Did the member for East Fremantle propose to allow this clause to go through without protest?

MR. HOLMES: No; but the hon. member had got in ahead of him. The commissioner under this Bill was expected to make the railways pay; and if his management were not a financial success, he would get into trouble. Yet Parliament was to control fares, tolls, and freights.

MR. MORAN: How could the commissioner be reasonably expected to make the railways pay, then?

MR. HOLMES: That was a problem for the present commissioner to solve. The right thing was to give the commissioner control of fares, tolls, and freights, and also the control of the men. By granting such powers, we should obtain a commissioner who would really be in a position to achieve satisfactory results; by refusing those powers, we should leave ourselves where we were before. The commissioner should have control of the rates, because one never knew what political questions might arise on the eve of a general election, and what Ministers might——

THE PREMIER: The Minister could not make a regulation without the commissioner's approval. It was the commissioner who made regulations, and his regulations were submitted to the Minister for approval.

MR. HOLMES: We must have someone responsible; either the commissioner or the Minister.

THE PREMIER: The commissioner made regulations and fixed charges, but subject to the approval of the Governor-in-Council.

MR. MORAN: The power of approval necessarily carried with it the power of veto.

MR. HOLMES: When in charge of the railways, he had not been able to make them pay because Cabinet would not approve of his recommendations.

THE PREMIER: The object of this clause was to place the responsibility on the shoulders of the Ministry. Government could not interfere with tolls, charges, and freights, unless with the consent of the commissioner. The great point, however, was that, as the commissioner was the person in whom resided the initiating power of imposing charges, if his charges were not adopted the Ministry would be responsible for any loss resulting, and that the House in such circumstances would know exactly on whom to put the blame.

MR. ILLINGWORTH: On the second reading, he had pointed out that the people, being the owners of the railways, might consider it advisable at times to reduce freights below the paying point, in the interests of an industry. The responsibility for loss resulting from such a reduction ought not be thrown on the commissioner; hence, if the Minister chose to take the responsibility of reducing rates fixed by the commissioner, the Minister and the Government of which he was a member, and also Parliament, must accept the responsibility. The House ought not to be robbed of its right to control railway rates. The clause, therefore, should stand.

MR. HAYWARD: The New Zealand Government railways carried thousands of tons of lime free of charge for the farmers. How was it possible to hold the commissioner responsible in such circumstances?

MR. NANSON: The clause illustrated the absolute folly of legislation of this kind. If the commissioner failed to satisfy Parliament, it was open to him to turn round on the Ministry and Parliament and say that he had been unable to make the railways pay because he had not been given a free hand. Then Ministers and Parliament might reply, as they had replied in the past, that the fault lay with the commissioner because he was a bad administrator. Thus we should be back in the old position. Nothing more aptly illustrated the utter futility of the Bill than this clause, which stood as a monument of legislative incapacity. It did not lie on him to suggest a way out of the difficulty. The only solution was to cut the Gordian knot by throwing out the Bill.

MR. ILLINGWORTH: We were back on the general manager, after all.

THE MINISTER FOR WORKS AND RAILWAYS: Did the Committee wish that a commisssioner should be put in charge of the railways with full control over the railway rates, and with instructions simply to make the railways pay? So far as the feeling of the Committee could be gauged, the

wish of at all events the great majority of members was that Parliament should retain some control over the rates. The position was as follows. The commissioner had the initiative in fixing rates, but he might suggest a rate which would manifestly be a burden on some of our industries. The Minister for Railways, whoever he might be, if he viewed the rate in such a light, would protest to the commissioner that in the opinion of the Government the rate was too high and admitted of reduction. The commissioner might possibly reply that from his point of view, namely that of making the railways pay, no reduction could be effected. If, in spite of such a representation from the commissioner, the Government insisted on reducing the rate, the responsibility clearly was on the Government and the commissioner was relieved.

MR. NANSON: But Ministers would then declare the commissioner a bad administrator.

THE MINISTER FOR RAILWAYS: The member for the Murchison (Mr. Nanson) should say straight out, and not by innuendo, what he wished.

MR. NANSON: Ministers of the Crown should take the full responsibility of their position. That was what he wished.

THE MINISTER FOR RAILWAYS: And that full responsibility Ministers wished to take under this clause.

MR. MORAN: It was pleasing to observe that, even though late in the discussion, the Minister for Railways had at last awakened to the fact that a railway Bill was being considered. Up to the present, the measure had been discussed solely by the Colonial Secretary——

MINISTERIAL MEMBERS: And by the member for West Perth.

MR. MORAN: It was his desire to pin the Government down to adopting either the commissioner system or the system of political control. Perhaps the Colonial Secretary, *quondam* Minister for Railways, would state whether this clause was to be found in any Australian Railway Commissioner Act.

THE COLONIAL SECRETARY: This provision was certainly not to be found in the New South Wales Act. He wished to point out the reason for the inclusion of the clause in this Bill. In certain aspects, the railways might be considered as self-contained, and the administration of the railways regarded as the administration of a department the operations of which did not extend outside itself. From other aspects the railways might be viewed as having great influence on the outside public; and one of those was the question of fares, tolls, and freights. While details of railway administration had nothing to do with Parliament, freights and charges might possibly greatly influence the prosperity of the country, and should be left to the people's representatives.

MR. MORAN: What was left of the commissioner system?

THE COLONIAL SECRETARY: It was tiresome to be continually pointing out the important matters left to the commissioner's control, namely the administration of the railways and all other matters which did not appertain to the general public.

MR. MORAN: In New South Wales, the commissioners had absolute control of earnings and expenditure; and over 80 per cent. of their railway tonnage was carried at a little over ½d. per ton per mile, according to the latest report. Moreover, they carried thousands of tons for nothing, to encourage trade.

MR. ILLINGWORTH: Look at the Riverina traffic.

MR. MORAN: True. Ministers held up for admiration the New South Wales commissioner system, yet would not give our commissioner control of the charges nor of the men. This commissioner was a mere general manager. Why fool the country by this sham of a Bill, which gave no power to control earning and spending? It had no resemblance to the Act of New South Wales, save in respect of maintenance, and that was so ill-defined that it must lead to conflict. Do not fool the people by deluding them with a change of system which must make confusion worse confounded.

MR. HOLMES agreed with the last speaker that there should be some definite expression of opinion from the Government. Unless these clauses were amended, the railways would be as they were under a general manager, except that he would be called a commissioner.

THE PREMIER: Three Ministers had spoken.

MR. MORGANS: New South Wales had three commissioners to decide on freights, but we were to have one only, and one should not have so great a responsibility——

THE PREMIER: Affecting the land policy of the State.

MR. MORGANS: That would be highly objectionable, though the objection would not apply to three commissioners. On no private railway in England or America was the general manager allowed to fix the rates. That was done by the directors; and were the commissioner given such power, the result would not be satisfactory. This was the most difficult of railway problems. Compared with it, management was easy. The commissioner would desire to make the railways pay, and to get credit for good management; but if his management were bad, he would increase the rates to conceal the defect, and such increase would be made on the goldfields railways, and not on non-paying lines. Unless the rates could be fixed by some board free from political influence, the power should remain with Parliament; else we should be trying a dangerous experiment.

MR. NANSON: The Government should be compelled to commit themselves to either one or other system. At present, the Bill sought to place half the responsibility on the Government and half on a non-political commissioner. If trouble resulted, each responsible party would blame the other. In previous discussions it had been said on all sides that Parliament wanted someone on whom responsibility could be placed; but the more this Bill was examined the clearer it was that responsibility would be fixed on no one in particular. It would be impossible to say who was to blame, if mistakes were made. He would like to see the clause opposed, with the idea of getting it thrown out altogether, or so amended that the responsibility of fixing the rates would be placed entirely in the hands of the commissioner. The member for West Perth (Mr. Moran) had pointed out that where that power had been given in New South Wales it had answered admirably. He personally was not wedded to a non-political system of control; but if the Government believed in a non-political system, why had they not the courage of their convictions, and why did they not ask the House to give the commissioner the power necessary for him, if he was going to make the railways a success? It was proposed to limit the commissioner's powers in the same manner with regard to the control of the men. If the measure was going to be carried without much more material alteration than reducing the number of commissioners from three to one, it would be better to call him the general manager, so that the country might know that, to all intents and purposes, the railways were still under the Minister, with a general manager possessing very slightly enlarged powers.

THE COLONIAL SECRETARY: The hon. member (Mr. Nanson) was not correct in saying that responsibility could not be fixed, nor was he correct in saying the Government would not announce their attitude. The Government were in favour of political control of the fares and freights. As to fixing responsibility, that was an easy matter. If the commissioner protested, and Parliament, through the Minister, said certain freights should be enforced, the responsibility undoubtedly would rest with the Minister. As to the extent to which the payability of the railways was reduced by that decision, it was simply a matter of bookkeeping. The commissioner could by reference to his books, or the Minister could by reference to the commissioner's books, easily prove what influence the decision of Parliament or of the Minister had upon the payability or nonpayability of the railways.

MR. MORAN: The conditions of the mining centres in New South Wales were very similar to those prevailing here; but under the railway commissioners of New South Wales the cartage of ore at per ton was four or five times cheaper than in Western Australia. It some cases it was eight times cheaper. Notwithstanding the fact that in New South Wales there was a commissioner system, the cheapest rates for ore in Australia were in that State. In New South Wales they carried some ore at a farthing per ton per mile. Either let it be "as you were," or else let us have a commissioner system on a sensible basis like that of New South Wales.

MR. MORGANS: The difference between Western Australia and New South Wales was very marked.

MR. MORAN: The man was different.

MR. MORGANS: In New South Wales they had the advantage of placing in charge of their railways probably the best railway man that ever came to Australia, Mr. Eddy.

MR. MORAN: He was not there now.

MR. MORGANS: No; but he was the man who reorganised the whole system of New South Wales, and he had practically the control of them. Our railways were in a disorganised condition at the present time. The public were dissatisfied with them, and one result of the management of the railways in recent years had been that very recently the Government had to increase the rates to an abnormal extent for the purpose of making both ends meet. He would mention a charge in relation to some mining machinery. A battery for crushing ore was a machine composed partly of steel and partly of wood. Although we had got into the grip of the paternal Commonwealth Government, which had raised all our rates and taxes to the extent they had done, even they had allowed a battery in the form of mining machinery to come into this State as one machine; that was to say, they charged 15 per cent., that being the duty on a battery for crushing rock. The Government of Western Australia, however, charged the rate for mining machinery on the ironwork, and on the woodwork they charged the same rates as were charged for Oregon timber, the result being that the woodwork of a battery now going from Fremantle to the fields was paying 80 per cent. above what it did formerly for transit to Menzies. That had been done by the railway authorities recently. It looked very much like despotic and organised robbery. Would it be a safe thing to put the destinies of the mining industry in the hands of a railway commissioner who could fix any rates he liked? It was all very well to refer to New South Wales; but the conditions were entirely different. When the railways were organised and placed on the same well-defined basis as those of New South Wales, we might safely place the matter of freight in the hands of the commissioner.

THE MINISTER FOR RAILWAYS said he would make a note of the case referred to.

MR. MORGANS: The case was quoted as an instance to show the danger there would be in leaving this important matter of fixing the rates in the hands of one commissioner.

Clause passed.

Clause 13—Classification:

MR. YELVERTON moved as an amendment:—

That the following words be added to the clause:—"Provided, nevertheless, that the commissioner shall have power to employ, fine, or dismiss any officer or employee, but that such officer or employee shall be permitted to appeal to a conduct board, as provided for in this Act, the decision of such board being final."

Without granting to the commissioner an absolute power of dismissal over the men, it would be unfair in the extreme to expect him to obtain the best results from the working of the railways. Anyone would acknowledge that in any business of this kind, in which a large number of men were employed, it was absolutely essential to the well-being of that business and to its being carried out in a proper manner that the manager should have power not only to employ, but to dismiss men who failed to carry out their duties or to obey his orders in any respect.

MR. TAYLOR: It was his desire to move an amendment that all the words after "of" in line 2 to the end of the clause be struck out and the following be substituted: "a classification of the employees of the railway decided upon by their society and submitted to the Government."

THE CHAIRMAN: The hon. member could not move that amendment unless the member for Sussex withdrew his amendment.

MR. TAYLOR: In speaking on the second reading, he gave notice of his intention to move this amendment.

THE CHAIRMAN: The hon. member could give notice, and move the amendment on recommittal.

MR. TAYLOR: Would the Premier say whether it was the intention of the Government to bring in a Classification Bill with the object of providing the

classification decided upon mutually between the Government and the employees? There was a classification scheme in Victoria of a similar character to the one he had referred to, and there was no reason why the agreement should not be included in a Classification Bill. He would give notice to move to recommit the Bill for the object of proposing his amendment.

MR. DAGLISH: As the amendment proposed by the member for Sussex was one of a rather important character and involved a question of principle, he suggested that progress be reported.

THE PREMIER: One could understand those in the House and outside of it thinking the man who for the time being controlled the active management of the railways, whether commissioner or general manager, should have the power of dismissal, appointment, suspension, or fining; but one was at a loss to understand those who took up that attitude and at the same time said the man who had been fined, dismissed, or suspended should have the right to appeal to a conduct board. The strength of the argument used by those who believed in placing these small powers in the hands of the Minister was that there was a great moral effect throughout the service when it was known that the man at the head could say finally "yes" or "no" if a man was to be dismissed, suspended, or fined. But all these arguments were disposed of if the men were given the right to appeal to a conduct board, because at once the whole of the moral effect was destroyed, and the position was not altered from what it was to-day.

MR. NANSON: Would the Government accept the amendment without the conduct board?

THE PREMIER: The amendment did not make any difference from what was in existence now. It talked about a conduct board that did not exist, and the position to-day was that there was the power of dismissal which nominally rested with the Governor-in-Council, but really rested with the commissioner, with the right of appeal, which was to the Minister. It was within the power of the commissioner to have a conduct board by which there was consultation with the locomotive engineer.

MR. HASTIE: It was not satisfactory.

THE PREMIER: A somewhat similar provision to that proposed was made for the establishment of a conduct board in the agreement. Some time ago it was the intention of the Government to introduce a Classification Bill. Every Classification Act provided the classification of the men, the grades and the classes, the maximum wages payable, and the minimum wages payable in the various grades and classes, and it provided for the creation of an internal conduct board and the machinery by which questions could be settled inside the department itself. A Classification Bill should make similar provision, and the Government anticipated the introduction of such a Bill by Clause 13, which was simply inserted to draw the attention of members to that fact, so that when the Classification Bill was introduced and dealt with it could not then be suggested that there was underlying the present Bill anything inconsistent with the Committee adopting that measure. It was difficult to deal with a Classification Bill, because it involved a great deal of discussion. Moving in that direction, the Government had had presented to them recently a classification agreement which placed before the Government what the men thought was fair employment and a fair rate of wages. It was that classification agreement from the men that the member for Mt. Margaret wished to have inserted in the Bill. That would require consideration and no doubt would create a great deal of discussion. We had established now an Arbitration Court by which, if necessary, any disputes arising under an industrial agreement could be settled, and when these agreements had been settled, we had practically prepared all the necessary information and the necessary detail to put in a Classification Bill. But if we passed the amendment or any other amendment it did not make very much difference, because to a large extent, on these questions of detail, the Commissioner of Railways could be controlled by virtue of the Arbitration Court to the same extent as a private employer could be controlled. If we passed a Bill providing for a conduct board that would be a conduct board with the right to appeal to the Arbitration Court to settle questions of differences, that would be settled

whether the Bill stood as it was now or was altered.

MR. DAGLISH: That applied to the classes only, not to the individual.

THE PREMIER: If we once had a Classification Bill and settled the rates of wages applicable to certain classes and grades, we overcame the greatest part of the difficulty.

MR. MORAN: That did not deal with the great question of controlling the management of men.

THE PREMIER: It dealt with the rates of wages, dismissal, and giving the right of appeal.

MR. DAGLISH: The industrial agreement?

THE PREMIER: Also a Classification Act. If members would look at the Classification Act of New Zealand which was passed in 1894—a draft of which was prepared last session — also at other Classification Acts, it would be seen that an internal appeal board was provided for. If those Acts did not contain the internal appeal boards, there were internal appeal boards provided for.

MR. MORAN: They did not exist in Victoria.

THE PREMIER: There was an appeal board in Victoria.

MR. MORAN: What were the changes referred to in the telegrams?

THE PREMIER: There was no going back in Victoria; that State had never departed from the commissioner system since Mr. Speight was appointed. That State was now going back to three commissioners, but there had always been one or three commissioners in Victoria. As a matter of fact, in any great body of men, there must be some internal system of management.

MR. DAGLISH: There had been an appeal board in Victoria for years, with the right of election of a representative.

THE PREMIER: What he was talking about now was not so much the election to the appeal board as the fact of an appeal board being in existence. The amendment moved by the member for Sussex did not carry us a bit farther than the present Bill did. It gave power to dismiss, subject to the appeal of a conduct board. To complete that, we should have to provide a Bill to appoint a conduct board, and to define it. The great difficulty to overcome in the first instance was the establishment of the classification. If we did not start with the classification the difficulty of the work of a conduct board would be very great, unless there was a general rule to guide them.

MR. MORAN: Would the Premier indicate where political influence came in?

THE PREMIER: In connection with undue concessions to certain products, which concessions the people had a right to know about, which concessions ought not to have been conferred by regulation, but by Act of Parliament; in connection with numerous privileges which, although individually small, amounted to a good deal in the aggregate; in connection with undue interference on questions of detail.

MR. MORAN: But the Bill would not obviate those difficulties.

THE PREMIER: Not by Clause 13. Those difficulties would not be obviated until we had a Classification Act.

MR. MORAN: The Bill left us, then, where we were?

THE PREMIER: Yes; in this respect. The only difference would arise from the fact that we should now have a commissioner who was entirely independent by reason of the five-years guarantee. For that length of time the commissioner was perfectly independent, because he knew his position; and he therefore occupied a much higher status than a man casually employed from year to year without statutorily defined duties and obligations. The difference between the position we were occupying to-day, and the position we should occupy if the amendment were carried, would be this. We had now an appeal practically to the Minister; the amendment proposed that we should appeal to a new conduct board. Were we to start off now to define that board? Were we to have a conduct board overruling the existing conduct board so far as it referred to the Engine-drivers Association? Were we to have heated controversy on such questions as whether the proposed conduct board should deal with all the men, or whether it should apply to the electric staff, or whether it should apply only to wages men? Were we to do what had been done nowhere else—start a conduct board without establishing side by side with it a Classi-

fication Act or classification by agreement, either of which was absolutely essential if we were to have a conduct board capable of doing its work?

MR. MORAN: What had a man's rate of wages to do with the question of his efficiency?

THE PREMIER: One of the most frequent causes of dispute was the question whether a certain class or grade of employees was adequately paid.

MR. NANSON: What had that to do with cases of misconduct or disobedience to orders?

THE PREMIER: Why should we appoint a conduct board in this isolated fashion, without at the same time passing a Classification Bill or arriving at a classification agreement?

MR. NANSON: Questions of classification had nothing to do with the conduct board.

THE PREMIER: As a matter of fact we knew from actual experience that such questions had a great deal to do with the conduct board, because the very root and origin of contention in connection with large bodies of servants was the question of pay.

MR. NANSON: What had getting drunk on duty, for instance, to do with a man's classification?

THE PREMIER: Classification was not involved in such a case, but charges of insubordination frequently involved questions of classification. To make the power of dismissal subject to appeal to the conduct board would be entirely wrong. The power to dismiss should vest in the commissioner, unless the whole system were controlled by a Classification Act, which would be to the railway servants as a sort of charter by which they could be tried. The question should not be dealt with in piecemeal fashion. Some of the greatest difficulties in connection with the railway service would be overcome when a classification had been arranged. Moreover, a classification must be arranged whether we passed the amendment, or stood by the Bill, or left things as they were. A classification must be arrived at, either by mutual consent or by appeal to the Arbitration Court.

MR. MORAN: Was not the Arbitration Court established for such purposes?

THE PREMIER: Undoubtedly; but would it not be far wiser to adopt the practice of the Eastern States, and to pass a Classification Act which would represent a charter of the terms on which railway servants were employed? If hon. members thought, as they well might think, that an absolute power of dismissal should vest in the commissioner, they took what was no doubt a strong stand on the question of principle. The adoption of the amendment, however, would carry matters little farther than they were under the clause. The amendment sought to introduce a conduct board at a time when such a board was not necessary, and attempted in a half-hearted manner to anticipate what must happen so soon as the classification system was settled. The wisest course would be to let the clause stand as printed.

MR. TAYLOR: From the remarks of the Premier, one gathered that it was the intention of the Government to effect a system of classification; and the only question, therefore, was when the Government would introduce that system. The Premier had stated that the commissioner stood in exactly the same position as any private employer, and that if the railway employees were not satisfied they could cite the commissioner before the Arbitration Court, to give an award binding on both parties. The Premier argued that it would be wise to classify after the award had been given. There could not, however, be much necessity for classification once an award binding on both the employees and the commissioner as employer had been given. The object in asking for a classification scheme now was to obviate the necessity for an appeal to the Arbitration Court. If the Minister for Railways and the Commissioner of Railways on the one hand, and the railway employees on the other, agreed on a classification scheme and on the rates of wages to be paid in the different grades of employment, the Government would be in a position to bring down a Classification Bill which the House would pass without debating whether rates of wages were too high or too low. Such a measure would probably be passed practically without discussion.

MR. MORAN: Had Parliament no control over the wages of the men after the Arbitration Court had spoken?

MR. TAYLOR: Certainly not; and for that reason he wished to avoid an appeal to the Arbitration Court. Once the award of that court was given, Parliament had no power to deal with the matter. It was to be regretted that the Premier wished the question of classification to stand over pending an appeal to the Arbitration Court.

THE PREMIER: Nothing of the kind was desired by him.

MR. TAYLOR: That was what one gathered from the Premier's statements. The hon. gentleman had said that the Court was open to the railway employees, and he had specifically stated that the Commissioner of Railways was in the same position as any private employer. The hon. gentleman also stated that when the award of the court had been given it would be time to consider the question of classification.

THE PREMIER: No. "When the classification had been fixed by the court or by agreement" was what he had said.

MR. TAYLOR: There was no reason why an agreement should not be arrived at without any reference to the court.

THE PREMIER: The Government did not desire an appeal to the court if it could be avoided.

MR. TAYLOR: The wish of the Railway Employees Association was to induce all the railway employees to arrive at an agreement with the Minister for Railways and the Commissioner of Railways. Such an agreement having been arrived at, the Government could without delay introduce a Classification Bill embodying the scheme of classification decided on by the Minister and commissioner on the one side and the employees on the other.

THE PREMIER: It was desirable that the legal position should be made clear. If Parliament passed a Classification Act, any dispute which might arise subsequently between the employees and the commissioner and which was not settled between the parties would have to be referred to the Arbitration Court. The court, however, would then be bound by the provisions of the Classification Act. The Industrial Conciliation and Arbitration Act provided, by Section 109, Sub-section 7:—

> In making any award under this section, the court shall have regard to the provisions of any Act in force relating to the classification of the Department of Government Railways.

Any Classification Act would, of course, state minimum and maximum rates. If the men appealed to the court on the ground that the maximum rate was not high enough, the court could not allow a higher maximum than provided by the Act, because Parliament would not allow the maximum it had fixed to be raised by any court.

MR. ATKINS: Certain hon. members had said that this Bill would not improve matters with regard to the responsibility of the commissioner. If that were so, the position was not satisfactory, because the greatest difficulty in connection with our railway management was to get an efficient day's work out of the men. The chief cause of the difficulty was that Parliament and individual members of Parliament could interfere with and humbug the heads of the Railway Department. Mr. John Davies, Mr. Short, Mr. Douglas, Mr. Light, Mr. Dartnall, and many other railway officials had told him that because of the manner in which they were interfered with by members of Parliament, and of the influence brought to bear on them, they would at any time rather allow men to act as they chose than discharge, remove, or reduce them.

MR. HASTIE: Who were the members of Parliament?

MR. ATKINS: The hon. member could speak presently. Those officials, if brought to the bar of the House, would repeat their statements. If they did not do exactly what those members wished, the members would have a "down" on them. In making a new departure by appointing a commissioner, that commissioner should be given proper authority so that he could appoint or dismiss whom he liked; for if competent to control the railway earnings, he was fit to discharge or to disrate men without interference from anyone. If he had not that power, he would be in the position of a man fighting for his life with his hands tied.

MR. DAGLISH: Several times he had heard similar accusations made against members of Parliament, and had asked for the names of the members accused. The statement of the last speaker was a reflection on every hon. member, unless the charges were definitely applied. What members used this improper influence;

how and when was it used; and why had not some statement on the subject ever appeared in the general manager's annual reports? Was credence to be given to such reports, or to private and irresponsible statements made by the railway officers to the man in the street, not for publication, but possibly as a justification, to meet some complaint urged by the person to whom the remarks were made? Any officer who submitted to improper influence and had not the courage to report through the Government to Parliament was unfit for his position.

MR. MORAN: The Government said the reason for the Bill was political influence for the last 12 years.

MR. DAGLISH: Let the hon. member (Mr. Atkins) bring forth proof of this political influence. There might be backstairs, personal, club, or social influence, which had doubtless been brought to bear on some officers, and which had worked far greater harm than political influence had done or could do. Cliqueism amongst persons mixed up commercially and socially had caused more than half the trouble in the Railway Department.

MR. JACOBY: Mention an instance.

MR. MORAN: The hon. member should not make such blind charges.

MR. DAGLISH: It was reflections on members of Parliament to which he was objecting. He refused to bear any part of the slur cast on this House by the member for the Murray. He (Mr. Daglish) had never brought any pressure to bear on a public officer.

MR. MORAN: The hon. member belonged to an organisation which existed to put pressure on Parliament.

MR. DAGLISH: There were twenty different labour organisations. Which did the hon. member mean? These charges should not be made unless names could be mentioned.

MR. MORAN: The hon. member took them too seriously.

MR. DAGLISH: But the country believed them. He would vote against the amendment, which should not be introduced without appearing on the Notice Paper. When would a Bill to classify the railway employees be brought in? It had been promised over twelve months ago, at the time of the railway strike, when it had been said it involved some two months' work. In this matter, the Government should take early action.

MR. HASTIE: The charge made by the member for the Murray was not of a general nature, but was to the effect that the railway servants mentioned, and others, had complained of interference by members of Parliament. Too much had been heard of such charges; and he (Mr. Hastie) would try to bring them to a head now that names had been mentioned. He did not doubt what the member for the Murray had said, but would say that the railway officials mentioned had stated what was deliberately untrue; and they should have an opportunity of vindicating their truthfulness by giving the names of the members in question. This was a specific case, and should be followed up.

MR. ATKINS: The accusations made by the member for Subiaco (Mr. Daglish) against private persons were just as grave as those he (Mr. Atkins) had made against members generally. Would the hon. member name the people who by social influence interfered with railway management?

MR. WALLACE favoured the commissioner having control of the men, without which his other powers would be counteracted. How could he manage the railways under Clause 11 if he were not allowed to handle the men? One of the most vital parts of the management of railways consisted of the control of the men, and he would vote for that. As to the statement made by the member for the Murray (Mr. Atkins) in accusing members of Parliament, he believed the hon. member was quite correct. He was sorry that the members for Subiaco (Mr. Daglish) and Kanowna (Mr. Hastie) were so angered, without having read the Railway Report of 1901. That report showed that, had not political influence been brought to bear on the general management of the railways, Collie coal would not have been used to the extent it was in preference to Newcastle coal, which, as far as the railways were concerned, created a loss. Perhaps those who created the loss would be justified in using our own products; but in relation to railway management, if a man was placed in charge of the work, and was not allowed to use the material he thought best suited, how could he be blamed if he came in with a deficit at the

end of the year? Those officers who made the statements to Mr. Atkins, which had been referred to, were in his opinion justified. He believed the Railway Department had a big grievance against political influence. It was of no use to advocate non-political influence on the one hand, and then turn round and say the Minister should have control of the men, of the construction, and of everything else. He could not support the motion of the member for Sussex (Mr. Yelverton) as it stood, but the former part of it met with his approval. He did not think that the portion relating to conduct boards would be workable. Perhaps the hon. member would see fit to withdraw the amendment in favour of another, or allow it to be altered. The sooner we got away from political influence, and had our railways placed in the hands of some person who realised that Parliament looked to him for the sole and proper control of them, the sooner should we have a large financial concern like this in proper working order.

MR. PURKISS moved that progress be reported.

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

Ayes	... ...	23
Noes	... ...	13
Majority for	... ...	10

AYES.	NOES.
Mr. Atkins	Mr. Butcher
Mr. Daglish	Mr. Hassell
Mr. Diamond	Mr. Jacoby
Mr. Ewing	Mr. Morgans
Mr. Gordon	Mr. Nanson
Mr. Gregory	Mr. O'Connor
Mr. Hastie	Mr. Pigott
Mr. Hayward	Mr. Quinlan
Mr. Higham	Mr. Stone
Mr. Holman	Mr. Throssell
Mr. Hutchinson	Mr. Wallace
Mr. Illingworth	Mr. Yelverton
Mr. James	Mr. Moran (*Teller*).
Mr. Johnson	
Mr. Kingsmill	
Mr. McDonald	
Mr. Monger	
Mr. Purkiss	
Mr. Rason	
Mr. Reid	
Mr. Reside	
Mr. Taylor	
Mr. Holmes (*Teller*).	

Motion thus passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10·38 o'clock, until the next Tuesday.

Legislative Council.

Tuesday, 9th September, 1902.

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

PRAYERS.

PETITION—CHILDREN'S CONVALESCENT HOME BILL.

The Standing Orders having been suspended, the HON. G. RANDELL presented a petition signed by 236 residents of Cottesloe, praying that the Bill granting lot 70, Cottesloe, to the promoters of the Cottage-by-the-Sea, be passed.

Petition received and read.

PAPER PRESENTED.

By THE MINISTER FOR LANDS: Report of Commissioner of Police, 1901-2.

Ordered: To lie on the table.

PUBLIC SERVICE ACT AMENDMENT BILL.

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

PUBLIC NOTARIES BILL.

Read a third time, and *passed.*

CHILDREN'S CONVALESCENT HOME BILL.

SECOND READING—AMENDMENT.

Debate resumed from the 2nd September.

HON. W. T. LOTON: In moving the adjournment of the debate, my desire was to allow the Government and the opponents of the measure time to arrive at some satisfactory arrangement with regard to an interchange of blocks, so that the Bill before the House might be agreed to. I shall not take up much of the time of hon. members, because this matter has already been fully debated.

In the first place, I wish to express my regret that I moved the adjournment of the debate at all, for the reason that we are now only at the second reading stage. An amendment has been moved to the motion for the second reading, that the Bill be read a second time this day six months; but the mere fact of our passing the second reading, especially after the expressions of opinion given by various hon. members in opposition to the site proposed, does not commit the House to the site in question. I regret, therefore, that I did not take the course of asking hon. members to pass the second reading and get into Committee, since by such a proceeding time would have been saved. I hope that whatever course of action may be eventually decided upon, we are all agreed on this point, that a piece of land shall be granted for the purpose in view.

HON. A. G. JENKINS: No one opposes that.

HON. W. T. LOTON: There is no difference of opinion on that point, then; and, since we are all agreed on it, let us pass the second reading, and so agree to the principle of the Bill. I hope the House will do this, since by doing so we pledge ourselves only to the affirmation that some piece of land shall be granted for this particular purpose of establishing the Cottage-by-the-Sea. I was not present to hear, and I have not read the report of, the earlier debate on this question; but on the last occasion when the measure was before the House I heard certain expressions of opinion in opposition to the site proposed. I failed to gather from those expressions of opinion one single really valid objection to the particular lot of land intended to be set aside for the purposes of the Cottage-by-the-Sea. It appears to me that the objections raised are of a merely sentimental nature. The institution can do no injury whatever to the owners or the property in the neighbourhood.

HON. A. G. JENKINS: That is a matter of opinion.

HON. W. T. LOTON: Yes; and I am expressing my opinion. With the fuller light we have had thrown on the subject, in view of the petition which has been read this afternoon——

HON. A. G. JENKINS: Not one of the signatories to that petition lives within half-a-mile of the reserve.

HON. W. T. LOTON: And which is signed by 230 residents of the locality concerned, in view of the fact that the matter has been considered and favourably reported on by the local authority, also in view of the circumstance that at a public meeting called to consider the site a large majority pronounced in favour of the site selected being granted, I trust the House will fall in with the wishes of the people. Moreover, this is practically a matter which rests with Parliament: Parliament is entitled to say whether or not the site in question shall be resumed for the purpose intended. The matter, I repeat, does not rest with the local authorities; but the authorities have been consulted, and they see no objection to the site. The population in the district is practically agreed that there is no objection whatever to the site. In farther support of this view, I wish to bring to the attention of the House a telegram which I hold in my hand. Possibly certain members have heard something about this telegram, which is from a person who owns property very close to the proposed site; as close, I think, as the property of the hon. member opposite (Mr. Jenkins), who opposes the measure. This telegram has been sent me by the Hon. Septimus Burt, from Carnarvon, and it reads:—

> I have no objection whatever to proposed site next Carmichael's for Lady Lawley's Cottage-by-Sea. Suggested depreciation of property in neighbourhood ridiculous.

Mr. Burt knows what he is doing in sending such a telegram. He is interested in property in this locality just as much as are other gentlemen. I have no interest in the matter, owning no land in or near Cottesloe. I wish I did own some land there; then I should settle the matter at once by giving four or five acres. I should not hesitate to do so for a moment. It is deeply to be deplored that after the people of this State have given such unanimous support to Lady Lawley's request and have voluntarily subscribed so large a sum of money, there should be such strong difference of opinion with regard to the site—such strong objection to the granting of the particular piece of land selected. The circumstance is particularly deplorable in view of the fact that there is so large an area of land available in this particular

district. [Several interjections.] The site proposed by the Bill is that chosen by the lady who was the means of gathering this large sum of money; it is the site recommended by the local roads board; it is the site supported by a large majority of people who were summoned to consider the question; and it is the site which has been again supported in a petition signed by a large number of Cottesloe Beach residents. Therefore I, for my part, am quite unable to see why there should be farther antagonism to the Bill. I do trust hon. members will look at the matter in a broad-minded way. Even if any of us do happen to own half an acre or an acre of land within an eighth of a mile or a quarter of a mile of this particular site, a moment's consideration must show us that the proposed institution cannot in any way injure our property, but on the contrary will rather tend to improve it. Property will be improved, and not depreciated, by the erection of a building on this large open space of land. I hope hon. members will at all events veto the amendment proposed, and let us pledge ourselves to the principle of the Bill by passing the second reading. That principle, I repeat, is that we wish a piece of land in the Cottesloe district set aside for the purposes of the Cottage-by-the-Sea. After passing the second reading, hon. members who oppose the particular site proposed can urge their objections in Committee. I do not see why the site should be opposed, and I trust that when it comes to the point the Government will show themselves prepared to adhere to the recommendations of the local authorities and the local residents.

HON. G. RANDELL (Metropolitan): In regard to the amendment now before the House, I make the suggestion——

HON. A. G. JENKINS: I rise to a point of order. I think the hon. member has addressed the House on this matter.

HON. G. RANDELL: I have not spoken to the amendment.

HON. A. G. JENKINS: I think I moved the amendment to which the hon. member spoke.

HON. E. M. CLARKE (South-West): It was not my intention to have spoken on this Bill at all. We have heard a good deal about this Cottesloe site, and I thought the best thing I could do was to go and have a look at it. I have no land in this locality, like some other members; I wish I had. If I had I do not say I would give the land for a convalescent home. There is one feature of the case which has struck me all along. The supporters of the Bill, while ridiculing the opposition to the measure, have not said a single word to show why the next block to lot 70 would not do to erect the home upon. In any debate it is perfectly fair to show the weakness of an opponent's case, but, at the same time, those in favour of a Bill should show the strength of their own case. I looked carefully at some of the blocks of land, and blocks 70 and 61, which are close together, are very much alike, and I see absolutely no reason why block 61 could not be granted to the promoters of the Cottage-by-the-Sea. It is all very well to say that the opposition is based on sentiment, but sentiment carries us a good way. It is said that sentiment moves the world. Members who are in favour of the Bill should have shown the strength of their own case as well as the weakness of their opponent's case; then we might know why block 61 would not suit. I intend to oppose the Bill.

HON. J. D. CONNOLLY (North-East): I have listened with a great deal of interest to the remarks of Mr. Loton, and to a great extent I agree with them. I may say straight away that I intend to vote for the amendment; but if the Government, even at this late hour, say that they are prepared to alter the site from lot 70 to lot 61, and will give an assurance that the Bill will be amended in that direction in Committee, I will vote for the second reading. I had not intended to speak at all on the question, and it is owing to the remarks which have fallen from Mr. Randell that I do so. That member said this Bill should receive the support of goldfields members. I wish clearly to point out that in voting against the second reading, I am not in any way opposed to this institution. I have contributed to it and I intend to do so again. In voting for the second reading, I am not against the institution but against the site. I make these remarks to set this matter right. If the Government will say they will alter the Bill in Committee, I will support the second reading.

HON. R. G. BURGES (East): I object to the remarks of Mr. Loton. This is a Bill to reserve lot 70, and if the Bill goes to the Committee stage that will not make it any more a Bill to reserve lot 61. If this Bill is defeated the Government can bring in a fresh measure to reserve lot 61. Before a vote is taken I would throw out my opinion that the Government can bring in another Bill if this one is defeated. The money for this institution has been collected, and I do not know why another lot could not be substituted in place of lot 70. As to the telegram from Mr. Burt which was read by Mr. Loton—and I have no interest in the matter—that does not prove anything. I met a person to-day who has a piece of land at Cottesloe, in this locality. He bought the land on which to erect a dwelling so as to live out of Perth. He paid a good high price for the land because there was a recreation reserve close by. This gentleman objects to this institution being built upon block 70, and I do not know why people should be allowed to object who do not live in the locality. I do not think it would be creditable to the roads board or to the Government to have the Bill rushed through. The people who live in the district should be considered. As to the roads board giving its approval, we all know what roads boards are like. One or two men generally run a roads board. As far as the petition is concerned, I may say that as a rule a petition is not worth the paper it is written on. People may go round with petitions—I have gone round with petitions myself—and if you have good pursuasive powers you can get people to sign anything to get rid of you. During the debate last Tuesday, one member mentioned a suggestion from the chairman of the roads board in reference to this matter, and immediately afterwards another member said that one of the members of the roads board had mentioned in a letter that he did not approve of the institution being on the site selected. We have to take these matters for what they are worth. As to the suggestion of Mr. Loton, to allow the second reading to go through and amend the Bill in Committee, I do not think that should be done. This Bill has been brought forward for the purpose of granting lot 70 and no other lot.

HON. C. A. PIESSE (South-East): Knowing as I do the value of allotments adjoining reserves, and as one who has taken up land and who knows how blocks adjoining reserves are eagerly sought after by purchasers, I feel it my bounden duty to support those who reside close to this reserve. I am given to understand, and it is not disputed, that those who have signed the petition which has been presented to the House do not reside close to this reserve. The objections of persons living near the reserve should carry more weight than those who live a long way off. I shall support the amendment that the Bill be read this day six months.

HON. J. A. THOMSON (Central): I do not wish to give a silent vote on this question, because it is of considerable interest to the public and to people living in the neighbourhood where it is proposed to erect this institution. When the matter came before the House in the first instance I felt inclined to vote for the measure, but since then I have changed my opinion entirely, not through any influence which has been brought to bear upon me, but, like Mr. Clarke, I thought the matter was of sufficient importance to inquire into for myself. I am satisfied that there are reserves at Cottesloe equally suitable for this institution as lot 70, and, better still, those reserves are nearer to the sea. In my opinion a far better site could be obtained for a building of the description it is intended to erect than the one suggested. Moreover, I am satisfied that to several sites no objection will be raised by the residents to the erection of the Cottage-by-the-Sea. Many members who have spoken on this question have alluded to personal interests. I do not allow those references to influence me in any way whatever. I do not think a member has a right to allow any personal interest to influence his vote in this House, and if I were living in the particular district referred to, and if there were any other portions of the reserve suitable for such a building as that which it is desired to erect thereon, I do not think I would oppose the measure for fear it might be thought I was opposing it on personal grounds. I do not give any weight to remarks of members who have opposed this matter on personal grounds.

Supporters of the Bill have gone out of their way to insinuate that those who are opposing the measure are opposed to the very laudable object that our revered Governor and his lady took in hand when here. That is altogether unfair. In my opinion, many, if not all, members who have spoken in favour of the Bill have insinuated that those who object to the site are also opposing the institution.

HON. G. RANDELL: No; nothing of the sort.

HON. J. A. THOMSON: I am very glad to have this assurance. The principal point which supporters of the measure have raised is that the site proposed in the Bill would be nearer to the railway station, and would be more convenient for the committee of management who would have to visit the institution. From my experience of committees of management, especially those composed of ladies, if I may be pardoned for saying so, it is well not to have institutions too easy of access, but to have them away from the railway, especialy if having them away from the railway would not detract from the usefulness of the object in view. I have fully made up my mind to vote for the amendment.

HON. T. F. O. BRIMAGE (South): The debate was adjourned, I certainly thought, to enable the Government to change the site. We have heard nothing from the representatives of the Government as to whether they intend to change the site or not. I feel more determined to vote for the amendment than I did previously. The Government have taken no opportunity of seeing whether they could change the site, and the supporters of the Bill seem to desire to insist on Parliament passing the measure as it stands. Mr. Randell has presented a petition signed by 236 persons in favour of the site named in the Bill, but the petition does not say how far the persons who have signed the document live from the proposed site. I think one site is as good as another, and I think we should consider those who reside nearest to the proposed building. The suggestion of Sir E. Wittenoom that this building should be put alongside the Convalescent Home should not be lost sight of. Even at this late hour it might be possible to see if something could not be done to carry out that proposal.

THE MINISTER FOR LANDS (Hon. A. Jameson): In reply to the arguments of hon. members on this Bill, which has already been fully discussed, I may say the adjournment was granted so that I might look fully into the subject to see if the Government could obtain block 61 in place of block 70. I understand that if we can get block 61 instead of block 70, all opposition will be withdrawn. I have made inquiry as to whether block 61 can be secured, and I find the committee of the Cottage-by-the-Sea do not object to that block, although they would prefer No. 70 as being more convenient. The committee are prepared to accept block 61 rather than altogether lose a site in the neighbourhood. It is most desirable for the purposes of the home that the site should be either block 70 or block 61. I may point out the exact position in regard to the selection of a block. When the Lands Department is requested to bring forward a Bill dealing with a Class A reserve, the department in every case appeals to the local governing body in order to ascertain whether there is any objection to the reserve in question being granted for the purpose proposed. In this case such inquiries were made, and the department was informed—and, as I understand the position, justifiably so—that there was no objection to a grant of this particular block. Farther, at a public meeting called to consider the question, the majority indorsed the view that there could be no possible objection to block 70 being granted for the purpose intended. I understand that to-day a petition in the same direction has been presented to the House. I wish to emphasise that although the Lands Department referred to the local governing body in the first instance, that body has no rights in the matter whatever. It rests entirely with Parliament to deal with Class A reserves, such reserves not being in any way whatever vested in the local bodies. It is merely portion of the policy of the Government to ascertain the views of the local governing body constituted by the vote of the people, in order that we may ascertain whether or not there is any objection, so far as that body is aware. The onus in this matter rests not on the roads board, but on members of this House: it rests entirely with Parliament to say whether

block 61 or block 70 is to be given to the committee of the Cottage-by-the-Sea. No reference whatever need be made to the local body if members of Parliament approve of block 61 as against block 70. At the same time, we have to recognise—it is my duty to point this out to hon. members—that in granting block 61 in place of block 70 we shall not be acting in accordance with the local wish, so far as I can ascertain what the local wish is. The chairman of the local roads board tells me that he does not think block 61 desirable for the purpose in view. Moreover, there has been no expression of public opinion as to the advantages of block 61 over block 70. The onus of the decision therefore rests entirely with hon. members. I say now that I am prepared to amend this Bill as suggested by Mr. Connolly. The amendment is a very simple one, involving merely an alteration of a figure in the schedule—the substitution of "61" for "70." With that alteration, I understand, all opposition to the Bill will drop. I would rather that this amendment came from some member of the House, since it is not quite in accordance with the policy which my department adopts; that is to say, in adopting this amendment, Parliament will be placing itself in opposition to the wishes of the local body. However, hon. members know all the arguments which have been used, and if they are prepared to approve of the granting of block 61, and prepared to disapprove of the granting of block 70, then there is an end of the matter. Rather than see the Bill thrown out, I am prepared to accept the amendment suggested. Hon. members may merely support the second reading, and then amend the measure as suggested. I ask, indeed I urge, the House to support the second reading, for I do not think there will be any difficulty whatever in substituting block 61 for block 70, and so removing all opposition, as I understand the matter. Hon. members will be approving merely of the principle of the Bill by supporting the second reading, and will leave themselves free to make the minor amendment suggested. Whether block 61 or block 70 be selected matters little to the residents, and indeed does not matter much to the committee: the point is of little consequence. Seeing that hon. members have stated that they would prefer the selection of block 61 for the purpose in view, I ask them to support the second reading and subsequently to amend the Bill by substituting "61" for "70."

HON. G. BELLINGHAM: Better withdraw the Bill and bring in a fresh one.

THE MINISTER FOR LANDS: That is unnecessary, since only a small amendment is required.

Amendment (six months) put, and a division taken with the following result:—

Ayes	14
Noes	9
Majority for	5

AYES.	NOES.
Hon. G. Bellingham	Hon. J. D. Connolly
Hon. T. F. O. Brimage	Hon. J. T. Glowrey
Hon. W. G. Brookman	Hon. J. W. Hackett
Hon. R. G. Burges	Hon. A. Jameson
Hon. E. M. Clarke	Hon. R. Laurie
Hon. W. Maley	Hon. W T. Loton
Hon. E. McLarty	Hon. M. L. Moss
Hon. B. C. O'Brien	Hon. B. C. Wood
Hon. C. A. Piesse	Hon. G. Randell (*Teller*).
Hon. J. E. Richardson	
Hon. C. Sommers	
Hon. J. A. Thomson	
Hon. J. W. Wright	
Hon. A. G. Jenkins (*Teller*).	

Amendment passed, and the second reading thus negatived.

ADMINISTRATION (PROBATE) BILL.

IN COMMITTEE.

Resumed from the 2nd September.

First and second Schedules—agreed to.

HON. C. SOMMERS said he would move an amendment on recommittal.

Preamble, Title—agreed to.

Bill reported with amendments.

RECOMMITTAL.

On motion by the HON. C. SOMMERS, Bill recommitted.

Clause 87—Absent executor may appoint an attorney:

HON. C. SOMMERS moved "that the word 'where,' in the first line, and the words 'resides out of or is absent from Western Australia temporarily or otherwise he,' in the second and third lines, be struck out." If an executor or administrator left the State he was able to appoint an attorney to act in his absence, but if an executor or administrator went to a place 80 miles from Onslow, and was more inaccessible than if he were over the border in another State, he could not appoint an attorney. It would facilitate business if an attorney could be appointed to act in the place of an

executor or administrator when out of reach, but within the State.

HON. M. L. MOSS (Minister): The mover was confusing the duties of an executor with the duties of a trustee. The duties of an executor were to obtain probate of a will, to realise the estate, pay debts, and distribute the property. The duties of an executor were quickly over. Under the Trustee Act of 1900, power was given for a trustee to delegate his powers. In the absence of that provision, a trustee could not delegate any powers and he could not grant a power of attorney, but Parliament made a step in the right direction in empowering a trustee, when temporarily outside Western Australia, to appoint an attorney. If the hon. member desired to give a trustee power to appoint an attorney when distant from the place where he ordinarily resided, there might not be any objection to that, but before one could consent to such an amendment, he would have to consult with the Attorney General. Such an amendment could not be inserted in the measure before the Committee because it was foreign to the object of the Bill. The hon. member proposed that an executor, who was sworn to carry out the provisions of a will, should be enabled to delegate his powers to some other person. That was not necessary.

HON. W. T. LOTON: It was not advisable.

HON. M. L. MOSS: The hon. member wished to give power to a person to delegate his powers as a trustee, which one had never known to be done.

HON. C. SOMMERS: It appeared that if an administrator lived in another State, he had the power to appoint an attorney to act for him; but if a man was in an inaccessible portion of the State, then he could not delegate his powers. The words "by leave of the court" would still remain in the clause if amended according to his desire. He asked that the consideration of the clause be postponed.

Clause postponed.

New Clause:

HON. C. SOMMERS moved that the following be inserted as a new clause:—

The Court may, by way of remuneration, allow to an executor or administrator for the time being, on passing his accounts, a commission not exceeding five pounds per cent. on the assets collected by such executor or administrator, including rents and income. No allowance shall be made to any executor or administrator who omits to pass his account pursuant to any order of the Court.

In all other States this provision was made. At present if a man made a will, unless he specified some remuneration for the executor, the executor could not claim remuneration for services rendered, and unless this amendment were carried considerable harm might be done. A grazier who had a large estate might desire to appoint his neighbour his executor, and after the man's death the executor could not afford to carry on the estate because no remuneration was provided for the service done. Five per cent. was not too high, and no remuneration would be paid to an administrator unless the accounts were passed. When the Probate Bill left this Chamber last session, such a clause as the one proposed was inserted in it, and he did not know why the clause was struck out. It might be argued that executors should be remunerated by legacies; but values of estates were apt to vary to such an extent, particularly in this country, that such a form of remuneration might not be equitable.

HON. W. T. LOTON: The fact that this clause was in force in States which esteemed themselves progressive, such as New Zealand, should not necessarily induce us to pass it. An executor's remuneration should be fixed by the will. If this new clause were passed, an executor who did not consider himself sufficiently remunerated by the will might apply to the Court for a commission, and thus receive remuneration twice over. The tendency of the clause would be to lead persons to set up as executors' agents, for the express purpose of getting the management of estates. It was not desirable, for instance, that legal gentlemen should act as executors in all cases. Estates in which mercantile and general businesses were concerned could not, as a rule, be well administered by legal gentlemen; indeed, testators in such cases generally appointed private persons or a trustee company to the executorship.

HON. M. L. MOSS: A clause practically the same as this had been moved by him last session, and had resulted in the Bill being thrown out in another

place. The Supreme Court Act, 24 Vict., No. 15, provided:—

> It shall be lawful for the Supreme Court to allow to any administrators of the effects of any deceased person such commission or percentage out of the assets as shall be just and reasonable for their pains and trouble therein.

The Settled Land Act of 1892, under which Act every will dealing with land was a settlement, provided:—

> The Court, or a Judge, may, by order, authorise the trustees of a settlement to retain for their own use out of the income of the trust property, or in case of a sale by the trustees, out of the proceeds of the trust property, a reasonable sum by way of commission for their pains and trouble in the management or sale of the property; but no such commission shall be allowed at a higher rate than five pounds per centum of the income or proceeds.
>
> An order under this section may be made upon summons or petition, or, if the settlement is a will, and the executors are also the trustees of the settlement, upon an application to pass the accounts of the executors.

HON. G. RANDELL: Did that provision apply to personal property?

HON. M. L. MOSS: No. At the present day an administrator was entitled to get from the Supreme Court an order giving him a certain commission or percentage on the whole value of the estate, and under the Settled Land Act he was entitled to a commission or percentage on real property or landed property. Thus, while an administrator was entitled to commission on the whole of the estate, an executor was entitled to commission only on the landed property. A reference to the first schedule showed that this Bill repealed Sections 6, 7, 8 and 9 of 24 Vict., No. 15, and it was Section 9 which made provision for the payment of commission to an administrator. The Bill, therefore, took away the rights which administrators at present enjoyed, but still left the trustees of settlements their claim to commission. Having gone through the statutes regulating the law with the Parliamentary Draftsman, he had satisfied himself that the new clause was in operation in the whole of the Australasian States, including New Zealand, and had been in operation in certain States for as much as 20 years. The clause was very fair, being safeguarded in every way. Before a Judge would make an order under this clause, he would satisfy himself by affidavit, or by witnesses, who would be subject to cross-examination, as to exactly what work had been done, so that no more than reasonable remuneration might be allowed for the services rendered in the administration of an estate. The West Australian Trustee, Executor, and Agency Company, Limited, charged five per cent. on the value of estates.

HON. W. T. LOTON: No. The company charged five per cent. on estates up to a value of £1,000 only; beyond that limit the rate of commission was reducible.

HON. M. L. MOSS: No doubt a Judge in administering this measure would be largely guided by the scale of remuneration set out in the Trustee Act. It was improbable that a Judge would allow the maximum commission of five per cent. in connection with any but small estates. This matter had not been considered by the Government, and he had risen merely to put the legal position before the Committee, at the same time expressing himself as strongly in favour of the clause.

SIR E. H. WITTENOOM: A strong argument in favour of the clause was that it did away with the necessity for a legacy to the trustee. Legacies were extremely dangerous; since circumstances might change, and an estate might be so reduced in value as to meet only the first charges, namely the legacies, with the result that the widow and children, who had the greatest claim to the property, got nothing. Any testator knowing of the provision suggested would take care to leave the trustee no legacy. If there was no estate, and no work consequently was done, no commission would be paid to the trustee.

HON. A. G. JENKINS: This clause should be added to the Bill. Executors and administrators should receive remuneration for the performance of their frequently laborious duties. A private individual should not be asked to do for nothing what a company charged for doing. If this clause were not passed, the tendency of the Bill would be to force all estates into the hands of the West Australian Trustee, Executor and Agency Company, Limited, since trustees without a prospect of remuneration for their services would be strongly disposed to renounce probate. Mr. Loton was in error when he stated the charges which could be made by a

company were fixed by Act of Parliament. Members should pass this clause so as not to make one law for a private executor and another for a company.

HON. G. RANDELL: A similar clause to this was passed in the Probate Bill of last session, but was struck out in another place, the reasons being that there was a probability of lawyers taking care to get themselves appointed executors and administrators, which was undesirable. Why an attorney should be allowed five per cent. to collect accounts, and an executor or an administrator was not to get five per cent., he could not understand. The Committee might safely leave this matter to persons who left property behind them. If a person was so neglectful of the interests of those he left behind him, then he would be guilty of a dereliction of duty to his family. Considering what had happened to the Bill on a previous occasion when a similar clause to this was inserted, it was not wise now to jeopardise the measure. It was important, he understood, that the Bill should pass as quickly as possible, and it was a pity to risk the Bill being lost. The legal profession in this country were most respectable, but there had been instances in which solicitors had been struck off the rolls. It was desirable to protect the public against such persons.

HON. C. SOMMERS: This provision was passed in the other States in 1879 by conservative Governments. Because there were a few black sheep among the legal profession, the general public were to suffer. In the other States this law had not been abused. It was far better to know that a certain amount was provided by law for persons who worked in the interests of an estate than to leave it to be decided when the work was done.

HON. R. G. BURGES moved that the new clause be amended by striking out, in line 2, the word "five" and inserting "two and a half."

SIR E. H. WITTENOOM: Would this amendment imperil the Bill?

HON. M. L. MOSS: The amendment would not imperil the Bill, but the Assembly in all probability would not agree to the amendment. Two and a half per cent. was not sufficient when dealing with small estates of £100. It was better to leave the matter to the Supreme Court.

Amendment by leave withdrawn.

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

Ayes...	16
Noes...	5
Majority for	11

AYES.	NOES.
Hon. R. G. Burges	Hon. T. F. O. Brimage
Hon. E. M. Clarke	Hon. W. T. Loton
Hon. J. D. Connolly	Hon. G. Randell
Hon. J. W. Hackett	Hon. Sir George Shenton
Hon. A. Jameson	Hon. J. E. Richardson
Hon. A. G. Jenkins	(*Teller*).
Hon. R. Laurie	
Hon. E. McLarty	
Hon. M. L. Moss	
Hon. B. C. O'Brien	
Hon. C. A. Piesse	
Hon. C. Sommers	
Hon. J. A. Thomson	
Hon. Sir Edward Wittenoom	
Hon. J. W. Wright	
Hon. B. C. Wood	
(*Teller*).	

Question thus passed, and the clause added to the Bill.

New Clause:

HON. M. L. MOSS moved that the following be added as Clause 89:—

Deposits not exceeding Fifty pounds in any Bank may be paid to the widow or next of kin without probate or administration.

On the death of any person leaving a sum of money not exceeding Fifty pounds standing to his credit in any Bank, if no probate or administration is produced to such Bank within three months of the death of such person, and no notice in writing of any will, or of an intention to apply for administration, is given to the Bank within the said period, the Bank may, after notice in writing to the Curator, pay such sum of money to any person who appears to the satisfaction of the manager of the Bank to be the widow of such deceased person, or to be entitled to the effects of such deceased person under the Statute of Distributions, and payment of such sum of money accordingly shall be a valid discharge to the Bank against the claims of any other person whomsoever.

The object of this new clause was to put an ordinary bank in the same position as the Post Office Savings Bank.

Question put and passed, and the clause added to the Bill.

On motion by Hon. M. L. Moss, progress reported and leave given to sit again.

EXPLOSIVES ACT AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 to 6, inclusive—agreed to.

Schedule:

SIR E. H. WITTENOOM: To handle explosives was not only dangerous, but