the North. The Premier has promised to go up to Carnarvon to open the meat works. I hope he will be able to arrange to be accompanied by the leader of the Opposition; indeed we may induce two or three other hon. members to join the party.

Mr. SPEAKER: The hon. member will have to discuss that under another motion.

Mr. ANGELO: It has to do with this motion, Sir, because such a party would go overland and traverse the route of the proposed railway.

Mr. SPEAKER: The hon. member is not replying to any of the arguments used in the debate.

Mr. ANGELO: One member of the Ministry has been kind enough to tell us that the railway was warranted 30 years ago. At that time Carnarvon was a village of about 100 people, with 12 or 14 stations in the district. To-day Carnarvon has over 1,000 inhabitants, and it is expected that the population will be doubled as soon as the meat works are established. There are to-day over 80 stations in the district. If in the opinion of a Minister of the Crown the railway was warranted 30 years ago, what is to be said of the position to-day? However, I am prepared to accept the amendment. When moving the motion I explained that I did not expect the Premier to call up Major Brearley and start for Carnarvon to-morrow for the purpose of turning the first sod. I said that what the motion meant was that a report should be obtained and a flying survey made as soon as possible. There is no difference in intent between the motion and the amendment. However, I hope that if we accept the amendment the Government will not go to sleep over it, but will have the report prepared as soon as possible.

Hon. W. C. Angwin: We promise you that if we get in next year there shall be no delay.

Mr. ANGELO: I think the Premier will be prepared to give a similar assurance conditionally on your being kept out. However, I leave the matter in the hands of the House.

Amendment put and passed.

Question as amended agreed to.

House adjourned at 10.49 p.m.

Legislative Assembly,

Thursday, 16th September, 1920.

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

QUESTION—RAILWAY, ESPERANCE NORTHWARDS.

Mr. SMITH asked the Minister for Works: When does he intend to redeem his promise to the Esperance deputation to expedite the delivery of material for the construction of the Esperance-Northwards railway?

The PREMIER (for the Minister for Works) replied: Material is being forwarded to Esperance as quickly as shipping facilities will permit.

QUESTION—STATE STEAMSHIP SERVICE.

Mr. SMITH asked the Minister for Mines: Would it not be possible to run the s.s. "Eucla" weekly instead of laying her up at Albany for nine or 10 days in every fortnight?

The MINISTER FOR MINES replied: For the last six months the s.s. Eucla has been laid up at Albany for ten days on five occasions and eight days on one occasion. One of these was due to the public service strike, and one to allow the half-yearly engine and boiler examination to be made. The total cargo and passenger traffic on the South Coast does not warrant any more frequent running, and recommendations have been made to utilise the steamer in other directions, which would curtail the number of voyages on the south coast and keep the vessel more fully employed.

QUESTION—WORKERS' HOMES ACT.

Mr. VERYARD asked the Premier: As a large number of occupiers of workers' homes on the leasehold principle have long been urging their request that they should have the option of purchasing the fee simple of the land occupied by them, will he state whether it is his intention to introduce an amendment to the Workers' Homes Act in order to give effect to the desire of these people?

The PREMIER replied: The matter will receive consideration.

LEAVE OF ABSENCE.

On motion by Mr. O'Loghlen, leave of absence for two weeks granted to Hon. P. Collier (Boulder) and Mr. Holman (Murchison) on the grounds of ill-health.

BILL—COAL MINES REGULATION ACT AMENDMENT.

Introduced by Mr. Wilson and read a first time.

BILL—CARRIERS.

Second Reading.

Debate resumed from 9th September.

Hon. W. C. ANGWIN (North-East Fremantle) [4.37]: On perusing the Bill I find that it is almost an exact copy of the Acts in force in England and in every other State of the Commonwealth; and I am informed that it would have been in force in Western Australia if it had passed six months earlier. It is very necessary that those persons carrying on the business of common carriers should exercise extreme caution in the care of goods placed in their charge, and it is our duty to watch very carefully that their liability should not be reduced to such an extent that that necessary care might be relaxed. I realise that the Bill applies to only those articles mentioned in the schedule. In my opinion the liability should not be limited to £10. Greater responsibility than that ought to be imposed, particularly as we know that almost every article is double the price it was when the Acts were passed from which this Bill has been copied. It is all very well to say that for an extra charge carriers may carry goods at their own risk; but in many instances goods are on order by persons who are not aware that they can have them carried at the carrier's risk. Therefore it is necessary that we should offer the general public, particularly in Western Australia, greater protection than might be deemed sufficient in more thickly populated countries. I notice that the Commissioner of Railways is exempt from the provisions of the Bill.

Mr. Smith: Why should he be? He is the biggest offender of the lot.

Hon. W. C. ANGWIN: So long as we have unattended stations, I think the Commissioner of Railways should be in exactly the same position as a common carrier. The Premier, in reply to an interjection the other day, pointed out that the Commissioner of Railways is prepared to carry goods at his own risk if an increased charge is paid.

Mr. Harrison: They have always sheltered under that.

Hon. W. C. ANGWIN: But at a siding where there is no officer in charge it is impossible for a consignee to arrange to forward his goods at Commissioner's risk. Under the Bill, if a person employs an ordinary carrier, he can make arrangements to pay an increased charge and be protected to the full value of the property placed in the carrier's hands.

Mr. Thomson: That can be done with the Commissioner of Railways.

Hon. W. C. ANGWIN: Not when the goods are despatched from an unattended siding; therefore it is necessary that the Commissioner should not be exempt from the Bill. The other day I heard of a man who entrusted to the railways £100 worth of furs and skins, only to find when the goods arrived at their destination that £90 worth were missing and could not be traced. Those goods were put on the railway at an unattended siding, and therefore it was impossible for the consignee to send them at Commissioner's risk. When in Committee I hope to see the liability increased from £10 to £20, and to have deleted from the Bill the clause which exempts the Commissioner of Railways from its provisions. I will support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Carriers not to be liable for loss of or injury to certain goods of the value of £10, unless delivered as such and increased charges accepted:

Hon. W. C. ANGWIN: I move an amendment—

That in line 8, "ten" be struck out with a view to inserting the word "twenty."

When the measure was passed in England in 1830 the amount was £10, and goods are a good deal dearer now than they were then. The value should be fixed at £20.

The PREMIER: The hon. member appears to have overlooked the schedule, which refers to valuables of all descriptions. If such articles are sent by a carrier, they should be declared. It is for the owner of the goods to protect himself. Bank notes have not gone up in value.

Hon. W. C. Angwin: What about china, clocks, watches, jewellery, and the other items?

The PREMIER: If such articles are forwarded, they ought to be declared. This measure is considered good enough for the country which the hon. member admires so much, and it should be satisfactory for Western Australia.

Mr. THOMSON: What is the position regarding other goods? Is the carrier responsible or does his responsibility cease except as regards the goods mentioned in the schedule? Very little china can be purchased for £10. A toilet set costs about £4, and that is a very small item in a household. A carrier might lose goods through negligence, or neglect to deliver through other reasons. If a carrier had goods worth £100, he would be able to get away with them and meet the

liability of £10. The amount should be increased even beyond £20.

The PREMIER: Ordinarily a carrier receives about 1s. for delivering a parcel. If the owner wishes to extend the responsibility, he must declare the articles and pay such increased rates as the carrier demands. The carrier should not be held responsible to a greater extent for an article not declared and the extra charge should not be objected to if the carrier is required to exercise special care.

Hon. T. WALKER: All things are of greater value to-day than they were when the Bill was originally passed in England. The object of the amendment is to make a carrier realise that he should exercise the greatest care.

The Premier: Why should not the owner do likewise?

Hon. T. WALKER: I agree that he should. A carrier is made a trustee for the time being, and can be reasonably expected to exercise the greatest care. If he has in mind that neglect of proper packing or lack of attention will render him liable to the extent of £20, he will be more attentive to his duty.

The Premier: This is to protect the carrier.

Hon. W. C. Angwin: I want to protect the public.

The Premier: The public can protect themselves.

Hon. T. WALKER: The articles mentioned in the schedule have easily doubled in value since 1830.

The Premier: The owners must take the risk.

Hon. T. WALKER: The carrier must be made to realise his responsibility.

Mr. Smith: Ten pounds is something for the average carrier to think about.

Hon. T. WALKER: The amount should be increased.

Mr. Smith: The average carrier's horse and cart would not be worth £20.

Mr. Thomson: You do not know much about the value of horses and carts.

Hon. T. WALKER: Precious articles would not be entrusted to the average carrier, but to big firms.

Mr. Smith. The bigger the business, the greater the risks.

Hon. T. WALKER: And the more care they should exercise. I support the amendment, because I am of opinion that a proper degree of care should be exercised by those to whom the public entrust their property.

Mr. GRIFFITHS: Instances could be given to show that persons have suffered considerable losses through the carelessness of common carriers. The idea of increasing the liability in this case is to prevent as much as possible such losses in the future, when they are due to lack of care on the part of the persons who should be responsible.

Mr. SMITH: A liability of £10 upon a common carrier is, in my opinion, quite sufficient. The Bill was introduced at the instance of the carriers of Perth.

Hon. T. Walker: And we are meeting them a long way in suggesting a liability of £20.

Mr. SMITH: Most of the goods carried in Perth are not of the kind mentioned in the schedule, which is a delusion and a snare. When persons desire to send such valuable documents or goods such as are mentioned there, to some other place, they take good care to see that they are entrusted to the right people. Our object should be to consider the general public, for the great bulk of the traffic is in ordinary household goods and of a lower value than those detailed in the schedule.

Hon. T. Walker: Then this £20 would not affect the ordinary carrier, for he would not be handling valuable articles.

Mr. SMITH: The few shillings that are paid to the carrier for conveying ordinary goods to some destination represent an amount out of all proportion to that which he may be called upon to pay for any loss or damage. The carriers intended that the schedule should include general merchandise.

Hon. W. C. ANGWIN: If I thought the schedule would include such a variety of articles as the hon. member has suggested, I would move for a liability of £150. The carriers should be made to understand that they must take extreme care of the goods that are placed in their charge.

The Premier: Should they not get more for carrying a gold watch than a gunmetal watch?

Hon. W. C. ANGWIN: How many clocks or watches could the Premier buy for £20 to-day? A carrier is liable at present for the full amount necessary to pay for the goods damaged or lost, and now the Bill provides for a liability of only £10. There is a considerable difference between the value of goods at the time when this legislation was first passed and their value to-day. In view of all the circumstances, I think £20 is little enough.

Mr. PILKINGTON: When the Bill was passed in England, a common carrier—the term including railways and ships—was regarded in the light of an insurer of goods. He undertook to carry them safely, and if he did not do so he was liable. It is a degree of liability which does not occur as a rule. A common carrier agrees to carry goods safely, and if he does not he is responsible for their full value. That high degree of liability having been in vogue, it was considered unfair that he should be made liable for carrying very valuable goods when he would not be aware of the fact that they were very valuable. The legislation was introduced to limit this high degree of liability imposed by common law on the carrier in the case of valuable

articles. If a person hands a carrier a very valuable article he has to declare its value, and pay something extra for its carriage. The object is to limit the liability in regard to small articles of high value.

The Premier: When the value is not declared.

Mr. PILKINGTON: Yes. If the value is declared, and the carrier is paid a special fee for taking over the article, he has to take it and he has to be liable for it. In the absence of a special contract his liabilities are extremely high. It seems to me that £10 is a sufficient liability. A carrier may be handed a packet and not know its contents. The packet may be lost, and then for the first time he is told that it is worth £15. That is imposing on him a liability which is not fair.

Hon. W. C. Angwin: It has to be proved in court.

Mr. PILKINGTON: Yes, and it has to be proved that he had the packet and that it was lost by him.

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

Ayes	14
Noes	19
Majority against	5

AYES.

Mr. Angwin	Mr. Thomson
Mr. Chesson	Mr. Troy
Mr. Griffiths	Mr. Walker
Mr. Hudson	Mr. Willcock
Mr. Jones	Mr. Wilson
Mr. Lutey	Mr. O'Loghlen
Mr. Munsie	(*Teller.*)
Mr. Rocke	

NOES.

Mr. Angelo	Mr. Mullany
Mr. Broun	Mr. Nairn
Mr. Brown	Mr. Piesse
Mr. Davies	Mr. Pilkington
Mr. Duff	Mr. Scaddan
Mr. Foley	Mr. Smith
Mr. Gardiner	Mr. Underwood
Mr. Harrison	Mr. Willmott
Mr. Johnston	Mr. Hardwick
Mr. Mitchell	(*Teller.*)

Amendment thus negatived.

Clause put and passed.

Clauses 3 to 5—agreed to.

Clause 6—Place used as office, warehouse, or receiving house to be deemed to be such; co-partners need not be joined:

Mr. NAIRN: What is the meaning of "co-partners need not be joined"?

The PREMIER: It means that a claim may be made against one partner if there are, say, two, and that the other need not be joined.

Clause put and passed.

Clauses 7 to 10—agreed to.

Clause 11—Act binding on Crown but not on the Commissioner of Railways:

Hon. W. C. ANGWIN: This clause recognises the Crown as liable in the same way as anyone else acting as a common carrier. If it is to extend to various departments of the Crown, why not to all of them? I move an amendment—

> That in line 1 the words "not bind or" be struck out, and that in line 2 "but" be struck out, and "and" inserted in lieu.

Thus we shall have a clause definitely stating that the Commissioner of Railways is liable in the same way as any other carrier.

The Premier: He should not be liable.

Hon. W. C. ANGWIN: The member for Perth stated definitely that when this measure was passed in England, away back in the thirties of the last century, it applied to railway and shipping companies, and in fact to anyone acting as a common carrier.

Mr. Pilkington: It does to-day, but it limits their liability, reduces their liability. This Bill does not impose liability, but reduces it. The Commissioner is already freed from all liability as Commissioner.

Hon. W. C. ANGWIN: But we want to place the liability on the Commissioner. He has power to make two charges—one exempting him from any liability, and the other under which he accepts liability.

The Minister for Mines: But the matter is at the owner's option.

Hon. W. C. ANGWIN: The point is that if a person consigns goods at ordinary rates, the Commissioner has no liability at all. If the Commissioner is to accept liability, he imposes higher rates. The carrying of this amendment will make the Commissioner liable up to £10 without the owner having to pay an extra charge.

The Minister for Mines: I do not think the Commisioner will have any objection to your providing that he shall bear the risk, but in that case it will be necessary to put up rates in order to provide for that risk.

Hon. W. C. ANGWIN: The State Steamship Service, for instance, is liable to the extent of £10.

The Minister for Mines: And the service fixes its charges to cover that liability. It all comes back on the public, who will have to pay.

Hon. W. C. ANGWIN: The object of this amendment is to make the Commissioner more careful.

Mr. GRIFFITHS: I would like to see the Commissioner bear the risk, but I do not think the amendment will attain that object. At many country sidings the loss of goods is very serious.

The Colonial Secretary: The loss frequently takes place after delivery.

Mr. GRIFFITHS: There is far more pilfering and ullaging of goods at country sidings than is generally realised.

Mr. PILKINGTON: I quite agree with the member for North-East Fremantle that the Commissioner of Railways should not be

protected as he is, and that if his liability was greater it would be a very proper and just thing. But I do not think the amendment will produce that result at all. When one recognises that this is a Bill which is intended to limit, to reduce, the liability of a common carrier, one must also recognise that one cannot by bringing anything under its operation increase that liability. The effect of the Bill is to reduce liability, and nothing else. If the amendment were carried, I think it would be difficult to give any intelligent meaning to the clause. The various Acts and regulations under which the Commissioner of Railways operates are very difficult of comprehension, and he is protected by all sorts of rules and notices, and thus his liability is limited. The reason why the Commissioner is not introduced into this measure is that he is so well protected already as to obviate any need for protecting him further. The clause as it stands now is merely a warning to people that this measure has nothing to do with the Commissioner of Railways, since he is already bullet-proof.

The Minister for Mines: The same thing appears in much the same form in other legislation.

Mr. PILKINGTON: I think there is something to the same effect in the Railways Act.

The MINISTER FOR MINES: I am afraid the member for North-East Fremantle does not appreciate the fact that the Railways Act contains provisions casting upon the Commissioner of Railways certain responsibilities in regard to goods lost while being carried on the railways.

Hon. T. Walker: That is the point.

The MINISTER FOR MINES: I hope the hon. member is not suggesting that the words in Section 25 of the Railways Act mean that we can make regulations which will remove the Commissioner's responsibility. The section reads—

> All goods received upon any railway shall, subject to any by-laws, conditions or regulations in that behalf, be deemed to be in the custody of the Commissioner until delivered to the consignee thereof.

We cannot make regulations to remove that responsibility.

> Subject to any by-law as to parcels, every person, before delivering any goods at any railway station for carriage, shall give to the officer receiving the goods a consignment note in the form and containing the particulars prescribed, and the officer shall give a receipt for the same, and if such goods are goods for which special charges are fixed under Subsection 3 of Section 22, the consignment note shall contain a declaration of the nature and value of the goods. No person shall be entitled to sue or recover for any loss of or damage to any goods or for any delay in transit or delivery, unless such consignment note has been given and such receipt obtained.

The next subclause provides that the Commissioner shall not be liable for any loss or damage to any animal carried, and it goes on to stipulate the amounts.

Mr. Thomson: Does the Commissioner give a receipt for all goods delivered to him?

The MINISTER FOR MINES: That is the responsibility of the individual. Surely the hon. member would not suggest that a person could declare he left goods at a railway siding which was unattended and then make a claim for damages in the event of the goods being lost. A claim can only be made if evidence is forthcoming that the goods were produced. Does the hon. member suggest that the Commissioner should follow an article from the time it leaves the railway station at Perth until it reaches a settler's holding, perhaps 40 miles from a siding? If there is not sufficient traffic at a particular siding we cannot afford to keep an officer there. The best we can do is to provide proper cover and the person to whom the parcel is addressed should take delivery as early as possible. If we consign anything by the State Steamship Service that service will not put the article on board without a proper bill of lading. Under the Railways Act, if an individual desires to consign goods or parcels he gets a receipt if he fills in a bill of lading, and then if the goods are lost he can make a claim.

Mr. Thomson: But he does not get anything.

The MINISTER FOR MINES: He does. Every few days I have to approve of payments for losses.

Mr. Thomson: Have you ever consigned goods yourself on the railways?

The MINISTER FOR MINES: Yes.

Mr. Thomson: Have you ever had losses?

The MINISTER FOR WORKS: Yes.

Mr. Thomson: And did you ever get paid?

The MINISTER FOR MINES: No. But I will tell the hon. member why. When I was interested in a flour mill at East Perth, complaints came in about losses and eventually I got a detective at work. We found that men, women and children were in the habit of coming along with sugar bags, ripping the flour bags open and taking flour away. On one occasion we found that a bag of wheat had been removed and that it was a common occurrence for flour to be taken from trucks in the yard. How can we hold the Commissioner responsible for acts such as these? It is an entirely different thing with a vessel, where an article is put into a hold and where it remains until it reaches its destination. Where it can be shown that the Commissioner has lost goods in transit through his carelessness——

Mr. Thomson: That is the point, through his carelessness. I will deal with that in a minute.

The MINISTER FOR MINES: It is the most difficult thing in the world to trace these things. In the case of an ordinary carrier's cart, an article is taken from one point to another and the carrier is with the goods all the time. It is entirely different where the goods are passing through the hands of hundreds. When a fair claim is made and there is evidence to support it, the Commissioner does not decline to pay.

I am approving of the payment of claims every week, and I can place evidence of this on the Table of the House. Let me go on quoting the clause that I started to read. Subsection 3, as I have pointed out, declares that the Commissioner shall not be liable beyond the sums stated for any loss or damage to any animal carried on a railway. Then the various amounts are given and the section goes on—

> Unless the person sending or delivering the same shall, in the consignment note, have declared them to be respectively of higher value than as above mentioned, and shall have paid in addition to the ordinary rate of charge, the prescribed charge for the extra risk.

I repeat that we are continually paying claims on the basis of the Act. We do not shirk our responsibility in that direction, but we will not pay a claim unless there is some evidence to support it. We throw the onus on the individual to show that he has taken every care in connection with the goods he has asked us to carry.

Mr. THOMSON: Since the new Commissioner has taken charge of the railways there has been a drastic change. Only recently a storekeeper on the Great Southern—a man whom I know well—consigned from Wagin to Perth butter of the value of £20. That butter disappeared. The Commissioner admitted that he probably had dishonest men in his employment but he expressed regret that he would not be able to pay. I will guarantee that a receipt was given for that butter when it was consigned at Wagin, that is to say, the department acknowledged having received it. I have had numerous experiences with the Railway Department during the 15 years that I have lived on the Great Southern line and I declare that the Railway Commissioner will never pay a claim even when all the proof that can be submitted is forthcoming.

The Minister for Mines: That is not correct.

Mr. THOMSON: Let me then give one of my experiences. I received a consignment of cement from the Eastern States. The department signed for a certain number of bags and they delivered four short. I took up the matter with the Commissioner, but I have never received payment for the bags that disappeared. They said that this was carried at owner's risk. The Minister knows that in the regulations it is distinctly set out that goods are carried at owner's risk, and that the owner must prove wilful negligence. No man on earth, however, can prove wilful negligence on the part of the railways.

Mr. Gardiner: If he takes your money, why should he not deliver your goods?

Mr. THOMSON: Exactly. The Commissioner should be in the same position as a common carrier. He is a common carrier. It is all very well for the Minister to ask whether it is reasonable to expect the Commissioner to carry goods to a settler who may be 20 or 30 miles from a siding. That is absurd; no one expects it. But if the Commissioner is a common carrier—and I repeat that he is—he should not be exempt from responsibility; he should be in the same position as other individuals. The Government are in a better position to pay a just claim than a man who perhaps is engaged in business in a small way, and who is obliged to accept responsibility. So far as Commissioner's risk is concerned, we all know what it amounts to. Take plate glass. In that connection Commissioner's risk is double the ordinary rates, but his risk finishes when he puts it on the platform. The crate has to be unpacked in the presence of the Commissioner's officers so as to be able to prove, if the glass was broken, that it was broken on the train. Once it is on the carrier's cart, the Commissioner's risk is finished. Of course that is right.

The Minister for Mines: What about unattended sidings?

Mr. THOMSON: That is the unfortunate position. But we have stations where there are officers, notwithstanding which we do not get our stuff. Fifteen years ago a railway truck containing mixed goods, including a quantity of lime, came in to Beverley. The lime was mine. It was raining heavily, and I decided not to touch the lime until next day, for the reason that it would be damaged by the rain if I uncovered it. Just at that time a farmer came in with some chaff, and said to the station master, "What are we to do about sheets?" The officer replied, "Oh, take the sheet off that truck"—meaning mine. They did so. A fire occurred in the lime and I suffered serious loss. I clearly proved wilful negligence against the department, notwithstanding which I failed to get any recompense. They said in effect, "Fight us." The same sort of thing can occur today, because it is the stable policy of the Railway Department. How many users of the railways are in a position to take up a case against the Commissioner, who can go from court to court? A truck of wheat was derailed, and in consequence the owner lost a considerable quantity of grain. He took the matter to the local court, and won. The department appealed to a higher court, where the owner of the wheat followed them. Finding that they were up against a man who could fight them, the department thereupon agreed to pay. I am blaming, not the officers, but the system. No doubt a great many unjust claims are made on the department, but on the other hand there are hundreds of just claims which the department refuses to pay.

Mr. Gardiner: They charge enough freight to enable them to give due protection.

Mr. THOMSON: They know that the average citizen is not in a position to fight them in the courts. I know of many claims which have been defeated on the wilful negligence provision. The Commissioner should accept the same responsibility as is imposed on a small, common carrier. Under existing

conditions the Commissioner is so hedged about by regulations that he laughs at the claimants.

Mr. Pilkington: The same thing obtains the world over.

The Minister for Mines: It could be remedied by increasing the freights.

Mr. THOMSON: I do not agree with that. Goods entrusted to the railways should be delivered, just as in the case of a small, common carrier. It is impossible to prove wilful negligence against the department.

Hon. W. C. ANGWIN: My attention has been drawn to the Railways Act, and I am afraid my amendment will not meet the case, because in Section 25, Subsection 4 a limit of £20 is already imposed, while the schedule is word for word with the schedule of the Bill, with the sole exception that the Governor-in-Council can add other articles if so desired. I was pleased to hear the Minister say that to-day the Commissioner is paying for all losess on the railways. If that is so, all I can say is that there must be very many liars in Western Australia, because I repeatedly hear complaints of goods being lost and damaged.

The Premier: And stolen.

Hon. W. C. ANGWIN: I cannot say that.

The Minister for Mines: Do you ever hear anything about lost property being sold by the Railways?

Hon. W. C. ANGWIN: I have seen it advertised.

The Minister for Mines: That is the result of persons carrying their own goods, and still being unable to look after them.

Hon. W. C. ANGWIN: In many instances one cannot take his own goods into the carriage with him, but has to put them in the van. However, I think something should be done to render the Commissioner responsible for all goods entrusted to his care. I am afraid the amendment is already provided for in the Railways Act, and therefore I ask leave to withdraw it.

Amendment by leave withdrawn.

Clause put and passed.

Schedule:

Mr. SMITH: I move an amendment—

That the following items be added:—23, General Merchandise; 24, Drapery; 25, Machinery.

Without those items the Bill will not be of very much use. The items in the schedule are seldom carried by common carriers.

Mr. Griffiths: The member for Perth clearly explained to us that under common law these items would be included.

The PREMIER: I do not think these items should be included. What the hon. member is really asking is that the carriers' liability should be limited in respect of these items. It would not be possible to get these things on to the carrier's waggon or into his ship without his knowledge. There is no reason why we should limit his responsibility in this manner. The hon. member is asking that in respect of these items the carrier's liability shall be limited to £10, unless an increased rate is paid. There is no risk of deceiving the carrier in regard to machinery, drapery, and general merchandise, but not so with the articles set out in the schedule.

Mr. ROBINSON: One can understand the desire to limit the liability of a carrier with regard to china, notes, gold and precious stones and similar articles unless they are declared. General merchandise might be everything, and to add everything to the list would completely nullify the list. We might as well pass an amendment that a carrier shall not be liable for any goods committed to his care. If a carrier is engaged to shift a quantity of soap of a value exceeding £10, should we require the value to be declared? There are enough difficulties now without manufacturing others.

Hon. T. WALKER: The member for North Perth should see the absurdity of pressing the amendment. If a carrier contracts to shift machinery, it would be absurd to require a declaration; the contract itself would be a declaration. The object of the Bill is to limit the liability of carriers where there is a possibility of ignorance as to the risk being run with regard to valuables.

Amendment put and negatived.

Schedule—put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—HIGH SCHOOL ACT AMENDMENT.

In Committee.

Resumed from the 14th September.

Mr. Stubbs in the Chair; the Minister for Mines in charge of the Bill.

Clause 2—Increase of number of governors:

[Hon. W. C. Angwin had moved an amendment "That in line 1 of Subclause 2 the word 'shall' be struck out and 'may' inserted in lieu."]

Hon. W. C. ANGWIN: It is only fair that the Governor should have discretionary power. The Interpretation Act lays down definitely that "shall" is mandatory and "may" is discretionary. The Governor should have an opportunity to say whether the persons nominated as governors of the High School are suitable.

The Minister for Mines: I shall accept the amendment.

Amendment put and passed; the clause as amended agreed to.

Clauses 3 to 5—agreed to.

Title—agreed to.

Bill reported with an amendment.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—BUILDING SOCIETIES.

Second Reading.

Debate resumed from 9th September.

Mr. BROWN (Subiaco) [7.32]: The Government are to be congratulated on having brought forward this comprehensive piece of legislation. It is one which should meet with the approval of everyone in the State. In the past the law governing benefit building societies has been carried out effectively by various societies of the State, including the Star-Bowkett societies of Perth, Fremantle, Bunbury, etc., with the result that many persons have been able to build their own homes, who would otherwise not have done so. The question of food, clothing and house accommodation is one of the burning questions to-day. Of these three items it is hard to say which is the most important. At all events an opportunity should be given to people, who desire to help themselves, of so doing by placing legislation of this character on the statute-book. Building societies have their copyright rules, and this measure is designed to bring all the various building societies into line. In the drafting of the Bill a small matter in connection with the Perth Co-operative Building Society was overlooked. When this omission was pointed out the Solicitor General drafted the subclause which appears on the Notice Paper, and which I intend to move as an amendment when the Bill is in Committee. I hope the second reading will be agreed to, and that people generally will be encouraged to build homes for themselves through the agency of these societies. After all, the greatest stability any country can have is that its people shall own their own homes. I support the second reading.

The PREMIER (Hon. J. Mitchell—Northam) [7.35]: I hope the Bill will pass into law. It is intended that there should be some control over our building societies. Money, that often represents the savings of people for many years, is invested in these organisations, and in turn the building societies make advances of money for the erection of homes. I agree with the member for Subiaco that nothing at present is more important than that people should own their own properites. The old building society in Perth has done a tremendous amount of good for the city, and has helped people to get homes who would otherwise have been unable to procure them. We also wish to encourage the growth of these societies. Use is made of them by people who can only pay for their homes by the gradual process that is in vogue in connection with these building societies. It is very necessary, especially in these times, that the measure should receive favourable consideration. There never was a time in the history of the State when it cost more to build houses than it does to-day, or when rents were higher than they are to-day. Perth is growing rapidly.

Mr. O'Loghlen: Too rapidly.

The PREMIER: It will grow still more rapidly as other parts of the State are developed.

Mr. O'Loghlen: Those other parts are, unfortunately, not growing.

The PREMIER: It does happen that in Australia the cities grow much more rapidly than does the country. In Western Australia we have for years been unable to develop our secondary industries as they should be developed. Manufacturing has practically been at a standstill. That is altered to-day, and things have been levelled up, with the result that Western Australia is slowly but surely becoming a manufacturing country. For that reason we ought to encourage the establishment of building societies. It is generally accepted that it is very much better that people should own their own homes than that they should rent them. In this Chamber some years ago I advocated that every man should have an opportunity of securing his own home, and I went so far as to say that a man's home ought to be safe and become his forever once he had acquired it. It is true that operating through a building society, a man must wait for several years before he can become the sole owner of his property, but during the period involved he is safe. It is intended by this piece of legislation to set up the proper method for the control of these building societies, and to encourage their establishment. With widespread activities in this direction much money is, of course, being invested and much business being done, and there ought, therefore, to be some measure of protection afforded to the people who invest their money in these channels. The Government have much pleasure in introducing this Bill. I hope when it has passed through the Committee stage, with one or two amendments that are suggested, it will be found to be a good and workable measure, and helpful to all sections of the people. It is good to know that in Perth at any rate, notwithstanding the many years during which these societies have been operating, the record has been a good one and satisfactory to all concerned.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Premier in charge of the Bill.

Clauses 1 to 18—agreed to.

Clause 19—Prohibition of advances on second mortgages:

Mr. BROWN. I move an amendment—

> That in Subclause 3 the following be added to the proviso: "and any such society may, now or hereafter, if authorised by its rules so to do, in lieu of advancing its own funds, negotiate advances by other persons to its members on the security of a first mortgage of a freehold or leasehold property, and the guarantee of the society by way of covenant in the mortgage or collateral security."

This amendment is rendered necessary to meet certain conditions existing in connection with the Perth Co-operative Society, and has been drafted by the Solicitor General.

The PREMIER: I have no objection to the amendment, but the insertion of the words "now or hereafter" strikes me as strange.

Mr. BROWN: Those words were not in the amendment as drafted by the Solicitor General, but they have been inserted in order to avoid giving a monopoly in this direction to the Perth Co-operative Building Society.

The PREMIER: No doubt the amendment is very useful. The Perth Co-operative Building Society operates under the existing Act, but its methods have not been those usually adopted by building societies. It makes advances to people who are able to contribute only a small portion of the cost of a building. For such persons the society negotiates loans, and makes itself responsible. I do not know enough of the method to care to say that it ought to be encouraged. However, so far as that particular society is concerned, it has adopted that method and should be brought under the operation of this Bill. Still, the words "now or hereafter" seem superfluous.

Hon. T. Walker: Yes. On the passing of this Bill, the provision takes effect.

The PREMIER: I move an amendment on the amendment—

That in line 3 of the amendment the words "now or hereafter" be struck out.

Mr. BROWN: I am willing that the words should be deleted.

Amendment on the amendment put and passed; the words struck out.

Amendment as amended put and passed; the clause, as amended, agreed to.

Clauses 20, 21—agreed to.

Clause 22—Power to secure repayment of borrowed money:

Mr. BROWN: I move an amendment which is consequential on that just passed—

That the following be added to the clause:—"and any society to which the second proviso in Subsection 3 of Section 19 of this Act applies may secure the repayment of the borrowed money as therein provided."

Amendment put and passed; the clause, as amended, agreed to.

Clauses 23, 24—agreed to.

Clause 25—Officers to give security:

Mr. THOMSON: Should not this clause provide that a fidelity guarantee bond must be taken out in an approved society? Otherwise a trusted officer might get away with a considerable sum of money and the shareholders be left lamenting. It does not seem right that the matter should be dealt with merely in the society's rules.

The PREMIER: Presumably the nature of the security would be a fidelity bond, unless it would be more convenient for the officer employed to put up some other form of security equally good. I do not think the member for Katanning need have any fear about the operation of this clause.

Mr. Thomson: Suppose a society had no rule dealing with this matter, what would be the position?

The PREMIER: These societies are managed by very capable committees. I think the clause as it stands provides all that is necessary.

Clause put and passed.

Clauses 26 to 30—agreed to.

Clause 31—Receipt to operate as re-conveyance:

Hon. W. C. ANGWIN: I move an amendment—

That the following be added to the clause:—"A society may partially discharge any mortgage, or discharge or partially discharge any further charge or collateral security, notwithstanding that all moneys intended to be secured by the mortgage have not been fully paid or discharged, if the society is satisfied with the remaining security."

It has been the practice of building societies, in cases where the security offered was not sufficient to satisfy the board, to take collateral security, which would safeguard the society until sufficient had been paid off by the borrower to make the property in respect of which the advance was made a sufficient security for the balance of the debt. But there is nothing in this Bill as it stands to give the society power to discharge the collateral security, even though the property mortgaged would be quite sufficient to meet the society's demands in case of foreclosure. It would be of assistance to the borrower, and of advantage to the societies, if power were given to discharge the collateral security when sufficient has been paid off the debt.

The PREMIER: This amendment is very desirable so long as the societies exercise proper care. It does, of course, happen that the building is not regarded as an entirely satisfactory security, having in mind that the cost of building is much higher now than in all probability it will be in two or three years' time. Thus many persons are prevented from securing loans from building societies if they cannot put up collateral security. In connection with Treasury advances I have had some experience of the difficulty referred to by the member for North-East Fremantle. The carrying of this amendment will give many people an opportunity to build who otherwise would not be able to get an advance.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 32 to 52—agreed to.

Schedules 1 to 4—agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—CORONERS.

Message.

Message from the Governor received and read recommending the Bill.

In Committee.

Mr. Stubbs in the Chair; the Minister for Mines in charge of the Bill.

Clauses 1 to 8—agreed to.

Clause 9—Power to hold inquests without jury:

Mr. MUNSIE: This is a clause which gives power to a coroner to hold an inquest in almost any circumstances without a jury. Personally, I believe that in all fatal accidents, and particularly those fatal accidents which happen on mines, it should be compulsory to conduct an inquest with a jury. I therefore move an amendment—

That the following, to stand as paragraph (a), be added to Subclause 1:—"——the inquest is on the body of a person whose death has been caused by explosion or accident in or about a mine to which the Mines Regulation Act, 1916, or the Coal Mines Regulation Act, 1902, applies; or"

Mr. WILSON: All over the world where coal mining operations are carried on inquests are conducted with juries. A provision similar to that which the hon. member desires to include in the Bill is contained in the Coal Mines Regulation Act. Therefore I support its inclusion in the Bill before the Committee.

Mr. ROBINSON: Does the hon. member mean by his amendment it shall be compulsory to hold an inquest with a jury?

Mr. Munsie: Yes.

Amendment put and passed; the clause as amended agreed to.

Clause 10—View of body not necessary:

Mr. MUNSIE: I agree with this clause to a certain extent, but two words which are necessary have been left out. I propose that they shall be inserted so that the jury, as well as the coroner, may have the opportunity to say whether it is advisable that the body shall be viewed. I move an amendment—

That in line 4, after "coroner" the words "or jury" be inserted.

Amendment put and passed; the clause as amended agreed to.

Clause 11—Proceedings at inquests:

Mr. MUNSIE: Here again a similar amendment to the one we have just agreed to is necessary. I move an amendment—

That after "coroner" in line 4 the words "or the jury" be inserted.

Amendment put and passed.

Mr. MUNSIE: Subclause 5 is unnecessary. Sufficient protection is given in Subclause 5 of Clause 44. The Subclause 5 which we are now considering, goes too far in providing that in the case of the death of an infant with a foster mother, the coroner shall inquire, not only into the immediate cause of death, but into all circumstances that may throw light on the treatment and condition of the infant during life. We have in this State hundreds of foster mothers. If any of their infants should die suddenly there would be no objection to an inquest being held, but it is going a bit too far to direct a coroner to pry into the daily life of the household from the time the child first went to the foster mother. Subclause 5 of Clause 42 gives quite sufficient power in this respect.

The Minister for Mines: That applies only to a nursing home.

Mr. MUNSIE: If the coroner thought there was anything suspicious, he could report to the Attorney General, and any necessary action could be taken later on. If we agree to this subclause it may do a considerable amount of harm to the boarding out system when the foster mothers get to understand its full purport. I move an amendment—

That Subclause 5 be struck out.

Mr. ROCKE: I do not think the subclause provides for an unnecessary inquisition such as is feared by the hon. member. It is only a necessary precaution. It gives power to the coroner to inquire into all circumstances that may throw light on the cause of death.

Mr. Pilkington: He has that power under the clause.

Mr. ROCKE: The provision will apply to deaths in an institution. I do not think it will interfere with the boarding out system.

Mr. PILKINGTON: I do not see any use to which the subclause can be put. The coroner has power to inquire into every circumstance, however remote, which throws any light on the cause of death. This provision, apparently, is intended to enable the coroner to inquire into circumstances which have nothing whatever to do with the cause of death. If the child is supposed to have died for want of proper treatment, the coroner has power to inquire into the child's treatment; but this subclause gives him power to inquire into other matters quite apart from the cause of death. The coroner could not give a verdict on those matters, because it would be quite meaningless. I do not follow what is intended by the subclause. It cannot be of the slightest use, and it may be very harmful.

Mr. ROBINSON: I think the provision a very desirable one. The objection of the member for Hannans (Mr. Munsie) would be removed if we were to delete the words making reference to persons licensed under the State Children Act.

Mr. Munsie: Yes, make it general and I will agree.

Mr. ROBINSON: I do not think the inquiry should be specially directed against

foster parents; indeed the inquiry rather should be made very specific in cases where there are not reputable foster parents. In all deaths of infants a great deal of care should be taken in the coronial examination, because child life is of great value to the community. No care exercised in the maintaining of child life can be too great. I feel sure the provision has been specially inserted for the purpose of drawing the attention of coroners and juries to the desire of the Legislature that in every case of the death of a child extra care should be taken.

Mr. MUNSIE: I ask leave to withdraw the amendment.

Leave to withdraw refused.

Hon. W. C. ANGWIN: Provision is already made for the fullest inquiry into the cause of death. But this subclause goes farther. Doubtless it is in consequence of what was taking place in many parts of the State before foster mothers were licensed. As the member for Canning (Mr. Robinson) has said, the provision should not apply to State foster mothers. If the coroner thinks it necessary to go back over any period of the child's life, he has power to do so.

Mr. Thomson: Suppose the child died as the result of continued neglect?

Hon. W. C. ANGWIN: The Children's Protection Society, the police, and even the next door neighbours will see to it that there is no continued neglect.

Mr. Munsie: If the subclause is retained it will be an insult to foster mothers.

Hon. W. C. ANGWIN: But the amendment will not alter the intention of the clause.

Mr. Rocke: The welfare of the children is of more importance than the dignity of the foster mothers.

Hon. W. C. ANGWIN: Are we going to say in effect that every woman is so neglectful of her children that it is necessary to inquire into the past life of a child that dies?

The Minister for Mines: It was suggested that we substitute "may" for "shall" and make it optional.

Hon. W. C. ANGWIN: Then we would be meting out differential treatment to the people. The subclause goes too far. So long as the coroner makes full inquiry into the cause of death, this is all that is required.

The Minister for Mines: The subclause does not stipulate that the coroner shall inquire into the whole of the child's life.

Hon. W. C. ANGWIN: The subclause demands inquiry into the life of the child from the day of its birth to the day of its death. The coroner has power to inquire into the immediate cause of death, and nothing further is necessary.

Mr. ROBINSON: Shall I be in order if I move for the deletion of the words—"in the care or charge of a person licensed under the State Children Act 1907-19"?

The CHAIRMAN: If the amendment is carried, the subclause will be struck out. If not it will stand as printed.

Mr. ROBINSON: Surely, if the amendment is lost and the clause is then put, I shall have an opportunity to move my amendment.

The MINISTER FOR MINES: If the amendment is lost, the subclause will remain and, I take it, may then be amended.

The CHAIRMAN: The member for Canning will be able to move to insert other words.

Mr. ROBINSON: Or to move that certain words be struck out?

The CHAIRMAN: No.

Mr. MUNSIE: The amendment suggested by the member for Canning would suit me.

The CHAIRMAN: The hon. member's best plan is to ask leave to withdraw his amendment.

Mr. MUNSIE: I did so, and leave was refused.

Hon. W. C. Angwin: I shall withdraw my objection.

Amendment by leave withdrawn.

Mr. ROBINSON: I move an amendment—

That in subclause 5, the words "in the care or charge of a person licensed under the State Children Act 1907-19" be struck out.

Mr. ROCKE: I see no objection to the words proposed to be struck out. The average foster home in Western Australia, visited by the Royal Commission, was good, but not all of them. One was positively unfit, and one was doubtful. This Bill is intended to cover not only the homes existing to-day, but other homes which will be established in future.

Mr. Munsie: It will apply to all homes in future.

Mr. ROCKE: A good foster mother will not object to this subclause.

The Minister for Mines: We are seeking to extend the operation of the subclause by making it apply to all homes.

Amendment put and passed.

Mr. MUNSIE: I move an amendment—

That in line 4 of subclause 5, "shall" be struck out and the word "may" inserted in lieu.

Mr. LUTEY: I oppose the amendment. The value of the subclause lies in the fact that it instructs the coroner or jury to inquire into the matters referred to.

Amendment put and passed; the clause as amended agreed to.

Clauses 12, 13—agreed to.

Clause 14—Ordering of coroner to hold inquest or another inquest:

Mr. MUNSIE: I would like the Minister to explain subclause 3. Clause 10 makes it optional whether the coroner or jury view the body. Subclause 3 of Clause 14 provides

that it shall not be necessary to view the body unless the court or judge otherwise orders.

The Honorary Minister: The object of the subclause is to govern Clause 10.

Mr. Lutey: This subclause contradicts the previous decision of the Committee.

The MINISTER FOR MINES: In cases where the Supreme Court or judge orders an inquest to be held, it might not be necessary to view the body which may have been interred long since. If the court does order that the body be viewed, it might be necessary to exhume the body. It does not conflict with Clause 10.

Clause put and passed.

Clause 15—Effect of decision where no jury:

Mr. MUNSIE: We have already decided that in the case of a fatal accident in or around a mine it is compulsory to have a jury. Paragraph (c) of this clause will, in my opinion, conflict with the Mines Regulation Act and the Coal Mines Regulation Act.

The Minister for Mines: It will not conflict with them.

Mr. Pilkington: You are quite safe.

Clause put and passed.

Clauses 16 to 24—agreed to.

Clause 25—Inquests on deaths from accidents in mines:

Mr. DAVIES: I should like to know why this clause is restricted to mines only, and why it does not include factories. If the explanation is not satisfactory I shall move an amendment to embrace factories.

Mr. MUNSIE: This has been lifted from the Mines Regulation Act, and factories are provided for elsewhere. We have known of cases where it has not been possible for the mines inspectors to attend an inquest, or to view the scene of an accident, and, further, when the workmen's inspector has desired to do so, he has been refused permission by the mines inspector. I want the workmen's inspector to have the same right as the mines inspector if he should desire to exercise it. I move an amendment—

> That in Subclause (2), line 1, after the word "inspector" there be inserted "and the workmen's inspector."

The MINISTER FOR MINES: I do not think the hon. member desires that both the mines inspector and the workmen's inspector should be present. It would be better to insert the words "and the workmen's inspector may," when practicable, be present.

Mr. MUNSIE: I shall be quite satisfied with that, so long as the workmen's inspector has the right to be there if he desires. If the Minister will move that amendment I will withdraw my own amendment.

Amendment by leave withdrawn.

Mr. WILSON: I should like to see Subsection (5) of Section 26, taken from the Coal Mines Regulation Act and inserted here.

The MINISTER FOR MINES: I move an amendment—

> That in Subclause (2), line 1, after "practicable" there be inserted "and the workmen's inspector may."

Mr. CHESSON: I support the amendment, for I think it will give the workmen's inspector the right to view the scene of an accident, and examine witnesses if he so desires.

Hon. W. C. ANGWIN: Who is to decide whether a workmen's inspector shall be present or not? Will he be present at his own discretion, or at the will of the coroner?

The Minister for Mines: At his own discretion.

Mr. Pilkington: He has power to go if he chooses, and no one can stop him.

Amendment put and passed; the clause, as amended, agreed to.

Clause 26—Inquests on deaths from accidents in coal mines:

Mr. WILSON: This Bill does not altogether coincide in this particular with the Coal Mines Regulation Act, for paragraph (e) of Section 49 of that Act has been omitted, as will be seen from reference to Clause 31 of the Bill. The provision, to which I particularly refer, is that which states that one half of the jury shall be working miners, whereas the Bill refers to persons who have been accustomed to working on mines, a totally different thing. I shall let this clause go, and when Clause 31 is reached I shall move the addition to paragraph (d) of the words "one half of whom shall be working miners."

Mr. Munsie: The jury is limited to three in number, and the hon. member cannot have one and a half coal miners on a jury.

Mr. WILSON: Then I will make it "at least a half" instead of "one half," and so I shall get two out of three.

Clause put and passed.

Clauses 27 to 30—agreed to.

Clause 31—Disqualification in case of mining fatalities:

Mr. WILSON: Paragraph (d) provides—

> Whenever it is practicable the summoning officer shall summon as jurors persons accustomed to the working of mines.

I propose to add to this paragraph the words "two-thirds of whom shall be working miners." In my experience no injury has ever been done at an inquest to the interests of the companies, but any injury that has been done has been suffered by the persons most entitled to protection, namely, the family of the deceased.

The MINISTER FOR MINES: The amendment suggested by the member for Collie should be in the form of a new para-

graph. The method of constituting a jury is something entirely distinct from the method of summoning a jury. This paragraph provides that all the jurors summoned must be persons accustomed to the working of mines—the whole of them, not two-thirds of them.

Mr. Wilson: But men might be summoned who have been away from work in mines for 40 years.

The MINISTER FOR MINES: Until there is evidence that the big step forward proposed by this paragraph is not sufficient, I do not think we should go further.

Mr. CHESSON: I agree with the member for Collie. As the law stands, the summoning of jurors is left entirely to the police; and I have seen many cases of inquests into mining accidents where there has not been one practical man on the jury.

The Minister for Mines: But under this paragraph they will be all practical men.

Mr. CHESSON: In connection with the Mines Regulation Act, I have known juries refuse to visit the scene of the accident when it was underground. The jurors in such cases should be men able to put intelligent questions to witnesses, and men who can go underground and view the scene of the accident if that is necessary. The practice of the police is simply to take the men easiest to get hold of, whether they have a practical knowledge of mining or not.

Mr. WILSON: What I have suggested is the law in the old country, in New South Wales, and in Victoria. So far as I am able, I am going to insist that the words I have suggested shall be added.

The MINISTER FOR MINES: If the hon. member wants two of the jury to be practical working miners, he must move a new paragraph, such as "Where practicable two of the jury shall be working miners."

Mr. DUFF: In connection with one or two accidents in Westonia, jurors have been summoned, and there has been no grumbling or complaining as to the constitution of the juries. I think paragraph (d) is very well drawn. In any mining district practical miners can be obtained to serve on juries. The member for Collie should not persist with his amendment, as it would have a very bad effect.

The CHAIRMAN: There is no amendment before the Chair yet.

Mr. MUNSIE: The paragraph is indefinite. It is all very well for the Minister for Mines to say that the paragraph gives more power; practically it is only a repetition of paragraph (a) of Section 25 of the Mines Regulation Act, which provides—

> Where practicable the constable or other summoning officer shall summon as jurors persons accustomed to the working of mines, and no person shall be summoned to act as a juryman more than once in six months.

The last part of that paragraph is not included in the present Bill, but the first part agrees word for word with the paragraph under discussion. It has been possible to have a jury up to six in number, but on the goldfields it has been the practice for years to have juries of three. There has been much agitation on the goldfields against the method of summoning coroners' juries, and very many resolutions have been carried on that subject by the miners' unions. Only within the last eight or nine years has the practice been adopted of summoning practical miners as jurors, and that was only as a result of the agitation.

Mr. Duff: You are getting satisfaction now.

Mr. MUNSIE: I admit that at present we are. Seeing that the present system is giving satisfaction, and that it applies only to cases of fatal accident—

Mr. Duff: But you do not want to make it a hard and fast rule that you shall have the majority of the jury?

Mr. MUNSIE: I am not asking that any party shall have a *majority* of the jury. All I am asking is that the majority of the jury shall be practical men, men who will know what they are adjudicating on.

Mr. Duff: We want the lot to be practical.

Mr. MUNSIE: So do I. In some instances that is so. Unless we state it definitely in the Bill, there is nothing to prevent a reversion to the old system. I want the jurymen to be practical men.

Mr. WILSON: I move an amendment—

> That the following be added to stand as Paragraph (e)—"Whenever practicable at least two of the jurors shall be working miners."

Mr. WILLCOCK: We might make the provision even more stringent; we might make it definite by cutting out the words "whenever practicable." I see no reason why it should not be practicable everywhere to get working miners to act as jurors.

The MINISTER FOR MINES: The words "whenever practicable" are necessary. Suppose jurors were wanted in a small mining town where nearly all the people were interested in the mines, where they might all be working partners. They would then be excluded from sitting on the jury and in those circumstances it would be necessary to get others.

Mr. WILLCOCK: Suppose a jury is summoned and they are objected to?

Mr. Wilson: There cannot be any challenging of these juries.

Mr. WILLCOCK: The amendment will be better without the words "whenever practicable." Therefore I move an amendment on the amendment—

> That the words "whenever practicable" be struck out.

Mr. ROBINSON: May I suggest to the member for Collie that he can attain his object by striking out the first four words of paragraph (d), "Whenever it is practicable." That paragraph would then read,

"The summoning officer shall summon as jurors persons accustomed to the working of mines."

The CHAIRMAN: We cannot go back on that paragraph. The Committee have agreed to everything up to Paragraph (e) proposed by the member for Collie, which is now before the Committee.

Mr. ROBINSON: I was merely making a suggestion to the member for Collie.

Mr. TROY: I have no desire to embarrass the member for Collie, but if we permit the words "whenever practicable" to stand we will provide an opportunity to evade the appointment of a working miner on a jury. It is always practicable to get a working miner to serve on a jury; therefore there is no need for the words.

The Minister for Mines: In a place like Bangemall the working miners could not sit on the jury because they are all interested in the mines there.

Mr. TROY: Let me cite the position as it has been in Kalgoorlie for the past few years, where a good deal of heat and malice has been displayed by the magistrate towards the workers in the industry. He would have found that it was not practicable to appoint miners as jurors. Who then would take him to task? Nobody. It is far better that the new paragraph should be definite. A coroner should not take sides.

The MINISTER FOR MINES: The hon. member's objection would not apply in this case. The coroner may instruct a member of the police force to summon a person to act as a juror. Then there is the definite instruction to the summoning officer as to what he is to do, and the coroner has no control over that instruction. Whatever bias may be in the mind of the coroner it cannot apply so far as the paragraph is concerned, because it is provided that the summoning officer, whenever practicable, must do certain things.

Amendment on amendment put and negatived.

Amendment put and passed; the clause as amended agreed to.

Clauses 32 to 34—agreed to.

Clause 35—Payment of jury:

Mr. MUNSIE: It is proposed to pay the jury the Supreme Court fees and mileage. Before the Full Court recently a protest was made by jurors against the insufficiency of the fees paid, notwithstanding which we are providing in the Bill the same old fee. To offer a man 8s. a day under existing conditions is ridiculous. I move an amendment—

That after "fee," in line 3, "15 shillings" be inserted.

The MINISTER FOR MINES: If in the opinion of the Committee it is desirable to deal with the question of fees, there is a proper method to follow. I have yet to learn that the hon. member has a Message from His Excellency, and consequently I am afraid he will have to be ruled out of order.

Hon. W. C. Angwin: There is a Message with the Bill.

The MINISTER FOR MINES: But that does not give a private member the right to increase the charges on the community.

The CHAIRMAN: It is not within the province of a private member to introduce in any measure anything that will be a burden or tax on the taxpayer or will increase such burden or tax. I must rule the amendment out of order.

Hon. W. C. ANGWIN: The Minister who introduced the Bill knows that for a considerable time past there has been grave dissatisfaction with the fees paid to jurors. It is not fair that a man should lose a day's work, representing 16s. or 17s., to attend as a juror and be paid 8s. 6d. I regret that the Minister has not provided that adequate payment shall be made to jurors.

The Minister for Mines: It can be done by regulation.

Hon. W. C. ANGWIN: The fees provided in the Bill are not fair.

Mr. Munsie: The Attorney General admitted that on the second reading.

Hon. W. C. ANGWIN: And since they are not fair, the Minister ought to remedy the grievance. I hope provision will be made for the payment of proper fees to jurors.

Mr. LUTEY: I move an amendment—

That in line 2 "the" be struck out and "an adequate" be inserted.

The MINISTER FOR MINES: The Attorney General has power to make regulations fixing the fees to be paid, and in special cases he can provide special fees. Therefore, it is he who will decide what is "adequate" in each case. The chances are that in most cases the fee fixed for the Criminal Court will be paid. The proper thing to do is to bring under the notice of the Attorney General the desire of hon. members that the present scale of fees should be revised. The proposed amendment will not alter the existing condition.

Amendment put and negatived.

Clause put and passed.

Clauses 36, 37—agreed to.

Clause 38—Additional evidence where cause of death not satisfactorily explained:

Mr. MUNSIE: Surely at a coronial inquiry the best judges of whether another medical practitioner should be called are the coroner and the jury. The right to summon another medical practitioner should rest with the coroner and jury, not with the Attorney General. The Attorney General would not have heard the evidence and would know nothing of the case, and yet he would have to be satisfied before another medical practitioner could be called.

The Premier: The coroner could call any evidence he liked.

Mr. Davies: The coroner would advise the Attorney General.

Mr. MUNSIE: Yes, but the Attorney General may, or may not authorise the calling of further evidence.

Mr. ROBINSON: These witnesses are subpœned by the Crown and paid for by the Crown, and medical witnesses are more expensive than other witnesses. I take it that this is a matter of expense more than anything else. If, after two doctors had given evidence, further medical testimony was required, the coroner may advise the Attorney General as to whether the expenditure should be incurred.

The PREMIER: This provision has been in operation in Victoria for some time.

Mr. Munsie: What would be the reason for having extra medical testimony?

The PREMIER: It would be called for special reasons. The clause is an additional safeguard, and the only objection to it would be on the score of delay. The clause is not intended to limit the right of the coroner in any way.

Mr. Munsie: But it does.

The PREMIER: It does quite the reverse. No Attorney General would refuse a coroner's request for further medical evidence.

Mr. JOHNSTON: It should be quite unnecessary to refer a matter of this kind to the Attorney General. Surely the coroner and jury, who know the facts, would be best able to judge whether further medical testimony was required.

The Premier: Then they could request the Attorney General to call it.

Mr. JOHNSTON: But why? The Attorney General could act only on their views. If they were satisfied that further evidence was necessary, they should be able to obtain it I move an amendment—

That in lines 5 and 6, the words "report the matter to the Attorney General who may" be struck out.

Mr. ROBINSON: The Attorney General is charged under the law with the prosecution of all offences. He signs the indictments and is head of the department which conducts the prosecutions. The Attorney General has a wider outlook than local people would have, and he would incur expense which a coroner or jury might not think of doing. He is the proper person to authorise the calling of further medical testimony. I have never heard of any delay on the part of any Attorney General in replying to questions relating to matters of criminal law.

Mr. FOLEY: I think there would be some delay in this case. The member for Canning has thrown very little light on the subject. It is not a matter of law that is being dealt with, but a question of medical evidence. If the jury think further medical evidence is necessary they should be able to get it for themselves. After all the Attorney General will only be acting on the opinion of the jury if he does, at their request, send a medical practitioner from Perth.

Hon. W. C. ANGWIN: We do not know what was in the mind of the Attorney General when he put this clause in the Bill.

The Premier: It is taken from the Victorian Act.

Hon. W. C. ANGWIN: Seeing that the Attorney General is not here, I think we should report progress at this stage.

Progress reported.

BILL—PUBLIC SERVICE APPEAL BOARD.

Second Reading.

Debate resumed from 9th September.

Mr. JONES (*Fremantle*) [10.5]: I regret the decision of the Premier to go on with this Bill in the absence of the Attorney General. I should have liked to see the Minister here, not merely because he introduced the Bill, but because he was the representative of the Ministry who signed the Ministry's terms of capitulation to the service.

The Premier: That is not so at all. You know that.

Mr. JONES: The Premier knows that this Bill is the evidence of the capitulation of the Government.

The Premier: It is not.

Mr. JONES: The Bill in its present form is worth nothing. It is practically of no value to the civil service, except as evidence of the defeat of the Government.

The Premier: They did not accept your offer when you offered to help them.

Mr. JONES: I made no offer to help them.

The Premier: Oh yes, you did.

Mr. JONES: As the Premier knows, the civil servants were quite capable of helping themselves, and they did so.

The Premier: They did not accept your offer.

Mr. JONES: Perhaps the Premier will explain the offer I made to them. I had no idea I made any at all. I was not in the some position as Mr. Molloy and others, who gave huge contributions to the civil service. I do not think I made them any offer whatever.

Hon. W. C. Angwin: We were told last night we should not impute motives.

Mr. JONES: Had they decided to take over the reins of Government and establish a Soviet Government, I would have given them the benefit of the little knowledge I have on the subject.

Mr. SPEAKER: The hon. member cannot discuss Soviet Governments under this Bill.

Mr. JONES: I regret that the Premier's rather ridiculous interjection took me off the track. Except as evidence of the fact that the Government gave in, and their acknowledgment of the fact that the civil service had won its case, the Bill is of no value. The service would never have had the Bill if it had not gone out on strike.

The PREMIER: They had it before they went on strike.

Mr. JONES: When they threatened to go on strike. It was a little sop thrown to the wolves as they advanced. The Premier fled away in his sledge, and said "Here is a Bill, you can have it," and threw it to them.

Had they not threatened to go on strike they would not have got it. Like the Arbitration Court, the Bill is two to one in favour of the Government. The member for Pilbara (Mr. Underwood) put the matter forcibly when he said that a judge of the Supreme Court was totally unfit to sit upon a board of this sort. He is dragged in willy-nilly. He is a man, who, because of his training and his environment, must think of and favour the class the Government represent, in place of the class into which the civil servants, as wage earners, are forced. All the ideas of the chairman of the court must necessarily be in favour of the Government.

The Minister for Mines: He is a civil servant.

Mr. JONES: It does not matter whether the present Government are in power, or the Labour Government, which will be in power next year, the Government represent the one class of society. A judge of the Supreme Court, by virtue of his training, must incline in every way towards the point of view of that class. The Government have simply played the game of "heads I win, tails you lose," exactly the game that is played in Arbitration Court awards.

Mr. Johnston: You will find it will work out differently in the civil service.

Mr. JONES: By the threat of direct action I daresay the civil servants will force more out of the court than if they were the servile body we thought they were years ago. Many hon. members have received an intimation as to the amendments desired by the Civil Service Association. No doubt metropolitan members will support them, in view of the fact that so many civil servants live in their electorates.

Mr. Johnston: And in Fremantle.

Mr. JONES: The Bill seems to me one mass of broken promises. The Government have been more true to their policy than they have been to their promises.

Mr. SPEAKER: Would it not be well for the hon. member to deal with the second reading of the Bill?

Mr. JONES: I am endeavouring to do so.

Mr. SPEAKER: The hon. member is dealing with the Government instead of the Bill.

Mr. JONES: Doubtless many of these clauses will be altered in Committee. I wish to refer particularly to the clause dealing with the appointment of members of the board. I have been led to understand, and I think the public have understood, that the appointment of representatives of the two branches of the service, the civil servants and the teachers, were to be made by the association and the union respectively. We find in Clause 3 that the board shall consist of one member to be elected in the prescribed manner by the teaching staff of the Education Department, and in another clause in the prescribed manner by the members of the civil service. What will happen, if the Bill passes into law, if in a little while the Coolgardie Civil Service Association is registered, or the national workers teachers' union comes to light? Will the Government give those bodies power to appoint their representatives on this board?

Mr. Smith: What is wrong with them?

Mr. JONES: Will the Government give these new loyalist associations the right to appoint members on the board? Do not let the member for North Perth (Mr. Smith), whose electorate is packed with public servants, forget that it was the association and the union who wrung that promise from the Government. The policy of the Government has been to send scabs to the Fremantle wharves, and to send armed thugs to shoot miners at Kalgoorlie.

Mr. SPEAKER: Order! I cannot allow the hon. member to continue in that strain. I want to give the hon. member a chance to discuss the Bill, but such statements as the hon. member has been making will not help him.

Mr. JONES: I should feel that I was not doing my duty to the principles I hold if I did not point these things out to the House.

The Premier: We quite understand that.

Mr. SPEAKER: The Bill makes no provision for the things which the hon. member is discussing.

Mr. JONES: That is what I am complaining about, that the Bill does not make provision for the various branches of the service in the manner that was promised.

Mr. SPEAKER: The hon. member will be quite in order in referring to that in Committee. That is the proper place for it. On the second reading the hon. member is in order in discussing the main principles of the Bill. I have allowed much latitude on the second reading, even permitting the discussion of clauses, which has not been allowed in the past; but the proper time for the hon. member to take those points is in Committee.

Mr. JONES: But it appears to me that the main principles of the Bill consist in the appointment of the board and who shall constitute it. Now to pass on to the second phase of the Bill—because I know members are anxious to catch their trains—although I would have liked to speak at considerable length——

Mr. SPEAKER: The hon. member is at liberty to speak as long as he wishes, provided he keeps to the Bill.

Mr. JONES: In passing, I wish to refer to the right to strike, which this Bill seeks to take away. I claim your indulgence for a moment, Mr. Speaker, in order that I may refer to one particular clause. I hope the Attorney General will be present when the Bill is in Committee, and I hope he will then give hon. members an explanation as to what exactly is meant by that clause of the Bill which represents a removal of the right to strike, or which endeavours to take away the right to strike from a body of workers in this State. I believe the Government themselves realise that the whole thing is farcical, that in this respect they are just a Mrs. Partington endeavouring to sweep back the

ocean. They might just as well say that they will take away from a trader the right to sell his goods when and where he likes, as that they will compel a worker to give as much of his labour as they say he shall. That is reverting to the old days of slavery, of serfdom, when the lash was over men's backs, to tell them, "You shall work whether you want to or not." I want this House to be exactly clear as to what the Government mean by this taking away of the right to strike. Do they mean that if any civil servant participates in any action whatever connected with a strike, they will deprive him of his superannuation and privileges and discharge him from the service? Assume that the temporary clerks in the service again joined the clerks' union, as they did years ago; and assume that the temporary clerks found it impossible to continue work in certain circumstances. Then, if the members of the public service still continuing to work assisted those temporary men in some way, say stood behind them with monetary aid, would that be participating in a strike? We want the Attorney General here, because he is the man who conducted the negotiations and who therefore should answer that question. I want to know from him exactly how far the clause in question is in keeping with the arrangements which he made with the public service disputes committee while the negotiations were in progress. I want to know exactly how far he proposes to penalise the public servants, and whether he intends by that clause that they shall not even drop a shilling in the collection box of any union that happens to be on strike? Do the Government intend that by the Bill?

Mr. Johnston: The Bill does not say so.

Mr. JONES: I want an interpretation of that clause. I want to give the Attorney General a chance to come along with an interpretation of that clause when the Bill is being considered in Committee.

The Premier: We will give you a chance if you sit down.

Mr. JONES: I intend to take the chance. The other clauses of the Bill can, I think, be discussed in Committee. I have referred to the two main points. I wish to make an appeal to the Premier with regard to the broken pledge of the Government. The Premier has got industrial peace so far as the public servants are concerned. They are back at work. They are working well. Surely they have given the Premier far better terms than he deserves. I appeal to the hon. gentleman not to go back on the promise which his Government gave, but to allow the board to be appointed as he said it should be appointed. I appeal to him not to think for a moment that a clause of this description, which seeks to take away the right to strike from a body of men, is going to prove anything more than a farcical laughing-stock.

On motion by Mr. Lutey debate adjourned.

House adjourned at 10.25 p.m.

Legislative Council,

Tuesday, 21st September, 1920.

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

BILL—BROOME RATES VALIDATION.

Read a third time and passed.

BILLS (2)—RECEIVED FROM THE ASSEMBLY.

1. Local Authorities Sinking Funds.
2. Westralian Meat Works.

Read a first time.

BILLS (2)—RETURNED FROM THE ASSEMBLY.

1. Friendly Societies Act Amendment.
2. Time of Registration Extension.

Returned without amendment.

ADJOURNMENT—STATE OF BUSINESS.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.36]: In view of the state of the Notice Paper, and the probability that it will be some time before business is received from the Legislative Assembly, I advised hon. members a week ago that it was not intended to proceed to-day beyond the formal business before the House. I therefore move—

That the House at its rising adjourn until 4.30 p.m. on Tuesday next.

Question put and passed.

House adjourned at 4.37 p.m.