

nity presented itself we should be a united Parliament, and be worthy of the best tradition of that old gentleman who led the country from the obscurity in which he found it to its present heyday of prosperity. We should continue that policy, and depend upon it it was the way to unite all parties to bring about the prosperity of everybody in the community.

On motion by the TREASURER, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 22 minutes past 10 o'clock, until the next afternoon.

Legislative Assembly,

Thursday, 24th November, 1904.

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THE SPEAKER took the Chair at 3-30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY : Amended Regulations passed by the Pharmaceutical Society of Western Australia.

QUESTION—PRISONER BEHAN.

MR. NEEDHAM asked the Minister for Justice: 1, Has the inquiry into the case of prisoner Behan, at present in Fremantle Goal, been opened in accordance with the promise of the Minister, when

replying to a question on this matter on former occasion? 2, If so, when was the inquiry opened? 3, Is it a fact that the man Hansen, who is alleged to have made a confession, is missing, and that the officers of the Criminal Investigation Department are unable to trace him?

THE PREMIER replied: 1, Copies of all documents connected with this case were made out and forwarded to his Honour the Acting Chief Justice, on the 15th inst. He will nominate a Judge to investigate the case as soon as possible. All the Judges have been fully occupied in the Full Court and at Nisi Prius, and consequently the investigation has been slightly delayed. 2, See No. 1. 3, Hansen has made and signed a document with reference to the matter, but has made no confession. On his release at the termination of his sentence, he was informed that the document in no way implicated him, and was asked to report his whereabouts to the police once a week, in case he was required as a witness. On the last occasion when he should have reported himself he did not do so, and the police are now ascertaining his whereabouts.

QUESTION—RAILWAY INSPECTORS.

MR. A. J. WILSON asked the Minister for Railways: 1, What is the salary paid to Inspector Gatherer and Inspector Gregg? 2, Are the appointments permanent or temporary?

THE MINISTER FOR RAILWAYS replied: 1, Mr. Gatherer, £4 per week and 10s. per day travelling allowance when travelling; Mr. Gregg, £200 per annum and £100 per annum travelling allowance. 2, Messrs. Gatherer and Gregg are regularly employed, and will continue to be so employed so long as they give satisfaction and there is work for them to do.

REPORT—EMPRESS OF COOLGARDIE GOLD-MINING LEASE INQUIRY.

MR. HORAN brought up the report of the select committee appointed to inquire into the forfeiture and reinstatement of this lease, and into allegations made.

Report received and read.

On motion by MR. HORAN, report ordered to be printed (evidence in typewritten form to lie on the table).

BILL, FIRST READING.

TRANSFER OF LAND ACT AMENDMENT, introduced by the Minister for Mines and Justice.

FACTORIES ACT AMENDMENT BILL.

SECOND READING.

Resumed from the 10th November; the MINISTER FOR RAILWAYS AND LABOUR (Hon. J. B. Holman) in charge of the Bill.

MR. H. GREGORY (Menzies): It is not my intention to oppose the second reading of this Bill; but in Committee I hope the Minister will agree to fix both the minimum and the maximum air space to be insisted upon. We are just starting factories in Western Australia, and I should not like to see regulations framed that might press heavily on them in their infant stage. I hope the Minister will consent to have the maximum to be provided by the regulations placed in the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. BATH in the Chair.

Clause 1—agreed to.

Clause 2—Amendment of Section 27, Subsection 6 (air space in workrooms):

THE MINISTER FOR LABOUR: There was no necessity to put a maximum in the Bill. He had gone fully into the question, and had referred to all the authorities he could possibly get; and he found that in no Factories Act was any provision made for any air space to be observed. In other words, it was left to regulations. If we were to fix a maximum space, the inspector could not go beyond it. In some trades and callings it was always necessary to have more air space than in others. The passing of this amending Bill would not interfere with our factories in the slightest, because in only one or two cases would alterations have to be made. There was a report made in connection with the factories in Perth and Fremantle last year, and the spaces available then were in almost every case more than we would put in the regulations. The space intended to be put in the regulations was a minimum of 400 cubic feet, and that was provided for in the regula-

tions in England, New Zealand, New South Wales, Queensland, and Victoria. In no case was a maximum set out. According to the report mentioned 1,000 cubic feet of air space was in some cases provided. Out of a total of 70 provisions for spacing, in only about 10 did the reserved space fail to come up to our minimum; and most of the exceptions were dress-making and tailoring factories. In these there should be as much ventilation as possible. In almost every case where the air space was less than our proposed minimum, the ventilation was very bad. The authorities claimed that over 2,500 cubic feet per person per hour was needed to maintain the air in a reasonably healthy state. The air in the room must for this purpose be changed 16 times per hour, which could not be done under our existing Act with its maximum of 54 cubic feet per head. In no other Factories Act was there any provision for a minimum and a maximum air space; such provisions being made in regulations. Section 53 of our Act provided that if the occupier considered any requisition necessitating an expenditure exceeding £5 to be unreasonable, he might appeal to the Local Court of the district, after delivering to the clerk of the court a notice setting forth the grounds of the appeal; and the inspector would then have to show good cause for the alterations. As the minimum would not inflict hardship on any manufacturer, and as the inspector could be trusted not to exceed his duty, members would be wise to pass the clause unaltered.

MR. RASON: This was not a question of an inspector exceeding his duty or of the right of appeal. By the Act the inspector might determine what air space should be reserved for the use of each worker, and the occupier must cause the same to be reserved; and such space must not be less than that prescribed by regulation; provided that it should not exceed that in force for schools under the Education Act. The object of the clause was to strike out the proviso. It would be impossible for any inspector or any magistrate to rule that the space should be less than that prescribed by the regulations as the minimum. The Minister said the minimum would be 400 feet; but the regulations made by the present Government might not hold good

for more than 24 hours. We must realise that this State differed from States which had many factories and well-established industries. Here manufactures were only commencing. Any one intending to build a factory to employ, say, 200 hands, would naturally wish to know the maximum and the minimum air space he must provide. If the regulations now forecasted were then in force, he would know that 400 feet for each person was requisite; but if these regulations were subsequently altered to provide for a minimum of 600 feet, what would become of the factory? Having the experience of England and of other States where 400 cubic feet was prescribed, we ought to give the factory-owner some security. For a factory of any size 400 feet per head was a generous provision. As we wished to encourage industries and to build up factories, provide a fair and reasonable air space, sufficient to give factory employees healthy surroundings.

MR. A. J. WILSON: Would not the space needed vary with the class of work?

MR. RASON: The minimum fixed by an Act of Parliament could be altered by another Act; but the factory proprietor should not be at the mercy of a Government or a Minister. He would subsequently move an amendment to insert: "Provided, however, that such reserved space shall not be required to exceed 450 cubic feet for each person working therein, and provided that the Minister may, on cause shown, exempt any factory or workroom from the operation of this section." This maximum was 50 feet higher than that provided in the regulations of any other State or in England; and the proviso just quoted was in effect that of New South Wales.

THE MINISTER strongly objected to a maximum so low as 450 feet. In 1902 the English regulations providing 250 feet were altered to give 400 feet as a minimum; in 1903, 500 was made the minimum for underground bakehouses and similar factories. It was impossible in the Act to fix a suitable maximum. In no case where regulations were framed under a Factories Act in England or Australia was any maximum inserted in the Act. The air space must be taken in conjunction with means of ventilation;

else we might cause injurious draughts. Some manufacturing processes generated noxious gases; and too low a maximum might necessitate ventilation involving draughts dangerous to health. Let us follow New South Wales, Victoria, New Zealand, and England. He would object to provide in the Bill for a maximum or a minimum. There was no necessity for the amendment.

MR. RASON: The amendment he wished to move had hardly been stated correctly by him. He did not wish to alter the wording. It would be necessary to agree to strike out the words sought to be struck out by Clause 2 of this amending Bill, and if those words were taken out he wished to add these words: "Provided, however, that such reserved space shall not be required to exceed 450 cubic feet for each person working therein, and provided the Minister may, on cause shown, exempt any factory or workroom from the operation of this section." The remarks of the Minister as to ventilation had nothing whatever to do with the quantity of air space provided. Wholly apart from the question of air space provided it was laid down in the preceding clause that a factory should be ventilated in such a manner as to provide a sufficient supply of fresh air. That was where the inspector came in. The inspector could at all times say whether a factory was ventilated in such a manner as to ensure a sufficient supply of fresh air. We were dealing with the air space reserved to each individual in the building itself, no matter whether it was necessary or not. A place might be ever so well ventilated, but it was necessary there should be an air space reserved. We might have people working in a factory under absolutely perfect conditions of health where they enjoyed only 200 cubic feet of air space, whilst on the other hand we might have them working with 800 cubic feet of space and yet the conditions might be wholly unhealthy, if no due regard was had to the ventilation. What he (Mr. Rason) was anxious if possible to secure was that we should not frighten away people who wished to embark in enterprises in Western Australia. No reasonable man would be content to leave the question as to whether he should be compelled to rebuild his factory to the

whim of any individual. He moved an amendment:

That the following words be added to the clause: "and by inserting the following words in lieu thereof:—'provided, however, that such reserved space shall not be required to exceed 450 cubic feet for each person working therein, and provided the Minister may, on cause shown, exempt any factory or workroom from the operation of this section.'"

THE PREMIER could not see the advantage that would be gained by the amendment. The hon. member seemed to assume that regulations under this Bill would if passed be made purely from a whimsical idea of the individual Minister without the recommendation of any responsible officer and without consideration by the Cabinet, and that when made, if they were bad regulations, they would not be overhauled in Parliament. The regulations under any Act were not necessarily final, but were always subject to discussion in Parliament, and if there was anything wrong in them Parliament could compel the Ministry to recall and regulate them.

MR. RASON: Parliament was not always sitting.

THE PREMIER: We ought to assume that Ministers were not going to act in these matters without proper expert advice and due consideration. It might be alleged that in a new place where factories were likely to spring up we should offer every encouragement to them, and he agreed that every possible inducement should be held out to persons prepared to start a new industry. He would like to see far more factories of every description in Perth than there were at present, but we should be offering a wrong inducement altogether if we allowed any person to start a factory without providing the requisite air space for every individual employed in that factory. If a certain amount of air space was necessary in a country whose industries were old, an equal amount of air space was needed where a new industry was established. The hon. member was not satisfied with suggesting a maximum of 450 feet, but he went farther and offered an opportunity to any Minister at his own whim—to use the hon. member's words—to turn aside the entire force of this Act of Parliament and any regulations made under it.

MR. RASON: That was the New South Wales regulation.

THE PREMIER did not care what regulation it was, it was doing in one direction exactly what the hon. member objected to having done in another—giving the whole power to override regulations into the hands of the Minister.

MR. LYNCH: It was the duty of every member to give inducements to people likely to start factories, but it was necessary that a minimum air space should be stipulated. A minimum should be an indispensable condition, and then the employer if generously inclined could increase the air space at his own sweet will. The amendment would have far more weight and would be of much more value if it provided for a minimum and not a maximum. The would-be starter of an industry in this place would not be frightened by the obligation of providing ample and suitable air space such as had already been agreed to in much colder climates.

MR. FRANK WILSON did not think any member of the Committee objected to proper air space being provided in factories. We could not expect, however, to encourage the starting of factories in our midst if there was a danger of those factories being put out of work, as it were, by subsequent regulations. If we could fix a maximum which would cover the generality of factories in Western Australia, he did not see why we should not insert it in the Bill. He would like to know from the Minister the reason for this proposal. Had there been any trouble with factories? He had heard no explanation of the cause of this proposal.

THE MINISTER: If the hon. member had been present during the debate on the second reading he would have heard.

MR. WILSON: It would have been just as well for the reason of this clause to have been given now. In the old Act the maximum was specified, the measure stipulating that it should not exceed the maximum mentioned in the Education Act. How much was that?

THE MINISTER FOR LABOUR: It was 154 feet.

MR. FRANK WILSON: If it was right for public schools to provide 154 feet, what harm would accrue to a dressmaker, for instance, in providing

154 feet, although he did not say 154 feet was right? If we were to legislate for one special class, then why not make the public schools larger, for the public schools in Western Australia were overcrowded? Legislation was brought in which might deter the establishment of factories in our midst. If 154 feet were not sufficient, then provide 500 feet, but provide a maximum so that when a man established a factory he would know what air space he had to provide.

THE MINISTER FOR LABOUR: The public school buildings in Western Australia were the best ventilated in the Commonwealth. The space provided for each child was 154 cubic feet, and when one considered that the school children went in at half-past 9 o'clock and at 11 o'clock they were let out for a quarter of an hour and then went back for another hour, could one compare children at school, under these conditions, with grown-up people working in factories? Members must recognise there was a great difference. If we accepted the maximum laid down in the Education Act, 11 persons would be allowed to work in a room 12 feet by 12 feet, by 12 feet high, which would provide 6 feet 6 inches by 2 feet for each person, which was more than a person would require when dead. The leader of the Opposition had said that the Bill would prevent people from establishing industries; but the amendment would provide equally good or better conditions than existed in England in regard to factories. There were factories in England where there must be a minimum of 500 feet.

MR. FRANK WILSON: Special trades.

THE MINISTER: Yes; the Bill only provided the same air space that was necessary under the New Zealand Factories Act. In Victoria the regulations were controlled by a board of public health, the members of which in all probability were elected by the factory owners themselves, and in Victoria the regulations provided that there should be one person to every 400 cubic feet; 450 feet was the maximum here, and 400 feet the minimum in Victoria.

MR. RASON: Were not the facts in relation to Victoria that questions of sanitation were left, not to a board of health but to a board upon which both employers and employees were repre-

mented? The board was elected from among the employers and the employees.

THE MINISTER: The board in Victoria was elected by the ratepayers, from the ratepayers.

MR. RASON: Elected from the employers and the employees.

THE MINISTER: What the leader of the Opposition referred to related to the payment of wages board in Victoria and not the regulations as to factories.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): We were losing sight of the fact that it was dangerous to fix a maximum air space. In the majority of cases a minimum was fixed but seldom a maximum. It was possible, when a building was erected in an open space and ventilated from both sides, that the air space inside need not be so great as in the case of a building which had not air space around it; therefore the question was left to regulations. The Bill proposed to decide by regulation what the minimum should be. The member for Guildford raised the point that someone might desire to build a factory to start an industry. When that person was building the factory he would be influenced by the surrounding conditions, and if cramped in by other buildings he would allow more air space than if he was not cramped in. A person about to erect a factory would consult the inspector, who would go over the site, see what the possibilities of ventilation were and the system decided on, and then determine the air space accordingly.

On motion by **DR. HICKS**, progress reported.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL.

COUNCIL'S AMENDMENTS.

Schedule of amendments made by the Legislative Council now considered.

IN COMMITTEE.

MR. BATH in the Chair; the **MINISTER FOR RAILWAYS AND LABOUR** in charge of the Bill.

No. 1—Clause 3, line 4, before the word "district," insert "industrial":

THE MINISTER FOR LABOUR: When the Bill was previously before the House it was intended to insert the word "locality" instead of "district," so that

the Arbitration Court in every case should hear a dispute in the locality where the dispute occurred; and now before the word "district," which had really accidentally been retained in the Bill, the Council had inserted the word "industrial." The effect would be that the court could only be compelled to sit in an "industrial district," and the amendment made the position worse. Western Australia was divided into only three industrial districts; so the court would, if the amendment went through, be allowed to sit in only three places in the State. It was desired that the court should sit, if practicable, in any locality where a dispute arose and not in the industrial district. The clause as it stood when it left the Assembly would at any rate allow the court to sit in any centre where an industry was carried on. He moved

That the amendment be not agreed to.

Question passed, and the Council's amendment not agreed to.

No. 2.—Section 2 of the principal Act is hereby amended by the addition, at the end of Subsection (a) thereof, of the following words: "And the intervals at which such wages, allowances or remuneration shall be payable."

THE MINISTER: This amendment was not necessary. In Subsection (b) of Section 2 of the principal Act the court already had the power sought to be given by the amendment, and had already utilised it.

POINT OF PROCEDURE.

MR. QUINLAN: There were two copies of this Bill on his file, but neither mentioned the matter to which the Minister was referring. Why was this sort of thing going on? What were we voting on?

MR. A. J. WILSON: A copy of the Bill as amended in Committee was in his (Mr. Wilson's) possession.

THE MINISTER: Evidently another place had neglected to send along prints of the Bill as amended by them. They had effected three amendments which appeared on the Notice Paper. In the circumstances progress might be reported. He did not know whose neglect it was that prints of the Bill as amended were not in the possession of members, but when Bills were amended by another

place they should be brought before members of the Assembly.

THE CHAIRMAN: We were dealing with the Bill as amended in Committee and with the amendments made by the Legislative Council. It was not customary, except on rare occasions, for members to be given copies of Bills as amended in Committee in this House; so members had to rely, if they wished to see how a Bill stood when it left the Committee, on the notes they made themselves when the Bill was passing through Committee.

MR. QUINLAN: Having been in the House a great number of years, he had never known an instance where members were asked to deal with a subject they had not before them. The last question has been passed, and nobody but the Minister knew what it was. If that was legislation, the sooner we gave up legislating the better.

THE MINISTER FOR MINES (Hon. R. Hastie): The difficulty had arisen on previous occasions, but had been got over by the Clerk producing a copy of the Bill as it passed this House and as it was distributed in another place.

MR. RASON: It was hardly fair for the Minister in charge of the Bill to attach blame to another place. The member for Toodyay (Mr. Quinlan) wished, and every member was entitled to, a copy of the Bill as amended in Committee by this House.

MR. A. J. WILSON: Such a copy was in his (Mr. Wilson's) possession.

MR. RASON: The hon. member might be one of a privileged few.

MR. SCADDAN: Copies were now being distributed.

THE MINISTER FOR WORKS: Copies of the Bill as amended in the Assembly were now distributed. Two sessions ago when dealing with the Arbitration Bill there was exactly the same difficulty, and members had to run round from one to another to get copies of the Bill as amended in Committee in order to discuss the amendments made by the Council.

MR. FRANK WILSON: It was his (Mr. Wilson's) experience of Parliament in Western Australia that when a Bill had been amended in Committee it was reprinted and circulated amongst members. Otherwise, how could members know what had been done?

THE MINISTER FOR WORKS: Hon. members must amend their Bill files.

MR. F. WILSON: There might be a Bill with 150 clauses.

THE MINISTER FOR WORKS: Members had to do it during last Parliament.

MR. F. WILSON: The Bill had to be printed afresh to be sent to the Upper House, and members here should have reprints so that if any amendments came from the Upper House we would know exactly what we were dealing with. In this instance that had been done, for during the last few moments reprints of the Bill as amended had been handed to members. Amended copies of the Bill should have been placed on members' files.

THE CHAIRMAN: In order that there could be no possibility of blame attaching to anyone, as a question of absolute fact it had not been customary during this session or in two previous sessions, except on rare occasions, to give members copies of Bills as amended in Committee. It was done with some big Bills, but was not customary; so that no blame could be attachable for not doing a thing which it was not customary to do. If members thought it desirable to have reprints, it was altogether a different matter. Personally he thought it desirable that Bills as amended in Committee should be reprinted for members, so that they could thoroughly understand amendments such as these now before the Committee. Bills were reprinted after the third reading, not only for this House, but for another place.

MR. RASON: The Bill another place considered was manifestly the Bill as amended in Committee by the Assembly, and it must have been necessary to reprint it in order that members of another place could consider what the Assembly had passed.

THE MINISTER FOR WORKS: But the reprint was not distributed in the Assembly.

MR. RASON: It would be very easy to do so. It was not a question of printing, for the Bill had to be reprinted for another place. All that members desired was a copy of the Bill as it left this House.

THE CHAIRMAN: Only sufficient copies were printed for members of another place.

RESUMED.

THE MINISTER FOR LABOUR: This amendment (No. 2) was not necessary, as previously indicated. The subsection of the principal Act provided that the hours of employment, sex, age, qualification, and status of workers, and the mode, terms, and conditions of employment could be determined by the court. This gave the court power to say how often wages should be paid, and the Arbitration Court already in ten cases and the Conciliation Boards in six cases had taken that power. Why requests for fortnightly pays were not pushed on the goldfields was because the system would work harshly on the smaller mines, which cleaned up their batteries monthly and paid monthly. If an award were given on the goldfields providing for fortnightly pays and the small mines did not carry out the award, there would be a liability on both workers and mine owners for a breach of the award. Provision was now made in another Act by which the payment of wages on mines could be made fortnightly with the permission of the Minister for Mines; so there was absolutely no necessity for this amendment. He moved

That the amendment be not agreed to.

MR. RASON: When the Bill was last discussed, the Opposition argued that the court had power to determine the intervals between paydays; but the Government laughed them to scorn. Now, without explanation or apology, the argument of the Opposition was adopted by the Minister for Labour. If the court rightly had the power, that power was rather implied than expressed; and what harm could be done by expressing it as was proposed in the Council's amendment?

THE MINISTER FOR WORKS: The dispute in the previous discussion regarded mining awards only. The court undoubtedly had power to determine the intervals at which wages should be paid; but on the goldfields these had never been determined, because any such award must apply to the whole of an industrial district; and while it might be right that a big mine at Leonora should pay fortnightly because it was close to a bank, fortnightly pays would inflict great hardship on a mine 12 miles distant from the

town. The preceding speaker was mistaken as to the last discussion on this matter. No Government member said the court had not the power; in fact, in other than goldfields districts the court had frequently fixed paydays. The Council's amendment was simply superfluous.

THE MINISTER FOR LABOUR: A grave objection to the amendment was that it might curtail the power of the court. Section 74 of the parent Act provided that the court should have full power and exclusive jurisdiction to determine all disputes before it as in equity and good conscience it thought fit. The court having exercised its power to fix paydays, if we passed the amendment empowering the court to do this we should practically declare that the court had exceeded its powers; and the court would in future be induced to interpret the Act strictly instead of liberally.

MR. GREGORY: The arguments of Ministers were ingenious. The Minister for works was reported to have said recently in Kalgoorlie that he believed in expediency. In discussing the Mines Regulation Bill the member for Sussex stated that the court had full power to determine this question; and his statement was flatly contradicted from the Government side of the House. He (Mr. Gregory) had sought to provide in the Mines Regulation Bill that fortnightly pays should not be compulsory, but that the Governor-in-Council should declare what mines were to pay fortnightly. The Arbitration Act provided that the court should have power to fix the wages, allowances, or remuneration of workers, or the prices paid or to be paid in respect of their employment. The power to fix paydays was implied but not expressed. Why should the Government object to making the Act clear?

THE MINISTER FOR LABOUR: It was clear.

MR. GREGORY: In what section was the power given? If a union asked the court for a weekly payday, its declaration by the court might be objected to as *ultra vires*. Possibly the Minister believed that monthly payments were preferable to weekly or fortnightly; else why his objection to specifically declaring the power of the court?

THE MINISTER FOR LABOUR: The preceding speaker had much of the ingenuity with which he credited the Government. He read Subsection (a) instead of (b). The latter provided that the court should have power in all matters relating to the hours of employment, sex, age, qualification, or status of workers, and the mode, terms, and conditions of employment. That wages should be paid weekly or fortnightly was a condition of employment; this subsection fully covered the ground which the Council's amendment was supposed to cover; and the court had already utilised its power under the subsection. The hon. member was in error in saying that a Government supporter had said the court had no such power. All interested in the work of the court knew that this power had been utilised almost from the start.

MR. GREGORY: Why then did the Minister specially ask him last year to promise to insert in the Mines Regulation Bill provision for compulsory fortnightly payments?

THE MINISTER believed he was the first to bring forward the matter of fortnightly pays. In reply to the question asked, the reason of these conditions was that he knew that in a great number of cases small mines were totally unable to pay fortnightly, and if we compelled the court to make an award in all those mining districts, and wages were not paid fortnightly, every employer and employee would be liable to be brought before the court for breach of the award, and to be fined. He did not desire to harass the small mining properties at all, and although he conducted a great many cases before the Arbitration Court and in some of those cases the request was made by the workers that wages should be paid fortnightly, he never forced that question. He was rather surprised at the opposition from the member for Menzies, and the statement that the Government side of the House said the court had not power. He (the Minister) did not remember making such a statement, because he knew the court had power. If we accepted the Council's amendment, we should be practically saying that the court had not had that power, and the court would be very careful in the future not to go beyond the powers laid down in the measure. The intention of the Act

was to give the court power at any time. Section 74 contained the words "in such manner in all respects as in equity and good conscience it thinks fit."

MR. FRANK WILSON: The argument of the Minister went to show that the words "equity and good conscience" enabled the court to go beyond the bounds of the Arbitration Act; but although the powers of the Arbitration Court were wide, and necessarily so, still they were confined by the sections of the Act, and the court could not go outside the Act. If the Arbitration Court exceeded the powers conferred upon them, the Supreme Court could step in and interfere. He had always maintained that the court had power to regulate the times at which wages should be paid in the several industries. It had done so in the past, and would do in the future, but that was no argument against adopting the clause the Legislative Council had suggested. If there was any doubt about it, there was no reason why we should not insert that clause, and put the question beyond doubt. He understood the Minister for Works objected to the Council's amendment because the awards on the goldfields must necessarily apply to large areas. The awards anywhere in Western Australia might apply to large areas, even in the coastal districts. He did not think the hon. gentleman need fear this clause on that account. If we took the North-East Goldfields, we found the Gwalia centre, perhaps Morgans and we might find Menzies, all capable of paying their wages fortnightly, with benefit to themselves and the workers; but we might have smaller mines at Laverton and other places out back where it would be perhaps a hardship to have to pay wages fortnightly.

THE MINISTER FOR WORKS: That was just why the court would not make an award on them.

MR. FRANK WILSON: It was possible for the court to make the awards apply to places individually if it liked. It only meant a different award for different centres. The court could make its award fit in with the nature of the industry, or the nature of an individual mine. They could limit it to a lease or to a mine, if they liked. In the case of the Collie Proprietary Coal Company the award applied to one mine only. The

same thing could be done on the goldfields. The clause proposed by the Council would not do any harm, and it might do some little good, because there was a diversity of opinion as to whether the court had the power or not. He agreed with the Minister in thinking the court had the power.

THE MINISTER: If we accepted the Council's clause, we should imply that the court had not the power in the past.

MR. FRANK WILSON: It did not matter what we should imply. The court studied the Act and made its awards according to the power conferred by that Act.

THE MINISTER: The member for Sussex had said that the award could be made applicable to any lease; but we all knew that when any party of workers came forward for an award, it cost a considerable sum of money to get it. Some might wish to compel every lease to make application for an award, but the Government did not desire that. As to the goldfields, there was a provision in another Act which would do away with all the trouble as to payment of wages.

MR. LYNCH: From a perusal of the decisions of the Arbitration Court it would be clearly seen that the court interpreted the Act as giving the court power to affix what periods it pleased for the payment of wages. In the case of the carpenters and joiners, one condition of the award made was that the wages should be paid weekly. There was no necessity for the redundancy of provisions proposed by the Upper House; and had the Upper House been aware of the court's interpretation of the powers, there would have been no necessity for the waste of time over this question.

MR. TROY: When before the Arbitration Court the member for Sussex made a statement altogether inconsistent with what he had said to-day. If one remembered aright, the hon. member said the court had power to make fortnightly pays a provision in its awards.

MR. FRANK WILSON: Had he not said so to-day?

MR. TROY: When before the Arbitration Court the hon. member argued that the court had absolutely no power.

MR. FRANK WILSON: What he said in the Arbitration Court had nothing to do with this debate.

THE CHAIRMAN: The member for Mt. Magnet was not out of order in quoting a statement by the member for Sussex.

MR. FRANK WILSON did not remember arguing anything of the sort in the Arbitration Court, but if he did he was in the position of an advocate.

MR. TROY: The hon. member did make that statement; a statement absolutely at variance with the one he made to-day.

MR. FRANK WILSON: No.

MR. TROY: Did the hon. member come here with one conscience and go to the Arbitration Court with another? The court had this power. The hon. member said that in many parts, especially on the Murchison, the men were paid from the gold taken off the place; and if the mine owners were compelled to pay their men fortnightly they would have to clean up fortnightly, which would be a hardship, and no company could carry on. The hon. member also said that this sort of thing would drive capital out of the country. He (Mr. Troy) knew the court had power to provide for fortnightly pays, but he did not push that with regard to the Murchison, because in the majority of mines in the locality the men were paid from the gold won in the place. Since the Mines Regulation Act already provided that payments should be made fortnightly—

MR. GREGORY: No; it did not.

MR. TROY: It might provide that payments should be made fortnightly, and give the Minister power to enforce payment, which was all that was necessary. Members of the Opposition who deemed this amendment important should have included it in the Mines Bill when they were in power. If another place had knowledge that the Arbitration Court had power to make an award as to the time when wages should be paid, the amendment would not have been sent to the Assembly. If the member for Sussex wished the Committee to believe him he should at least be consistent; he should not tell members one thing on one occasion and another thing on a subsequent occasion. During his political career the member for Sussex had held many opinions.

MR. RASON: Against the opinion of the member for Mt. Magnet he proposed

to quote a more eminent authority, that of the Colonial Secretary, who said—

EXTRACTS FROM SPEECHES—RULING.

THE CHAIRMAN: The hon. member must not quote from a document.

MR. RASON: The statement he intended to quote was written in his own handwriting on a piece of paper which he held.

THE CHAIRMAN: That was forbidden by the Standing Order.

MR. RASON: Then it was an entirely new Standing Order.

THE CHAIRMAN: The Standing Orders distinctly prohibited any member quoting from the debates of the same session, and it was only an evasion to take the *Hansard* reports and write from them what the member wished to quote.

MR. RASON: It was not intended to dispute the ruling of the Chair; but with all respect, during many years he had continuously adopted the practice that he wished to adopt this afternoon, and it had never been checked.

THE CHAIRMAN: The practice was against the spirit of the Standing Orders.

MR. RASON bowed to the ruling of the Chair.

RESUMED.

MR. RASON: The Colonial Secretary did say that an agitation had been going on for four years past to have the principle of fortnightly pays adopted, and the court had been approached to give a ruling on the matter and had declined to do so. The Colonial Secretary went on to say that he had approached the court in this direction, and that the president had said that there was no power to do that which the Colonial Secretary asked him to do.

THE MINISTER FOR LABOUR: Since the Arbitration Court had been established there had been three presiding Judges--the Chief Justice, who had made an award that wages should be paid weekly; the late Mr. Justice Moorhead, decided the time when wages might be paid; and Mr. Justice Burnside had also decided in a similar way. Every Judge who had presided in that court had decided that wages should be paid weekly or fortnightly, and almost all the lay members who had sat in the Arbitration Court had given a similar decision.

THE MINISTER FOR MINES: It must be within the recollection of members that the amendment was brought before another place for the purpose of meeting circumstances that did not now obtain. When the Bill was before the House there was another measure before members enabling the Minister to declare fortnightly pays. That provision was thrown out by another place, as it was said some people had a doubt whether the Arbitration Court had power to fix the time when wages should be paid. It was mentioned that a member of the present Government had expressed a doubt on the matter. Since that time another place had reversed its decision in reference to giving the Minister the power to declare fortnightly pays; so it was not likely that another place would think the amendment was now necessary. It was apparent that the Arbitration Court had the power to act in this direction. The Colonial Secretary had on a previous occasion expressed a doubt as to whether the court had power to fix the time when wages should be paid; but the Colonial Secretary referred to a case which took place some years ago, the circumstances of which were very different from those in ordinary cases. He strongly advised the Committee not to pass the amendment.

MR. NELSON: Was it necessary to continue the discussion farther? There had been a wilful waste of time.

THE CHAIRMAN: The hon. member was out of order.

MR. NELSON: On all hands it was agreed that the Arbitration Court already possessed the power which the amendment wished to give it, and members were wasting the time of the country considering an unnecessary amendment made by an unnecessary Chamber.

THE CHAIRMAN: The hon. member must withdraw that remark.

MR. NELSON: What, the "unnecessary Chamber"?

THE CHAIRMAN: Yes.

MR. NELSON: Wished he could. He withdrew the expression. It was not possible to find a greater argument against the existence of another place than the waste of time on an amendment of this nature.

MR. GREGORY: It had been argued that members of the Opposition knew

that the Arbitration Court had the power sought to be given by the amendment. He had not had time to look through the speeches of all members, but in October last the Minister for Labour was of opinion that the court should have this power, for he wished to insist upon a clause being inserted in the Mines Act making it compulsory for all mines to pay fortnightly. The present Colonial Secretary, when the Mining Bill was before the House, thought it was necessary to have fortnightly pays, and he then stated that a Judge of the Arbitration Court had conveyed to him the impression that the court had not the power to direct that wages be paid fortnightly. Why was there objection to other employers being compelled to pay wages fortnightly? He could understand a member with the limited capacity of the member for Mt. Magnet, who only wanted legislation for the mine owner, objecting.

MR. TROY (in explanation): It was not desired to have an award to have fortnightly pays at North Murchison, because there would be hardship on small mine owners. In the case of big mines it would be a different matter.

MR. GREGORY: It was unfair to make this legislation apply to the people on the goldfields only. Members opposite contended that the power to order fortnightly pays, provided in the Mines Regulation Amendment Act just passed, was sufficient; but it was desirable to make the Arbitration Act more explicit, and there could be no objection to doing so. The power was implied in the Act now, but there was no harm in making it clearer. One could not understand the objection to the amendment, unless it was desired that the court should not have the power to order wages to be paid fortnightly.

MR. LYNCH: Could the hon. member give a specific instance where the court had refused to make an award?

MR. GREGORY: According to the impression of the Colonial Secretary the Judge at Leonora decided he did not have the power. When the member for Sussex (Mr. Frank Wilson) had previously claimed the court had the power, many members opposite seemed to think the court did not have it. Why that feeling had changed one did not know.

THE MINISTER FOR LABOUR: The member for Menzies should not try to make statements appear to be not exactly as they were made. The hon. member had stated that the Colonial Secretary last year said that the court did not have the power. As a matter of fact, the Colonial Secretary explained that he did not desire to convey the impression that the president of the court had said the Act would not allow the court to deal with fortnightly pays.

MR. GREGORY: That was not the statement read from *Hansard* by him (Mr. Gregory).

THE MINISTER was aware of it.

MR. GREGORY: The Minister was reading some other statement made by the Colonial Secretary.

THE MINISTER: The Colonial Secretary said that he did not want to convey the impression that the president of the court said the Act would not allow him to deal with fortnightly pays, but that the president had said he would not make any order with regard to fortnightly pays on the goldfields. If the Arbitration Court made an award fixing fortnightly pays and the order was not observed by small mines, both employers and employees would be infringing the award and would be liable to punishment; but if the Minister under the Mines Regulation Act ordered that the small mines should pay wages bimonthly, nothing would be said about it. He (the Minister) always advocated fortnightly pays on big mines, and was one of the first to bring the matter before the member for Menzies when that hon. member was Minister for Mines.

MR. FOULKES: What was the wording of the section of the Arbitration Act that provided this power? If the Minister for Justice would quote the section it might remove doubts from members' minds, and there would be no need to go back to consider the remarks made by members two years ago.

THE MINISTER FOR MINES: Sub-section (b) of Section 2 of the principal Act said that the court had power to deal with the hours of employment, sex, age, qualification or status of workers, and the mode, terms, and conditions of employment. Every president of the Arbitration Court had at one time or another fixed the times for the payment

of wages, and no one had successfully questioned the powers of the court in that respect except the member for Sussex.

MR. FOULKES: Not having had experience of the Arbitration Court, he did not know whether any claim had been brought before the court insisting that wages should be paid on specific dates, or whether a decision in that regard had been challenged; but various presidents of the Arbitration Court had given various decisions, reversing decisions of previous presidents. Therefore we had to provide for this contingency. To-day one president might say that he had power to lay down conditions as to when wages should be paid; but perhaps in time to come we might have a fresh president saying that the words contained in the interpretation section were not sufficient to give him that power. The words in the section were specific. Would the words "mode of employment" give the president power to make an award as to fortnightly payments? The other words were very general terms, and we did not want any doubt to arise. At one time the member for Sussex appeared to have realised there was some doubt as to whether the Arbitration Court had the power to mention the dates on which wages were to be paid; and it was not desirable to have any doubt as to the matter. Speaking as a lawyer, he (Mr. Foulkes) believed in having our Acts as plain as we could possibly have them. If there was any doubt, there could be no objection to removing it, no matter whence the suggestion for the removal of the doubt came.

THE MINISTER FOR MINES: If there was any doubt it might be well to add the words of the amendment; but the Chief Justice, also Mr. Justice Moorhead, Mr. Justice Parker, and Mr. Justice Burnside had given awards on the point. Three of these Judges being alive, when an appeal went to the Full Court on the matter, they would not be likely to reverse their previous decisions, and say that the Arbitration Court had exceeded its jurisdiction. The same question had been dealt with in New Zealand and New South Wales, where there were similar sections, and the question had never been raised in this

House until the other night. In the circumstances it was not necessary to amend this section of the Act.

MR. A. J. WILSON: The interpretation of "industrial matters" in the Act contained the words "any established custom or usage of any industry, either generally or in the particular locality affected." Surely that was a definition wide enough to justify the position always taken up by the court. Though he had conducted many cases before the court, only once had his request for a specific payday been refused; and it was refused on the ground that it would involve considerable interference with the financial arrangements of the employers; not on the ground that the court had not the power to grant it. The court had ample power to deal with this and many other matters specified in the Act. The amendment was redundant.

MR. FOULKES: The words "any established custom or usage of any industry" were very general; whereas the first part of the definition was very specific. In the case of a new mine, it would be hard to argue that any custom had been established in a few months.

MR. A. J. WILSON: This was a question of an industry, not of a particular employer.

MR. FOULKES: Let us remove any doubt as to whether the court had the power. The Minister for Justice said that the various presidents of the Arbitration Court had determined paydays, and that their decisions would not be upset by the Full Court. A Judge sitting in the Full Court frequently reversed his decision arrived at in the court below. On appeal, fresh facts and arguments were frequently adduced to upset the original judgment. The Minister for Justice had failed to instance any appeal from a decision of the Arbitration Court on the question of paydays. That question had never been before the Full Court. The Full Court had reversed other Arbitration Court decisions; and that might happen again. It was the duty of every Parliament to remove doubts arising in the interpretation of statutes; and undoubtedly this point was doubtful. The fact that the Council's amendment was so strongly opposed led one to think that there must be something behind the opposition.

THE MINISTER FOR LABOUR: Chief Justice Stone, the late Judge Moorhead, Judge Burnside, and Acting Chief Justice Parker had all given Arbitration Court decisions as to paydays; and no party to any dispute had ever doubted their power to do so.

MR. QUINLAN supported the Council's amendment, which could do no harm. Presumably another place was as wise as this. The opinion of the member for Claremont, a trained lawyer, was surely more valuable than the opinions of laymen who had appeared for suitors in the Arbitration Court. It was refreshing to find a lawyer trying to make clear an ambiguous statute.

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

Ayes	...	...	...	22
Noes	...	...	...	21

Majority for ... 1

AYES.	NOES.
Mr. Angwin	Mr. Brown
Mr. Bolton	Mr. Burgess
Mr. Daglish	Mr. Butcher
Mr. Ellis	Mr. Cowcher
Mr. Hastie	Mr. Diamond
Mr. Heilmann	Mr. Foulkes
Mr. Henshaw	Mr. Gregory
Mr. Holman	Mr. Hardwick
Mr. Horan	Mr. Harper
Mr. Isdell	Mr. Hayward
Mr. Johnson	Mr. Hicks
Mr. Keyser	Mr. Layman
Mr. Lynch	Mr. McLarty
Mr. Needham	Mr. N. J. Moore
Mr. Nelson	Mr. S. F. Moore
Mr. Scaddan	Mr. Nanson
Mr. Taylor	Mr. Fiesse
Mr. Troy	Mr. Quinlan
Mr. Watts	Mr. Eason
Mr. A. J. Wilson	Mr. Frank Wilson
Mr. F. F. Wilson	Mr. Gordon (Teller).
Mr. Gill (Teller).	

Question thus passed, and the Council's amendment not agreed to.

No. 3.—Add the following new clause, to stand as Clause 5:—

Section 73 of the principal Act is amended by the addition of the following proviso:—
"Provided, however, that such agent, counsel, or solicitor be not a member of Parliament, or has not announced himself as a candidate for a seat in Parliament."

THE MINISTER FOR LABOUR moved:

That the Council's amendment be not agreed to.

He did not see any reason why a member of Parliament or a candidate for Parliament should be prevented from appearing before the Arbitration Court, seeing that members of Parliament were allowed to appear as advocates in all other courts;

indeed it would be disadvantageous if members were not allowed to appear in order to help settle industrial disputes. The amendment had been before this House, but was withdrawn, though there was considerable discussion, for members felt it unwise to insert the provision in the Bill because they were of opinion that it was absolutely necessary something should be done to make provision for the court travelling throughout the State to hear cases where disputes occurred. It would be an advantage rather than otherwise to have members of Parliament appearing in the Arbitration Court, because they would find out the causes of disputes, and then, when an opportunity occurred, take action to amend the measure. He thought this House now would be unanimous in doing what it did before.

MR. GREGORY hoped the House would agree to the amendment. If a member came into Parliament simply as a delegate, simply to represent one class—

MR. NEEDHAM: Could not the hon. member change that parrot call?

MR. GREGORY was not referring to the hon. member. He had heard the secretary of the Trades and Labour Council class certain members of this House as delegates in Parliament. When one entered Parliament he should do so entirely in the interests of the people as a body, and not only of one section of the community. If a member of Parliament, or one who had announced himself as a candidate for Parliament, urged special considerations for a certain section of the community, he would be raising himself in the estimation of a certain class if he took up a special position in regard to that class. For instance, members who appeared before the Arbitration Court in favour of the workers knew that in fighting those battles they would be naturally creating a favourable impression with that section of the community.

THE COLONIAL SECRETARY: The hon. member would admit that one would know the circumstances surrounding the cases.

MR. GREGORY did not agree with the Colonial Secretary, because a member's knowledge of the fields would get lulled by the different life which he lived

in Perth. Probably he would not have the same knowledge after being a member of Parliament for a few years.

THE COLONIAL SECRETARY: The workers would know about that better than the hon. member.

MR. GREGORY: What he had referred to was the reason why we so often had changes in regard to members of Parliament. It was not right for members to appear in the Arbitration Court. This work should be left entirely free for outside persons. He had never tried to legislate against Labour, and he would not legislate directly against capital. Capital and labour should work together. Why should a member of Parliament take a billet away from some of the secretaries of the unions upon the fields? There were a number of members who believed in one man one billet—he (Mr. Gregory) did not—and on that ground those members should be asked to support the Council's amendment. The member for Mount Leonora and the member for Hannans believed that a man should have only one position; and as to the member for Mount Magnet, one did not know how that hon. member would vote, except that he would vote as he was told.

MR. TROY: Not as the hon. member would tell him, anyhow.

MR. GREGORY was pleased that the hon. member always acted differently from himself. Time after time we might be called upon to bring forward fresh legislation regarding the Arbitration Act, and he was sure no member would like other members to think he was biased in relation to any vote given in dealing with the Arbitration Act.

MR. TROY intended to vote against the Council's amendment, and wished to take exception to a few of the remarks made in another place as to members of Parliament being paid for their services in this connection.

THE CHAIRMAN: The hon. member could not refer to any debate which took place in the other place.

MR. TROY: The member for Menzies spoke of the members for Mount Leonora and Hannans as two who believed in one man one billet, and the member for Menzies said he believed in one man one billet.

MR. GREGORY: No; he said that he did not believe in one man one billet. He

would take a dozen billets, if the hon. member would give them to him.

MR. TROY believed in one man having one billet and being fairly paid for what he did. As to payment for appearing before the Arbitration Court, on no occasion had he taken a penny for his services. He believed that if the Council's amendment were adopted we should be doing an injury to a class of people.

Question (to disagree to amendment) put, and a division taken with the following result:—

Ayes	...	...	...	16
Noes	...	...	...	18

Majority against ... 2

AYES.	NOES.
Mr. Angwin	Mr. Burgess
Mr. Bolton	Mr. Butcher
Mr. Daglish	Mr. Cowcher
Mr. Hurtle	Mr. Ellis
Mr. Henshaw	Mr. Foulkes
Mr. Holman	Mr. Gregory
Mr. Isdell	Mr. Hardwick
Mr. Johnson	Mr. Harper
Mr. Lynch	Mr. Hayward
Mr. Needham	Mr. Hicks
Mr. Scaddan	Mr. Horan
Mr. Troy	Mr. McLarty
Mr. Watts	Mr. N. J. Moore
Mr. A. J. Wilson	Mr. S. F. Moore
Mr. Frank Wilson	Mr. Nanson
Mr. Gill (Teller).	Mr. Piessie
	Mr. Rason
	Mr. Diamond (Teller).

Question thus negatived, and the Council's amendment agreed to.

At 6:30, the CHAIRMAN left the Chair.

At 7:30, Chair resumed.

Resolutions reported, and the report adopted.

A committee, consisting of Mr. Frank Wilson, Mr. A. J. Wilson, and Mr. Holman, drew up reasons for disagreeing to two of the amendments made by the Council.

Reasons adopted, and a Message accordingly returned to the Council.

TRUCK ACT AMENDMENT BILL.

SECOND READING.

MR. C. H. RASON (Guildford): In moving the second reading of this short Bill, I am sorry indeed it should be necessary to bring such a measure before the Parliament of Western Australia. I think everyone on both sides of the House will agree that the circumstances which make such a Bill necessary are a regrettable incident in the history of Western Australia. It would be possible

to paint word-pictures in dealing with such a subject as this; but I do not intend to speak on it at great length. Most members, and indeed nearly the whole of the public, are well aware of the circumstances already. I for my part do not like telling a tale already twice told; and also I admit that this subject is not a pleasant one. Briefly, the circumstances are these. When the Truck Act of 1899 was passed, it was passed with the object of preventing an employer being able to compel his employees to take payment of their wages partly in kind and partly in cash. There is nothing in the Act to prevent an employer giving credit to his employees, nor was it the intention of the Act to prevent an employer giving credit to his employees. The object was that a man who had earned wages from his employer should be in a position to demand payment of those wages in cash, and in cash only if he chose. For some years past it appears it has been the habit of timber companies, and I believe of many other employers, to supply their workmen with different articles, mainly for the convenience and at the desire of their servants.

MR. A. J. WILSON: That is open to question.

MR. RASON: If I am wrong, I have no doubt I shall be contradicted. It seems to me (so that no offence may be given) that it has been the habit of certain employers to supply their servants, where their servants chose, because there could be no compulsion, with certain articles, and when pay-day came round to deduct the amount of the account from the payment of wages. That, I believe, has been a mutual convenience. There certainly could be no compulsion, because then, as now, during the whole time any servant could insist upon his master paying him his wages in cash. I ask members as indeed I am sure they will, not to consider this question as one between a powerful company and their servants, but to discuss it and approach it merely with the wish to distinguish between right and wrong, and if a wrong has been done, to endeavour as far as possible to remedy it, no matter who the people may be; because I submit, and indeed it is hardly necessary I hope for me to urge, anybody who approaches Par-

liament is entitled to justice, no matter what his position in the world may be. The timber companies to which I refer have supplied their servants for many years with a considerable amount of stores. Not one word of complaint has been made during the supply; but unfortunately some few of the men—I am thankful to say not very many—after having been paid in full, either in cash or by stores or in both, and after many years have passed, after some of them have left the employ, have found that by the operation of the Act they can compel the company to pay them twice over, and that having already been paid in cash and in stores, they can now repudiate every penny of stores which they had and demand of the company payment of their wages in cash in full: in other words they ignore altogether the goods they had during the many years, and insist on being paid in cash as well. I have a list of some of the claims that have already been made upon this company, and they total the sum of £5,642 10s. 8d. Many of these claims have certainly been settled for far less than the amounts claimed; but when I tell the House that one of these claims amounts to £916 16s. 5d. from one individual, it will at once be apparent that this man must have been having stores for years, though he has never for one moment raised a protest and never for one moment asked that he should not receive any more stores or be allowed to have them, and that he should be paid in cash in full. This man, after having £916 worth of goods, now says “I have had these stores; I do not dispute that for a moment; yet I can compel you to pay me in cash as well, and I demand payment.” Some of these men, as is apparent from the amount, have been keeping boarding-houses. We know what is usual in big companies of this kind—one married employee establishes a boarding-house where his fellow-employees live, or board if they do not reside. Therefore, some of these very claims for the goods which they drew have been paid for by their fellow-workers. These men have actually been paid by their fellow-workers for these stores which they now repudiate, and for which they ask payment in cash. I am thankful indeed to be able to say that out of the hundreds of men who have

been employed, very few have adopted this course. I am glad indeed to say that, however much I may differ in political opinions from Labour members and those who placed them in this House, I realise that, taken as a whole, the members of the working classes do try to pay their just debts, and that it is but seldom we find any repudiating them. It is to my mind a most regrettable thing that we should find even these few men taking the course they have done in regard to this company. I want members of this House also to realise, if they will, what is the effect outside of Western Australia of conduct such as this. What must people in other States and in other countries think of the working classes of Western Australia when conduct such as this is brought under their notice? What, I ask also, must be the effect upon the young people in this State? Everyone knows that nothing appeals to the youthful mind or to the disordered mind more strongly than successful roguery; and I say unhesitatingly that the men who have adopted this line of action have been guilty of shameless roguery. There could have been only one excuse for anything even approaching their conduct, and that would have been gross overcharging for the goods supplied. That indeed would not have justified conduct such as theirs; but it would have gone some little way towards palliating it. Or if there had been any attempt at compulsion, had the men been forced to buy, they might have been to a slight extent excused. But I should like to draw the attention of the House to one of these cases. One claim is from a man who asked the company to assist him to get horses that he might go log-hauling, and so increase his earnings. The company assisted him to purchase the horses; helped him generously. The claim he now makes on the company is for the hay, oats, and bran with which those very horses were supplied.

MR. A. J. WILSON: The sum is large.

MR. RASON: Very considerable. But be the sum large or small, the principle is the same. I am sure no member on either side of the House will attempt to justify conduct such as this. I am sure every member will join with me in declaring that the Parliament of Western Australia will never countenance acts of this kind. I was saying there might be

some little vestige of excuse had there been gross overcharging. But in a case heard in the Supreme Court, Mr. Justice McMillan made this statement:—

Several witnesses, however, have been called before me; and on their evidence I have come to the following conclusions as to the facts:— I think it was for the benefit of the men that the stores should be kept. The existence of those stores gave them greater facilities for obtaining their goods, and probably kept down prices which would otherwise have been charged by outside stores. I come to the conclusion that the men dealt with those stores voluntarily. Many of the men employed by the plaintiffs went to other stores, both at Waroona and at Yarloop. I come to that conclusion not only on the evidence of the men in the employ of the company, the managers and others who were called, but more particularly on the evidence of Mr. Rodgers. Mr. Rodgers was a witness who impressed me very much by the clear and frank manner in which he answered the questions put to him, both by counsel for the plaintiff and counsel for the defendant. He is a man who is carrying on business as a storekeeper at Yarloop; and he said that the company put no difficulties in the way of their men trading with him, and that a fair number of them did, in fact, deal with him. He was also a very reliable witness, I think, as to the value of the goods which appeared to have been sold to the defendant. I am satisfied from his evidence that the prices for groceries were fair, ordinary prices; but there were a great many articles regarding which the defendant complained were not within his knowledge—articles of drapery and so on. I also come to the conclusion that the defendant never made any complaint as to the quality of the goods supplied to him or as to the prices charged. I also come to the conclusion and find that the men, if they wished, could have had advances in respect of their pay, or if they desired it could have been paid in full, although there was money due from them to the company in respect to stores sold.

That is the statement of a Supreme Court Judge. I wish also to quote a few of the remarks of Mr. James White, LL.D., the chairman of Millars' Karri and Jarrah Company, at the general meeting held at Winchester House on the 7th of September of this year. The chairman said:—

I think myself we can manage to do our business with more or less inconvenience to the men without infringing this Act; and we have given strict instructions to our managers that the Act is to be scrupulously complied with. If it inconveniences the men they must get the Act altered, and not complain that we are not doing our best for their comfort. Of course one might make remarks on the honesty of a man who, having taken your food

at a reasonable price and consumed it with his wife and family, comes to us afterwards and says, "I am entitled to claim the money you have deducted for the food." But I am afraid as to some of our men, that consideration does not have much weight. We hope, however, that in the case of the great body of men working for us in Australia, we shall find the majority of them unwilling to take an advantage of that kind of the company which served them, and that they will, like honest and capable workmen, recognise that we have only done what they wanted us to do, and make no farther complaint about it.

Those were moderate words, coming from the chairman of a company which has been treated in this manner. We could not be surprised if very much stronger language had been used by that gentleman. His utterance shows no vindictiveness on his part or on the part of the company. But I could quote from articles which have appeared in the London Press, calling attention to the very bad state of affairs in Western Australia, where men could be found guilty of conduct such as this. Only one thing can be done to remedy that. This Parliament, which will I trust always be found ready and willing to do justice as between two disputants, no matter who they may be, will say that in these cases the company must be protected against men so shamefully dishonest as to repeat the practices of those few who have already made claims. The Bill provides, in respect of any goods which are sold, delivered, or supplied to workmen, that an action of the character I have alluded to shall not be brought after six months has expired from the delivery of the goods. That gives a man six months' time in which to be dishonest if he wishes to be. He can, if the Bill passes, repudiate payment for the stores supplied; but he must do so within six months. Surely that is a reasonable provision to which an honest man, or a man who wishes to be honest, can have no objection. I believe no man should be allowed even one hour in which to bring such an action; but no one can complain when he is given an opportunity to do so within six months. The Bill provides farther, as it must provide if it is to afford any protection at all to this company, that its effect shall, in a certain degree, be retrospective. It does not affect any cases in which notice has already been given.

MR. A. J. WILSON: It will prohibit any actions since the 20th October. Actions may now be commenced.

MR. RASON: If an objection of that sort be raised, I certainly shall never be a party to passing an Act which will take away the legal right of a man who has already lodged a claim. But I certainly want the House to say that, although a great wrong has been done, no more shall be done. I certainly want the House to fix some date on and after which this Bill shall be operative. I do not want this company, nor should I like to see any person, with a sword of this kind hanging overhead. It is possible that within the next few days claims for £10,000, £20,000, or even £100,000 may be lodged.

MR. A. J. WILSON: Very improbable.

MR. RASON: Of course I do not think it probable, but it is possible; and it is against such a possibility that the company asks to be protected; and I claim it has a right to our protection. I make no appeal to the House. It would be an insult to members to suggest that an appeal is necessary. I rely with the utmost confidence, in spite of the smile of a Minister, on the House to do justice to every individual, whether a rich company or a poor working man. I beg leave to move the second reading.

THE PREMIER (Hon. H. Daglish): I much regret the concluding remark of the leader of the Opposition, referring to the smile of a Minister; because I think it was a quite unnecessary allusion. I do not know to what Minister he was alluding, but I think the allusion might well have been omitted. I rise with the intention of expressing my willingness to support the second reading of this Bill. I am quite satisfied that there is as much desire on this side of the House as on the other to do justice to all parties, wholly irrespective of the positions of those parties. In regard to this question, I feel that the law has been to some extent misused; and so far as the passage of this measure will enable us to prevent that misuse, I favour the measure. We recognise, however, that there may be some doubt as to the wisdom of making it apply as from the 20th October; but even as to that I am quite willing to discuss the point, and am anxious as far as possible to take that course which will

most satisfactorily ensure the meting out of the fullest justice to both the contending parties. I shall be prepared to deal with that matter in Committee, and shall in the meantime content myself with formally supporting the second reading.

MR. A. J. WILSON (Forrest): It is perhaps fitting that I should not allow a measure such as this to pass its second reading without some comment. At the outset, let me say that I shall most cordially support the second reading; and as I have already indicated on the Notice Paper, I shall, when we reach the Committee stage, move certain amendments. But in justice to myself and my constituents, who are perhaps more directly interested in this matter than are most other people in the State, I refrained purposely from making any public statement on this question at an earlier stage, because of the fact that the first statement made regarding this measure was made by Sir Edward Wittenoom when introducing it in another place. That being so, I did not feel that it would be correct on my part to make a statement to the public Press, which I might have done. I felt it rather my place to wait till the Bill came before us for discussion, and say what I had to say on the floor of the House. I make this remark because it has been suggested that certain statements made in another place have not been capable of any answer, and that this was conclusively proved by the fact that no one had deigned up to the present to give any reply.

THE SPEAKER: The hon. member cannot refer to a debate which has taken place in another Chamber.

MR. A. J. WILSON: I am referring to a statement which appeared this morning in a leading article in the *Morning Herald*. It is well for us to remember, when reviewing the circumstances of this case, that it is not the present Government nor is it the party sitting on this side of the House which is responsible for the condition of affairs that has arisen in connection with this unfortunate incident; and in connection with the whole affair, notwithstanding the strong utterances of the leader of the Opposition, it is well for him to remember that he was a member of

the Government which connived at the possibility of what we have to face to-day. There can be no gainsaying that fact. I can speak from my own personal knowledge in regard to the matter. I on several occasions, with people from the timber districts who are directly interested in this matter, waited on the leader of the late Government, Mr. James, and notwithstanding the clear cases of violation of the provisions of the Truck Act, I was told repeatedly that the Government of the day could do nothing unless we got a conviction. I venture to say that the object of putting legislation on the statute-book of this country is not for the purpose of leaving the rank and file of the public to see that legislation carried out, for it becomes clearly and unquestionably the duty of the Government of the day to see that the laws on the statute-book are administered in their entirety and according to the letter of the law; and I say unhesitatingly that under these circumstances the late Government are in a very great measure responsible for what we find occurring at the present time. Reference has been made by the leader of the Opposition to the excessively large claims which have been placed before the companies and the extraordinarily small amounts which have been accepted in payment. Had he read a little bit farther on than the passage he quoted from the speech of the chairman of directors of Millars' Combine, in London, he would have read these words, which may to a very large extent have cleared up the position:—

So far as this company is concerned, I am happy to say that the amount involved is not considerable, because we have only been trading since the 21st August, 1902.

MR. H. BROWN: What about the absorption of the other companies?

MR. A. J. WILSON: That is exactly what accounts for the difference in range between the claims lodged and the amount which was eventually accepted. It is to be remembered that the statute which has made it possible for this condition of affairs to arise was passed in 1899. I do not say that those people who took advantage of their legal position were justified in doing so; and let me say at once that in some of these cases which I came into personal contact with I did my best to persuade the men not to

go on with their claims, because I recognised that there was a good deal of injustice in the position in which men, having received so much of their wages and the balance in stores and commodities, then seek to recover the value of the goods, and so reap the advantage of having the goods supplied to them "free gratis for nothing." I did my best to dissuade the men from proceeding with their claims in regard to the matter. What I most strongly object to is the aspersion which might be suggested by the language of the leader of the Opposition, who says, "What will people outside West Australia think of the working classes of this State when they read about this?" What, I ask, will those people think when they know that not hundreds but between 4,000 and 5,000 people in the timber industry alone have the right to take advantage of their legal position and involve this company in a large sum of money, yet only an insignificant 24 took advantage of their opportunity? Will it not add to the glory, honour, and credit for honesty of the working classes of Australia? I object to what seems the contemptuous manner in which reference has been made by people speaking on the other side of this question. One would think that the only people who took advantage of their legal position were the poor unfortunate working classes; whereas we know very well such is not the case; and did we desire to do so we could rake up many instances of people in other sections of the community whose actions might be much more invidious than those referred to. Then I regret that the leader of the Opposition has been led into making many of the inaccurate statements which many other people have made with regard to the position of affairs in the timber industry. I want it to be clearly understood that I am not here to justify the action these men have taken, but I am here for the purpose of placing the position of the company in the light in which it ought to be placed in regard to this matter. I am sure the companies interested in this matter have not been the philanthropists and humanitarians which the leader of the Opposition would lead us to suppose to-night. On the other hand we know very well that the statements which have been made that

the company tried to observe the conditions of the Truck Act are absolutely false and untrue. They have never tried to observe the statute, either in letter or spirit. They have made no attempt to do so, and there are very obvious reasons why they should not. Who that knows the position of this industry can close his eyes to the fact that it has been a matter of very considerable advantage, of very considerable profit, to this company and other companies in the timber districts to unlawfully and maliciously connive at the violation of this Act? It has been profitable, and it is this which in a large degree has brought about the state of affairs which has resulted at the present time. The arrangement between employer and employee has not been by mutual arrangement or by mutual consent. It has, on the other hand, savoured more of compulsion than mutual contract. It has been said that the employees could insist upon full pay. I have known instances in which employees have insisted on full pay, and they have got their full pay—not always at the time they asked for it—and also something in addition which they did not ask for. Then we are told there has been no word of complaint. There have been repeated complaints with regard to this matter; all with the same result. Then we have another false statement in regard to overcharging. On this question we were told by the leader of the Opposition to-night that if the companies had been guilty of overcharging there might have been some excuse for the action which had been taken by these men. I do not agree with that statement of the leader of the Opposition. I do not say that the mere fact that the company charged a higher rate than they were justified in doing would necessarily justify the men in the stand they took, in taking advantage of the company in the way they have done. But the statement has been made that the rates at which the stores have been supplied to these men have been fair and reasonable. I was one of those who conducted an arbitration case only recently on behalf of these men, and we had sworn evidence of responsible people who knew what they were talking about and knew all the circumstances connected with the matter of trading, to the effect that the prices charged

by the company were fully 15 per cent. higher than the prices charged by storekeepers in a similar locality. Whilst I do not wish to disparage the judgment of his Honour Mr. Justice McMillan given in this case, it would be just as well that members should know the evidence on which he based his judgment. The judgment may be in accord with the evidence, but the evidence was that of a person who, whilst nominally a storekeeper, was engaged by the Combine to go round and settle accounts with the men in the matter of these claims. Is it reasonable to think that the paid official of the Combine was going to turn “dog”—if I may be pardoned for the use of the expression—on his own employers? Certainly not. I know the man very well, and would not place twopence on his word in a matter of this kind. I wonder whether, if the position had been reversed, if instead of the company being victimised the men had been victimised, we should have found so many taking up the stand they have taken up in this affair. I am a bit suspicious that the result might have been somewhat different from what it is to-night. Perhaps it is becoming that I should give some information that has come within my personal knowledge in regard to the manner and method on which the business has been conducted in these particular districts. I know in one case it has been said that no compulsion was exercised by the company in regard to the place at which employees would be entitled to deal at the stores. When I tell the House that at Mornington Mills, situate about seven miles back from the main trunk line to Bunbury, the only connection is a private railway of seven or eight miles owned by the company who absolutely prohibit any trader or any person who desires to do any trade from carrying goods or commodities over that railway, it will be seen what advantage that company has had over outsiders in their dealings. There was a market gardener who had a garden in the vicinity of Brunswick, and he desired to extend his operations. He had a horse and cart, and desired to carry the produce of his garden in order to dispose of it to the employees of the mills. It was the same company who did their

best to prevent this man coming in contact with the employees, even going so far as to try and influence a gentleman, Mr. Hayward, to prevent this individual from carting his goods through Hayward's property. Mr. Hayward refused to be a party to such an unscrupulous proposal, and not only allowed the man to utilise the track through his property, but allowed him to occupy a house on his ground and camp there on days when the man carted his goods to the employees. Had that not been the case, the price the employees would have had to pay for their vegetables and other things would have been much higher in the hands of the Combine, in the absence of competition. Let me give another instance of the effect of competition within 16 miles of this locality. The company had a bakery at Yarloop and one at Mornington Mills. At Yarloop there was a baker competing as far as the Yarloop trade was concerned, but he was not competing so far as the mills back from Yarloop were concerned. Subsequently this man opened another business at Waroona and entered into competition with the Waterhouse Mills, and the position was that in order to rub off their competitor the Combine reduced the price of their bread to 3½d. per loaf, precisely the same price bread was selling at in Perth at the time. The baker at Waroona was able to compete with the Combine at that price, and continued to supply bread to those employees who would deal with him at the price of 3½d. per loaf. At the mill 16 miles away, where there was no competition and no rival baker, the poor unfortunate employees were fleeced to the extent of 1½d. per loaf: instead of getting bread for 3½d. per loaf the employees at this other mill were compelled to pay 5d. per loaf. This shows conclusively that this Combine is just after all a company run by ordinary human beings, and not a company run by humanitarians and philanthropists. Let me draw attention to another fact. As a result of this system adopted by the company, not only were the prices charged for commodities higher than the rates at which the employees should have been able to obtain the same produce if they availed themselves of open competition, but by a strange coincidence the dockets supplied to the various employees when

they received their goods from the store did not agree with the account when furnished. The housewife suddenly found, though she was most careful in preserving every docket received, that at the end of the month the account was a few shillings higher than the dockets showed. She naturally thought this difficult to explain, and made a protest to the company or the officials, and she was boldly told that she must have lost some of the dockets, and there was no redress whatever—absolutely none. The employees had to take the dictum of the company that the goods were supplied, and although the employees had a positive check, the company failed to make any allowance. This occurred in numerous instances, and people were victimised either by design or accident, but victimised they were. These people have been told, since the case was brought, which proves conclusively that the company could not stop these accounts from the wages of the employees without running a liability or responsibility, they must pay cash. Since then the men have been able to save a larger sum of money than previously. They know everything they pay for they get, and not as formerly was the case very frequently being victimised. Another case which proves the position taken up by this company in regard to the compulsion exercised, is that of a man and his wife who had a couple of intimate friends boarding in the house. The friends were not boarders in the ordinary sense, for the people had no desire to take boarders in the ordinary sense, but having a couple of friends on the mill, and being intimate acquaintances, this man and his wife generously and good-naturedly agreed to put them up and provide them with board. But these people had the temerity to refrain from dealing at the company's store, and the manager at that particular mill personally interviewed the man and told him plainly that if he did not deal at the company's store his rent would be raised. What was the result? The man refused to be coerced in this manner and refused to deal at the company's store, and his rent was raised. His wife was unfortunately compelled to remove from the place. We have to face the position in which the men are placed. The Combine know very well all the men who are working, for their names are on the

wages sheet; they know the names of all the men who deal at the stores. When an employee or anyone belonging to them went to the store where the cash system was in operation to make a cash purchase, if not known to the store officials they were asked for the name of the person for whom the purchase was made. Is it not manifest, drawing an inference, that the only object for which the name of the person who made the cash purchase was obtained was to find out how much of the wages was going into the coffers of the company. So far from this concern being a philanthropic concern and a humanitarian concern, we find that the company have made a considerable profit at the expense of the employees. I have no objection to their making a profit. I may say an open conference was called at one of the mills between the men and a representative of the employers. The conference met, and one of the statements made by the employees was—this was at the period prior to the fixing up of an arbitration award—that the men had no objection to deal at the store so long as the company supplied goods at a fair and reasonable rate. But what the men object to is being virtually compelled to deal at the store and pay a higher price than otherwise would be the case. As to the amendment of which I have given notice, I think the position is a fair one. I suggest that the Bill instead of being made retrospective should date from the passing of the measure. I know so far as members on the Government side are concerned, we are just as anxious as members on the other side to give the Bill as speedy and expeditious a passage as possible. There is no desire to string the matter out. The amendment which I intend to propose will do away with the evil of retrospective legislation, when dealing with the liberties or legal rights of the people. Moreover, I think the House would be placing itself in an extraordinary position if we passed the Bill as it stands. If we say that no action under the existing statute shall have any force if commenced since the 20th October last, I think members will be placing themselves in an unfortunate and probably an illegal position. The effect of the amendment I have foreshadowed is this: it will remove from the shoulders

of the company all the unclaimed liability at the passage of the Bill. That is to say, supposing there is a liability of £50,000 at the time of the passage of the measure, and all the claims that have been lodged only amount to £5,000, immediately the Bill is passed there will be lifted from the shoulders of the company a liability of £45,000. I will not connive at the continuance of fraud, or at the violation of the statutes of the country by giving an opportunity, so that by some mutual arrangement these abuses may be continued as long as they are allowed to go over the six months, and that the company shall only be liable for a period of six months. The companies have had a lesson. I know that the employees in this industry, and in most industries, prefer to have the handling of their own money; they prefer to have their wages in full, and to pay for all they receive in cash. Under these circumstances, we think with the lesson these companies have had there should be no occasion for the insertion of the proviso in the Bill in regard to the period of six months. Let both the employees and the employers understand that the law is in operation, and that if they continue to violate its provision and go against the statute they must be prepared to put up with the consequences. If the present Government are only permitted to remain in office, I venture to say that none of these breaches will be recurring in the future, but that strong efforts will be made to see that the law is carried out and administered in its entirety. I may say, in conclusion, there is one other phase which I think will justify the amendments which I have forecast, and which are on the Notice Paper. Since the successful case, an appeal has been made from the judgment of the Local Court, and judgment by consent on appeal has been entered in the Supreme Court. We are aware that Mr. Justice MacMillan has decided that the Combine is justified in making claims for the recovery of amounts equivalent to the goods sold and delivered; but from that judgment an appeal had been lodged to the Full Court, and in all probability the Full Court will uphold the decision of Mr. MacMillan in regard to the matter; if so an appeal in all likelihood will be made from the Full Court to the High Court of Australia.

The effect of that is that, so long as the appeal is before the Court, so long is there an element of uncertainty in regard to the whole question. That may be one of the reasons why the possibility which was forecast by the leader of the Opposition is entirely and absolutely improbable. I do not say it is so, but at all events it is significant that, although this question was proved conclusively over six months ago, and although it was established clearly then that about four, or five thousand people in this State could go to the companies and make claims and succeed, there have been only 24 people who have availed themselves of the opportunity. I think it clearly and conclusively proves that the great bulk of those who could make these claims are not in sympathy with those who did so; and I certainly feel that the remarks I have made in endeavouring to justify their position in the eyes of the people have been amply justified on this occasion. I have much pleasure in supporting the second reading of the Bill.

MR. E. P. HENSHAW (Collie): After the eloquent speech we have heard from the member for Forrest, there is little left for me to say; but I should like to take up the cudgels on behalf of those men in connection with whom the leader of the Opposition and the gentleman who introduced this Bill in another place have made most unjust accusations.

THE SPEAKER: The hon. member cannot refer to debates which have taken place in another Chamber.

MR. HENSHAW: Well, I will withdraw it. I should like to point out that the Truck Act of 1899 was passed to protect the workers against the robbery of the companies; and in dealing with this matter I may say that I can speak from personal experience. I have had a good deal of experience in these mills, and I can bear out the statement made by the member for Forrest in regard to the conditions prevailing on the mills. Having been on these mills I have seen the companies strenuously opposing the introduction of dealers, hawkers, or anyone who could have any dealings with the men at all. The companies have excluded storekeepers and dealers as far as they possibly could, and have denied them the right to settle on the conces-

sions; and whenever the employees have dealt with these men when they came on the concessions they have been sooner or later dismissed.

MR. FRANK WILSON: Where was that?

MR. HENSHAW: I speak of the Combine's mills. The leader of the Opposition says there is no compulsion on these men. I know that purchasing goods in the company's stores has been virtually a condition of employment. The men must purchase there or else they have to leave the mill. Seeing that these conditions have been general right throughout the South-West Districts, these men can be excused to an extent if they had to submit to this kind of dealing—to this robbery. If they left one station and went to another they had to put up with the same conditions. I recognise that these 24 men who have put in their claims have a perfect legal right to do so. I am not going to justify their claim to the full amounts; but I say they have a moral right to a proportion of their claims. The deductions made by the company do not solely cover the cost of goods. The men have to make payments under the Employers Liability and Workers Compensation Acts. They are doing this at present in some of the mills, 4d. in the pound being deducted out of the workers' wages to pay the premiums on insurance of employees. The monopoly which these people held a few years ago induced Sir John Forrest to introduce a Truck Bill, and if members go through the debates on the second reading, particularly those in the Legislative Council, they will see many instances in which employers had abused their positions, and where they had made most extortionate charges for their goods, and where they had compelled men outside their own employment to purchase goods in their stores. Mr. Hackett related some of his experiences there. He said "Until private railways are made to do their duty and until some supervision by the Government—"

THE SPEAKER: What is the hon. member quoting from?

MR. HENSHAW: I am quoting from the debates of 1899.

THE SPEAKER: Of this House?

MR. HENSHAW: No; of the Legislative Council.

THE SPEAKER: The hon. member cannot refer to any debate of another Chamber.

MR. HENSHAW: I thought the limit was to this session only.

MR. RASON: Chair!

MR. HENSHAW: It might save the time of the House if members read the debates themselves; but the hon. gentleman related how men outside the employ of the companies were compelled to deal at their stores, and that when these men declined and tried to get goods up from Perth, the companies declined to carry the goods over their railway. In one instance in particular one company took the goods and lost them on the road, and eventually the man concerned, who was a Government servant, was compelled to go to the company's stores and pay their extortionate prices. The companies have sinned with their eyes open because, as the member for Forrest has pointed out, it paid them to do so. They were making such an immense profit that it paid them to set the law at defiance. I can bear the hon. member out when he stated that a deputation waited on the previous Government and asked them to put the law into operation, to penalise the employers and to stop their deductions; but that Government declined to do it. There is always reluctance on the part of workers to get an interpretation of the law because of the heavy expense. The men perhaps gain nothing themselves, while those awaiting the result of the test reap the whole profit. The companies had this monopoly and they grossly abused it. They are entitled to very little consideration at all; but at the same time, I am going to support the second reading of this Bill, because I believe the solution of the difficulty as pointed out by the member for Forrest is a fair and just one. When this amending Bill is passed I want to see the full force of the Truck Act taking effect. I am very glad to say that I interviewed the Minister for Labour a few days back, and he gave me his assurance that his department would see that the Truck Act was observed. In regard to making this Bill retrospective, I do not think we can do that. I do not think it would be right. I do not think Parliament can condone this nefarious traffic which has been going on. The employers have preferred to set the law

at defiance and to levy on the men; and now they turn round and say that the men are practising roguery in making these claims. I believe the men have been charged most extortionate prices, and that they have a right to put in their claims and let them be heard in a court of law. If the court says they are entitled to 30 or 40 per cent. of the claims, very good. Let the law decide that. The men should be entitled to put in their claims up to the passage of this Bill, and then let us have a clean slate for the future, and let the companies observe the provisions of the Truck Act which in the past it has paid them to set at defiance. It has paid them to rob these men and to give them hard conditions to work under, and then to filch as much of their wages as they possibly could.

MR. N. J. MOORE (Bunbury): If this debate has done nothing else, it should at least hurry up the Government to introduce a Forestry Bill. If a Forestry Bill were introduced and the recommendations of the Royal Commission on Forestry were enforced, I feel sure the occasion for this debate would not have arisen. Among the recommendations is one that in the vicinity of mills a reserve should be made for business areas where people can come into competition with the mills if necessary. The sooner the Government hurry up with this Bill, the better it will be for the country in general. I am very bitterly disappointed that, notwithstanding in the *personnel* of that Commission there was a gentleman now occupying a seat on the Ministerial bench, apparently nothing has been done to introduce this very necessary legislation. As a rule retrospective legislation is not advisable, but I think this is an exceptional case. I should like here to remark that I regret that the member for Collie (Mr. Henshaw) is not consistent. He objects very strongly to retrospective legislation; but if my memory serves me rightly, in his proposal for increased payment to members he has suggested that it should be made retrospective. There is nothing like consistency; and what is good in one respect should likewise hold good for this particular legislation. I think this measure must command the support of all fair-minded men. It is very pleasing indeed to note how the Bill has been

received to-night. It is agreed unanimously that we, as a Parliament, do not recognise the action taken by those men in connection with this Truck Act. No doubt some years ago there were many grave abuses in connection with trading between employer and employee.

MR. HENSHAW: They are doing it now.

MR. MOORE: I was going to say that, as far as my experience serves me—and I had an opportunity in my business to purchase stores throughout the whole of the timber mills in Western Australia—the prices compare favourably with those of goods of a similar nature sold in towns. I do not think on these lines there is any particular grievance. I must congratulate the member for Forrest on his very excellent speech. We have heard from him that these stores are not for the convenience of the employees. A mill may be situated about 14 or 15 miles from the head of the road. This case differs altogether from where a man is working on the mill where there is a possibility of another man establishing a store. The man at the head of a railway wants some stores. The timekeeper has to take cash about with him in his pocket, and the man says "I want stores up to 30s." The timekeeper says, "You had better draw £2," and gives the man the £2. The man says, "What do you want?" The timekeeper says, "You had better give me that 30s. back, and I will give you the stores." That is what is going to happen unless these business reserves are made near these mills so that every man can get custom. In another case, take the man who is anxious to get a contract at sleeper bawing. He is practically penniless and says, "I want money for a broad axe and tucker for a couple of weeks." Perhaps the value is £2. The mill advances him stores to the value of £2. After a month he has hewn 200 sleepers and he asks for a cheque for £12. He is paid and is going away, when the clerk says, "I want the money for the stores." The employer can whistle for his money. That is what often occurs; and it is just as well that we should hear the other side of the question. I understand that if the Railway Traffic Bill is passed and private railway companies are compelled to carry the goods of outside store-

keepers, the abuses instanced this evening by the member for Forrest will not recur. I have pleasure in supporting this Bill, and am gratified to note the spirit in which it has been received by the House.

THE MINISTER FOR MINES AND JUSTICE (Hon. R. Hastie): I wish to congratulate the member who has just spoken on the tone of his remarks; and I cannot help saying that if he had introduced the Bill, and had introduced it in the same spirit, there probably would not have been so much criticism as we have heard. The hon. member calls attention to the fact that we are badly in need of an amendment of the forestry provisions of the Land Act. In that I agree with him most heartily, and am very sorry that I have not yet had an opportunity of introducing such an amendment to the House. I expected to do so ere this; and I can assure him that at the earliest possible moment such a Bill will be brought in. The hon. member says one of the most important needs of the present day is a provision for reserves near the mills, on which reserves private people can freely sell goods in competition with the Combine's stores. But, as was afterwards stated, that provision would not in itself be of any use. Those who were here last session know that without a Railway Traffic Act the Combine can absolutely refuse to carry private stores. Last session Mr. Teesdale Smith declared that storekeeping was an essential part of the work of the Combine, and that the Combine looked to the stores for a fair profit. I do not know whether the profit is large; but Mr. Smith looked on storekeeping as an essential part of his company's business. He declared also that the Combine was perfectly justified in refusing to carry on its railways the goods of rival storekeepers. However, there has been no desire to back up the men who have taken advantage of their position to compel the Combine to give them money representing goods which the men had previously received; and I hope that this Bill will go into Committee in the near future, and that we shall be able to so amend it as to make it acceptable to all parties in the House.

MR. M. F. TROY (Mount Magnet): I deplore the necessity for the introduction of such a measure, though I bear in mind that it would not have been needed had

the timber companies observed the provisions of the Truck Act. From statements in the Press we understand that a handful of men took the opportunity given them by the companies evading the Truck Act, and secured that part of their wages which had been deducted for stores and clothing. Far be it from me to countenance such dishonesty. At the same time there is another side to this question, and one which has to-night been very clearly, emphatically, and eloquently put before us by the member for Forrest (Mr. A. J. Wilson). There is no doubt that the company has wilfully and knowingly violated the provisions of the Truck Act, and would have continued to violate them had not these men taken the action which led to the introduction of this measure. By coercive measures the timber companies have compelled their employees to deal exclusively at the companies' stores, and have prevented outside competition. Under this system a monopoly has been created, with exorbitant charges made for the goods supplied. If in consequence of this action the companies have suffered, I for one say they richly deserve to suffer. It must be borne in mind that, although one company incurred a loss because of the action of these few men, there can be no doubt that on its dealings with the whole of its employees a very considerable profit has been made. It is surprising to me that these employers, having wilfully and knowingly violated the Truck Act, should have the presumption to ask Parliament to protect them from the consequences of their own illegal actions. With the workers who took action against the Combine I have no sympathy whatever. Those workers were equally to blame, in that for a considerable time they allowed the company to evade the provisions of the Act, and they themselves were parties to that evasion. Moreover, as the outcome of the action the men have taken, they have secured the whole of the wages deducted for goods supplied, thereby escaping from the whole of their liabilities. It will, I think, be admitted by every fair-minded member of this House that had these men taken the trouble to arrive at a fair estimate of the reasonable price of these goods, and sued the Combine for the difference between that price and the price actually charged, their action would have

met with the commendation of almost every person in the community. The House must not lend itself either to the recognition of any farther breaches of the Act or to the toleration of such measures of retribution as were in this instance adopted by the employees. I am of opinion that the proposed amendment of the member for Forrest, while relieving the company of all past liabilities, will not for the future give them the privilege of evading the Act. I am in favour of the Bill, but I hope the amendment will be passed, because it must appeal to every member's sense of fair play. I do not agree with the Bill as passed in another place; because by accepting it this House would recognise the future dishonesty of employers and and at the same time the dishonesty of employees if these wished to take advantage of the opportunity given them by employers for evading the Act. If the proposed amendment be passed, the Government will have an opportunity, if the Act be violated in the future, to take immediate action; and I venture to say that by taking action they will not only be dealing leniently with the employers, but will show that dishonesty on the part of employees will not be tolerated. I hope, after what we have heard to-night from members intimately associated with this industry, that the amendment will be passed, that people who persist in evading the laws of the country will not be tolerated, and that we shall do our best to frustrate any dishonest schemes of employees.

MR. C. C. KEYSER (Albany): The issue appears to me very simple. In 1899 the Truck Act was passed, chiefly to prohibit any company or combine from deducting out of wages the price of goods sold to employees. It now appears from the evidence that the Combine has made deductions from wages: that fact has been established beyond dispute. It has been established also that the employees were willing that the Combine should deduct wages for goods supplied. The evidence before the court, Mr. Justice McMillan's decision, seems to prove conclusively that those were the facts. The matter has now been taken out of the hands of employers and employees, and has become a question for Parliament to decide. The

question is whether Parliament will condone the action of employees who, after receiving goods instead of wages, recovered wages in full. In my opinion that is the only point at issue. The member for Forrest has stated that the Combine on various occasions acted injudiciously and unwisely; that it has not fairly treated its employees; that in some instances it actually brought force to bear. Well, those phases of the question ought not to weigh with members of Parliament. The only question is whether Parliament will allow those workmen, after receiving their wages in goods, to proceed against the Combine for such wages. I venture to say there is no member of Parliament with any sense of honour at all, with any idea of justice, who will connive at such a proceeding; and I am surprised that the member for Collie (Mr. Henshaw) should have urged that the men were right in taking those proceedings. I am thoroughly in accord with the amendment proposed in another place, and I say such proceedings ought not to be allowed. If they are unjust, let us stop them instantly. Allow no man to proceed against the Combine. In this instance the Combine has been victimised. It may have broken the Act, and I believe it did; and I do not hesitate to say that the Government then in power, as the member for Forrest very wisely put it, are altogether to blame for the present state of affairs. The ex-Premier and Attorney General, Mr. Walter James, when he was approached, stated that he was not prepared to enforce the provisions of the Truck Act, simply because no conviction had been secured. He said "Let anyone of you cite the company for a breach of the Truck Act, and then the Government will proceed." Suppose the Premier took the same course with a drunken man, and said that an ordinary citizen must prove that the man was drunk before the State could step in by fining him for drunkenness, that proposal would be on a par with the other. That was an absurd position for any Attorney General to take up. When we pass a law, surely the Government of the day should see that the law is effective. And if when the Attorney General some months ago was approached and urged to enforce the provisions of the Truck

Act, he had proceeded against the Combine, we should not have had such an exhibition as we have witnessed to-night. And so the leader of the Opposition (Mr. Rason) is himself greatly to blame. As a member of the preceding Ministry, he is altogether to blame; and it is to be hoped that to-night he will candidly admit that his behaviour on this occasion has been totally unwarranted and totally unwise. As regards helping these men to appear before the court, I hope no member in this House will be a party to it.

MR. J. P. McLARTY (Murray): We have been told that 5,000 of these workmen have taken no advantage of the position, and that only 24 have sought to be paid twice over. I think that we may, whilst legislating, be in harmony with the 5,000 and not the 24. When the Truck Act of 1899 was passed, many people thought it ought to have gone into the waste-paper basket, because it was utterly impossible to carry it out; and the member for Forrest knows as well as I do that if it had not been for the company supplying the men, in some instances the men would have had to leave the place or be put to a very great expense. Take Jarrahdale, for instance. The company in the first place encouraged private people to start in business. Butchering was started there and two men went into it. One became bankrupt, whereupon the second man took it up, and he also became bankrupt—I could give the names if necessary—and the company had finally to take the butchering into their own hands. Unless the companies had supplied the men, no one else would have taken to butchering and the men would not have got any meat. I deny that the prices were excessive. Take Waroona and Yarloop. The men for miles round could have got stores at other than the timber company's stores, and they have not had much to complain of with regard to the company supplying them with meat or anything of the sort.

MR. T. H. BATH (Brown Hill): With regard to the question before the House, the member for Albany (Mr. Keyser) stated there was only one point to decide in considering this question, that being whether this House can justify these men proceeding against the company under the Truck Act; but I say there is another

point, and a very important one, and that is whether this House shall deliberately by means of a statute of Parliament condone on the part of this company deliberate evasions of a statute passed by the previous Parliament; whether we shall by an Act of Parliament justify those people in a breach of the law. In regard to the other proposition, whilst the conduct of the men who brought these actions may be wrong from a moral point of view, they are certainly within their rights from the legal point of view. But in regard to the evidence brought forward by the member for Forrest, and which has been substantiated time and time again by sworn evidence given by men employed on these mills, the companies certainly acted wrongly in these instances, and they have added to the their wrong action by the deliberate evasion of the laws of this land. That is the position clearly before us; and if we are to pass the Bill as it has been sent down to us by another place, we shall by force of an Act of Parliament be justifying these people in an evasion of the law. The only question at issue is, therefore, whether the statements made by the member for Forrest are true; and I believe all the evidence which has been quoted from time to time, and which has been before the public of this State, should justify men of all shades of political opinions in saying that the Truck Act shall be administered, and that the statements of the member for Forrest are justified. I am quite in accord on this question with some of the remarks made by Mr. Atkins, who at that time was the member for Murray, and whose remarks were made whilst dealing with the Railway Traffic Bill. Mr. Atkins at that time said:—

Some railway companies or timber companies who have railways have always treated the people fairly and rightly. [The Premier: Hear, hear.] Others have not. I have a particular case in my mind, and I want to ventilate it; that is a case at Waroona that has been brought under my notice. I have a statement from the Waroona people which I hope the member for Wellington (Mr. Teesdale Smith), who is here to-night, will be able to contradict; I give it for what it is worth.

Mr. Teesdale Smith: I never contradict anything.

Mr. Atkins: It is a good long complaint.

Mr. Teesdale Smith: Do not read it.

Mr. Atkins: I am going to read it. Several of the inhabitants of Waroona have made a complaint: nine of them signed a document which I have, and they say that several times their goods have been refused to be carried on the railway. It is not that the company refused to carry the goods for a shilling or two shillings, but they have refused to carry the goods at all. The goods have been thrown off the train. In deference to the member for Wellington, I will not read the whole of it.

Mr. Teesdale Smith: Read it all.

Mr. Atkins: Mr. Turner, an employee of the company residing at No. 4 Mill, Waroona, had a parcel containing bedding consigned to him at Waroona railway station; the parcel was placed on the company's trucks, but was removed by an employee acting under orders from the manager of the Waroona Mills. Subsequently Mr. Turner had to hire a conveyance to take the parcel to his home via the public road. Mr. Harman, who is a resident of No. 4 Mill at Waroona, had several parcels of drapery forwarded to the Waroona railway station, and his wife placed them on the timber company's train. These parcels were removed by the company's employee acting under orders from the mill manager, and Mr. Harman had to pay a carrier to take the goods to his residence by road. Settlers along the company's line have been distinctly told that goods similar to those stocked by the company will not be carried by the company unless the same have been procured from the company's store. The document farther says: "The undersigned have no hesitation in saying that the above are absolute facts to which no tangible excuse can be made." Then follow the names.

Farther on is a statement by the Minister for Mines. We have also a statement by Mr. Teesdale Smith, who at that time was member for Wellington, that he would persist in this conduct and compel the people to deal at his stores. We have a lively recollection of the abuses set forth in the document of the Royal Commission which dealt with the question of the abuses which crept in in the United Kingdom before they introduced the Truck Act in Great Britain. We know that at that time abuses were rampant, and the Government were compelled to pass a Truck Act in order to deal with those abuses. If members will turn up the reports of the Labour Department under the Board of Trade they will find innumerable instances where under similar circumstances employees have secured verdicts against companies and employers under the Truck Act. In this case the abuse has not been directed against those who obtained verdicts, but time after time we have had condemna-

tory remarks by those who tried the cases against the companies who abused the Truck Act; so I say that under no circumstances can we pass a Bill which will have the effect of justifying any company for breaches of laws duly passed by the Parliament of this State. The position is clear. I think that the proposal which the member for Forrest has put before the House is an eminently reasonable one. It is not within the power of this House to review judicial decisions or to interfere in any way with the process of the courts; but we can say we will protect these people from claims after the passing of this Bill, and that we will endeavour after the passing of this amending Bill to see that the provisions of the Truck Act are duly enforced. Or if we are not desirous of seeing the provisions enforced, we should wipe the statute from the statute-book altogether. There is no other course open to us. And while these men may morally have committed a wrong, a prior wrong, a prior illegality was committed by the company, who with their eyes open abused that Act. It cannot be said that these men in control of the companies are ignorant; that they have no knowledge of the provisions of the Act. They are enlightened men having a knowledge of the legislation of the State. They know that we passed a Truck Act, and they know they have made a profit. I say it is the duty of those charged with the administration to see that the provisions of this Act are enforced, or if we do not desire to enforce them the provisions should be wiped away from the statute-book altogether as a useless encumbrance upon it.

MR. T. HAYWARD (Wellington): Allusion has been made by the member for Forrest to the Mornington Mills. With regard to the railway I know nothing at all; but as to the people not being allowed to supply that station or that mill by road, I know of a number of people who do take their provisions there, and that there is no restriction whatever at the present time to their doing so. There are public roads and there are also private roads into the place, of which these people avail themselves.

MR. A. J. WILSON: I mentioned a specific case where they objected.

MR. HAYWARD: That might have been some time ago. Also with regard

to the charges, I know that settlers living in the neighbourhood who took their produce there got most of their stores there, and if the prices were so exorbitant I am certain they would not have done so. These companies are said to have made large profits out of the working men; but not one single instance can be quoted in which the companies have paid a dividend.

MR. A. J. WILSON: That is a different thing altogether.

MR. HAYWARD: No; it is not. If these men, as has been said, paid an exorbitant price for their stores, where has the profit gone? I say without fear of contradiction that the only people who received any benefit whatever from the timber trade are the men employed in it and the people who supplied them. We should not encourage men who have had the full benefit of their labour to try to rob companies by endeavouring to get paid twice over.

DR. ELLIS (Coolgardie): I have taken some interest in going through this question, and it appears to me the position is a curious one in the State. As far as I can see, the company created an offence by a deliberate breach of an Act passed by this House expressly to prevent it; and it does not matter what may be said about the result of the offence, the company should to a certain extent be liable to punishment for having committed that offence knowingly. Next the men condoned the offence by not taking the requisite action open to them under the Act, and so allowing the offence to continue and the company to consider that they could do it with impunity. But last and worst of all is the position taken up by the Government who passed the Act, who were there to administer the Act, and who when a request was made to them to administer the Act refused to do so, and put the country into the present position. That is the worst point in the whole case to my mind, to pass an Act for a definite purpose to stop an illegal or improper action going on, and then not put that Act into operation. That shows that the Government who did it were the most guilty party of all; and the reason I am inclined to support the company in being put in a position outside the Act as far as these cases are concerned is that the Govern-

ment did not do their duty as they should have done. That, I say, is to my mind the most serious position of the whole case. It is said that the Act cannot be administered; but I guarantee that before twelve months the Act will be administered. There will be no difficulty in administering the Act, and the folly and wrong of not administering it in the past will fall on those gentlemen on the other side who, as Ministers, did not put the Act into force. The Opposition have given no specific instance, but we have given specific cases. It has been mentioned that the Combine has overcharged repeatedly, and it is no excuse to say that the Combine has not made money in other commercial transactions. The Combine used the money extorted from these men to lower the price of the timber. Nevertheless it has extorted money from these men, and has carried out a system which would never have been tolerated anywhere else. The leader of the Opposition was doubtful as to whether he would get equity and justice from this (Government) side; but we are going farther than the Opposition wish to go. We are saying that we will not give any six-months period during which the men shall make improper demands on the Combine. We are inclined to wipe out the six-months period altogether, and from the day of the passing of the Bill the claims shall be wiped out if they are not placed before the court by that time. Could there be a more just and honourable position than that? At the moment of the passing of the Bill no case that has not come before the court will have any *locus standi*. That is the position of the amendment, and I claim that is a more honourable and straight position, because if we were doing a wrong to the Combine, why continue it and allow it to date six months back? We say that an Act which was deliberately passed by the House shall in the future be administered by the State or wiped off the statute-book.

MR. BURGESS: The hon. member said that it had not been administered.

DR. ELLIS: It has not been administered in the past, because the party which the hon. member supports had the administering of that Act, and tried to make it a dead letter. I think it was the member for Wellington who gave

us the axe case. He instanced the case of a man who wanted a broad axe and £2 for tucker to start off. The Act makes provision for mutual arrangements being entered into for six weeks, so that no injustice can occur. The hon. member evidently did not understand the Act he was speaking about. He was simply pleading a special case. In regard to the statement of the leader of the Opposition about the £900 which showed that the system had been going on for a long time, this was a special matter in which horses, teams, and wages amounting to about £80 a month were obtained. In that case it can be seen that the period covered was not as long as stated. It appears to me the leader of the Opposition adopted a very bad tone in speaking to this measure; a very reprehensible tone. He said that one could hardly expect full justice from the Government side of the House.

MR. RASON: On a point of explanation, the member accuses me of making a statement which I deny having made; and I appeal to members to say whether I did not say that I was absolutely sure justice would be obtained from both sides of the House.

DR. ELLIS: I quite agree with the hon. member. He did say that, but there was the manner of saying it. He pointed out how it would go forth to the rest of the world that men were making this immoral demand. The Truck Act was passed by a Government of which the leader of the Opposition was a member, and if there was anything immoral in that Act, and if that Act created an immoral demand, why did the Government pass it? Was it because of its immorality that the Government refused to administer the Act, or was it because the Act was passed to do away with immorality?

MR. GREGORY: The leader of the Opposition was not a member of the Government which passed the Act.

DR. ELLIS: I apologise. I was under the impression the Act was passed by the Leake Government. I understand it was passed by the Government of Sir John Forrest, when the leader of the Opposition supported Sir John Forrest. It was before that celebrated event when he changed his position. I am not sure whether he was not whip at the time,

and therefore assisted in passing the Act; so after all I am not so erroneous in the statement I made.

MR. RASON: Not more than usual.

DR. ELLIS: In that position the hon. member helped to pass the Act, and when he became a Minister of the Crown he was a member of the Government that administered it; and I contend that any error that has arisen in regard to that position, and any evil that has resulted to the State, and any bad imputation that has occurred, were caused by the Government to which the hon. member belonged.

MR. H. BROWN (Perth): We have heard one side of the question. I am going to support the second reading of the Bill in its entirety and vote against any amendment. Amongst my many occupations, I can speak as an employee of these much-abused timber companies. Anyone who has heard some members speak to-night would think that the men working for the timber companies were absolute serfs, and so tied to the companies they dare not leave them. Men would not suffer this harrowing treatment which we have heard detailed to-night for one month without throwing up their positions. I say, with all due respect to the member for Collie, I recollect the time when the country had no use for leaders of organisations which we have now. I will refer to the Jarrahdale timber station which the member for Collie has spoken so much about. I served for six months after I first came to this State on that station, and I deny that there was any coercion placed on any person to deal at the store run by that company. On more than one occasion that company was the means of keeping several men and their families from starvation. When work was slack and men were not earning enough to keep them alive, I have known orders come from Melbourne to give the men sufficient to live upon whilst they were out of work, in the hope that when work became brisk they would be able to pay their indebtedness to the company. Had it not been for the company at that particular time, these men would have been turned on the State with no means of earning a living.

MR. SCADDAN: Do you refer to one particular company?

MR. H. BROWN: Members have referred to companies generally. I am referring to the Jarrahdale Company, for which the member for Collie has worked once or twice. I am speaking of absolute facts, and I can corroborate the statement of the member for Pinjarra that the majority of settlers in and around that district dealt with the store belonging to the company, in preference to obtaining their goods from Perth or Fremantle which they had an opportunity of doing.

MR. TROY: That proves nothing.

MR. H. BROWN: Hon. members have been trying to argue that compulsion was brought to bear on the men, and the manager of that company—I was there 16 odd years ago, and refer to Mr. Munroe—was a generous man, and a more generous man was never known at Jarrahdale. We have had the innuendo made, a charge practically, by the member for Forrest that these companies are absolute robbers. He referred to the docket system. I can refer to the book system on the station. On every occasion when an employee or his wife came to the store a book would be brought, and when goods were supplied they were entered in the book. There was not the slightest chance of robbery, and no employee can say that he was ever robbed by that particular company. I say with the member for Guildford that it should be to the honour and credit of this country from a financial point of view, and for its standing with the mother country, that the Bill should be passed.

MR. BOLTON: Are you in favour of retrospective legislation?

MR. H. BROWN: I am in this particular case, but not in regard to payment of members, which I am against altogether. Members on the Government side vote for what suits them.

MR. CONNOR: Is the hon. member in order in referring to members on this side?

MR. H. BROWN: I withdraw the reference to all the members on the Government side. I say in reference to the member for Collie that what he is in favour of for himself he is not in favour of for any company. I refer to payment of members which the hon. member wishes to date back, and which I trust the House will never carry. For

the credit of the country it is to be hoped that the men will never be allowed to recover in any court of law the unjust claims they are now making. The member for Forrest has stated that the men who are making these claims are poor men.

MR. A. J. WILSON: I did not plead that as a justification.

MR. H. BROWN: The hon. member says that these men are poor; yet they are going to law.

MR. A. J. WILSON: The hon. member is not correct in referring to my utterances. I never excused the men on the ground that they were poor and consequently could not go to law.

MR. H. BROWN: The member for Forrest has referred to the poor worker—that was the tone of the speech; yet in the same breath, by innuendo—he is behind the scenes—says that if these men do not get reparation in the Full Court they will go to the High Court of Australia! The suggestion seems to be that there is some great organisation behind the men, and I say if that gets to the mother country it will do us an injury. It is not the 24 men we are fighting here, but the united organisations of the Labour party who are behind the claims, and the sooner it is known the better. People should know who are pulling the strings. We know the lawyer who has been engaged for this particular work; he is always engaged, and I would like a refutation from the leaders of these organisations and from the member for Forrest that these organisations have nothing to do with enforcing the claims of these men. I have never inferred that the unions are behind the men; but we have been told by the member for Forrest, with some authority, that if the case is not decided in favour of the men in the Full Court it will be taken to a still higher court; and we know a poor man would not do that unless he had someone supporting him behind the throne.

MR. W. NELSON (Hannans): I must confess it was my intention to be absolutely silent on this question until I heard the member for Perth, who has just gone out of the Chamber. I desire to say I have listened with profound interest to the exceedingly interesting discussion which has taken place, and I must say on the whole I feel sure that on

both sides of this House there is a clear and undoubted recognition of the principle that, in the relationship existing between employers and employees, the principle of honesty ought to be observed. The leader of the Opposition in his opening speech to-night said, and I believe he sincerely meant it, that he refused to hold the opinion that any of the members on this (Government) side of the House, or on any side of the House, would condone an act of deliberate robbery; and I believe, in spite of some unfortunate observations that have accidentally fallen from the lips of some hon. members, that statement is absolutely true, not one member in this House would justify directly or indirectly the commission of an act of deliberate dishonesty. I was pleased to find my friend the member for Forrest, in an exceedingly admirable speech that was undoubtedly a vindication of the position taken by those sitting on the Government side of the House, making it clear from the outset that, while he had a severe indictment to bring against the employer, he had no sympathy with what was practically a dishonest attempt on the part of some men to secure property to which they were not entitled. What strikes me in this matter, in listening to the speeches on both sides, is that after all the members in this Assembly must recognise that, although some of us may be workers and others of us employers, there is in all probability, so far as moral character is concerned, no fundamental difference between us. I believe if you placed the average capitalist in the shoes of the average worker, he would act as the average worker is acting; and I believe if you placed the average worker in the shoes of the average capitalist, he would be almost as bad as the average capitalist. I am far from thinking that every worker is an angel, and far from thinking that every capitalist is a devil. We are very largely the product of our conditions, and I believe in a House like this, where members of both classes stand face to face, it is our duty to sink these foolish differences and recognise the fundamental agreement. While on this matter we might have our differences of opinion sincerely held on both sides, I think we should recognise—and I am glad to find that during this debate mem-

bers have recognised—the sincerity and honesty of both sides of the House. The member for Forrest brought a very severe indictment against the company whose conduct is considered here to-night. The member for Perth, in order to reply to that indictment of the company, proceeded to laud the virtues of some other company which had no connection with this company. That can be paralleled by excusing John Brown, who was tried for alleged murder, by pointing out that John Smith, another person altogether, never committed a murder in his life. The contention of the member for Perth shows either the intellectual poverty of that gentleman, or the fact that he had such a wretchedly bad case that he had to resort to intellectual subterfuges utterly unworthy of this Chamber. The point to which I desire to draw attention in this speech of the member for Perth is, first of all, his unjustifiable insinuation regarding these comparatively few men, who are doing what we all believe to be a wrong thing, though no doubt a legal thing. The most unjustifiable assertion or insinuation made during this debate was made by the member for Perth, when he so far forgot himself as to insinuate that these actions are not really taken by the parties named, but that the unions of the country are behind the men. I not only repudiate that and say it is a grave insult to the workers and unions of this country, but I say it reflects the greatest discredit on the hon. member who should sink low enough to urge such a charge against the workers of this State.

MR. BOLTON: It is like him.

MR. NELSON: I do not desire to be ungenerous, but Shakespeare somewhere says

Suspicion haunts the guilty mind.

I am afraid some of the gentlemen on the other side of the House are possibly under the impression that the men on this side of the House are influenced by the kind of motives and guilty of the kind of conduct of which they themselves are somewhat guilty. With regard to the question before the House, I agree entirely with the passing of this measure, and I trust it will become law. Two things are perfectly clear to me. The

first is that certain employers of labour have been violating a law to the detriment of a large number of workers. The second is that a comparatively small number of workers, very likely suffering from a sense of injustice in the past, are doing what, in my opinion, they ought not to do. Now, what this House ought to do in a matter of this kind is to do justice between both parties. I say I am utterly opposed to making this Bill retrospective. That would be setting a dangerous precedent. We have no right to make a law which law shall have a retrospective effect. To introduce a principle of that kind would be to introduce a principle which, if universally carried out, would be a danger and a menace to the whole of the State. While I am therefore utterly opposed to making the Bill retrospective, I am nevertheless utterly opposed to dishonesty; and I say that whenever this Bill is passed, from that moment no farther case ought to be brought against this company; and no party should be enabled to sue for what may be a legal, but what is certainly not a moral, right.

MR. WATTS: Why help the 24 to be dishonest?

MR. NELSON: While it is a good thing to observe the laws of honesty, it is also a good thing to observe the principles that govern all wise legislation. It would never do to instantly permit legislation to be passed under which wrongs could be done, and immediately pass some other legislation to prevent these wrongs being done. I say, when this Bill is passed, from that moment no further wrong should be done; and I am in favour of passing the Bill for that reason. I desire, before sitting down, to say that I think it is good that this question should have been discussed in the very full and very ample way in which it has been discussed. I think it is good that in this House, representing the two great parties that in all probability will be struggling for supremacy in the days to come—the party of capital and the party of labour—these principles should be discussed in the spirit of what I may say is the spirit of truth or the spirit of courage. I like to hear the men on the other side express their sentiments; and I believe they will be none the worse for hearing the sentiments expressed on this side. I believe that we

are both misunderstanding each other. I sincerely believe that the people on the other side of the Chamber, representing though they do interests that seem, in the present state of society, rather antagonistic to ours, are acting according to their convictions; but I should ask those hon. members to bear in mind that the men who sit on this side of the House may also have sincere convictions. I would ask them to believe that, after all, we are representing a movement which is as wide as human civilization, and to remember that the same sneers that are now made in our direction used to be made in the direction of every liberal cause that ever yet has raised itself in favour of the liberties of men. I would ask, therefore, in conclusion, that in passing this Bill we shall pass it not in the interests of the employer and not in the interests of the worker, but in the interests of all the people; believing that legislation alone to be sound which tends to promote the well-being of all members of the community.

MR. FRANK WILSON (Sussex): I must say that the remarks which have fallen from the hon. member who has just sat down do him credit. He has given emphatic assurance that he, at any rate, and many of his friends on the other side of the House, will be no party to any dishonest claim of the nature of those these men are now making against Millar's Combine. I am sorry the hon. member thought it necessary, at the same time, to reflect somewhat upon the remarks made by the member for Perth in connection with his experience at Jarrahdale. It is true the Jarrahdale timber station has passed out of the control of the old company and into the control of the new, but at the same time I should like the hon. member to recollect that the member for Perth made it clear that the manager who is in charge of the timber station to-day was in charge of the timber station when the member for Perth was employed there. [Interjection by MR. SCADDAN.] Hon members do not understand as much about this business as I do. I have had a fairly long experience in controlling timber stations in Western Australia. Some 14 years ago my connection with the timber industry commenced, and I think I may be pardoned for saying that I know what I am talking

about on this occasion. The control of the railway system of a timber station, the question of compelling employees to deal at stores, rests entirely with the individual managers; and I wish to say at once that in my experience, contrary to that of some members who have spoken to-night, very little compulsion has ever been used to make employees deal with the company's stores. I remember that one of the first actions I took in Western Australia was in consequence of a complaint of that sort made to me some 14 years ago by a storekeeper at Midland Junction, who said that the employees at the Canning timber station could not get goods bought from him carried over the company's line. I issued orders that every facility should be given to anyone to get goods from any place in Western Australia. Goods were then brought from Perth, Fremantle, and Midland Junction; and of course the ordinary railage charges, subject to the control of the Government of the day, were made. I have yet to learn that this has not been the policy of the majority of the large timber stations. I know that charges were made against I think the Denmark and the Karridale companies, but nothing was proved. When the Truck Act was introduced in 1899, nothing was proved on the floor of the House to show that the measure was necessary. No instances were given of "truck" as the term is understood in the old country. Truck does not consist of supplying goods to employees at current prices and making a contra account, but in forcing employees to take payment for their labour in kind, and that a very inferior kind. Furthermore, in the old days it was a common practice for the employer to give his men orders on certain storekeepers, certain butchers, and not uncommonly on certain publicans; and a very big percentage was deducted by these tradespeople for cashing the orders. That system does not prevail and never has prevailed in Western Australia during my experience. So far as I can judge there has been really no case made out for a Truck Act, though I am bound to admit that if the cases mentioned in what was in many respects the very moderate speech by the member for Forrest can be proved to be true—I must say that I should like to hear the other side—then

there is some justification for those charges against the Combine. Take a refusal to carry goods over a timber railway. I think the Government of the day were perhaps in some measure to blame for that condition of affairs. I speak from memory; but I believe the Land Act which authorises those branch lines to be constructed by private people to convey timber from the timber stations to the State railways, also gives certain powers to the Minister for Railways, powers which enable him, if he thinks fit, to compel timber companies to carry goods at rates similar to those charged by the Government. Why were not these powers enforced? It is absolutely dastardly that any manager of a timber station should refuse to carry goods for an employee over the company's line at a fair rate. It is moreover repugnant to all sense of British justice that any such manager should attempt to force his employees to deal at the company's store. That is one thing on which I shall always put my foot down. The stores are there for the convenience of the men and for the profit of the companies; a moderate profit I hope, and I believe it is moderate as a general rule. But to say that an employee, because he happens to be working at my timber station or at any other, should be forced to deal with the store put there for his convenience is preposterous, and certainly should not for a moment be permitted. But will the Truck Act prevent that compulsion if it exists? I think not. I see nothing in the Truck Act as it stands to-day to prevent it. The Act says each man must be paid his full wages; whilst an employer may pay a man his full wages in cash, and with the other hand take from him what he owes for stores. Certainly the employer runs the risk of making a bad debt if the man likes to refuse to pay his account; but tradespeople very often run such risks. It was never intended, however, that the right to demand full payment in cash should not be immediately exercised. The Act was intended to be availed of the moment an employer brought undue pressure to bear on his employee. The intention was not that an employee should allow an account to run for years, and then make a claim for £900 or £1,000 for wages paid by contra account. Why, the thing is prepos-

terous; and I am glad to hear members on both sides deprecate the action certain men have taken in the law courts. It is preposterous to think that any Parliament would permit men who have quietly continued for years to draw their wages less the amounts of their store accounts, to say at the end of many years "Give me the money you have deducted, and which I allowed you to deduct for the stores you supplied me." I am sure that no member on either side of the House will permit that; and I am sorry that in this connection the member for Hannans (Mr. Nelson) thought it necessary to draw a line of demarcation between one side of the House and the other. This is not a matter which affects the Government and the Opposition as such. It happened that the leader of the Opposition introduced this Bill, which is a Bill introduced by a private member in another place; but that did not give it the stamp of the Opposition any more than the stamp of the Government. We are at one in endeavouring to stop a dishonest practice, and let me say I think members have not grasped the subject when they object to making the Bill retrospective to the day on which it was introduced to the Legislative Council. We do not pass a retrospective measure if we adopt that date; we state simply that from the date the measure was introduced to the Council it shall be operative. And I think if we are agreed that dishonest practices such as those under discussion should be prevented, we should also agree to prevent the hundreds of men who may admittedly put in claims now that they see both Houses of Parliament opposed to the principle. What is the position to-day? We have before the court 24 appellants for the payment of wages to which we say they are not entitled, because they have already been paid in the shape of stores deducted from their wages month by month. Some hundreds of employees have not yet put in their claims. Is it not reasonable to suppose that as soon as they notice the trend of public opinion as expressed by the speeches of members in this House and in the Legislative Council, they may take advantage of this peculiar state of the law? Those who wish to be dishonest will immediately put in their claims. A member interjects that, if dishonest, they would have done so long ago.

I say no; they would wait for the decisions in the cases pending, and would then compromise with the Combine.

MR. A. J. WILSON: You do not know the men as well as I.

MR. FRANK WILSON: Perhaps not. I do not say that the majority would do this. Happily my experience teaches me that the vast majority of the workers in the timber and other industries of Western Australia with which I have been connected are honest and honourable men; and I do not say we shall find a large percentage of the men who would take advantage of such a situation as this, arising out of a practice which must have been instituted for their convenience if it has been also to some extent for the profit of the company. I hope hon. members will forget the hard things said by several speakers on this occasion; will forget such terms as "dishonest employers" mentioned by the member for Mt. Magnet (Mr. Troy). Dishonest, why? Because they have not observed an Act of Parliament, the law of the land. Is a man stamped as dishonest because he occasionally breaks the law of his country? I wonder how many members here observe every law of this State. I hope we shall never imply dishonesty because a man happens to overstep what is for the time being a law of the land. I am inclined to think we need better evidence before admitting the statement that the stores on timber stations—and I have been connected with the industry till within three years ago—are not carried on at a very moderate profit of from 8 or 10 to 12 per cent. on the turnover. There may be exceptional instances where extortionate prices have been in vogue; but I am speaking of the stores in the aggregate. I do not think any member will refuse a company the right to a legitimate profit of say 10 or even 12 per cent. on the turnover of the store.

MR. BOLTON: Why have the companies blocked outside traders?

MR. FRANK WILSON: I am not aware that they have. No station I have been connected with—and I have worked three of the largest in the country for many years—has ever made any attempt to block anyone from trading with employees of the company. I am not aware of any other companies who have done so. It seems to me we should be wise to

limit the time within which claims of this sort may be made. Members have taken exception to this proposal. The member for Forrest has tabled some amendments which will certainly deal with all claims made after the passing of this Bill, if it is passed; but we have other Acts wherein the time for making claims is limited. If I remember rightly, a case in point is the Workmen's Compensation Act, admittedly passed for the special benefit of our workers; an Act which makes it almost obligatory that an employer shall pay for any accident that may happen to his workman. In that Act, the time for taking action is limited. I believe action must be taken within three months of the date of the accident. Why should we not in this Bill make a similar provision? We deprecate the action of the Combine; yet though unwise, it was certainly not dishonest. Though admittedly to some extent for the profit of the company, it was certainly a convenience for the workers employed by the company. Why should we not say, justly and rightly say, that any action brought in the future under the Truck Act of this State must be brought within a reasonable time, say within six months, and not have these cases piling up for years, connived at by both parties, both of whom are culpable inasmuch as they are committing a breach of the law.

MR. SCADDAN: The Workmen's Compensation Act is another Act altogether. This is a legal act; that is an illegal act.

MR. WILSON: I cannot follow the interjection at all.

MR. SCADDAN: I say under the Workmen's Compensation Act it was a legal act; in this case it was an illegal act.

MR. WILSON: Under the Workmen's Compensation Act there is a liability as soon as an accident occurs, and that liability is on the employer; but if the worker who has a claim upon the employer does not lay a claim and take action in a stated time, three or four months, he is put out of court and cannot make his claim. In this instance the worker has a claim on his employer under the Truck Act for wages which under that Act have not been paid. I say we would be perfectly justified on similar lines in saying that if the worker does not lay his claim within a reasonable

time no claim shall lie and his case shall be out of court also. They are both legal actions in that sense. I simply wish in conclusion to refer to one or two remarks which my friend the member for Forrest made in supporting his case. He said that rents had been raised on a certain timber station because employees would not deal at the companies' stores. If that could be proved it is most reprehensible, and I think almost any steps would be justifiable in bringing that company to book. But I happen to remember some explanation of that case, and I think it was this. It had nothing whatever to do with the question of dealing at the company's stores. The people were living in the company's house, and they wished to start a boarding-house. Additions, I understand, were made to that house, and the rent was raised to that amount which the other boarding-houses were paying on the timber station. If my explanation is correct, then the hon. member's case on that point falls to the ground. He also said—and this I take great exception to as a very serious charge—that goods had been invoiced to employees which were never supplied. He did not say so in those words, but in words which meant that; that purchasers who purchased goods from the company's store could not, when they got their book, find their delivery notes on certain amounts charged, that if they went for explanation to the store they were told that the account was right and they must be satisfied with it. My experience of these stores on the timber stations has extended over some nine or ten years in this State, and in nine cases out of ten customers have what we call pass-books. They take these books to the storekeeper or store manager, and as they get the goods those goods are entered up in their presence, and that was the account on which amounts were deducted on pay day. I have yet to learn of one manager—certainly not Mr. Munro—who has refused to let any employee who brought no book go and see the details of the goods he had purchased during the month as set down in the company's store ledger. I have an intimate acquaintance with managers of timber stations in Western Australia, and I know none who would be guilty of such

a dishonest practice as that referred to, which would certainly entitle a man who perpetrated it to serve some period in His Majesty's gaol at Fremantle. I do not think any member would defend an action of that sort, and I am proud to know that members on both sides have joined their remarks and their views in denouncing what appears to me to be a deliberate attempt to take from a company—whether we agree with the company's method of business or otherwise—double payment for the labour performed.

MR. A. J. WATTS (Northam): I should like to draw attention to the fact that the member for Forrest and the member for Collie (Mr. Henshaw) have said the prices charged were altogether too high; and I believe we have had statements by other members that the prices charged by the companies for some time past have been most reasonable, and that the settlers who have settled around those particular places have dealt at the companies' stores, when they could have dealt elsewhere if the prices charged had been too high, but evidently considering the prices were right they dealt with the companies. So, as far as that is concerned, we have evidence on both sides. I am surprised that the member for Forrest should attempt to condone what I consider to be a serious violation of the principles of right and wrong in which those men have attempted, after getting their goods from the company, to defraud that company by now making a claim for the amount of wages which had been deducted for those goods. I am extremely surprised that members should attempt to condone such a thing, or to give assistance to those men who are doing a thing of that sort. There are some, I know, who object to the company getting anything like a fair profit at all. They seem to forget that it is possible that bad debts will come in even with timber companies when they are advancing goods to persons who are perhaps sick and unable to work. Where they are giving credit, a higher margin of profit has to be allowed on the goods than would be the case if they were dealing simply and solely for cash. And, as I understand, the company have been giving terms to people who have not been at the time earning wages. I do not think that if they are doing that sort of thing we should expect them to sell goods

at cash prices now charged in the city. Farther than that, I think that the action which the hon. member contemplates taking with regard to the time under which these claims may be put in will have the effect of encouraging a very much larger number of men to put in their claims, which I consider to be unjust. If already 24 men have been found to be dishonest—and the members who have spoken in this House to-night have, I think with one exception, agreed that the claims the men are making are most unfair and unjust—

MR. A. J. WILSON: Who is the exception?

MR. WATTS: I will not mention names. If the member for Forrest had been paying attention he would have known, and if he was not listening, perhaps he was satisfied that his speech was sufficient to convince the other members of the House, and that it was not necessary to take notice of what was being said. If 24 men have been proved to be dishonest by making these claims, it is possible there will be another 24 who will be sufficiently dishonest to put in claims—possibly many more than 24.

MEMBER: It is also very improbable.

MR. WATTS: I consider that by attempting to put a time limit in the passing of this Act, we should be encouraging these men to put in dishonest claims and to connive at wrong-doing, and I shall certainly object to this House attempting to make a wrong right in such a manner. It seems to me that the men, according to the statements made, were the first victims, that they were overcharged for their goods, and that the company are being victimised now. An attempt is being made by two wrongs to make one right. This has been going on for some years, and if the men considered they were being unjustly charged at the time they would, if they had been true men, have made their claims long ago, or objected to the prices being charged. It is all very well to come to this House now and attempt to justify the action of men in making claims of this sort so long after they have had the goods and used them up, and when in very many cases, even though the company might have the right to claim, it would be utterly impossible for them to recover for the goods they have delivered. I believe

the company have already been punished to a certain extent; I think we have been informed they have paid off a number of men; that where high claims have been put in they have paid a good deal less and thereby got off for smaller payments. If so, they have already paid to a certain extent for the mistake which they made, and they certainly have had to admit their liability. They made a mistake, and they are being made to suffer for it. I have nothing to say in favour of a company committing a breach of the Act. In common with other members who have spoken to-night I reprobate the idea of their breaking the law in the way they have done, and I consider they should suffer; but at the same time I am not going to attempt to do wrong in order to put that matter right.

MR. F. CONNOR (Kimberley): I think it is only fair that each member should express his opinion on this question. From my experience of 12 years in this House I have never heard the word "honesty" used so often in one night. Each member seems to be accusing the other of not being honest in the past, and the necessity for proving that it is necessary he should be honest in the future. I think that is rather degenerating the procedure in the House and the debates that have taken place in the past. We have the member for Hannans quoting Shakespeare—I will not repeat it. [MEMBER: You cannot.] I think there is a quotation from Shakespeare, "The lady doth protest too much, methinks." All are protesting their honesty too much on this question. When a wrong is being done, ordinary business men can see it. We are here to-night to do away with that dishonesty. The very fact that we are agreeing to the necessity for this Bill proves that it should be made retrospective. It appears that each party has been carrying out the law as it exists for just ends, or has been taking advantage of the law as it stands to be dishonest. We should stop that dishonesty if it does exist.

MR. C. H. RASON (in reply): I am indeed glad this Bill has met with the reception that it has. I believe I can correctly repeat what I said on the introduction of the Bill, that I was particularly sure both sides of the House would do their best to prevent an in-

justice being done. I am sure I am correctly stating what I said previously. I made use of those words or similar words. I congratulate the member for Forrest on his eloquent speech, and I congratulate him still more on his wonderful power of imagination, because the member said—I made a note of his words—that I had spoken of members of the Labor party and of working men in a contemptuous manner. I do not think that was a fair remark or a fair accusation to level against me, even although I may be such an objectionable person to the hon. member as the leader of the Opposition. Surely we can be fair to each other in debate; we can try to be fair and need not go out of our way to accuse each other of having said or done something which we know in our own hearts was never said or done. It has been argued that I referred to this company as being a company actuated by philanthropic and humanitarian motives only. I never made use of these words or anything of the kind. All I have said about the company and all I say now is that it does its business in a business-like way, and I expect like every other business firm it looks for a profit from its transactions. But from all I have heard—I do not know a great deal about this company, but I have been in this State for many years and I have heard and watched the operations of this and the timber companies that preceded it—as business people they have conducted their business in an honourable, business-like way. As to the prices, I am not in a position to quote them. The member for Forrest has given us information, and I gave to the House the opinion of a Judge of the Supreme Court of the State. That is all I attempted to do: surely it is no insult to the House to give an opinion of a Judge of the Supreme Court, an opinion that was formed, as the Judge was careful to say, from the evidence adduced on both sides, sworn evidence. Let me remind members that the learned Judge alludes to the fact that he came to the conclusion, not only on the evidence of the men in the employ of the company, the managers and others called, but more particularly on the evidence of Mr. Rogers. There is nothing to be gained by farther debating this question. I hope the second reading will be allowed

to pass; but the principal objection seems to be to the retrospective character of the Bill. On principle I object, as any member of the House objects, to retrospective legislation. But let me point out in this case, the principle of the Bill being admitted, it is necessary to do something. It is admitted by everyone in this House, I am glad to say, that it is necessary that some protection such as is set out in the Bill shall be afforded to the company. That being admitted, that protection is of no value at all unless to a certain extent it is made retrospective. It is too late now to take the Bill into Committee to-night, therefore a few days must elapse before the Bill can pass, and during these few days there is nothing to prevent more actions against the company.

MR. A. J. WILSON: It is not likely.

MR. RASON: It is generally the unlikely that happens. There is nothing to prevent more actions being brought against the company. Surely I am correct in saying that no members of the House wish one more action to be brought against the company; and that being so it is our duty to prevent it. May I be allowed to say, after many years in this Parliament, that I take a pride in the reputation of Parliament, and I was particularly sure that this Parliament, although it has many Labour members in its midst, would be worthy of the traditions of the past, and not allow an injustice to be done to the company. In that I was not disappointed. When we reach the Committee stage I feel perfectly sure of this also, that every member of the Committee will say that it is absolutely necessary to make the date of the Bill prior to the actual date of passing, in order that protection will be afforded to the company.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at twenty minutes to 11 o'clock, until the next Tuesday afternoon.