Legislative Assembly.

Tuesday, 3rd November, 1903.

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THE SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

LAND ACT AMENDMENT BILL (PRIVATE).

MR. J. L. NANSON presented a petition for leave to introduce a Bill to amend the Land Act, 1898.

Petition received and read.

On leave given, Mr. NANSON introduced the Bill and moved that it be read a first time.

Bill read a first time.

MR. NANSON moved that the Bill be referred to a select committee.

THE SPEAKER: It was not necessary for the hon. member to move this motion, because the Standing Orders required such a Bill to be referred to a select committee.

Select Committee appointed by ballot, comprising Mr. Burges, Mr. Illingworth, Mr. Jacoby, Mr. Taylor, also Mr. Nanson as mover; with power to call for persons and papers, and to sit on days on which the House stands adjourned; to report on the 10th November.

RETURN—WEST PERTH RAILWAY STATION, LIGHTING.

On motion by MR. DAGLISH, ordered: That there be laid on the table a return, showing the cost per unit of the electric light supplied to the West Perth Railway Station, after allowing for interest and sinking fund upon the capital invested in plant and installation, and making due allowance for depreciation.

DOG BILL.

RECOMMITTAL.

On motion by the PREMIER, Bill recommitted for amendment of Clause 29.

MR. HARPER in the Chair.

THE PREMIER: In Clause 29 it was provided that every adult aboriginal native might keep an unregistered dog; but it had been pointed out by the member for Pilbarra (Mr. Isdell) that, unless the right to keep an unregistered dog was restricted to the male aboriginal, we might have a horde of dogs around small settlements in the North-West. The hon. member suggested that the right should be limited to the male native, and the suggestion was a good one. He now moved as an amendment that, after the word "adult," in the first line of Clause 29, the word "male" be added.

Amendment passed, and the clause as amended agreed to.

Bill reported with a farther amendment, and the report adopted.

COMPANIES DUTY ACT CONTINUANCE BILL.

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

FACTORIES BILL.

RESTRICTION FEE ON ASIATICS.

THE PREMIER: When this Bill was passing through Committee, an amendment was made in the Schedule which went farther than the mover (Mr. Daglish) probably intended. Its effect was to impose upon every individual Asiatic employed in a factory the obligation to pay annually a fee of £25. While sympathising with this desire to discourage Asiatics from keeping small factories, he (the Premier) said this amendment went farther than was necessary and tended to have a penal rather than a useful effect. He now suggested we should provide that where an occupier of a factory was an Asiatic, or where the person employed in a factory was an Asiatic, the license fee in respect of the individual should be an annual sum of £5. The effect then would be to prevent the growth of small factories consisting of two or three Asiatic workers, and to encourage Asiatics to have a lesser number of factories containing a greater number of workers.

That was desirable because closer supervision was necessary over Asiatics' factories than over the ordinary European factory. The European was more subject to public influence than the Asiatic, and if by a provision of this nature we could lessen the number of small factories owned or occupied by Asiatics, so much the better, but a fee or £25 would be far too high. The highest fee we had in this schedule was £2 10s. He would ask the House in Committee to strike out that amendment—and he hoped the hon. member would agree to this course—with the view of inserting the following words in lieu:—

> Where the occupier or intending occupier of a factory, or any person employed in or about a factory is of the Chinese or other Asiatic race, there shall be paid a fee of £5, and the registration of every such factory shall be renewed, and such fee be paid annually.

He moved that the Bill be recommitted for the purpose of amending the schedule.

Question passed.

RECOMMITTAL.

THE PREMIER moved that the amendment previously added to the schedule be struck out, with a view to inserting in lieu the words he had just read.

MR. DAGLISH said he would be willing to meet the Premier if the hon. gentleman had met him half way. He informed the Premier he would not be averse to having the amount altered from £25 as a registration fee for an individual to £25 for a factory. The amendment carried the other night did not go too far, for we could not do too much in the direction of discouraging Chinese labour in factories. As long as we had these Chinese factories with a nominal license fee, the white workers would be starved out, and where it was a question of starving out workmen, he was in favour of starving out the Chinese rather than the white workers. If £5 were an annual charge, there might be some justification for the reduction proposed; but the registration had to be done only once. We charged a much higher license fee than £5 for other classes of business which were not more remunerative than Chinese cabinet-making operations; and in those instances, such for example as the Wines, Beer, and Spirit Sales Act, the license was an annual one and we considered £25 not too high a fee. A fee of £25 for each factory would only be equivalent to a license fee of £5 a year for five years. That would be very small compared with the profits made by employers of Chinese labour; therefore the suggested compromise would be reasonable; or if the Premier refused to accept this proposal he hoped the Committee would adhere to the larger amount. He was much surprised to hear the Premier state the other night that he would sooner drop the Bill than see the proposal adopted the other night sent to another place. He would like the Committee to exercise its own judgment, and it was improper for the leader of the Government to tell us that if the Committee adopted a certain course which he dissented from, the legislation on this subject must be stopped. Most probably the hon. gentleman would not have made the remark had he given due time to the consideration of the matter. If the license fee were such a nominal one as £5, that would not have the effect the Premier desired. A registration fee of £5 would be insufficient to force a man who employed Chinese labour to have a factory comprising nine or ten hands; and if such factories were smaller there would be a greater danger of men working individually, thereby evading the necessity of registration and escaping the fee.

THE PREMIER: The suggestion he made was that there should be an annual fee of £5, and in his opinion the annual renewal of registration would enable us to exercise a far better control over these factories than if one registration were made to continue for all time. By the schedule the highest fee a European had to pay for a factory was 50s. where the numbers exceeded 30, and the fee ranged from 5s. up to that amount. In fixing these fees there must be some proportion between the sum charged to Europeans and that charged to Asiatics. An annual fee of £5 would in its operation be heavier than a single payment of £25.

MR. DAGLISH: Owing to the absence of notice, he was not aware that the Premier proposed to make this an annual fee. Of course an annual fee improved the matter much; but he questioned whether, without a farther clause, it was

possible to enforce by a mere line in the schedule a provision for annual registration. If the Premier would assure him that was so, he would accept the proposal.

THE PREMIER said he would see that this was made effective.

Amendment passed, and the schedule amended accordingly.

Bill reported with farther amendment, and the report adopted.

PHARMACY AND POISONS ACT AMENDMENT BILL.

RECOMMITTAL.

On motion by the PREMIER, Bill recommitted for adding a new clause.

THE PREMIER: The member for the Swan (Mr. Jacoby) had given notice of a clause to make more conspicuous the word "poison" on the article containing poison. That was partly dealt with by Section 31 of the principal Act, and that section was amended by Section 3 of the Amending Act of 1894. To give effect to this intention, he now moved that the following be added as a new clause:—

Section 33 of the principal Act and the amendment thereof contained in Section 3 of the Pharmacy and Poisons Act, 1894, are hereby repealed, and the following subsection substituted therefor:—31. No person shall sell any poison unless the bottle or other vessel, wrapper or cover, box or case immediately containing the same bears thereon the word "Poison," printed conspicuously in letters not less than three-sixteenths of an inch in size, and the name of the article, the name and address of the vendor, and the address of the shop or premises from which the article was sold. All such matter shall be so printed that the purchaser of the article can plainly see the same.

Question passed, and the clause added.

Bill reported with farther amendment, and the report adopted.

WATER SUPPLY BILL.

LOCAL ENABLING POWERS.

IN COMMITTEE.

MR. HARPER in the Chair; the MINISTER FOR WORKS in charge of the Bill.

Clauses 1 to 44—agreed to.

Clause 45—Powers of water authority, etc.:

MR. MORAN: Were any new powers given to these boards? We must jealously guard against any innovations which might give a board authority to attack vested rights. Apparently powers were given to divert streams, enter on land, take wells, etc.

THE MINISTER FOR WORKS: All these powers were contained in the Public Works Act of last session, now in force; and as to anything in the nature of resumption, a claim for compensation must be adjusted in accordance with that Act. No new powers were sought in the clause.

Clause put and passed.

Clauses 46 to 57—agreed to.

Clause 58—Record of meter to be *primâ facie* evidence of water supply:

MR. ATKINS: The present meter system was very unsatisfactory. How was it possible to tell whether the meter was right or wrong? In the metropolitan area expense and trouble were caused, and if a meter was wrong what could be done? If the board said the meter was right the occupier could do nothing, because the board would not allow the meter to be interfered with. A large quantity of water charged for in Perth by meter was never delivered. Numbers of people were charged as much for water in the winter time as in the summer. Some better arrangement for checking the supply of water was required so that a charge could be made only for the water delivered.

THE PREMIER: Unless the quantity of water shown by the index of the meter was taken as *primâ facie* evidence of the water delivered, what other evidence could there be? The clause provided what was common in all water Bills, that the index of the meter was *primâ facie* evidence of the water that had passed through. Some meters seemed to register more in favour of the water boards than in favour of the consumers. What other evidence could there possibly be than the index of the meter? There might be difficulties, but how could they be avoided?

MR. ATKINS: Why should people pay on the index of the meter when the water had not been supplied?

THE PREMIER: How was it possible to prove otherwise?

MR. ATKINS: The Government in passing this law should make some provision to overcome the difficulty.

THE PREMIER: Provision could not be made in any other way than as proposed in the Bill.

MR. ATKINS: Sometimes the charge was only 5s. or 10s., and persons could not afford to spend £1 to test meters, because if the board said the meter was right the consumer had to pay for the testing.

MR. WALLACE: There were many complaints as to the inaccuracy of meters. He had been told that the men who read the meters would not allow householders to look at the meters to see if the records were correct, and these householders had to depend solely on the reading of the meter by the water board's officers.

THE PREMIER: The member had been misinformed, he thought, for everyone could see the index of the meter.

MR. WALLACE: What was stated was correct. In one instance a householder was not allowed to see the index of the meter, and the water consumed in the winter was said to be as much as that consumed in the summer.

MR. ATKINS: At the present time those who consumed water did not get fair treatment. Take his own case; he had a large tank of rain water which was used as long as it lasted, for in his house bore water was not liked. He had to pay just as much for excess water in the winter as in the summer time. This trouble was to be perpetuated in the Bill.

Clause put and passed.

Clauses 59 to 105—agreed to.

Clause 106—Premises may be sold for arrears of rates, etc., remaining unpaid for twelve months:

MR. ATKINS: Surely there was some other means of recovering rates than the selling of land.

THE PREMIER: What would the hon. member suggest?

MR. ATKINS: It was the business of the Government to find the means. A man might not go near his land for a couple of years, and then find that it had been sold for water rates. Surely the arrears might be allowed to accumulate.

THE MINISTER FOR WORKS: It was not possible to protect a water board by any other means. Sufficient notice had to be given before land was sold. The rates might remain unpaid for 12 months; then a notice had to be put in the *Government Gazette* and advertised in a newspaper for three weeks.

MR. ATKINS: The owner might be away from the State.

THE MINISTER FOR WORKS: A landowner generally left someone to represent him. Often the land was the only asset on which a board could realise. The provision was already in existence and caused no undue hardship; for the power proposed to be given by the Bill was now included in the Goldfields Water Supply Act and in the Metropolitan Water Works Act.

MR. ATKINS: The publication provided was not sufficient. An owner who might be in New Zealand would not see the *Gazette*. How was the board to find the owner who was away?

THE PREMIER: It was not necessary to find the absentee owing rates for 12 months. If the owner left no agent there was no other chance of getting the money for the rates than was provided in the Bill.

MR. ATKINS: The land would not run away.

THE PREMIER: After the advertisements were inserted it would be necessary to present a petition to the Court, and the Court might direct farther advertisements to be inserted. There was endless machinery to protect the absentee owner.

Clause put and passed.

Clauses 107 to end—agreed to.

Schedules—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

[Sitting suspended for ten minutes.]

PRISONS BILL.

IN COMMITTEE.

Resumed from 1st October.

MR. ILLINGWORTH in the Chair; the MINISTER FOR WORKS in charge of the Bill.

Clause 36—Punishment for aggravated prison offences (discussion resumed):

MR. BATH: As indicated on the Notice Paper, he moved that Subclause 2 (corporal punishment) be struck out. Members who were well informed as to the management of prisons and the science of penology would admit that the infliction of corporal punishment on prisoners was not a deterrent to crime.

Indeed, the fact that men had undergone a flogging caused them to come into the good graces of other prisoners. In New South Wales many of the worst prisoners were those who had been flogged. Flogging was brutalising to those on whom it was inflicted, also to those called on to inflict it.

THE MINISTER FOR WORKS: The Government desired the treatment of prisoners in gaols to be as humane as possible. He had consulted the authorities as to the retention of this subclause, and was assured it was absolutely necessary. A similar clause appeared in nearly all the prison laws of the world. He was informed that it would be rarely exercised, and then only for a serious offence, such as mutiny. Unfortunately, flogging was the only kind of punishment that had effect on some persons. There was no desire to have the clause so that it might be made free use of, but on the contrary the wish would be to evade this kind of punishment as far as possible. Where such punishment was inflicted, the offender would be examined by the medical officer to see whether he was fit to receive the punishment, and that officer would be present all the time the punishment was inflicted. He (the Minister) hoped members would allow the clause to remain, with the assurance that it would be made use of only rarely.

MR. WALLACE: The amendment should not be pressed. There was an instance now in the prison at Fremantle where a man could not be subdued until he was punished in this way. That man was a coloured person, committed for some serious offence. When flogging took place it must be under the supervision of the medical officer, whose instructions the gaoler was bound to obey; so we need not fear any undue hardship.

MR. HIGHAM: Power to inflict flogging as a deterrent should exist, and there was real necessity for this provision. In the Fremantle prison not only were there coloured men but men of British race so brutal that nothing but the rod would control them.

MR. BATH: All the acknowledged authorities on criminology and penology at the present day agreed that in modern prison reform flogging should have no place. The Minister had said this punishment would be inflicted only on those able to bear it according to the certificate of the medical officer. There must, therefore, be some other means of punishment for prisoners not able to bear corporal punishment; and why could these other means not be the punishment inflicted on those able to bear floggings? We could follow with advantage the example of the humanitarian institutions of America.

MR. TAYLOR: There was no sound reason for the retention of Subclause 2. One recognised the necessity for preventing mutiny by punishing mutinous prisoners; but there was nothing in the Bill to say that flogging would be confined to such special cases. Not more than 20 years back prisoners were flogged for minor offences. When executions were carried out in public to act as a deterrent, hanging was more frequent and murders were committed far more than to-day. One grew tired of listening to the argument of "deterrent influence." Once a man was flogged he was ruined, he was mentally and physically broken down, and we could only keep on flogging him until he was flogged into the grave. A man was tied to the triangle for a flogging, and a doctor sounded him to see whether he was physically fit to undergo the whipping; and while tied there, great clots of blood dropped at his feet. Yet one talked about deterrents and humanity. Legislation in this century in favour of corporal punishment was not in keeping with the times. He thought capital punishment would have been removed from the statute book by this time, and he regretted to see that this Bill would enable floggings to be continued.

THE MINISTER FOR WORKS: While desirous of protecting prisoners as much as possible, there was another side to the picture, for we must afford some means of protection to the warders, who at all times had a very difficult task in looking after prisoners. The member for Mt. Margaret (Mr. Taylor) had painted a painful picture, but there was, on the other hand, the painful case of a most brutal assault on a warder in the Fremantle Gaol. The man who committed that assault previously committed similar assaults. What was to be done with such a man? Surely warders were

entitled to some protection; and those who had given some amount of study to the question realised that the greatest deterrent prisoners had was the fear that they would get a whipping, if altogether outside reasonable bounds they committed murderous assaults on warders. He would insist on the subclause being retained.

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

Ayes	...	...	9
Noes	...	...	12
Majority against		...	3

AYES.	NOES.
Mr. Bath	Mr. Burges
Mr. Daglish	Mr. Ferguson
Mr. Hastie	Mr. Gordon
Mr. Holman	Mr. Hayward
Mr. Johnson	Mr. Hopkins
Mr. Oats	Mr. Isdell
Mr. Reid	Mr. James
Mr. Taylor	Mr. Pigott
Mr. Hicks (*Teller*).	Mr. Rason
	Mr. Wallace
	Mr. Yelverton
	Mr. Higham (*Teller*).

Amendment thus negatived, and the clause passed.

Clause 37—Minor prison offences:

MR. BATH moved that Subclause 5 be struck out. The subclause made "preferring frivolous complaints against officers" a minor offence. When we remembered that the officers against whom these supposed frivolous complaints would be made were those who had to give evidence to the visiting justices, we would see that the subclause was entirely unnecessary.

THE MINISTER FOR WORKS: The amendment should not be pressed. In the interest of good discipline it was absolutely necessary to have the power to inflict some punishment against prisoners who continually preferred frivolous complaints, perhaps made for the purpose of going before the visiting justices and so getting a half-holiday. With no punishment for preferring frivolous complaints, prisoners would be always making them, and it was necessary to have an inquiry every time a complaint was made. There would be only a slight punishment.

MR. BATH: To retain the subclause would discourage prisoners from making complaints which might not be frivolous. The officers would say that a complaint was frivolous, and would have the prisoner up before the justices for making frivolous complaints. Surely warders had sufficient protection without insisting on the subclause, seeing that it would have the effect of taking away from the prisoner the right of laying a just complaint against the warders.

MR. TAYLOR: In eight cases out of ten the charge made by a prisoner against an officer was not upheld, unless the prisoner's statement was corroborated by another officer. The officers were always prepared to meet a conspiracy among prisoners. In making a charge against an officer, and until the complaint was corroborated by another officer, the prisoner complaining invariably failed to make out a case. Of course an officer in a gaol was the natural enemy of prisoners, and it would be of no use for a prisoner to bring a charge against an officer unless the charge was corroborated by some other officer. He (Mr. Taylor) had seen this sort of thing tried in prison, and he knew that officers had sufficient protection, because the superintendent would not allow a charge to be placed before the visiting justices unless satisfied that the reasons for making the charge were sufficient in his opinion; so the whole matter depended on the superintendent as to whether he would permit a prisoner to see the visiting justices for the purpose of laying a charge. Any prisoner who was troublesome would have no chance of getting permission to lay a complaint before visiting justices against an officer.

Amendment put and negatived.

MR. HIGHAM moved as an amendment that the words "Pretending illness" be added as a subclause.

MR. BATH opposed the amendment. Repeated instances had been made known through the Press of prisoners being punished for malingering, when those prisoners were really ill. These cases were so frequent that the charge of malingering should not entail punishment, and therefore the subclause should not be inserted.

THE PREMIER: Where did these instances occur?

MR. BATH: In the last report of the Inspector General of Prisons in New Zealand, attention was drawn to this class of cases, and the Inspector General urged that due caution should be practised. Justices on the bench had repeatedly called attention to cases of this kind, and suggested that a different proceeding

should be adopted. He hoped the subclause would not be agreed to.

MR. TAYLOR: Two months ago a man in the Fremantle prison was punished on a charge of malingering. He had some ailment in the knee, and because he stumbled when walking to the yard and complained that he could not do the work, he was punished for malingering. The doctor examined the man afterwards, and said he could not be cured, that he would have to undergo an operation. After some time the man was sent by the prison authorities to the Perth Hospital, and was under treatment there for some weeks. When the man came out, he told him (Mr. Taylor) of the way he had been treated in prison by being punished for malingering when he was really unable to work. Prisoners had been punished in other places for alleged malingering, as he (Mr. Taylor) knew, and some had died in the cell while undergoing that punishment. The doctor who examined those cases was afterwards overtaken by the plague in Queensland, and he could not be called on for an account. The whole thing rested with the prison doctor; and the effect of the doctors being in close contact with prisoners for a long period was to harden their nature, so that they treated prisoners more harshly than they would treat ordinary patients. While he (Mr. Taylor) desired to see prisons maintained with due efficiency, he did not wish to see too much power placed in the hands of prison authorities, who in a measure were likely to abuse it. He had repeatedly seen them abuse authority in the treatment of prisoners. Those who controlled prisons in one country were very similar to those who would have the control of prisons in this country, and so it was necessary to be cautious in the powers given to prison officers. Coloured prisoners were among the worst class, as they did not understand our laws and had different ideas from white people; so that while powers of this kind might be necessary for some of the worst of coloured prisoners, they were not necessary in the treatment of white prisoners.

MR. WALLACE: Whilst sympathising with men sent to prison for offences which did not justify their incarceration, he recognised the necessity of laws and regulations by which prisoners of the worst type should be controlled. If we removed the power from the hands of the superintendent and his officers, it would be just as well to have no prison at all. He knew the good feeling which prompted members who desired Subclause 8 to be eliminated, but he could not agree with them.

MR. BATH: The worst class of prisoners went through the prison unscathed in regard to charges of malingering, for having been previously incarcerated they were acquainted with the ropes. It was against persons imprisoned for minor offences the warders seemed to have the greatest antipathy. Very often warders incited such persons to offences punishable under these clauses. Many persons who had been punished for what was called malingering should have been sent to the hospital and treated by the medical officer.

MR. DAGLISH: The Committee should endeavour to prevent prisoners from being treated with undue harshness; but to carry an amendment whereby malingering would no longer be an offence would be to offer a premium to every prisoner who chose to say he was unfit for work. The prisoner's statement and not the doctor's would then be the judgment to be accepted by the prison officials. If we made it no offence for a prisoner to pretend to be ill when in the possession of sound bodily health, our prisons would be in a remarkable condition within a month.

MR. TAYLOR: Without what was now proposed the prison officials would have plenty of opportunity to deal with prisoners supposed to be malingering. The doctor was the judge, and could deal with them without punishing them too severely to prove whether they were ill or only shamming. In one particular case it was found that putting men supposed to be malingering on a milk diet was more effective than placing them in cells.

MR. BATH: Breaches of discipline should not be allowed; but apart from the provision now under consideration, the Bill gave ample power to maintain discipline. Where there was great liability of mistake the Committee should be careful.

New subclause passed, and the clause as amended agreed to.

Clause 38—Aggravated prison offences defined:

MR. BATH moved that Subclause 8, "pretending illness," be struck out.

Amendment passed, and the clause as amended agreed to.

Clause 39—Hearing of complaints:

THE MINISTER FOR WORKS moved that the word "prison" be struck out and "suitable place" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 40, 41—agreed to.

Clause 42—Corporal punishment to be superintended by gaoler and surgeon:

MR. HIGHAM moved that the words "and the medical officer" be added after "gaoler," in the first line.

Amendment passed.

MR. HIGHAM moved that the words "in the presence of the medical officer" be added after "effect," in line 4.

THE MINISTER FOR WORKS: The regulations already provided that a medical officer should attend every case of corporal punishment. There was no objection to adding the words.

Amendment passed, and the clause as amended agreed to.

Clauses 43 to 50—agreed to.

Clause 51—Notice of death and inquest:

MR. HIGHAM: There was no mention of the jury.

THE MINISTER OF WORKS: An inquest would necessarily have to be before a coroner's jury.

Clause passed.

Clauses 52, 53—agreed to.

Clause 54—Removal to hospital:

MR. BATH moved that the words "or medical officer" be inserted in the first line after "Comptroller General." In cases where prisoners awaiting trial fell ill, every facility should be given to enable them to receive hospital treatment, and they should be removed to the hospital without delay. It would be convenient to enable the medical officer to have the power to order their removal.

THE MINISTER FOR WORKS: There would be no objection to the amendment, although the medical officer already possessed the power.

MR. TAYLOR: The hon. member should not press his amendment. It was understood that the clause enabled prisoners to be removed to outside hospitals, but it certainly was not desirable that the medical officer should alone be able to order the removal of a prisoner to an outside hospital. The Comptroller General should be appealed to for his sanction, just as the Minister in charge of a department was asked for his sanction to any step taken by the officers in his department. The Comptroller General would act on the advice of the medical officer, unless he had some reason to think that the prisoner and officer were too friendly before the prisoner got into gaol. The Comptroller General should have the sole charge in the matter of the removal of prisoners. He was the responsible officer, and the medical officer had only to attend to matters of illness.

Amendment passed, and the clause as amended agreed to.

Clauses 55 to 67—agreed to.

Clause 68—Time during which prisoner unlawfully at large excluded in computing sentence:

MR. BATH moved that the word "shall" be struck out, and "may" inserted in lieu. In some instances prisoners who escaped and remained at large lived honest lives, and when they were recaptured the authorities took into consideration the life they had led and remitted portion of their punishment. This was done in the case of the rather notorious Ben. Bridge, a horse stealer who escaped from New South Wales and lived an honest and upright life in the North-West of Western Australia. This had been taken into consideration when the man was recaptured, and he had only eight months to serve when he was taken back to New South Wales. The amendment would give the authorities an opportunity of exercising a discretion which was not allowed by the Bill.

THE MINISTER FOR WORKS: The effect of the clause was only that a man who escaped should, when he was recaptured, serve imprisonment for the time he was illegally at large. If prisoners knew that when they were recaptured they would not have to serve time for the period they were at large there would be an additional inducement to escape from prison if they could.

MR. HIGHAM: An escapee, who might be serving a sentence of only six months' imprisonment, might have to serve six years for his escape.

THE MINISTER FOR WORKS: That would not be the case. It was hoped the amendment would not be pressed. The Bill would be recommitted, and he would consider whether it would be advisable to make the provision optional so that justices might, if they thought fit, remit some portion of a sentence; but it must be compulsory that the prisoner should serve the full period of the previous sentence unless there was some special remission.

Amendment negatived, and the clause passed.

Clauses 69 to end—agreed to.

Schedules (2), Preamble, Title—agreed to.

Bill reported with amendments.

[MR. HARPER took the Chair.]

LUNACY BILL.

SECOND READING (MOVED).

THE PREMIER (Hon. Walter James): In moving the second reading of this Bill there will be no need for me to appeal to any principle involved in lunacy legislation. All members will admit that the existing Act passed in 1871, not having been amended since, is to-day clearly insufficient to meet the needs for the treatment of lunatics according to modern methods. Perhaps in no system and in no branch of medicine has there been a more complete change than in the treatment of those who suffer from mental diseases. Thirty or forty years ago those who suffered from mental diseases were looked on more as prisoners than as patients. There has since that time been a very great awakening and a more humane system in the treatment of lunatics; and the fact is now recognised that the only way by which insane patients have a chance of securing recovery is by applying to them more humane methods than those which characterised the treatment of lunatics in the past. I think I am right in saying —and I hope I shall have in this respect the support of the hon. and learned member for Roebourne (Dr. Hicks)— that in dealing with the insane the whole value of the treatment depends entirely on questions of administration. Whatever may be the form of the Act we pass, it must deal of course with the method of placing a patient in an asylum, the method of removing him, and the question of internal regulations. The efficiency of the treatment must depend on the administration of those who control and the efficiency of the staff of the particular institution. [MR. ILLINGWORTH: Classification also.] And the classification, which is a matter for which we can merely provide machinery to enable an efficient administration to be properly carried on. What we want is to provide sufficient machinery and to give sufficient power to enable the most modern methods to be applied in the treatment of the insane. We cannot look back with satisfaction on the history of the treatment of insane in this State; and it has been pointed out in this House on more than one occasion that our treatment of the insane has savoured more of the ancient and the inhumane than it has of up-to-date and humane methods. It has been pointed out that our method in the treatment of lunatics is more fit for the system which was applied 50 years ago than it is for the conditions of to-day; but the change, although the need for it has been recognised, has been postponed to a large extent because that change involved a considerable expenditure of money in the erection of new buildings, and also a large expenditure in the way of upkeep to apply the newer methods. There can be no doubt that we shall have to face a larger expenditure in connection with the care of our insane in the future than has been the case in the past. If we are to apply to our treatment of the insane in this country those humane methods that exist in countries where the most advanced treatment obtains, namely in America and in the old country, we shall have to realise that if we are to treat those who are in insane asylums as persons who suffer from a disease, as persons who are patients rather than prisoners, we will be called on to expend a larger sum in administration than is the case to-day. It has also to be borne in mind that even to-day our proportion of persons in this State who are afflicted with mental diseases is smaller than is found in any other of the Australian States. That is an advantage we have, but it is not likely to continue indefinitely, and day by day one finds increasing demands made on the available accommodation. This Bill is

taken from the lunacy legislation in the old country and also from the Act passed in New South Wales in 1898, these being the two main sources from which the provisions of the Bill are drawn. The Bill itself has been settled very carefully by Dr. Montgomery, the Superintendent of the Fremantle Asylum; and it is recommended to us by him as being amply sufficient to meet the most up-to-date needs in connection with the treatment of insane. Members will see that the Bill, which consists of nearly 200 clauses, is divided into 12 parts; and those parts deal, under the various subheads, with the legislation for the insane; providing in the first instance for the methods by which an insane person can be brought into the control of a hospital for insane; secondly, the methods necessary for the administration which is to be applied to those who are brought under the control of such hospital; and, thirdly, the method of discharge. Members will see that the first part deals with the proceedings by which persons of unsound mind may be placed under restraint. Clauses 5 and 6 provide the method by which persons who are thus afflicted can be brought under restraint by the police. Clause 7 provides the method by which persons deemed to be insane can be brought under restraint at the instance of persons who are interested. Clause 5 provides particularly that if a person deemed to be insane is found without sufficient means of support, or is wandering at large, or has been discovered under circumstances that denote a purpose of committing some offence against the law, a justice may require a police officer to apprehend and bring such person before two justices. Clause 6 enables a police officer who has a knowledge of any person deemed to be insane and is not under proper care and control, or is cruelly treated or cruelly neglected by any relative or other person having or assuming the care or charge of him, to forthwith give information upon oath to a justice, and the justice then has power to deal with the case. Clause 7 provides for other cases where the justices deal with a person who is brought before them: it provides that the justices must call to their assistance two medical practitioners, and those two practitioners must have previously examined such person, apart from each other, and must separately sign certificates in the form of the schedule. We get therefore two independent examinations by two medical practitioners. Then it is necessary to prove the facts mentioned in Clauses 5 and 6, namely that the person deemed to be insane is without sufficient means of support, or was wandering at large, or was discovered in circumstances denoting a purpose of committing some offence, or was not under proper care and control, or was cruelly ill-treated or neglected; and on proof of these facts the justices have power to direct that the person be removed into a hospital for the insane, or into a licensed house. But there may be cases where two medical practitioners are not immediately available, and provision is made for such cases by Subclause 2, which provides that in such cases the justices may take the certificate of one medical practitioner alone; but the third paragraph of that subclause, which is on page 6, points out that when such person is conveyed to the reception house, public hospital, or prison, before he is received in the hospital for the insane one other medical certificate shall be lodged. Then members will observe that by Subclause 5, where a person is brought before the justices and dealt with in accordance with the provisions of the Bill, "any relative or friend may retain or take such person under his own care, if he satisfies the justices before whom such person is brought that such person will be properly taken care of, anything in this Act to the contrary notwithstanding."

MR. ILLINGWORTH: Supposing there is a district where there is no medical man within reach?

THE PREMIER: In a case like that he can be treated and kept there, and subsequently examined. These clauses deal with cases where the police find persons who are apparently insane, and in relation to whom inquiry is necessary and an order may be deemed advisable. Then we go on to Clause 10, which provides that "any person may be received and detained as a patient in a hospital for the insane, or a licensed house, on the authority of a request under the hand of some person." The form of the request is given in Schedule

3 of the Bill. The request has to be authenticated by a justice, it has to contain the particulars specified in Schedule 4, and two medical certificates have to be given, "each of which shall be in the form and containing the particulars required by the schedule." Moreover, the request itself must in the first instance be signed by a medical practitioner who has himself examined the individual, and who certifies *primâ facie* the case is one of insanity. So clauses 5 to 10 deal I think—with the exception of those cases we shall come to subsequently, where the Court is moved—with the great bulk of cases in those instances where a person is deemed to be insane, and it is necessary to place him in an asylum for the insane or under the regulations provided by this Bill. Clauses 11, 12 and subsequent clauses enact provisions which guarantee the *bona fides* of medical practitioners upon whose certificate this action is taken, and upon whose evidence and certificate to a large extent the result of the proceedings will depend. Clause 11 makes it clear that the certificate of the medical officer must be given on personal examination by him, and not one purporting to be founded on facts communicated by others. That guarantees a personal examination. Clause 12 provides that a medical practitioner who signs shall not occupy a certain relationship towards the patient or towards the person to whose charge it is proposed to commit the patient. The protection given by this clause is very wide, but not wider than necessary. Clause 13 is also inserted with the object of guaranteeing the *bona fides* of the medical practitioner and removing any temptation in his way. Clause 15 relates to the duration of an order for reception into a hospital. No such order remains in force after 28 days from the date of the medical certificates, or after 28 days from the date of those certificates necessary to place a patient within the control of a hospital for the insane or of a reception house. That is, there will not be an order hanging over a man's head for an undue length of time, 28 days being the period within which it must be enforced. Then we deal in Clause 17 with those cases where a person has been found insane by any proceeding in the Court, and it is provided that in these cases the order signed by a Judge or by the committee appointed by the Court, and properly executed, shall be sufficient authority for the purpose of committing a person to a hospital for the insane. In cases like that the order of the Court is not given until proper inquiry has been held into the state of the patient, but where that inquiry has been held and an order of the Court or of the committee has been produced, that order takes in such cases the place of a prior order made by the justices in those instances which are not dealt with by the Court. Clause 20 provides "That the superintendent of a hospital for the insane, or the proprietor of a licensed house, with the written consent of two justices, may receive and lodge as a boarder for the time specified in the consent any person who is desirous of voluntarily submitting to treatment, but after such time (unless extended by farther consent) such boarder must be discharged." That, of course, is intended to meet cases where a person may be suffering from intermittent trouble, and may voluntarily submit himself to treatment.

MR. ILLINGWORTH: Is this licensed house in the nature of an inebriate retreat?

THE PREMIER: No. I will come to that presently. A licensed house consists of premises occupied and controlled by private persons but licensed.

MR. ILLINGWORTH: That will not do.

THE PREMIER: Part III., like Part II., deals with the methods by which persons can be placed under control. It deals with proceedings by which persons of unsound mind may be removed to and from another State, and the whole of that part depends upon an arrangement by convention or otherwise made by this State and any other State by which there may be interchange of persons suffering from insanity. If some arrangement of this nature be come to, say with South Australia, it will enable us to transfer to that State insane patients who come from that State or whose friends may be living there; not necessarily relieving us of the obligation, that of course being a matter of arrangement, but the measure would give the superintendent power, acting through the Minister, to direct that a patient should be transferred. Of course that power is necessary, because a person

being declared to be insane comes within the operation of this measure and has to be dealt with as provided by the Bill. It is therefore necessary that power shall exist by which we could transfer a lunatic from an asylum in this State to an asylum in another State, if the circumstances justified it and there were arrangements existing between this and the other State which allowed that to be carried out. The conditions under which that power can be exercised are contained in Clause 22. Of course there is a reciprocal obligation on our part. There would be an arrangement by which we could accept from an asylum in another State into an asylum in this State any person whose case is dealt with under Clause 25. In Part IV. we deal with the establishment, the management, the regulation and the administration of hospitals for the insane. We do not use the expression "lunatic asylum," but we call these establishments hospitals for the insane, that term more adequately expressing modern views in this connection. All hospitals for the insane would, of course, be Government institutions. We provide under Clause 27 that for every hospital there shall be a superintendent who shall be a medical practitioner. The following clauses provide for the keeping of the necessary register, for the notices of admission, the keeping of a medical journal containing the record of the cases, and for entries in connection with death or removal. Then we pass to Part V., which deals with licensed houses, and we provide in Clause 33 that the Governor may grant to any person or two or more persons jointly a license for any period not exceeding three years to keep a house for the reception of a certain number of insane persons. We have provided already for two cases. We have provided for the establishment of hospitals for the insane--these are Government institutions—and for cases where relatives or friends may have the care of persons found to be insane. Under those earlier clauses the relatives or friends when the case is being dealt with have to apply to the justices and ask for or obtain leave for the patient to be left in their care, the only provision being that they have to satisfy the justices that they would take adequate means. Assuming a patient has been handed over to a relative or friend, and that relative or friend does not take proper care, there are ample provisions in the measure to enable the police to step in and take proceedings accordingly. We have, therefore, provided for what I may call the individual care by a relative or friend, and the care by means of a hospital for the insane; but other cases may crop up where, although a relative or friend does not want the care of an insane patient, that relative or friend does not desire to see the patient put in a hospital. We want to make provision where, in cases like that, private treatment can be given.

MR. ILLINGWORTH: It is liable to too much abuse.

THE PREMIER: We must not forget that there are very many cases in which persons believe it is undesirable for their friends afflicted with a disease of this nature to be placed in a public hospital. There can be no doubt that the more personal affection the individual patient can get, and the more favourable we can make his surroundings, the greater is his chance of recovery. It seems to me—and I submit it to the House with due respect—there is no reason why those persons interested in the patients should not have a right to avail themselves of better treatment for them, if they have the necessary means for the purpose. We do not want to compel them to place an afflicted person in the hospital for the insane, so long as we provide licensed houses with a sufficient guarantee to assure us they will not become subject to all the evils and abuses which characterised the worst system of asylum treatment in days gone by.

MR. WALLACE: Will the relatives or friends require to be licensed?

THE PREMIER: No. Suppose, for the purpose of argument, that a child of mine were suffering in this manner, I ought to have a right to retain that child, but suppose, on the other hand, I did not wish to retain it in my house. Members can perceive a number of reasons why I should not desire to do so; for instance, I might have other children. At the same time, I might not wish to place that child in a hospital for the insane, for I might be able to pay for better treatment. We wish to provide for cases of that sort in Part V., and

not to compel persons either to keep in their houses, under their own personal care, those who are thus afflicted, or to place them in a hospital for the insane. I think in the great majority of cases, when the sufferer is a personal friend, or a husband, wife, or child, one would prefer to have the patient placed directly under the care of some medical man specially qualified to deal with this particular class of affliction, so that there should be a better chance of recovery than the patient would have if kept in one's own house. Therefore, in Part V. we make provision for licensed houses—a provision similar to that made in New South Wales, and I think in the old country also. Members will see as they look through this part of the Bill ample provision, guaranteeing the fullest inspection by Government officials; guaranteering, as far as we can guarantee, that those who are within these institutions shall be guarded from those abuses which we realise may exist, and which we desire to prevent. We provide in Clause 33 that the commission must be for a period not exceeding three years, thus limiting the power. The renewal is optional, and in some cases there is also a power to revoke. Then in Clause 34 we provide that an applicant for license has to state the size of the house, the number of rooms, the area of the land available, the full address, abode, and occupation of the applicant, the number of patients proposed to be received, and the provision made for protection against fire. We provide that no addition or alteration shall be made to the house without the consent of the Minister; and members will notice other general clauses exercising a close control. By Clause 37 it will be observed that an applicant for renewal of license must show the number of persons he has in the house at a time. Clause 38 provides machinery to deal with those cases where there is a proved incapacity in the person licensed. So also Clause 39 deals with the cases which may arise where the licensed premises are for some temporary or permanent reason unfit for the purposes intended. Passing on to Clause 42, we provide there that no person, unless he does not derive any profit from the charge, or is a committee or person appointed by the Court, or otherwise authorised under the Bill, shall receive to board or lodge in any house or take care or charge of any patient. This is, of course, necessary to enable us to guarantee that the provisions of the Bill will be carried out. In fact, it enables us to penalise those persons who practically carry on the business of licensed houses without having the necessary licenses. The fees, the method of treatment, and the regulation of licensed houses are dealt with in Clause 43. When a licensed house contains more than 50 patients, it must at all times have a medical practitioner resident on the premises. When it contains more than 25 and not more than 50 patients, it must be visited daily by a medical practitioner. When it contains 25 patients or less, it must be visited twice a week by a medical practitioner; but in any case when a license is given to a house to contain less than 10, then the Minister may, if he approve, permit such house to be visited by a medical practitioner less frequently than twice in every week. So in that clause we take ample precautions to insure that these licensed houses shall be properly controlled and visited by qualified medical practitioners. Then we provide in Clause 44 that the licensee must reside on the premises, and we declare that the license ceases to be valid if the licensee ceases to reside on the premises, or the house is not visited as required by the Bill. Clause 45 provides for keeping the necessary record of patients dealt with; and Clause 46 amplifies the same subject. Clause 47 requires that on admission of a patient notification must be given to the Minister. Clauses 48, 49 and 50 run on the same lines. Clause 51 provides machinery for the removal of patients from a licensed house, to much the same effect as is provided in the case of a hospital for the insane. But the main provisions I have dealt with in this part of the Bill are those which show that care is to be exercised in the licensing of suitable premises, and in insisting that the premises when licensed shall have a resident medical practitioner, or shall be visited by a medical practitioner sufficiently frequently to guarantee that the patients in care of the licensee shall receive proper medical advice and treatment. In the second division of this part of the Bill we deal with the case of a single insane patient,

and provide that the Minister may grant to any person, or two or more persons jointly, a license to keep a house for the reception of a single insane patient. It is necessary, as members will perceive, that practically speaking the precaution which has been taken in the case of a hospital or a licensed house shall apply here also. The case for which these clauses provide is distinct from the ordinary cases of 10, 15, or as many as 50 patients treated in a licensed house. Although for practical purposes all places where the insane are treated are "hospitals for the insane," we place in a separate category the cases which may arise, and which often do arise in the old country, where we have to deal with one patient, for whom special provision can be made; and we provide for such cases in this second division of Part V. In Clause 53 we provide for due visitation, the keeping of a medical journal, and, for the sake of publicity, the keeping of records showing the full treatment of the whole case. By subsequent provisions all such places are open to the Government Inspector General. At any time he has a right to go into any of them and see how patients are being kept, to examine all the records, and to exercise the closest supervision. In Part VI. we make provision for the reception and temporary treatment of the insane; and members will notice there that the Governor has power by declaration to set apart for this purpose any houses or premises that he may think fit. These provisions are necessary; for it will be recollected that some short time ago public attention was drawn to their absence. Then we provide also by Clause 58 that the Governor may, by notification in the *Government Gazette*, declare the wards of any hospital or infirmary for the care or treatment of the sick, or of any benevolent asylum, to be wards for the temporary reception of the insane. That is to deal with the case of a person brought, say, from Kalgoorlie, and charged with being insane, pending the transfer of the patient to a hospital for the insane or to a licensed house; but we provide in Clause 60 that no insane patient shall be detained in any reception house, prison, or public hospital, for any period beyond 14 days, unless the medical officer certifies in writing that such person is not in a fit state to be removed therefrom. It is, of course, necessary to prevent these temporary reception houses from being used for the permanent detention of the insane; hence this clause, which deals with temporary treatment before the patient is taken to the permanent hospital or the licensed house. Part VII. deals with hospitals for the criminal insane; and power is given the Governor to appoint a hospital or any part of a hospital for their treatment. The Bill provides in Clauses 69 and 70 for the necessary regulations, register, and medical journals and entries, and what has to be done where a prisoner is found to be insane. Provision is made also for the case of a prisoner acquitted on the ground of insanity, and where a person is found to be insane in criminal proceedings. We provide also for the care and treatment of such persons; and the short effect of this part will be, until we have entirely separate asylums for such patients, to enable the Governor to set aside, if necessary for the treatment of these cases, separate parts of an asylum. I assume that this power will not be exercised save for the treatment of dangerous cases; but I think members will agree that there is need to place in the hands of the responsible authorities power to give special treatment to the criminal insane. Part VIII. is general, providing for the appointment of an Inspector General, giving him power to visit hospitals and licensed houses, and power by order of the Minister to inspect and enter any place where an insane patient or person represented to be insane, or to be under restraint as insane, is confined or alleged to be confined. The Inspector General has power to make full inquiries; and Clause 81 makes it compulsory for him, once at least in every six months, to visit every licensed house under the Act, and to make an examination and report. Clause 83 provides that he shall not hold any interest directly or indirectly in any licensed house for the insane. Clause 84 provides that no licensed house shall be altered unless the plans are submitted to the Inspector General; and Clauses 85 and 86 are to the same effect. Then in Clause 87 power is given to the Governor to appoint, for every hospital, every licensed house, reception house, or other

place where insane patients are detained, two official visitors, one of whom shall be a medical practitioner, and the other a resident or police magistrate or a local practitioner who shall visit the place to which they are appointed once at least every three months. Members will see in relation to reception houses farther care is taken to bring them closely under the control of responsible parties, and by Clause 86 power is given to appoint official visitors whose duty once every three months is to make an inspection and report. Their powers are dealt with in Clause 87. Clause 88 makes provision for a guarantee that the official visitors shall have no interest directly or indirectly in the house to which they are appointed visitors. Clause 89 enables patients to be transferred from one licensed house to another, or from one asylum to another. Clause 90 gives power to transfer a patient to any place beyond Western Australia. If a patient has a friend in another State and whose friend desires to have that patient, the court may allow the patient to be transferred. Clause 91 contains a formal provision enabling the superintendent to send a patient to any place for the benefit of the patient's health. Clause 92 gives authority to the Inspector General to board out any harmless patient. Subdivision 3 of this part deals with the question of discharge. When a person has been placed under restraint at the request of another person (provided by Clause 10), on that person signing a request that the patient may be released he shall be released subject of course to what is stated in Clause 94. If the person who requested that the patient be placed under restraint is dead or incapable by reason of insanity, or absence from Western Australia, of signing the request for the release of the patient, Clause 95 states the persons who may then sign the request. Clause 96 points out that no such patient shall be discharged if in the opinion of the superintendent or medical officer the person is dangerous or unfit to be at large. In cases such as that, persons on complaint have the right to appeal to the Inspector General, in which case the inspector may direct the discharge of the patient. These of course are administrative powers, the Bill leaving untouched the power of the Court in any case to direct release when a person is sane. That power of the Judge is given by Clause 100. If a Judge receives information on oath that there is reason to suspect that a person of sound mind is confined, the Judge may order the person to be brought up and may order an inquiry to be held. Part IX. deals with cases in which persons are declared insane by the court, and a committee appointed. There are two classes of cases dealt with: the person who is insane, and the person who through mental infirmity is unable to take care of his affairs. Clauses 103 and 104 of this part of the Bill enable a Judge to make necessary orders for the protection and the administration of an estate; and if a person be insane the Judge may order such person to be placed under proper restraint, and may order inquiries to be made before a Court, and if the Court come to the conclusion that the person is insane the Judge may direct an issue to be heard, and it will be heard before a jury in the ordinary way, in open Court. Part X. deals with the administration of the estates of those persons who come under Part IX. Broadly speaking it generally places the administration of lunatics' estates in the hands of the Master, he being the person representing the Crown in all these matters. It will be observed from this part of the Bill that the Master has wide powers in connection with the administration of estates. The Bill throws on the Master the obligation of administering and taking care of an estate, of dealing with it, leasing it, or selling it, of carrying it on, or investing it and holding the proceeds in trust for the maintenance and care of the insane patient, and of course for the maintenance and help of those dependent on the lunatic. And if the lunatic recovers, or in case of death, an account has to be rendered to the person legally liable. Members no doubt are aware that there has always been this power in the old country and elsewhere in legislation of this kind, giving to the Master of the Court in an estate—that is the Master in Lunacy in the old country—power to administer and carry on the affairs of a lunatic while he is insane. Clause 119 provides the commission that is payable in such cases. Members will find the whole of Subdivision 2 deals with the powers of the Master and the committee,

Where a person is declared insane the court may appoint a committee of the person or of the estate or of both—one might say a manager. A person who is appointed a committee of the patient is charged with the personal control of the lunatic; a person appointed a committee of the estate has to manage the estate. As a rule these two positions are combined. In cases which constantly arise in the old country dealing with an insane patient who has great wealth, the Court may hand over the estate to a person to manage, and hand over the lunatic to a person for the better control and treatment of the lunatic. In this State a committee is appointed not only of the person, but of the estate. The expression "committee" is a technical one, and it may seem curious to members who have not had experience in these matters to hear that one person can be a committee. Clause 135 provides that if within one month of a person becoming an insane patient or at any time before discharge the patient enters into any contract for the transfer or sale of property, it shall be deemed that at the time the patient entered into the sale or contract he was insane. That has not so much importance in regard to what takes place before the patient is discharged, but before he is actually found to be insane. If some transaction takes place a month before a person becomes an insane patient, he is held to be *primâ facie* insane when the contract was entered into, and there is an obligation on those who claim to maintain the transaction to prove that the individual was perfectly sane when he entered into the contract. Members are aware that as a rule proceedings in lunacy rarely are taken against an individual until some weeks after a person has developed insanity. Persons do not generally come to the conclusion that a friend or an individual is insane unless driven to it. The clause is inserted in the Bill to protect an estate from injury that may arise at the hands of unscrupulous people before the person is found to be insane. It is provided in Clause 146 that where an insane patient has a small estate not exceeding £500 the Inspector General has the right to take possession of the estate and administer it. That is a very necessary power, and will save a lot of expense. Special provision is made for cases in which it is held the nature of the disease is temporary. Part XII. contains miscellaneous provisions. Clauses 161 and 162 are important as showing that power is reserved to penalise steamship owners for bringing to us persons who are insane. Clause 163 gives power to the Inspector General to require the relations of patients to pay a part or share of the expenses of a patient. Clauses 164 and 165 provide how that power is to be exercised. By Clause 168 power is given to the Inspector General to release any relation from payment of arrears if the inspector thinks that the relation cannot afford to pay. Clause 169 gives the power for regulations to be made by the court in relation to matters brought before it. Clauses 170 onward are really supplementary, and of a similar nature to provisions to be found in large measures of this nature. There is nothing in the clauses involving any new principle. Members will see the clauses explain themselves; therefore I do not propose to go through them. I shall be glad if members will assist me in passing this Bill. I am assured by the Colonial Secretary and by Dr. Montgomery the measure is necessary, and if we pass the Bill we ought to have a measure which will supply our needs for some years to come.

On motion by DR. HICKS, debate adjourned.

At 6·30, the DEPUTY SPEAKER left the Chair.

At 7·30, the SPEAKER took the Chair.

AUDIT BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

SPEAKER'S RULING ON PROCEDURE.

THE TREASURER moved, "that the Speaker do now leave the Chair for the purpose of considering a Message from the Legislative Council, requesting farther amendments to be made."

THE SPEAKER: Before I leave the Chair I would like to make a few observations with reference to this Message, because I think I ought to do so for the guidance of the House. When the Message first came down I said that I thought it was entirely contrary to Parliament practice for amendments to be sent down from the other House to this House a

second time, and I have since fortified this view by referring to the books on parliamentary practice. *May's Parliamentary Practice*, on page 475, says:—

> In 1844 an amendment made by the Lords in the Merchant Seamen's Bill was omitted from the paper of amendments returned with the Bill to the Commons. After all the amendments received by the Commons had been agreed to they were informed by the Lords that an amendment had been omitted by mistake, desiring their concurrence; but at the instance of the Speaker the Commons declined to take the amendment into consideration, and the Lords did not insist upon it.

That was a case of mere accidental omission to send down an amendment with other amendments. As the House of Commons had already dealt with these other amendments they refused to take the Message again into consideration. I have looked up this case as it actually occurred. It was detailed in the journals of the House of Commons:—

> The Speaker having been desired to give his opinion on the point of form in respect of the proposal made by the Lords, stated that he considered it would establish a most inconvenient and dangerous precedent if the House were now to entertain the amendment which unfortunately had been omitted from the Merchant Seamen's Bill when it was sent back with amendments from the Lords, and the Commons' agreement to these amendments having been indorsed on the Bill by the Clerk, this proceeding ought in his opinion to be final and conclusive.

Then a committee was appointed to draw up reasons for not agreeing to the amendments sent by the Lords, and these were the reasons given:—

> The Commons consider that great inconvenience would result from establishing a precedent for entertaining any amendment made by either House of Parliament in Bills sent down from the other House, which amendment had not been inserted in the Bill as sent down after the Bill shall have been returned with all the amendments agreed to, which were submitted to the consideration of the Commons. For these reasons the Commons cannot agree to the amendment as proposed by the Lords.

That entirely confirms the opinion I gave before, that it is not competent and is contrary to parliamentary practice for amendments to be considered a second time after the first amendments have been indorsed on the Bill by the Clerk. There would be great inconvenience if we agreed to the practice, and there would be no finality to Bills. Amendments might be sent down half a dozen times to this House, and we might do the same to the Upper House, so that there would be no finality. With reference to the suggestion that the Upper House has power to send down suggestions at any stage I do not think the Legislative Council, are empowered to make amendments more than once. They can choose the particular stage at which they send them down, but they cannot do it more than once. If they could send down suggestions more than once it would give the Upper House greater power in regard to suggestions than in regard to amendments, and I do not think that that should be contemplated. My advice to the House is that we should send a Message to the Legislative Council saying that we cannot agree to the amendment suggested to us, as it is contrary to parliamentary practice. The question is "That I do now leave the Chair for the purpose of considering the Message in Committee."

Question put and passed.

IN COMMITTEE.

MR. HARPER in the Chair.

THE PREMIER: Members would perhaps recollect that the Audit Bill came down to us from the Legislative Council with a request desiring our concurrence in certain amendments. We dealt with that Message, made the desired amendments, and returned the Bill to the Legislative Council. In the Council, on the motion for the third reading the Bill was recommitted, and it was resolved to suggest to this House farther amendments to the Bill, which was accordingly returned to the Assembly with the Message now before us. So far as the amendments themselves were concerned, personally he thought them desirable, and he should like to see them incorporated in the Bill. However, the question now arose as to whether the Legislative Council had power to make a second series of suggestions. or a series of suggestions more than once in connection with any particular Bill. That question arose under Sections 66 and 67 of the Constitution Act of 1889, and also under Section 46 of the Constitution Act Amendment Act of 1899. The two sections of that earlier Act, which was the principal Constitution Act, provided that Bills of certain classes—and the

present Bill was admittedly one of them—originated in the Legislative Assembly, and that such Bills must be introduced by Message. Then Section 46 of the Constitution Act Amendment Act of 1899 provided that in the case of a Bill which according to law must originate in the Legislative Assembly—and the Audit Bill came within that class of legislation—the Legislative Council might at any stage return it to the Assembly with a Message requesting the omission or amendment of any items or provisions therein. The question therefore arose in this case as to what was the meaning of the phrase "at any stage," the Council having admittedly, by this section, the right to return a proposed Bill to the Assembly at any stage with a message requesting omission or amendment of any items. On the face of it, the expression "at any stage" was open to two constructions. It might be at any one stage, or at any stage or stages. If the words stood by themselves, approaching the question now purely as one of legal construction, they would be open to either contention. However, as against the contention that the phrase "at any stage" gave to the Council the right to return a Bill more than once, there was the objection pointed out by the Hon. the Speaker that such a construction might lead to a position where there would be no finality; there would be the constant passage to and fro of messages from one House to the other. But there was this rule always to be borne in mind, that when we were called upon to construe an Act of Parliament we were entitled—in fact, it was our duty—to have regard to the practice which existed at the time the Act was passed, and in view of that practice to place the construction upon the particular section which called for consideration. It was clear from the instance referred to by the Speaker that the practice of the Imperial Parliament was for the House of Commons to refuse to recognise any right in the House of Lords to send a suggestion dealing with a Bill more than once, and the House of Commons therefore treated the right of the House of Lords to return a Bill with a message requesting omission or amendment of any item at any stage to mean at any one stage. That being the practice of the Imperial Parliament, when one approached the consideration of the section with the light thrown upon it by that practice, he thought it must be clear that this Section 46, when it used the words "at any stage," meant at any one stage; so the right of the Council would be exhausted, and it was in this instance exhausted, when on a prior occasion they sent to us a message requesting certain amendments. That being the case, he moved:—

> The Legislative Assembly acquaints the Legislative Council, in reply to Message No. 7 requesting farther amendments to be made in the Audit Bill, that it is unable to make such amendments, it being contrary to parliamentary practice to make a farther amendment to a Bill which has previously been amended, and which amendments have been certified to by the Clerk.

He hoped we might find some other means of placing on the statute-book these very desirable amendments suggested by the Council.

MR. JACOBY: Were they proposed by the Government?

THE PREMIER: Yes.

Motion passed, and reported to the House.

THE PREMIER moved that the report be adopted.

MR. PIGOTT: Was it within the province of the Committee to pass a resolution as a message to the Council?

THE SPEAKER: Certainly.

MR. PIGOTT: Could this House while in Committee send a resolution?

THE SPEAKER: We must pass it in Committee. All messages had to be considered in Committee.

Question passed, and the resolution ordered to be transmitted to the Council.

ANNUAL ESTIMATES.

ADDITIONAL INFORMATION.

Consideration in Committee resumed from the 29th October; MR. HARPER in the Chair.

THE TREASURER (Hon. J. Gardiner): I have placed information for members on these Estimates on the table of the House. In preparing the Estimates of expenditure, we followed the custom pursued in every State with the exception of South Australia, giving the vote of last year, and just the estimate of expenditure for this year on the same vote; the reason being

that this will enable any future Treasurer to make his Financial Statement, if he cares to do so, as soon as the House meets, and then any subsidiary return can be supplied giving the information afforded in the return I have now laid on the table, which will enable the Treasurer to get over the difficulty, seeing that we are given three months under the Audit Act to complete the financial accounts for the year; and there has always been a difficulty in getting the information now supplied to the House. With regard to the columns, I want members to take no notice of "privileges in addition to appropriation." That is what appears in the corrected Estimates. The expenditure column contains the expenditure on these votes for the year. Those votes which have no amounts alongside of them are actual expenditure for the year, and the others show either the increased or the decreased amount. District allowances remain unchecked. The information for members is contained in the expenditure column (second). The total expenditure on the vote for the year is shown at the bottom. That includes the amounts as they have all been filled in.

MR. MORAN: Touching laying on the table these amended Estimates, I think it will be a most extraordinary proceeding on the part of the Government to ask us to discuss these estimates to-night, seeing that the discussiou in the past of what has been of interest is due to our being able to overhaul the accounts; and as this information has only just been placed in our hands, I hope the Committee will support me in asking for one day to get some idea of the votes.

THE PREMIER: How will that affect discussion?

MR. MORAN: Take page 51, item 107, to illustrate my point; Bridge over Irwin River at Mountain's Crossing, vote for 1902-3 £1,350. There was a liability existing on the 30th June of £1,049. One would think that amount had been expended. Turn to the amended estimate at page 51, item 107, and we find Bridge over Irwin River at Mountain's Crossing, vote for 1902-3, £1,350. These double columns in the original Estimates are struck out, and we have in the amended Estimates the word "expenditure" put in; and what do we find the expenditure to be?—£1 13s. 3d. I defy anyone to intelligently discuss these Estimates as they should be discussed unless we have at least one day in which to consider them. I move that progress be reported and leave asked to sit again, even if only one day be granted, in which case I shall devote the whole day to the question. The Committee should be in a position to go intelligently and thoroughly into the questions before us, especially as perhaps our surplus is largely made up of unexpended sums.

THE PREMIER: Perhaps some other members would like to go on with the discussion.

MR. MORAN: If anyone would like to go on, I would be pleased to listen and withdraw my motion.

MR. F. ILLINGWORTH: I think the Government will be wise in accepting the suggestion, They have other business to go on with. In other years there has been complaint from the Legislative Council that they have not had time to give attention to the Bills because the measures have always arrived late; and the Government have a splendid opportunity this year of obviating that difficulty by getting their business done and then proceeding with the Estimates. I think the suggestion to postpone the Estimates for another day a good one, and I would have liked it to come from the Government.

MR. PIGOTT: I think the Government may agree to this suggestion, and I feel confident from what I have seen of this sheet that it will cause a lot of discussion. Undoubtedly it will be a great help to any member who wishes to speak generally on the Estimates to go through this pamphlet put before us, from which we can get some information as to what has been done with the money voted by this House. I spoke about this matter last year, and I know I found it very awkward to come to any conclusion with regard to the past actions of the Government in reference to their public works expenditure, from the Estimates which were first given to us by the Treasurer. I hope the Government will see their way to accept the suggestion and allow progress to be reported.

THE PREMIER (Hon. Walter James): I do not wish to raise any objection so

long as we make progress with our work; but I thought the main object while we were discussing the Estimates was to debate general principles. I agree with the observation which I think I heard fall from the member for Cue (Mr. Illingworth), that it is almost a misnomer to apply the expression "Budget Speech" to an ordinary financial explanation. Generally, the question is not so much one of devising ways and means as of indicating how we propose to distribute the money available. That being so, it seems to me that in a general discussion of the Estimates there is little to be said of items if one keeps to questions of principle. Most of the questions in which there is need for discussion or comment when one compares the amount provided last year with the amount expended last year, are questions which arise for discussion or comment when the items themselves are dealt with. I hardly think that the mere comparison of such details will furnish food for a general discussion. However, the hon. member would like to look through the comparative statement, and I should like him to be prepared to go on, if necessary, to-morrow.

MR. MORAN: Say Thursday. We have plenty of work to do to-day and to-morrow.

THE PREMIER: I do not think we have. I will promise the hon. member not to put the Estimates high up on the Notice Paper; but I shall ask members to be prepared to proceed with the Estimates to-morrow, because on Thursday we shall reach one or two contentious matters which have been standing over. Now that we are in a good working humour, we should get on as rapidly as possible. Members have ceased to be "collar-proud"; and the country wishes some substantial progress to be made with the work of the session. However, I have no objection to progress being reported.

On the motion by MR. MORAN, progress reported and leave given to sit again on the next day.

RAILWAY TRAFFIC BILL.

SECOND READING.

Debate resumed from 3rd September.

MR. F. WALLACE (Mt. Magnet): I admit that I am not altogether prepared to go on this evening with the discussion. This is a measure which should be dealt with fully, and I do not think it would be fair to myself, to the Bill, or to the side of the question I espouse, were I to proceed to-night with my speech. I hope the Premier will agree to adjourn the debate until to-morrow, when I shall be prepared to go on; and if no other member wishes to speak I shall move that the debate be adjourned. The books I have had by me have been removed by different members, and I believed that to-night would be occupied with a discussion of the Estimates.

THE SPEAKER: The hon. member will not be able to speak again until we get into Committee on the Bill.

MR. WALLACE: Suppose somebody else wishes to speak now?

THE SPEAKER: If you sit down, somebody else can speak.

MR. WALLACE: Do I then lose my right to speak again?

THE SPEAKER: Yes.

MR. WALLACE: Then I will go on. This Bill, entitled "An Act for the better regulation of traffic on railways, and for other purposes," deals with the private railways of the State. If I remember rightly, the Premier in moving the second reading pointed out that a great number of private railways in the State come within the scope of the Bill. I desire to take the side of one private railway, because other members who have spoken have dealt with others. The member for Wellington (Mr. Teesdale Smith) and other members have dealt with timber lines; but to me it seems clear that the Bill is introduced solely to deal with the Midland Railway Company; and with that aspect of the Bill I wish to deal. When the question of the Midland Railway was first mooted, as far back as 1886, the Government of the day were very glad indeed on any terms to grant the right to construct a line from Guildford to Walkaway; and in the year when the agreement was made between the Government and the gentleman who took the concern in hand and floated it into a company at home, the part of the State known as the northern area—Geraldton—was so isolated that any conditions at all would have been allowed for the sake of getting communication by land with the South. The

compact or agreement contained numerous clauses, one of the principal stipulations being that the company should introduce a certain number of immigrants per year; and as will be seen on reference to the minutes, that particular clause was one which greatly embarrassed the Government of that day, to such a degree that they were glad to allow the company a concession—in fact, they actually asked the company not to comply with that clause of the agreement. At that time the whole population of the State was only about 40,000. Subject to correction, I may say that the company were not altogether obliged to find employment for the immigrants, but were merely to bring them to the State; and it would have been most embarrassing for the Government to have a number of immigrants—not necessarily 5,000 at one time, but even 500 or 1,000—landed on our shores without employment for them. Directly they landed they would have been entirely on the hands of the Government, the Government knowing full well that it was impossible to find employment for people of that class. Hence the Government were glad to waive the clause dealing with immigration. The people in the northern parts—Geraldton and the Murchison pastoral district of those days—were glad to get this railway communication, because the only communication they then had with the southern part of the colony was by a monthly steamer from Geraldton; and if I remember rightly, the only communication they had with the mother country was by means of three or four sailing vessels which used to call at Geraldton about once a year, loaded with merchandise, and to return with wool and sandalwood. I happened to be in the State in 1886, and was connected in business with this railway concern; hence I can speak from personal experience, because I was there at the starting of the line from Walkaway, and years afterwards I was on the same work in the same capacity and at the same place, and proceeded along the line for some hundred miles or more in the direction of Guildford. And it was clear to me how valuable would be this line to the people in and around Geraldton; and in those days Geraldton was considered of more importance to the State than it is now, I am sorry to say—that is, judging by the attention given by the present and previous Governments to that part of the State. In those days, the gentleman who took this concession to the old country to raise the necessary capital to carry out the work found his mission very difficult indeed; because, as was well known, the conditions then existing in Western Australia were not such as would induce people to put their money into a concern of the magnitude of a line from Guildford to Walkaway. The Government, seeing the difficulties under which the company laboured, came to the rescue, and rightly; because, viewing the transaction from a commercial standpoint, the policy of the Government was only what a creditor would do with a debtor to whom he had advanced a sum of money on the security of an estate which the creditor did not consider good enough to warrant foreclosure. The creditor would make farther advances in the hope that they would complete the work in progress, which would then be a better asset than when it existed mostly on paper. Even after the construction of the line, and after many years of running at a great loss to the company, and to the great convenience of the merchants in the southern part of the State and the merchants and other business people in the northern parts, the company continued to provide a daily service. But the ingratitude of the people of the North was soon apparent when they found that quicker and more regular steamship services were being conducted along the coast; for they turned their backs on their good friends the Midland Railway Company, and during the years I have been a member of this House I have noticed that every representative of Geraldton and of neighbouring districts has come into this House solely with the idea of what I may call the early crushing of the Midland Railway Company. I found not only members of this Chamber, but members of another place who at the time of approaching elections made against the company assertions and charges which led up to the appointment of committees to inquire into the working of the Midland Railway; and many of the charges made were what I may term very frivolous indeed. Some members complained about the accommodation on the line, and the

rolling-stock employed to carry merchandise. Previous Governments, and the Government to-day, have always been ready to lend their ears to the complaints made by members of Parliament, and others who have not seats in Parliment; and the Government have assisted these persons to, in every way, inquire into the management of the company's business. At one time it was suggested —I do not know whether it was carried out to the letter—that a select committee should go so far as to audit the books and balance-sheet of the company. I cannot agree that it is fair for the Government to take such a stand. The company have always endeavoured to carry on their business as railway carriers fairly and honestly, and anyone who has used the line as often as I have used it knows that the accommodation provided, even at the worst times—I am speaking now of eight or nine years ago—excelled that provided to-day on the Government line from Geraldton to Cue and on to Nannine. It must be clear to the mind of the Minister for Railways, and it must have been clear to the minds of previous Ministers, that similar complaints to those lodged against the company and supported by the Government were existing, and I say also exist to-day, on the Government lines. The Midland Company, in order to meet the people as far as possible, and with the object of being fair, made overtures to the Government for the purpose of exchanging railway coaches for lavatory coaches. Questions were asked in the House in reference to these overtures, and it was seen by the replies, and by the reports of the select committee, that the Government, instead of endeavouring to assist the company to make the conditions for travelling easier for the public, have always seemed to place obstacles in the way of the company getting assistance. A good deal of pressure has been brought to bear on the present and on previous Governments so far as the accommodation along the line is concerned, and when the Government have had reports made by inspectors and engineers, these reports have not borne out the complaints which have been made both here and in another place. It would have been far more honourable and in keeping with proper government if the Minister had adopted the report of his engineer and given more attention to those reports than paying attention to the continuous complaints of members of Parliament and others. A very grave charge was made against the company as to the condition of the line. It was stated that the travelling public were placed in danger in consequence of the bad state of the line. I have not the books here necessary to prove that what I say is right, but if members will read the report of the first select committee which was appointed, and the minutes of evidence are available to all members, it will be seen according to the Government engineers that the line was in a fairly good condition throughout; some of the last reports which I have here, one in particular, being signed by Mr. W. W. Dartnell, Chief Engineer of Existing Lines. I think it was Mr. Dartnell who made the inspection previously, if not it was Mr. Hargreave, then in the Government employ. The reports show that the line, to within 40 miles of Walkaway, was in almost a first-class condition, and along the 40 miles there was a fair number of sleepers I admit in an advanced state of decay, but none were in such a state as to cause immediate alarm to the travelling public. As soon as these small defects were brought under the notice of the company they were remedied. The bad sleepers were taken up and replaced by new ones. The company put in culverts, and iron girders were placed in the bridge over the Irwin where wooden girders existed previously. The company remedied the defects pointed out by the Government; still the members for the northern districts were always making complaints. One member who represented a northern constituency stated that the explosives van was hooked on to a passenger train, and members seemed to think that was a very criminal act for the company to do. But it was not pointed out that the line was not a sufficiently payable one to run a passenger service pure and simple. The train service being a mixed one the powder van had to be hooked on, but the van is so carefully constructed that it would be impossible for a spark to get in; and if it did happen that there were hot boxes—and we know hot boxes have been referred to — there would be no

danger. We hear nothing from members as to similar dangers and risks on the Government lines, although we know that the number of hot boxes on a similar mileage of the Government line was 40 per cent. more than on the Midland line. I refer to these particular matters to show that the House has never given the Midland Company fair consideration. There was always a desire to jump on this company; and I regret to have to say that in the present Government we find some most willing jumpers. I think all the members of the Ministry have jumped on this company. If I had time to refer to the reports of the select committee, and to quote some of the questions put by members of the select committee to witnesses belonging to the company, these should startle members. The measures adopted by the select committee to obtain from the company's witnesses evidence to incriminate the company were anything but fair. At the head of one select committee was a gentleman of the legal profession, who used measures which I am confident every member will agree were not such as we should be proud of. In putting questions to the general manager of the company, Mr. Brounlie, the chairman of the select committee made certain references to the engine-drivers on the lines not having certificates, and Mr. Brounlie said that might be so, for he found when he came here that these drivers were giving satisfaction, and he allowed them to be employed as long as they satisfied the company; but directly the company found that these men were not doing their duty as it was considered they should do, the men were dismissed. The chairman of the select committee put to Mr. Brounlie this question: "Your first consideration is the debenture holders?" and the reply was: "Our first consideration is the safety of the travelling public, and we are ready to obey the demands of the Government as far as carrying out our contract is concerned." Although it has not been specifically stated, this Bill has been brought forward to deal with the Midland Company. The company are desirous of complying with any order made by the Government in terms of their agreement. I have heard a statement made that the rolling-stock belonging to the Midland Company was not only unfit but was insufficient for the traffic. Returns showing the number of trucks belonging to the Government which are run over the Midland Company's line have been furnished, but it has never been stated in fairness to the Midland Company that the goods carried over their line in Government trucks were loaded at Government railway stations—Perth and Fremantle. Of course the loading was on Government trucks, and hauled over the company's line in those Government trucks. It has been stated that the Midland Company are running their line at Government expense by using the Government trucks. Mr. Short, the Chief Traffic Manager, appeared before one of the select committees, and in reply to questions Nos. 2845 to 2847—members can refer to the report of the select committee and see for themselves—he admitted that the company had the use of a great number of trucks in the way that I have stated, but it was as a sort of *quid pro quo*, for the people of the North were complaining frequently that owing to the transhipment of the goods to the company's trucks not only did delays occur but goods were lost, and in order to meet the people and allay the dissatisfaction, arrangements were come to between the company and the Government to run the Government trucks right through. If the Government, through the Minister for Railways, knew this—and I think the present Minister must take a share of the blame, as some of the trouble has arisen since he has been in office—the information which I have now given should have been supplied. It was necessary for the proper conduct of the Government business to run the Government trucks over the company's line. If this had been stated, a lot of the suspicion and dissatisfaction would have been abated; but not a word has been heard from the Government about the matter. Members of the Government were sitting looking on, and waiting, asking for complaints against the company. I will also refer members of the House to the different reports by the engineers. I see by my notes that Mr. Hargreave and Mr. Owen were the two engineers who stopped 400 times in 277 miles to inspect the company's line, and their reports, which I referred to in

the first part of my remarks, were to the effect that the line was in fairly good condition to within 40 miles from the northern end. [Mr. MORGANS interjected.] I have already stated that not only has Mr. Brounlie said that he is anxious to comply with the orders of the Government as long as they are reasonable, and carry out the terms of the contract, but his actions have shown that such was his intention, for as soon as the defects were pointed out they were remedied—I have instanced the culverts, and the bridge over the Irwin. It was recommended that certain iron girders should replace wooden ones, and the company paid attention to this request. The line was again reported on by Mr. Dartnall, and I have a copy of his report here. I have also the opinion of a gentleman who will be recognised by everyone who knows him as one qualified to express an opinion, Mr. Joseph McDowell, a man with a large practical experience. The technical terms set forth as some of the defects are such as at certain mileages "one-eighth full slack," at others "quarter out of level." I expect the member for Sussex (Mr. Yelverton) will know all about that. They are matters to which an engineer must refer, but on which he places no great importance. Throughout this report it will be seen there is nothing at all alarming in connection with the line. A lot of capital was made out of the fact that white ants were eating some of the buildings. I saw some of these buildings, and they were certainly lined with soft wood; but directly the company found out that the white ants were doing so much havoc, they pulled down the soft wood and built up the linings with galvanised iron. When the report of Messrs. Hargreave and Ower, came in the members of the select committee were even then not satisfied with the condition of the line, and persisted in making these charges against the company. The latest phase of unfairness on the part of the Government in power to-day is that at the caprice of the member for Geraldton and the Geraldton Chamber of Commerce and a few other people interested in this connection, instead of approaching the company with a view to seeing at what price and on what terms they could purchase the concession, they called for tenders for a steamship service to Geraldton, and finally obtained a weekly service at a cost of about £5,000 per annum to this State. It shows the feeling the Government have towards the company when they rush to conclude such an arrangement for a subsidised steamer with James Bell & Co. In order to farther squeeze the Midland Railway Company the Government accepted the steamship service without any regard to the settlers farther on. The members for Pilbarra and Gascoyne could bear me out that the people on the north coast beyond Geraldton have been penalised by reason of this subsidised steamship service. The Singapore boats used to get the cargo for Geraldton, and consequently their owners were in a position to deal more liberally with the people north of Geraldton than they are now through having lost the trade which no doubt was a very big item to them. I will not at all be surprised if the people in the North, through their representatives, appeal for some consideration from the Government in the way of subsidised steamers to run all along the north coast. If the Government, for the sole purpose of squeezing the Midland Company, have put the people on the north coast in an unfair position, it is only right that they should provide some means to equalise the penalties enforced on these people in this way. The member for North Murchison (Mr. Holman) in a question to one of the Ministers raised the point about through bills of lading to the Murchison. The Government before entering into this agreement for a subsidised steamer apparently did not go fully into the question as it affected the people of the Murchison, pastoral and mining, and the people of the North. We find now that the people on the Murchison goldfields in particular have demanded through bills of lading, and that the very people who urged the Government for years to squeeze the Midland Company—the business people of Geraldton—are crying out against the Government for granting through bills of lading. It shows that the whole thing was gone into without serious consideration. [Interjection by Mr. BUTCHER.] I do not know what connection the firm of Copley & Co. has with the Government or with the

subsidised steamer; but I feel assured that the Government are to blame for not having considered the whole case before going into the question of spending £5,000 per annum. The Midland Railway Company has to a great extent been nursed by the Government. No sufficient reason can be advanced that it is in the interests of the State that the company should now be placed in a humiliating position The Forrest Government first and the succeeding Government pampered the company. An agreement was made in 1886 or 1887 which was at the time sufficient to safeguard the interests of the State, and the company were sufficiently business-like to take advantage of it. No one would admit it is now an honourable course for the Government to pursue to turn round and say that the conditions under which the contract was made 17 years ago are not suitable for the State to-day. It is not fair to bind the company down now. Even if certain conditions exist, we have had the advice of different legal gentlemen who have told the House at various times that the Government cannot enforce the conditions of the contract. It seems to me that the Railway Traffic Bill was introduced for the purpose of giving the Government a sort of retrospective right in order to deal with the company. Under the present agreement the Government cannot touch the company, so they ask the House to give them the requisite power to enable them to do so. I am sorry to say that the Premier in introducing the Bill did not give us a full explanation of the effect of the Bill, because, without the slightest doubt, we are asked to take a step that will not only bring discredit upon members, but upon the whole of the State. We know that the people interested in this line are interested in the British money market, and if we go to that market for a loan after passing such a Bill as this, what can we expect? Only that those people will say "Here is the Government who, when they had not the power by an honourable contract made in 1887, have sought by means of a Bill passed through Parliament and rushed through insufficiently explained to members, not only to repudiate this contract but to confiscate the rights of the company." Surely the people abroad, and especially the people who might invest their capital in this State, will look very often before they put their money into Western Australia, when they know that the Government as we have to-day, by this Bill not only seek to violate all the laws of governmental decency, but go farther and insert a clause in the Bill giving the Government the right to either stop the running of trains, or to order them to be run at their will. When the contract was entered into there was no such condition in it, and it is not fair that the Government should come forward 17 years after and say to the company, "You shall run an additional number of trains each way per day; you shall run to a certain time table, and you shall run at certain rates." I will not lend myself to that. I believe it would be in the interests of the State if the Government would approach this company and buy the whole concession, even if they gave a little more than its present actual value. We get the land with it, and by settling people on the land the Government would open up various revenue channels, so that within a few years they would be in a position to run the line to suit the trade of the North. It is, however, grossly unfair and unjust to ask the company to comply with conditions which I understand will be enforced if we pass this Railway Traffic Bill. I would like the Government to buy this concession, but in my opinion the Government are not sincere in their desire to become possessed of it. It is only one of the games practised by this Government to allay the feeling of dissatisfaction which only exists in the minds of a few. The very big majority of the people of the North are not so dissatisfied with the condition of this railway as some members sitting in this House would lead us to believe. Reference was made here the other evening to the difference in the cost of working expenses to revenue between the line run by this company and the Government lines. I have forgotten the exact words of the Minister who replied, but I know that a comparison was made. Supposing the Government became possessed of this line, and increased the working expenses to a higher rate than the company are at present working at, they would not make the line pay. The railway will have to be run on similar lines to those adopted

by the company until the land is settled, when revenue will come in from different sources so as to make it a payable concern. In a report by the then land agent at Geraldton (Mr. Crawford), who is now acting as chief of the Agricultural Department, that officer points out that, as far as the purchase of the land is concerned it will be a good policy for the Government to become possessed of certain lands, even though they give a larger sum than they would get through the sale of them. But the present Government, as I understand from their remarks the other evening, would not buy this concession because they would not get the same amount of money returned directly. If the Government are going to take that standpoint, we may not look for the possession of this line by the Government for at least another 10 years, and the longer they delay the question of the purchase of this line and concession the higher will be the price they will have to pay. Members, including members of the Government, have twitted the member for Cue (Mr. Illingworth) because he as a business man expressed his opinion, not as a member of Parliament but more to show that this concession was worthy of the Government's attention. The hon. member said the company were paying interest on a capital of a million and a half. I took it at the time that the remark was made merely to show people that the proposition was a fair one for the Government to be possessed of; but the Government and others also, I am sorry to say, have made reference to this statement because they believe that by those remarks the company will learn the value of the concession they hold, as if the company were composed of men who did not know the value of the concession in their hands. If I am jeopardising the possession of this line by the Government I am sorry, but I have to conscientiously say I commend the company for their management. I am pleased to know, although I have not had even the pleasure of seeing Mr. Brounlie, that the debenture holders have in him an able man at the head of its affairs. If the Government think that by lying low they are going to get Mr. Brounlie to sell the concern at the Government's price, one can only form an opinion of the Government which is not very flattering. I would like the Government to recollect that when some of the present Ministers were sitting in Opposition against Sir John Forrest, of which party I was a member, a very strong complaint of ours was that the Forrest Government adopted a policy of centralisation, which particularly benefited the southern and eastern portions of the State. We have in the North a large area, rich not only in agricultural and pastoral lands, but in minerals of all sorts. If the Government are going to act up to the policy they preached when in Opposition, I ask them to consider this question of dealing with the Midland Company, or dealing with those people in the North whose interests they have affected very seriously by taking away the Singapore boats or the North-West boats in relation to the Geraldton traffic. Why penalise one section of the population for the benefit of another? We have north of Geraldton a large area of country, and the member for East Kimberley (Mr. Connor) knows a good deal of the northern portion of this State. I am sure members will support me in saying that, if the present Government will not give attention to the parts of the State north of Perth and Fremantle, it is to be hoped that when we have an election we shall have a Government who will. I, as a resident of the North for the last 17 years, assert that the progress of land settlement in some portions of this State has been so small that it is almost unfair to refer to those parts as belonging to the same State as other portions. We ought to have more attention from the Government, or else have separation. It is premature to talk of separation, but we shall have to take some active steps to get better treatment for the North than has been meted out during the years I have been in this State and the seven years I have been in Parliament. I have great admiration for the present Ministry, but I cannot sacrifice the belief I hold that they are not giving to the North the attention which they fought so strenuously for when they were in Opposition. I am sorry that owing to this question coming up so suddenly I have been unable to refer to the voluminous books I have marked; but I should be

only too pleased to hand them to other members who wish to speak, or, if they would like my notes to deal with in relation to the reports, I will give them the pages and the numbers of the questions in order to farther substantiate what I have said. I have endeavoured to take a fair and honest view of the whole question, and I assert that what has taken place from the inception of the very first committee to the last inspection does not justify the action of the Government. I am going to ask other members to assist me, not in embarrassing the Government or releasing any company from its obligations, but to deal fairly, and I think that as members of Parliament and of a State such as we have here, of which we are all proud, none of us could go forth and hold up our heads if we were to pass this measure. There are not half a dozen clauses in the whole Bill which are fair. I have no doubt that the Premier, in introducing the Bill, was prompted by a desire to do good; but this measure, instead of doing good, would bring about a great deal of harm. I am going to deal with this Bill in a way which I believe to be in the best interests of the State, and I move an amendment to the effect—

That the Bill be read a second time this day six months.

MR. F. ILLINGWORTH (Cue): I second the amendment.

MR. S. C. PIGOTT (West Kimberley): I think the amendment has been expected by all sides of the House; in fact I believe I am right in saying it was expected by the Premier himself. I do not think that anyone who has read through the Bill, or had the pleasure of listening to the Premier when he made the second-reading speech explaining it, could have expected anything else. To my mind the Bill has been introduced more with the object of intimidating the Midland Railway Company than with any other aim. I only have to refer to the provisions laid down in a few clauses of the Bill. Before we come to the Bill itself there is, I think, a matter that has been mentioned by the member for Mt. Magnet (Mr. Wallace) which certainly deserves consideration. We having entered into an agreement with the Midland Railway Company, giving them full power to run a railway under certain conditions, and the agreement having been drawn up in such a way that full powers were given to the Government to deal with that railway pretty well as they liked, I think it was the duty of this State to see that the bonds entered into under that agreement were carried out by both parties. It is a matter of almost ancient history, but several of the clauses in the original contract have been abrogated, and that has been done with the consent of the Parliament of Western Australia. The clause relative to immigration has not been enforced, and I think that when the Government saw fit to allow the company to go away from the effects of that clause they did a very wise action, because it came to this, that for every few immigrants imported into this country by the Midland Railway Company the State had to give up a certain portion of land, and it was discovered after a short experience that the immigration of these people into Western Australia benefited the State in no way whatever. These people arrived in Western Australia, and on their arrival the Midland Railway Company naturally claimed their fair portion of land, and that was the end of it as far as the Midland Railway Company were concerned. But the other part of it was that the immigrants did not fancy Western Australia, and they packed up their baggage and went to the other States. That clause was allowed to lapse, as far as I can make out, because I can see no traces of efforts having been made on the part of the State to have it enforced. It has been the policy of this State for some years past to endeavour, by some means, to get possession of the lands now held by the Midland Railway Company, and no means have yet been satisfactorily arrived at by which this object could be attained. It appears to me that we shall only obtain possession of these lands when we purchase them, and in all probability, when we purchase the lands, we shall purchase the railway at the same time. But, on looking through this Bill, I find that, with the exception of a few clauses, everything in it is in the contract now existing between the Midland Railway Company and the Government, and I cannot understand how it is, if any pressure is to be brought to bear

on the company because they are not running their railway in a proper manner, that the Government have not enforced the terms of the contract. Included in the terms of that contract is power to purchase the railway. I think that, without going into any farther details, members will thoroughly understand I mean that every power which could be desired is provided for in the terms of the contract originally agreed upon and now in existence. But, in order to get at the lands of the company and to bring pressure upon it, the policy of this Government has been first of all to say, "We must bring pressure to bear in some indirect way. Having given you a contract, having given you permission to run this railway, we will now, in order to bring pressure to bear upon you and make the possession of that railway uncomfortable, first of all subsidise a steamer to run in opposition to you." I acknowledge that a resolution was passed in this House last session to the effect that the Government should subsidise a steamer to run between Fremantle and Geraldton; but I never thought when I heard that such resolution had been passed, that the Government had any intention of acting upon it. It was passed after a very short discussion. I think only two or three members spoke on the matter, and two represented the Geraldton district. But the result of the discussion was that before Parliament knew anything about it a contract was entered into between the Government and a steamship company to run a vessel, I think for three years, between Fremantle and Geraldton, the Government subsidising the company to the extent of £5,000 per annum. To my mind this was the most obnoxious step this or any other Government could have taken with regard to the Midland Railway Company. I think it was a mean action, at all events an action of which no Government should be proud. If the company are not running their railway as it should be run, the Government have full power to enforce all the conditions of the contract, and by that means can attain their object by making the company run the railway in a satisfactory manner for the benefit of the State generally. The freight and the passenger charges are also under the control of the Government, who have power to decide how many trains a day shall run on the line and what speed the trains must attain. The Government have power to inspect the line at any time they wish, and in fact to do almost anything with regard to it. But they are not content with those powers, for such powers will not affect the land policy of the company. The Government say, "We must admit that the traffic is being carried on fairly and reasonably; so we cannot get at the company through the railway. Therefore the only thing left us is to subsidise a steamer to run in opposition to the railway, in order that sea freights may be reduced and the finances of the company crippled by extreme competition." I think, when we consider that the Government had power to say to the company, "You shall not charge more than a certain rate of freight," it was a most scandalous action of the Government to subsidise a steamer to take passengers and cargo at rates much lower than the ordinary rates on that railway. But the steamer has been subsidised and is now running; and I do not think the result will be to force the Midland Company to sell their land any cheaper. That is my opinion: I may be wrong. But having subsidised this steamer to cut into the earnings of the Midland Company, and finding that the plan has had no effect, what is the next proceeding of the Government. A Bill is brought in by the Premier, in the hope that we may pass it. The Bill was brought in; but on the manager of the Midland Company petitioning to be heard at the bar of the House by counsel, what do we find? That the original Bill was withdrawn and a new one substituted. And when we compare the two Bills, we find that if the new Bill is passed the Premier will gain very little beyond what he had originally. I would ask members to turn to Clauses 13, 14, 15, and 16 of the Bill, and consider the powers therein sought. Take Clause 14. I do not wish to cite many instances. The clause gives the Minister power to enforce fencing provisions; that is, at any time the Minister may say to the railway company, "You must fence the whole of your line." The clause reads "Every railway company shall at their own cost fence their railway." Now in the contract between the Govern-

ment and the Midland Company the clause as to fencing is quite sufficient; for it provides that if the Government think that certain portions of the line should be fenced, and they have reason for saying so, they can compel the company to fence those portions. But here in the Bill is a clause which says that the railway company shall at its own cost fence the railway, make crossings, etc.; and in the very next clause we find that if any railway company fail to comply with this requirement, the Engineer-in-Chief may report to the Minister, and the Minister can close the railway. There is no time stated; there is no limit to the power; it is simply arbitrary. [MR. TAYLOR: Read Clause 19.] The Engineer-in-Chief simply reports to the Minister, and the Minister has power to close the railway. The next clause states that on and after the publication in the *Government Gazette* of an order of the Minister closing the railway, the company must not run any more traffic on that line until they have a release from the Supreme Court. Now that is fairly strong. But there is another clause, No. 39. I will not detail these clauses, because I do not believe the Committee will pass the Bill.

THE PREMIER: The clauses you have referred to are very good. If you refer to any more, you will commit yourself to supporting the Bill.

MR. PIGOTT: Clause 39 is magnificent, for it gives the Government power to purchase private railways. It reads:—

> The Minister may, with the consent of Parliament, at any time after the expiration of twenty-one years from the construction of any railway, whether constructed before or after the passing of this Act, by notice in writing require the railway company to sell, and at the expiration of six months from the service of such notice the railway company shall sell to the Government the railway, with all its equipment, rolling-stock, and plant, upon the terms of payment computed on the then value thereof.

Now what would be the position of the Midland Company if this clause were passed? There is at present a clause in their agreement which compels them to sell at a price to be decided by arbitration, before a board appointed in a certain manner. But in this clause we have something quite different; and by it any strong Government can, as the result of the vote of this House, compel the company to sell their line to the Government. The price is to be settled afterwards; and I do not see how the company can have a chance of fair treatment. But I do not think the Premier is anxious that this Bill should pass. He does not want to buy the Midland Company's railway; and I do not see what advantage is to be gained if the Bill is passed. It will not give him any farther power over the Midland Company's lands. The railway is being satisfactorily run, as has been proved. The member for the Swan (Mr. Jacoby) says it is very doubtful whether the Bill does not cancel the agreement with the company by Clause 38. I do not think we have power to cancel that agreement; and as to the lands of the company, I think it a moot point whether we can deal with them even to the extent of taxing them as has already been proposed. Those lands are the subject of a contract made before the granting of Responsible Government; and the Constitution Act contains one section specially inserted, I take it, in order to protect people who have taken up such lands as those of the Midland Company before the inauguration of Responsible Government in this State. I do not see the object of the Bill, unless it is to be used as a threat. If it were not for the treatment which the Government have already meted out to the company by subsidising a most unfair opposition service, I think the Bill would have had much fuller consideration from the House, and might have been licked into shape and passed; because I agree with the Premier that the State should have some control over any *private* railway run within its borders. But I do not think the Premier was right when he brought in this Bill; because any disinterested person who heard his second-reading speech must have come to the conclusion that the speech throughout was nothing more nor less than an apology for the Bill.

THE PREMIER: I thought it was rather a justification of the Bill.

MR. PIGOTT: Well, I am sorry to say I cannot quite agree with the Premier. I think his speech, which I have again read through this evening, was one mass of apologies. He tried to adduce precedents for the Bill; he cited similar Acts passed in Great Britain relative to

private railway companies there. I agree with him that we might pass a short Bill giving the Government more power over private railways within the State; but I do not agree with the Bill as it stands. I think that after having given this matter full consideration, our best course will be to accept the suggestion of the member for Mt. Magnet, and assist him to have the Bill read again this day six months.

MR. H. J. YELVERTON (Sussex): I should like to say that if the object of the Bill is, as I believe it to be, to deal principally with the Midland Railway and incidentally with the timber railways of the State, then I think the Bill unnecessary. If the Government desire to deal in any adverse manner with the Midland Railway, then I say this is not the time so to do. The Government, when the chance was offered them, ought to have purchased the railway from the company, as they have had a chance of doing on several occasions, the latest being about two years ago, when the line could have been purchased at a price very much lower than that for which it is now procurable. Some two years ago this railway was not being worked with such advantage either to the company or to the State as is the case at the present time. It is generally acknowledged that at the present time the company are doing very good work indeed. We have had a report by the Engineer for Existing Lines, which is entirely favourable to the condition of the railway, and this report is dated 13th February last. I find throughout this report that the general impression conveyed to the mind of the Engineer for Existing Lines, after an inspection, was that the line is in a very good state of repair; in fact there has been a great improvement in every respect since the previous inspection of the line was made. That being the case, I fail to see the necessity for the Government proposing to deal with the company as I have no doubt they will under the Bill. Another fact which will be impressed on anyone who will read the contract between the Government of the day and the company—and the contract is still in existence, and the Government can act on it if they choose—the agreement contains all the provisions necessary for the Government to deal with the company, and if the Government feel that the company are not carrying out their duty to the State and their duty under that agreement, the conditions should be enforced by the Government. Another matter with regard to the Midland Railway Company. The company by a petition to the House desired to be heard by counsel at the bar. I say that members should have allowed the company that privilege; as a matter of fact it has been denied them. What effect will the Bill have on the private railways of the State? Companies owning these railways and owning important industries will be hampered in many ways and the industries will be seriously injured. Take for example the timber lines, the lines which are held and worked by the timber companies of the State. According to the Bill very serious conditions may be imposed on the owners of the railways, conditions which will cost the companies an enormous sum of money and will only very slightly improve the working of the lines. The cost, as I have already stated, will be enormous to these companies; in fact the cost will be so great that I am convinced in my mind that many of the lines which are already run by the timber companies will have to be closed down. Coming to the essence of this aspect of the question, I would like to say that quite recently a portion of one of the timber lines has, by the action of the company itself, been lifted and the traffic on the line has been closed. I refer to the Jarrahwood Co.'s line, between Wonnerup on the Government railway and the Jarrahwood sawmill, the length of the line being about 22 miles. Under the contract made between the promoter of that company and the Government about 15¾ miles of that railway was under the control of the Government: under certain conditions the Government had to maintain the line in good order and run the traffic over it. At the end of a certain period, I believe 21 years, that portion of the line will absolutely revert to the Government. The company decided to close their operations at the Jarrahwood sawmill and to pull up a portion or this line. I believe the company intended to pull up the whole of the line; but I knew the conditions under which the company held the line, and I wrote to the Premier on the

subject, with the result that it was pointed out to the general manager of Millar's Co. that 15¾ miles of the line could not be pulled up by the company or even by the Government. I impressed on the Premier that the Government should enter into arrangements with Millar's Company not to pull up any portion of the line, for I knew that fair arrangements could be made with the company; as a matter of fact the company were prepared to take rails less in weight by some pounds—I believe 42lb. rails instead of 60lb. rails—for the rails which were down, but the Government dillidallied with the matter so long that Millar's Company, being an active company and not slow like the Government, started to pull up the rails. [MR. TAYLOR: How were they slow?] Sometimes the Government are not slow. As a matter of fact, the Government, through their Commissioner, often get at the private companies, but in this case the company pulled up six miles of the line. A very important deputation, consisting of several members of the House, waited upon the Premier, who then recognised that a good case in the interests of the settlers beyond the terminus of the line had been made out, and very properly agreed that the line should be relaid. Members of the House the other evening heard that although five months had elapsed since the Premier promised that the rails should be relaid, the work had not been done. Still, the Premier had made this promise, and there was no doubt it would be carried out. On the question of the Bill it is pointed out that under one clause of the measure—Clause 19, Subclause 5—it is proposed to appoint the Commissioner of Railways, or any other person whom the Governor may direct, but depend upon it it will be the Commissioner of Railways, to be a member of the board appointed under the Bill. What will be the effect on the railways held by Millar's Company if the Commissioner of Railways holds a seat on the board? As an instance of what may occur, I would like to say that only last week I waited on the Commissioner of Railways, having been previously told by the Minister for Railways that the rails for the Jarrahwood line would be supplied by the Commissioner, and I was surprised to learn that the Commissioner did not think the rails should be relaid, and in his opinion the Premier was very foolish to have made such a promise. Although the Commissioner did not say so directly, I learn from the fact that no rails are available and that the Commissioner did not know when there would be any available, that it was not the intention of the Commissioner to relay that line if he could help it.

THE PREMIER: Do you think that a proper thing to bring up?

MR. YELVERTON: I can assure the Premier that if I did not think so I would not have brought it up. I speak strongly because I think it unfair that Mr. George should give me such a reply. I pointed out to Mr. George that a promise had been given by the Government; and he conveyed to my mind, although not in words, that in consequence of the ill-feeling existing between himself and the manager for Millar's he had no intention of relaying the rails, and if he could stop it they would not be relaid. If the Commissioner of Railways could be so unfair in dealing with this matter, then if appointed a member of the board, which he probably will be, will he not be equally unfair in regard to the timber lines held by Millar's Company in this State? If that condition of affairs prevails under the Bill, it will be an unfair position for any private company to be placed in. Take again the question of the private railways in the State. At present these railways are run in a fairly satisfactory condition. I say that in regard to the safety of the passengers conveyed over the lines the private lines compare very favourably with the Government railways. If an inquiry were made into the matter it would be found, taking into consideration the length of the private lines, that the number of accidents are not more, and probably would be found to be far less than the accidents occurring on the Government railways. An accident occurred only the other evening on the Government railways—as a matter of fact on the Bridgetown railway—when I believe seven or nine passengers were seriously injured owing to the very bad manner in which the driver stopped the train and to the inefficiency of the brakes on the train. The accident that occurred to the passengers, and for which they will

probably claim damages against the Government, in many cases caused serious injury. Some seven or nine persons were injured, one or two had to go to the hospital, and several others were placed under the care of a doctor. [MR. TAYLOR: An excursion train?] No; an ordinary passenger train. I say that if inquiries were made it would be found that the accidents on the private railways of the State are very few and far between. Another instance with regard to the traffic on private railways. When the question of the Jarrahwood railway was discussed, the Premier told the deputation—and I was sure it was quite correct so far as he was concerned—that he had a report from the responsible officers to the effect that it would cost £2,000 to put the railway in a state of repair to satisfy the Enginner for Existing Lines; and, farther, that to run the traffic on the railway for 12 months it would cost £1,800. I may say that only about a month before this report was made to the Premier that line was being run by a timber company, and it was being run without all the repairs referred to in the report to the Premier having been carried out, and certainly without any necessity for the expenditure of £2,000 on it. As a matter of fact, at the time I refer to, timber to the extent of about 200 to 250 loads, that is 350 to 450 tons a day, was being run over that short length of railway by the company at about one-quarter of what it would cost the Government to convey the same tonnage over the line. This railway has been run for years, without so far as I know, and I believe I would have known, any accident of any special kind having occurred to the passengers conveyed over that line, nor do I believe any accident as far as the carriage of goods was concerned ever occurred. I never heard of a truck or a locomotive being derailed along that line.

THE PREMIER: Which clause of the Bill are you speaking to now?

MR. YELVERTON: I am referring to the clause which compels timber lines, if required by the Commissioner or Minister, to be put in such repair as is considered necessary.

THE PREMIER: Subject to appeal to a board.

MR. YELVERTON: There is an appeal to a board; but one of the members of the board, as I have already pointed out, would probably, almost certainly, be the Commissioner of Railways.

THE PREMIER: Supposing your certainty is not correct?

MR. YELVERTON: From my recent knowledge of the action of the Commissioner, it would be correct; and from the way in which the Government allow that gentleman to dominate these matters as far as the railways are concerned, he certainly will be a member of the board. Probably if the Minister would not appoint him, the Commissioner has so much assurance that he would appoint himself. Another phase of the question is that those timber lines and private railways, which are mostly composed of timber lines, were built to develop the timber industry. It is proposed by the Bill that they should not only develop the timber industry, but that they should be made to develop chiefly the agricultural industry, with which I agree, and also other industries which the Government may think fit to bring under their operation. No special legislation should be introduced to unduly interfere with these lines. One of the reasons why many people in this country agitate for everything in connection with the timber companies to be brought to contribute to the revenue of the Government is that these timber companies are supposed to be making enormous profits. Now, as a matter of fact, there is only one timber company in this State which has ever paid a dividend, and that dividend was only 6 per cent. So how can it be said that these companies are making such an unfair profit that they should be made to increase their expenses?

MR. QUINLAN: What about the high salaries for managers?

MR. YELVERTON: As a matter of fact, I can assure the hon. member that the managers are poorly paid indeed.

MR. TAYLOR: From a manager's point of view.

MR. YELVERTON: From a business point of view. Another point is that, notwithstanding the recent report of the Engineer for Existing Lines that the Midland Company's railway is in excellent order and that great improvements have been made on that line, we

shall find by referring to the reports that the cost of working the Midland Railway is only 42 per cent. of revenue, and the cost to the Government of working their railways is something like 83 per cent. of revenue. Probably that is one reason why the Government want to bring the private railways of this State under the control of the Commissioner of Railways, so that the cost of working private railways may be brought into accord with the cost of working the Government railways.

MR. TAYLOR: Would you compare the conveniences given by the Midland Company to those given by the Government?

MR. YELVERTON: Yes. I have not travelled over the Midland line, but I am assured by those who have done so that the conveniences are very fair indeed. In fact those who have travelled over it say that they have very little cause for complaint. During the previous debate on this question the member for Wellington (Mr. H. Teesdale Smith) referred to the Canning Company's railway, and he was in a position to do so, for he controlled that railway previously, and he adduced figures showing that, while the company ran a greater amount of traffic over the line with one set of men and one locomotive, the Government were now doing it with five sets of men and four locomotives at a cost four times more to the Government than to the company. This is an instance of the manner in which the railways are run by the Government.

THE PREMIER: What a great many men in this House profess to be able to run the railways better!

MR. YELVERTON: I do not profess to be able to run them better, but there is no man in the country who could run them worse than Mr. George. So I think there is not the slightest necessity for the Bill, and I will support the amendment of the member for Mt. Magnet.

[MR. HARPER took the Chair.]

THE PREMIER (in reply as mover): I hardly anticipated that the member who has just spoken would give his support to this Bill, for he represents one of those interests which might be directly affected if the Bill passed into law. After I moved the second reading we had complaints emanating from a place called Waroona, at which is situated one of the mills belonging to the company whose cause the hon. member for Sussex so ably advances in this House. If I remember rightly, the complaints were that the company, though they had a railway and rolling-stock capable of carrying the amount of traffic, absolutely refused to afford means of transit or conveyance to the comparatively small amount of trade and traffic the people would actually carry on the line. The suggestion was made—and I am sorry the hon. member did not deal with these practical matters, for his practical knowledge would have been so valuable to the House, so much more valuable than these delightful expressions of platitudes, which did not assist us—that while this railway line existed those who controlled it absolutely refused to allow any person to use it, although the user of it caused no inconvenience to the owners, because those who desired to use it were competing to a certain extent in a storekeeping business with the company who owned the line. I regret that in the short discussion which has taken place in regard to this Bill we have heard so much of the Midland Railway Company and so little of the Bill. It really appears to me as if the Midland Railway Company were controlling this House, for when we introduce a Bill, a resolution or a matter directly or indirectly affecting the company, we have their views put forward as if they were the only railway owner in this State. Why should we not approach the consideration of a Bill like this quite regardless of the special claims of any particular company or individual, being assured that when the Bill came to be considered in Committee, if the House came to the conclusion that a certain company or individual should have special provisions, we could insert in the Bill itself clauses that would meet the particular case, just as we do in the Mining Bill, making exceptions to meet those cases which we think should be taken outside the operation of the Bill? However, when we approach this Bill we have on every side of the House members advocating, not the cause of Western Australia, but the cause of the Receiver of the Midland Railway Company.

MR. JACOBY: We have made a contract with the company.

THE PREMIER: Surely we can approach the consideration of this question, and deal with the principle involved in the Bill, without giving to it a personal application of that kind. Am I not right in saying that when we once begin to give this personal application to principles we shall make no progress in legislation in this State of Western Australia? But if I for one moment come down to the ground occupied by those who challenge this Bill, and deal with the Midland Railway Company, what do we find? The leader of the Opposition said that in substance this Bill contains no provisions not contained in the agreement between the Midland Railway Company and the Government.

MR. JACOBY: Why do not the Government take the responsibility of enforcing the agreement?

THE PREMIER: That this Bill contains no provision the substance of which is not contained in the agreement, is the contention placed before us by the leader of the Opposition and supported, judging from interjections, by the hon. member for the Swan. I appeal to the House: how is it that on every side of the House we find members rising up and placing before us the case of the Midland Railway Company, and in the same breath telling us that there is nothing in the Bill in substance which differs from the existing clauses of the Midland Railway Company's agreement? That statement, I can assure the House, is perfectly accurate. In substance there is no substantial or important clause here (and again let me say that I speak of the Bill as amended, as indicated on the Notice Paper) that departs from the existing agreement. I was quite aware of this when I introduced the Bill, but the one difference is that we provide in this Bill an effective machinery for the purpose of settling disputes. We provide a board which is above suspicion—a board which can be called into existence on five minutes' notice.

MR. PIGOTT: Without any cost?

THE PREMIER: At much less cost than is provided in the existing agreement. It is a board which will exist not only for settling disputes which may arise between the Midland Railway Company and the Government, but any other disputes that may arise between any other private owner and the Government. I ask what is the special grievance of the Midland Railway Company in this Bill, the principle of which has never been attacked in the House and which is unquestionable? What I ask the House to do by the passage of the second reading of this Bill, and what those who support the present amendment ask the House to negative, is that we should have the right in this State by legislation to so control any railway company that the rights and monopolies they enjoy shall be used for the benefit and advantage of the State.

MR. JACOBY: We all agree with that.

THE PREMIER: That is the sole principle upon which this Bill rests; and I placed it before the House in by no means an apologetic tone, but with an anxious desire to assure the House that the Bill was one in support of which there was existing precedent. I pointed out that in the old country the principle upon which this Bill was based had been in operation for 40 or 50 years past, and that in England they had passed legislation dealing with private companies, and insisting that these private companies, having obligations to fulfil, should be called upon to conform to them. I also pointed out that the principle of that legislation has from time to time been extended. This Bill meets the needs of Western Australia. We find existing railway systems gradually growing. We have the Midland Railway Company, and we have railway lines being built up in connection with the timber mills. I pointed out, in moving the second reading, that so far as these timber lines are concerned there are only one or two of them that can properly be brought under the provisions of the Bill. For that reason I inserted the provision that the Act should not apply to every line, but only to those approved by the Governor, giving the Governor for the time being the right to apply the Act. I submit to the House that the principle upon which the Bill is based is a good and sound one, and one which should commend itself to this State. We insist in the great bulk of our legislation that persons who own properties shall, in certain instances, fence them as required by the local bodies, and we require that they should improve their land according to the

building laws, and improve them in accordance with existing legislation. We apply to shipowners legislation requiring that the men who own ships shall, in connection with the construction of them, build them on certain lines and use them on certain lines. In connection with the railways in the old country the very principle of obligation that we find in this Bill is applied.

MR. JACOBY: Why do we not fence our lines first?

THE PREMIER: I ask the House to affirm the principle of this Bill. That is all I ask on the second reading; and I say that whatever may be the position, whatever may be the private opinion or public opinion of members of this House, if they pass the amendment moved by the member for Mt. Magnet (Mr. Wallace), if they say that because of arguments adduced to this House not in opposition to the principle of the Bill but merely advocating and placing before us the views of the Midland Railway Company——

MR. WALLACE: Why single that out?

THE PREMIER: I hope the hon. member does not think I am of opinion that he comes here as a paid advocate. Not for one moment do I think so. If we reject this Bill, not upon the arguments addressed to the principle of it, but merely because it is suggested that it will be unjust in its application to a particular company, that argument coming from one end of the House being answered completely from the other end of the House when they say there can be no injustice because in substance the Bill goes no farther than the agreement, shall we not lead the company to believe that all they need to do is to convince a few men in the House that their particular case is very strong, for them to stand in the way of any legislation which has for its object impressing upon railway companies an obligation lying upon them to use their powers—which largely tend to be more or less monopolistic—not only in their own interests but the best interests of this State. I hope the second reading will be agreed to.

MR. W. ATKINS (Murray): I am with the Premier in trying to keep to the principle of the Bill, and my opinion of the principle of the measure is that it tends to slavery. If the measure is passed, the Government will be able to put the screw on to any private railway owner and kill him in one act, straight, without any trouble. That is what I object to. I say this is an unfair Bill. It is too drastic. It allows the Ministry, who are only human, to carry their vendetta as far as they like.

THE MINISTER FOR LANDS: Is not the House human?

MR. ATKINS: Exactly, and that is why I think the House objects to this Bill. That is the trouble. If it were a reasonable Bill, giving reasonable powers, and did not give the Government powers pretty well as autocratic as those of the Czar of Russia, to kill any private enterprize in the way of railways that they choose, and also to make exceptions so that they could kill one and bolster up others, something might be said for it. But I repeat that I consider this is not a fair Bill, and for that reason I object to it *in toto*, and I always would.

MR. T. HAYWARD (Bunbury): I hope the House in dealing with this Bill will not impose unnecessary restrictions on private lines owned by timber companies, or add to the expense of working those lines, for although those companies spend an immense amount of money and employ a large number of men, they have never paid any dividends. I have watched the growth of the timber industry in this State from its commencement, and I could quote a number of instances from the time it commenced. Not in a single instance have I witnessed anything made, but on the contrary nearly all the capital employed has been actually lost. I remember when the timber industry was commenced by the late Mr. Yelverton. That was carried on until quite recently, and I know that scarcely paid him working expenses, and a great amount of capital was lost. Some years after he had commenced Messrs. Mason and Bird started on the Canning, laying down a tramway to carry timber to the water side, and they lost everything. Mr. Mason retired from the undertaking a ruined man. A company was formed in Bunbury in 1880, and that company lost £6,600. The Jarrahdale Company has been reconstructed two or three times, and I could add several other instances. I think very few members

have any idea of the amount of money actually lost in the timber trade. If this Bill be passed as it stands it will in my opinion place the timber companies in an unfair position.

THE PREMIER: Every Bill would do that if it were strictly enforced.

MR. HAYWARD: This measure may not go any farther, but I think that if it does the House should give attention to the question of not placing unnecessary restrictions on the timber industry. The timber exported from Bunbury alone during the present year has been worth £281,763.

MR. C. J. MORAN (West Perth): By allowing this Bill to get into Committee, and then striking out the clause which gives power to exempt any railway lines, we should remove a charge which would probably be levelled at the measure of being aimed against one particular railway line. I do not want the Government to have the power to exempt a railway company from the operation of this Bill dealing with private lines. Why should the odium be placed on the shoulders of the Government of distinguishing the lines of their friends from the lines of their enemies, as would be said? Why should particular companies be placed in the position of coming to the Government and asking for their particular lines to be exempted? I did not have the pleasure of hearing the Premier when he moved the second reading of the Bill, and I was surprised to hear that the powers and charges provided for in this measure are already possessed under the agreement with the Midland Railway Company.

THE PREMIER: I have given them notice of my intention to move as shown in the Notice Paper.

MR. MORAN: Does the Premier propose to strike out the purchasing powers?

THE PREMIER: Yes.

MR. MORAN: Then I suppose the charge will be settled purely by arbitration without any governing clause as to 10 per cent.?

THE PREMIER: I do not put the purchase of the land in the Bill.

MR. MORAN: The Bill gave the Government power to name the price, and I think that would be unfair. Members are aware that I have no particular love for the Midland Railway Company, but the Government might have done without this Bill for a while longer and have moved upon well authenticated lines that could not be cavilled at; they could have moved for a land tax first, rather than introduce a special Bill the necessity for which has been very much accentuated by the presence of the Midland Railway. No one denies the fact that this Bill was introduced largely to meet the case of the Midland Railway Company, that being the great privately-owned railway in this State. I have no objection whatever to giving the Government powers for protecting life and property in this State, but I do not think I should have been prepared, after a bargain had been made, to set a price afterwards on the concession given and wrench that concession back from the people. [Interjection by MR. HASTIE.] A land tax exists in every State in Australia, and some kind of land tax is the law all over the world. The imposing of a land tax is an ordinary custom we follow, and it would not be cavilled at by any writer or authority in the world. Where we have the State's lands locked up unused, it is our duty to see that they are used, and in such a case we should not be dealing with the Midland Railway Company but aiming at the lands of the State. Many other estates are owned in Western Australia. This Bill will probably have something like the same effect as a land tax, but all the same I would rather have seen the measure put off for a time. I am not going to vote against the Bill, for I believe in the principle; but I would like to have seen another year go over our heads and a land tax instituted in this State to deal with unimproved land values. Then nobody could have said we made the slightest attempt at legislating in what I may call a somewhat extraordinary and circuitous route to reach our object. I would ask the House not to throw the Bill out. The vital clauses of it can be discussed in Committee. We cannot possibly fix a higher tribunal than a Supreme Court Judge, and I have yet to learn that Supreme Court Judges are prone to give ultra-radical decisions in a matter of this kind, or will not give the fullest weight to the special conditions of all cases brought before them, including even that of the Midland Railway Company. The

decision rests with the Judge. The Commissioner of Railways will be on the board and will represent the Government, whilst the railway company's own representative will speak for the company; therefore the Judge, and the Judge alone, will give the decision. We propose to place in the hands of a Supreme Court Judge a matter dealing with the running of railways, and I suppose we can do that with as much confidence as we can place in his hands the destiny of every workman and every industry in this State under the Arbitration Act, which surely has much larger issues in every way than the case of a railway company. Moreover, we place in his hands the lives and liberties of every man in this State. We do that with the utmost confidence, and I feel sure that when a matter is brought before any Supreme Court Judge the case will be well and truly tried, and a verdict given in accordance with justice. That being so, I would like the Bill discussed in Committee. Since we have the measure, I do not think we ought to throw it out at the present time, and I do not think it right to keep that clause in. I have refused to be approached on this matter by the representative of any great company in this State; but taking the casual general man in the street, the conclusion he comes to is that it is proposed in this Bill to give the Government power to exempt railway lines; that means that the Bill would apply to the Midland Railway Company. If we strike one line out, let us strike all out.

THE PREMIER: Let the House specify the ones to be struck out.

MR. MORAN: Let the House specify them, if you like. If the course I suggest be adopted, that charge to which I have referred cannot be levelled against the State. I do not think that if this measure came down headed "A Bill to deal with the Midland Railway Company," I should vote for it. We should for the sake of the fair fame of this State avoid legislation aimed at a particular industry or a particular company of this kind. Our rights of taxation are unquestioned; and our right to deal with private railways ought to be unquestioned. Therefore we ought not to distinguish between different railway lines. The Premier says, let us move to include those lines in this Bill. I hope we shall soon have a railway line from Port Hedland to Marble Bar on the same conditions. It will be necessary to deal with that railway on the terms of the Bill; and if we intend to allow a private company to construct the railway—and, having regard to our present financial position, I think we shall—it is now only fair play to give the people who will tender for that line an intimation of what they may expect, rather than afterwards to bring in another Bill of this kind. It is fair play to pass legislation now dealing with private railways generally, since the House is ready to consider advantageous offers for their construction. I hope the Bill will not be thrown out, though I am glad that the member for Mount Magnet (Mr. Wallace) has had an opportunity of saying his say upon it, and I admire the spirit in which he, as a northern member, has expressed himself. He is one of the most disinterested members in this House, and is, I believe, absolutely independent. Furthermore, he has the advantage of knowing this railway from its very inception; and we are indebted to him for putting the company's case so clearly before the House. It is a poor House in which any person or company affected by a Bill cannot find some member to act as a champion.

MR. R. HASTIE (Kanowna): We have all heard with pleasure the speech of the member for Mount Magnet (Mr. Wallace), who knows this railway very well. It is unfortunate that he is not acquainted with private railways in any other State than this. If he were, I do not think he would have made the remarks which fell from him, nor should we have heard some of the remarks of the member for West Perth (Mr. Moran) about a stain and stigma being cast on this State. Subsequently the same member said there would be no difficulty in applying a land tax, because land taxation—and presumably graduated land taxation—is universal; because it is not new, and cannot be said to be sprung upon the company. In that respect I agree with the hon. member. I go farther, and say that the provisions under a Bill such as this are not new at all; and if the Midland Railway were in England instead of here, all these provisions would have been enforced long ere this. The object

of the Bill is, I take it, to apply to companies who have a monopoly of a district; and we know how dangerous it is for a company to have such a monopoly. The Bill aims at preventing that monopoly from hurting the people of the district and the State generally.

MR. MORAN: The Premier will tell you that the law of England dealing with private railways was not made subsequent to the incorporation of the great majority of railway companies.

MR. HASTIE: That may be or may not be. I say on the other hand that land taxation is in the same position. Land taxation was in force in many parts of the earth long before we thought of railways.

MR. MORAN: But every man who takes up land takes it subject to the right of the State to tax.

MR. HASTIE: And every man who takes a private line really takes it subject to any legislation which may be passed in this House; and he can only expect that the House some time or other will pass enlightened and up-to-date legislation such as we have now before us.

MR. MORAN: Why make it retrospective?

MR. HASTIE: Should we legislate in this House so that our laws shall bind none but children born after the laws come into force, so that they shall affect no business people save those who go into business after the Bills take effect? Every law we pass must be, to a large extent, retrospective, and we cannot exempt companies because they have been started long ago, from any law which the House may subsequently pass. When people took up this concession they took a risk, and if they considered the position they must have expected that some laws would be passed by the Parliament of Western Australia which the concessionaires would not altogether like. One curious thing struck me forcibly when the member for Mount Magnet was speaking. He said the Midland Railway was very well managed; that it suited the requirements of all the people in the district, and was working for the interests of the State not only as well as but better than the Government railway from Geraldton to Cue. If that be so, why does he fear that the Bill will in any way injure the Midland Railway Company? It cannot injure the company if the railway is kept up to the standard which the hon. member says it has attained. I was a member of the joint select committee appointed to investigate the matter, and I personally believe that the railway does occupy such position. It seems to me a very good railway, and if it is well managed I do not see what harm the Bill can do its owners. I am certain that the Bill will in no wise discount the value of the Midland Railway to the people in England or the people concerned here. The confiscation clause was struck out when we first dealt with this measure, and had it not been for some technical objection to the bringing forward of an amended Bill, it would have been in the Bill now before us. When members consider this Bill in Committee we shall be able to see whether we can modify some of the clauses; but I do not think that will be necessary, and especially would I strongly advise the Premier not to agree to a suggestion just made that we should specify in the Bill the actual railways to which it shall apply. We must remember that all of us are not acquainted with the circumstances of every part of this country. None of us knows whether a certain railway should or should not come under the Bill. One reason for the suggestion was furnished, I dare say, by the remarks of the member for Bunbury (Mr. Hayward), that timber companies should not be in any way harassed by the Bill. But surely it must be evident to members that timber railways, as such, are merely temporary railways; that railways which a company might legitimately use for timber purposes only might afterwards be used to develop the district, used for passenger and ordinary goods traffic. If we were considering the case of such a railway at the present time, we should like to exempt it from the Bill; but it is quite necessary, when such lines become general carriers, that they should come under this Bill, for many reasons which it would be unwise for us to specify. Far better make the Bill apply to all railways; and I should give the Governor-in-Council power to exempt some particular lines from the provisions of the Bill. Even that I do not consider necessary; for, if I rightly recollect, the provisions of the Bill are not mandatory, but can be put in

force when necessary. The Governor-in-Council may make mistakes; but it seems to me our principal fear is that we shall not usually have Governments in Western Australia strong enough to strictly enforce the measure, as any powerful company can always represent its case so well that a large number of members will do their best to persuade the Government to leniency. I hope the measure will pass the second reading, and emerge from Committee stronger, if possible, than it is at the present time.

MR. A. E. MORGANS: I move that the debate be adjourned.

THE PREMIER: Let us pass the second reading.

Motion put and negatived.

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

Ayes	...	...	...	8
Noes	...	...	...	20
Majority against			...	12

AYES.	NOES.
Mr. Atkins	Mr. Bath
Mr. Butcher	Mr. Burges
Mr. Illingworth	Mr. Daglish
Mr. Morgans	Mr. Ferguson
Mr. Pigott	Mr. Gardiner
Mr. Wallace	Mr. Gordon
Mr. Yelverton	Mr. Gregory
Mr. Jacoby *(Teller)*.	Mr. Hastie
	Mr. Hayward
	Mr. Holman
	Mr. Holmes
	Mr. Hopkins
	Mr. James
	Mr. Johnson
	Mr. Moran
	Mr. Quinlan
	Mr. Rason
	Mr. Reid
	Mr. Taylor
	Mr. Higham *(Teller)*.

Amendment thus negatived.

Question put and passed.

Bill read a second time.

PEARLSHELL FISHERY BILL.

SECOND READING (MOVED).

THE PREMIER (Hon. Walter James), in moving the second reading, said: This is a Bill principally to consolidate the existing law, but effecting some amendments. Present legislation dealing with pearlshell fishery is comprised in six Acts extending from the year 1873 to 1899, and we propose to consolidate that legislation by this Bill. We provide for a system of registration of the ships engaged in pearl shelling, the registration of pearl divers, the registration of beach combers, and also for a system of registration of pearl dealers. In each instance the registration is an annual one. Members will see on looking at the first part of the Bill, from Clause 4 to Clause 16, provisions in relation to the licensing of ships. The most important part of that subdivision I desire to draw attention to is Clause 5, subclause (*c.*) which requires, where an application is made for a license, that the licensing officer must be satisfied, except as provided by Clause 10, that no Asiatic is owner or part owner of the ship or has any interest, direct or indirect, in the ship's pearling operations. If members will turn to Clause 10 they will find the conditions under which Asiatics are entitled to hold an interest in a registered ship. The Bill provides that the registered number of the vessel shall be displayed on a conspicuous part of the hull. The Bill provides, by Clause 8, that no Asiatic shall be deemed capable of having any property, share, or interest as owner, mortgagee, or otherwise in any ship licensed under the Bill or in the pearls or pearlshell taken by any such ship. The Bill provides by Clause 9 a penalty on any person transferring ships to Asiatics where such transfers are made by an evasion of the principles of the Bill. Clause 11 provides that no person having a diver's license for six months and upwards shall continue to dive for pearls or pearlshell unless he is the owner of a pearl diver's license. Clause 12 provides for beach combers' licenses. Clause 16, which members will notice is in small type, will have to be moved in this House by way of an amendment. It was put in small type because it was not competent to move that clause in the Legislative Council. By Clauses 16 to 23 the Bill deals with exclusive licenses, and makes provision by which these licenses can be granted over certain areas, giving the exclusive right to plant and cultivate shell. Provision is made by Clause 20 that the area defined in any exclusive license shall not exceed six square miles or less than one square mile, and a lease is not to exceed 21 years. The lease will be subject to all regulations in force during the term of the license, therefore the lease will be subject to all regulations which may be passed when the lease is granted or

thereafter. Clauses 24 to 26 deal with the system of agreement to be made with pearlers, providing that the agreement shall bear the date of the signing thereof, the nature and duration of the agreement which is to be verified before a magistrate, and the owner or master must be prepared to enter into a bond to return the pearl fishers to the port at which they were shipped. Clause 32 provides for the payment of wages, and the principle is based on the Truck Act. Clauses 37, 38, and 39 deal with offences by pearlers, and Clauses 40 to 46 deal with the importation of pearl fishers who are Asiatics; but I think the Clauses from 24 to 46 can be considerably curtailed, more especially if the House adopts the Merchant Shipping Act, a Bill for which purpose is before members now. In the miscellaneous provisions beginning at Clause 47 the Bill provides for various matters; for instance, giving inspectors power to enter on a ship and see that the tackle is sufficient and that there are proper stores on board. Clause 52 provides that there shall not be on board intoxicating liquor in greater quantity than that provided by the regulations. By Clause 53 the Governor may prescribe the size of pearlshell. By Clause 54 the Governor may prescribe certain places from which shell must not be taken and the ports from which shell shall not be exported. Clauses 56 to 65 deal with pearl dealers' licenses. Clause 67 gives power to make regulations. Clause 74 contains a matter to which I wish to draw attention. It provides that a reduction shall be made of one shilling from each person's wages per month and paid to the Colonial Treasurer, to be placed to a fund called the Pearl Fishers' Hospital Fund, and this money is to be distributed between the hospitals at the ports where pearl fishers are engaged. This measure is largely one for consideration in Committee, and I shall be glad to hear the observations of members who have knowledge of this work. The Government have one desire, to secure a Bill which will in every way be suitable and in the interests of the State. I shall be glad if the Bill is read a second time, and any amendments which members wish to move I hope will be placed on the Notice Paper. I beg to move the second reading.

On motion by Mr. PIGOTT, debate adjourned.

ADJOURNMENT.

The House adjourned at 23 minutes past 10 o'clock, until the next day.

Legislative Assembly,

Wednesday, 4th November, 1903.

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THE SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: South Perth Municipal By-laws.

By the MINISTER FOR WORKS: Alterations to Railway Classification and Rate Book. Reports as to the best method of providing appliances and accommodation for dealing with cargo at Fremantle.

Ordered, to lie on the table.

QUESTION—EXPLOSIVES RESERVE, FENCING.

MR. PIGOTT asked the Minister for Works: 1, What is the estimated cost of the fencing to be erected around the explosives reserve—(*a.*) For material; (*b.*) For labour. 2, Whether it is a fact that the Government contemplate having this work done by day labour, in contraven-