

Mr. LUTHEY: The relief I suggest would be greatly appreciated by men who have pioneered this country, and many of whom have lost their health in doing so. They are men who have done as much for this country as any pastoralist or agriculturist has done.

Mr. DUFF: Has the Minister any intention of reducing the price of water at Westonia?

The Minister for Works: No.

Mr. DUFF: We have been banging away at the Minister for the last three or four years without getting any satisfaction as to the charge of 10s. per thousand. The water is supplied by gravitation, and the services of only one man are required in connection with it. The cost of the scheme was repaid in the first year of its operations. If so much assistance is to be rendered to the farming industry, why should not struggling mines be helped?

The MINISTER FOR WORKS: The hon. member and I look at this matter from a different standpoint. If I entered into a contract with anyone, I would regard it as my duty to carry out that contract. I should not come squeaking to the Minister either in his office or in Parliament with a suggestion that I should be allowed to evade my responsibilities to carry out the undertaking. The people of Westonia have undertaken certain responsibilities and so far as I am concerned they have to abide by their contract.

Vote put and passed.

Vote—Development of goldfields and mineral resources, £55,750—agreed to.

Vote—Development of agriculture, £2,255, 100:

Mr. DURACK: Among the items comprised in the vote is one dealing with abat-toirs and freezing works at Wyndham. Two amounts are mentioned, namely £65,000 and £15,000. Is that money to be spent at Wyndham?

The PREMIER: Certain additions have to be made at the Wyndham Freezing Works and that work is provided for, among others, in the amounts mentioned.

Vote put and passed.

Vote—Roads and bridges, public buildings, etc., £80,150—agreed to.

Vote—Other undertakings, £188,700:

Item, Fisheries, £10,000:

Hon. W. C. ANGWIN: I understood that the State trawler was wrecked. What is the intention regarding this amount of £10,000?

The PREMIER: We are not able to go ahead with trawling operations at present, but if it is possible to get a cheap boat, trawling operations will be proceeded with. For that reason, the money is provided.

Vote put and passed.

This completed the Loan Estimates for the year.

[The Speaker resumed the Chair.]

Resolutions reported and the report adopted.

House adjourned at 12.25 a.m. (Saturday.)

## Legislative Council,

Tuesday, 14th December, 1920.

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

### SELECT COMMITTEE, OPTICIANS BILL.

Extension of Time.

On motion by Hon. J. Cornell, the time for bringing up the report of the select committee was extended for two days.

### BILL—FACTORIES AND SHOPS.

Order read for adoption of report of Committee.

The MINISTER FOR EDUCATION: I move—

That the Bill be recommitted for the purpose of further considering Clauses 4, 14, 35, 100, 105, 106, 122, the Fourth Schedule, and the Sixth Schedule.

Hon. J. J. HOLMES: I desire to have the Bill recommitted for the purpose of further considering Clauses 52 and 113, and a new clause, to stand as Clause 101, dealing with the opening and closing of butchers' shops throughout the State.

Hon. A. SANDERSON: I desire to have the Bill recommitted for the purpose of considering a new clause to stand as Clause 156.

Hon. H. STEWART: I desire to have the Bill recommitted for the purpose of further considering Clause 104.

The PRESIDENT: Has the leader of the House any objection to the recommitment of the Bill for the further consideration of these additional clauses and the consideration of the new clauses?

The MINISTER FOR EDUCATION: No.

The PRESIDENT: The question is that the Bill be recommitted for the purpose of further considering Clauses 4, 14, 35, 52, 100, 104, 105, 106, 113, 122, two new clauses, the Fourth Schedule, and the Sixth Schedule. It would save time if hon. members would put intended motions referring to recommitment on the Notice Paper when they can manage to do so.

Question put and passed.

#### Recommitment.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

#### Clause 4—Interpretation:

Hon. H. STEWART: I move an amendment—

That in the definition of "Factory" the word "two," in line 1 of paragraph (1), be struck out, with a view to the insertion of another word.

Hon. J. CORNELL: The hon. member has not indicated what he has in mind to insert if the word "two" comes out. Personally, I think it is immaterial whether a factory is defined as consisting of two persons or of six. However, I incline to the retention of the word "two," seeing that the Committee has made amendments which will prevent serious hardship on a family conducting a factory. Our factory law should be so framed that employers who employ very few persons can be got at rather than the owners of factories which have many employees. An inspection of the factories in Perth employing many persons and of those employing very small numbers would show that the conditions in the large establishments are a long way ahead of the conditions in the small ones. The only honest plea that can be put forward for amending the number "two" is that encouragement should be given for the establishment of new factories. If, however, that encouragement is to be of such a nature as to impose further injustice on the employees, we ought to stand to the number now in the definition. Probably a perusal of the discussion on the original Act, passed in 1902, would show that the self-same arguments were used then as are now being used against the number "two." Experience, however, has shown the fears then and now expressed to be groundless. Research will prove that wherever there has been an attempt since the initiation of factory legislation in Australia, to make the conditions more liberal for those employed, the same opposition to any alteration of the existing state of affairs, on the ground that industries would be ruined, has been raised. Some have raised the question of the prosperity of the State, and contend that it would be adversely affected. Generally speaking, people who cry "stinking fish" regarding our prosperity should be classed as undesirables and sent out of the country. Those who have the

interests of the State at heart, realise that prosperity here is more stable and more real than in any other part of the Commonwealth. To state that that prosperity will be adversely affected by improving factory legislation in the direction sought by the Bill, is to contend that which is without foundation.

Hon. H. STEWART: During the second reading debate it was generally understood when we exempted four members of a family, that the provision that two persons should constitute a factory would be altered, and the impression was that it would be increased to six persons. I intend to reach a fair compromise on this question, and will move in place of two persons, that four persons shall be regarded as constituting a factory. When we consider that Queensland and South Australia provide that two persons shall constitute a factory, and that Victoria and New South Wales have four, and when we realise that the two last-mentioned States are the big manufacturing centres of Australia, members will agree that the provision for four is reasonable.

The MINISTER FOR EDUCATION: The argument advanced in favour of the Committee accepting four persons as constituting a factory because the Committee exempted four persons in the case of members of a family, should not have weight. There is no inconsistency in providing that four persons shall constitute a factory. On the contrary, the fact that we have exempted four persons in the case of a family is a reason why we should retain two persons as constituting a factory. There is no doubt that in many cases five persons have been employed under the existing legislation for no other purpose than to evade the provisions of the Factories Act. If these provisions are wrong, they should not apply to anyone. If they are not wrong, the necessary provisions for the protection of the lives and health of those engaged in the factory should be inserted. That being so, I cannot see why the clause should not apply to those places where two or more persons are employed. Mr. Stewart has pointed to the States in the East where four persons constitute a factory. It might well be pointed out that three of the other States and New Zealand as well have two as being the requisite number, so that the argument viewed from the aspect of the Eastern States should be in favour of two rather than four. More particularly is this so because the States which have fixed the number at four have not recently reviewed their legislation. The Acts there have been on the statute-book for a long time. All the more recent Acts provide for two persons, and that applies throughout the Eastern States and New Zealand, except in Victoria and New South Wales, where the legislation has not been reviewed. If we are to model our legislation on that which obtains in the Eastern States, we should turn to the up to date measures and not those which are out of date.

Hon. Sir E. H. WITTENOOM: Hitherto the limit has been fixed at six persons. While the remarks of the leader of the House are apropos and in keeping with the tendency of these times, it must be remembered that Western Australia cannot compare with the Eastern States so far as their manufactures are concerned. While provision for two persons would be all right where the factories were large concerns, it has to be remembered that the provision would not work so much harm as inconvenience. In country places small businesses such as blacksmiths, gardeners, and so on, would find this provision very irksome. In the case of people who are trying to develop the State we should remember this aspect, and, in the circumstances, the provision of four persons in lieu of two would be reasonable. If it is found later on that even with four, attempts are made to evade the measure, we can amend the Act. I support the amendment.

Hon. J. DUFFELL: There was nothing in the remarks of the leader of the House which would warrant the clause remaining as it stands. Members representing the Labour party have urged us to encourage factories in Western Australia. Since the inception of Federation, we have lost many industries which should have been flourishing by now. The time has arrived when we may re-establish some of those industries, and find means of employing men to a greater extent than is possible at present. I understand that the leader of the House has no strenuous objection to raise to four persons being provided to constitute a factory.

The Minister for Education: I did not say so.

Hon. J. DUFFELL: The leader of the House has told me privately that he would have no objection to four persons being inserted in the Bill.

Hon. J. Cornell: Is this the place for private conversations?

Hon. J. DUFFELL: I ask for the protection of the Chair.

Hon. A. H. Panton: You want it after that statement.

Hon. J. DUFFELL: If the Bill goes through with this clause as it stands, it will prove detrimental to the prosperity of the manufacturing industries of Western Australia. I support the proposal to delete the word "two."

Hon. J. J. HOLMES: The remarks by the leader of the House regarding what has happened in the Eastern States may have some influence on some members. If my vote is to be influenced I should like to know what were the numbers constituting a factory, when the factories in the Eastern States were in the stage those in Western Australia now are. They have passed into the stage of factories in a big way in the Eastern States, and our salvation in Western Australia is to deal with small factories and work them up. If we are to harass small concerns where two persons are employed trying to establish an industry, this will prevent profitable production. This is a condition of affairs which should be re-

garded by members, and I believe that provision for four persons is more equitable.

Hon. A. SANDERSON: I have been looking through the report of the Chief Inspector of Factories. We have heard from the Minister that attempts have been made to evade the Factories Act. I do not know where that information came from, but it is not to be found in the report of the chief inspector.

The Minister for Education: Why should it be?

Hon. A. SANDERSON: I should think it would be there to guide the House when dealing with factories legislation. On page 62 of the report it is shown that there are 215 factories employing one man only, 194 employing two persons, and 128 employing three. There is a very considerable drop in the next group, and we find that 91 factories employ four persons, while 55 employ five persons, and 81 employ six. Thus it will be seen that there are a great many factories employing from one to four persons only. Then the number drops to 55 employing five. Then we get 173 employing between seven and 10, and then there is a marked drop from 95 employing from 11 to 15 down to one employing over 200. Virtually there is only one factory in the State. If there was any question of health conditions not being complied with, I would say give the inspector full powers; but I understand that under the Health Act the Government have quite sufficient power. From the cash point of view, certainly those restrictions cannot benefit the workers. It is ridiculous to lay it down that two employees shall constitute a factory.

The MINISTER FOR EDUCATION: Whilst the Health Act gives ample power from a purely technical health point of view, under the Factories Act there are certain limitations with regard to the hours during which women and girls may be employed, and restrictions against the employment of child labour. The Health Act protects nobody in those respects; and so if we say that four persons shall constitute a factory, we may find women and girls or children employed in a place where there are but three employees. The Factories Act is not intended to stifle manufacture, but merely to see that manufacture shall be carried on under proper conditions.

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

Ayes	..	..	..	14
Noes	..	..	..	12

Majority for .. .. 2

#### AYES.

Hon. E. M. Clarke	Hon. E. Rose
Hon. J. Duffell	Hon. A. Sanderson
Hon. V. Hamersley	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovelkin	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. J. Nicholson
Hon. G. W. Miles	(Teller).
Hon. J. Mills	

## NOES.

Hon. R. G. Ardagh	Hon. J. W. Hickey
Hon. F. A. Baglin	Hon. J. W. Kirwan
Hon. C. F. Baxter	Hon. T. Moore
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. Cornell	Hon. J. Cunningham
Hon. J. E. Dodd	(Teller.)
Hon. E. H. Harris	

Amendment thus passed.

Hon. J. CORNELL: I suggest that "three" be inserted. I cannot see what hon. members are after. Apparently their proposal is to foster small industries. At whose expense? At the expense of established industries. Since "two" has gone out, I think "three" is the best number offering. I hope the Committee will agree to this.

Hon. A. LOVEKIN: I hope the Committee will accept "four" instead of "three." I want to get over such a position as this: In a certain country district is a farmer well supplied with fresh rain water from the rocks. His neighbours have to depend on their dams for water. Each has a cow or two, but the water from their dams is not suitable for butter making. So, for quite a long time they have been taking their milk to the farmer who has the fresh water, and there getting their milk turned into butter, the farmer with the generous water supply retaining the skimmed milk, and the butter being sold at the store. If only one or two persons constituted a factory the farmer with the fresh water could no longer make the butter for his neighbours.

Hon. A. H. Panton: How many does he employ?

Hon. A. LOVEKIN: Only himself and his family.

Hon. A. H. Panton: Read paragraph (f). They would not constitute a factory if they were members of a family not exceeding two.

Hon. J. E. Dodd: Is the butter manufactured for sale?

Hon. A. LOVEKIN: Yes. If I am assured that such people will be exempt, I am satisfied.

Hon. H. STEWART: I move an amendment—

That the word "four" be inserted in lieu of the word struck out.

The CHAIRMAN: I thought the hon. member had already moved that.

Hon. J. J. HOLMES: I understood that the hon. member moved to strike out "two" with the object of inserting "four."

Hon. H. Stewart: That is so.

Hon. J. J. HOLMES: Then surely that is the amendment.

Hon. J. CORNELL: On a point of order, I was under the impression that if the hon. member moved to insert "four," I would be unable to move to insert a smaller number. If the object of inserting "four" is that the definition shall not operate harshly

in country districts, I am prepared to withdraw my suggestion in favour of a provision that three in the metropolitan shop district and four in the country shall constitute a factory. If members will not accept that, we shall be able to judge what their real object is.

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

Ayes	..	..	..	14
Noes	..	..	..	12
				—
Majority	..	..	..	2
				—

## AYES.

Hon. E. M. Clarke	Hon. J. Mills
Hon. V. Hamersley	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. E. Rose
Hon. A. Lovekin	Hon. A. Sanderson
Hon. R. J. Lynn	Hon. H. Stewart
Hon. C. McKenzie	Hon. Sir E. H. Wittenoom
Hon. G. W. Miles	Hon. J. Duffell
	(Teller.)

## NOES.

Hon. R. G. Ardagh	Hon. J. W. Hickey
Hon. C. F. Baxter	Hon. J. W. Kirwan
Hon. H. P. Colebatch	Hon. T. Moore
Hon. J. Cornell	Hon. A. H. Panton
Hon. J. Cunningham	Hon. A. J. H. Saw
Hon. J. E. Dodd	Hon. E. H. Harris
	(Teller.)

Amendment thus passed.

Hon. A. LOVEKIN: Paragraph (f), specifying what the term "factory" does not include, will not meet the case I quoted a few minutes ago. These people have a little oil engine to run the chaffcutter and churn, and therefore they would be using mechanical power and would not come under this exemption. I move an amendment—

That the following words be inserted at the end of paragraph (b): "from the products of the herds of neighbours not exceeding four in number, or."

Hon. J. CORNELL: Would not the proposed amendment necessitate the insertion of a definition of "neighbour"?

Hon. A. Lovekin: A neighbour is a neighbour.

Hon. J. CORNELL: It would be necessary to mention a radius and 50 miles would be as sensible as the rest of the amendment.

The MINISTER FOR EDUCATION: In the metropolitan area a man might establish a dairy to deal with his own products and the products of four other people, and these people might produce a good deal of stuff. In order to exempt some quite exceptional and isolated case which I think is already covered by the previous amendment, the hon. member might remove from the jurisdiction of this measure some who should certainly come under it.

Amendment put and negatived.

The MINISTER FOR EDUCATION: Paragraph (d) was amended by inserting the words "orchards, vineyards, or gardens," but the paragraph as amended does not read

well. To improve the wording without altering the meaning, I move and amendment—

That the words "orchards, vineyards or gardens" be struck out and the words "or orchard, vineyard or garden" be inserted in lieu.

Amendment put and passed.

Hon. H. STEWART: I wish to draw attention to paragraph (c), which comes in the definition of "shop assistant." The proviso there was amended, and in my view does not meet the case which may arise when auditors desire to come in and examine the books of a shop after closing time. I think words like these, "yet not engaged in the business of the shop," should be inserted to make the position perfectly clear.

The Minister for Education: We have already made it clear.

Hon. H. STEWART: At all events, I move an amendment which may meet the position—

That in line 2 of the proviso "only" be struck out.

Hon. A. H. PANTON: I see no necessity for this amendment. I cannot imagine an auditor being in an establishment after all the clerks have gone. In any case an auditor is not engaged permanently in a shop and the definition would not operate against him. The only persons who are in the big shops, at all events, are the caretakers, who do the cleaning at night and are there till the shop assistants resume duty in the morning.

Hon. H. STEWART: I still contend that this would not cover the case of country auditors, but having called attention to the matter I will withdraw my amendment.

Amendment by leave withdrawn.

The MINISTER FOR EDUCATION: I move an amendment—

That the definition of "small shop" be struck out.

This definition is not necessary after the amendments that have been made in the body of the Bill. The definition is now inconsistent with the remaining provisions of the Bill.

Hon. J. DUFFELL: I particularly moved for the insertion of this definition, and the amendment for its insertion was carried by 14 votes to seven. I trust the definition will not be struck out.

The MINISTER FOR EDUCATION: The Committee decided that a small shop should be a place where no labour at all is employed, except that labour be a member or members of the family of the shopkeeper. The definition that I have just moved to strike out would mean that a shopkeeper could employ as many assistants as he liked during the ordinary hours, and provided those assistants ceased duty at 6 o'clock he would be entitled to be registered as a small shop.

Hon. J. Duffell: Would you register such a place as a small shop?

The MINISTER FOR EDUCATION: I would be wrong to put into a definition something contrary to the clause it was proposed to deal with.

Hon. A. H. PANTON: I agree with the remarks of the Minister for Education, although I previously voted for the definition. The position, however, is now quite different, for a drastic alteration has been made to this part of the Bill by the Committee. I am told by Messrs. Howard & Kemp, one of the biggest grocery firms in Perth, that they would be quite satisfied to work under such a definition as this, for they could, if they desired, as the Minister has pointed out, keep open with the assistance of members of their own families after hours. I do not think the Committee intended that. We have now overcome the difficulty so far as the big shops are concerned, and I do not think we should leave any loophole for shops who employ assistants to keep open after 6 o'clock. I will, therefore, vote for the striking out of the definition.

Hon. J. DUFFELL: Is it reasonable to suppose that Messrs. Howard & Kemp would let their assistants go at 6 o'clock and keep open after that hour with the assistance of members of their families?

Hon. A. H. PANTON: They could do so.

Hon. J. DUFFELL: A petition has been presented to the Council from 1,400 shopkeepers, and another petition has been presented containing nearly 9,000 names of citizens and ratepayers, who state that the small shops are a convenience to them. The definition in Clause 4 in no way clashes with the Bill as amended.

Hon. A. LOVEKIN: I want to do something for the people outback; those who come into the townships in the evening and desire to take groceries home with them when they return. Some of these country shops employ an assistant during the day, and if the owner of the shop lets that assistant go at the proper time, I cannot see why the country people should not enjoy the convenience of making their purchases after the ordinary closing hour.

Hon. H. Stewart: This definition seems to me to be at variance with the definition in the Bill.

The MINISTER FOR EDUCATION: It is. Not one of the other States has a definition of small shops. There is a general definition of "shop," but any particular kind of shop is dealt with, not in the definition, but in a clause.

Amendment put and passed.

Clause 14—Powers of an inspector:

The MINISTER FOR EDUCATION: I move an amendment—

That after "inspector" in line 1 the following words be inserted:—"who holds a certificate from the Commissioner of Public Health that in his opinion such inspector is competent to exercise the powers conferred by this section."

Amendment put and passed.

Clause 35—Limitation of working hours in factories where Chinese are employed:

The MINISTER FOR EDUCATION: I move an amendment—

That the clause be struck out and the following inserted in lieu:—"Restrictions as to hours of Asiatics. (1904, No. 22, Sec. 23.) No person of Chinese or other Asiatic race shall be employed in any factory for longer hours than women may be employed therein under this Act; nor shall he be employed before eight o'clock in the morning nor after five o'clock in the evening.

This is the clause in regard to the employment of Asiatics, and, as I promised the House, I have given the matter serious consideration, and have gone into it with the Crown Law authorities. The position is that if we re-enact those restrictions against Chinese and Asiatic labour which have existed for years past, no question can be raised. The clause I propose to insert will, with a few unimportant exceptions, have practically the same effect, but if we alter it there is grave danger that the Bill will be reserved.

Amendment put and passed.

Clause 100—Closing times:

Hon. H. STEWART: The object of the amendment is primarily not to leave this question to the majority of the shopkeepers but to the electors. Subclause 2 provides that the day on which all shops affected by the clause shall close at 1 o'clock, shall be Saturday. The metropolitan district is provided for. The proviso sets out that the Governor may by proclamation on the petition of a majority of the keepers of such shops substitute for Saturday any other week-day. My desire is that each district should decide whether they should have Saturday or a week-day afternoon, and we can do that by altering the proviso to provide that the electors shall decide. I move an amendment—

That in lines 3 and 4 of the first proviso the words "the majority of the keepers of such shops" be struck out and "one-tenth of the electors" be inserted in lieu.

My intention is subsequently to alter the position of the word "for" in the fifth line of the proviso by deleting it from its place before "Saturday" and inserting it after "Saturday."

The MINISTER FOR EDUCATION: I fail to see the necessity for this amendment. Under Clause 99 all previous proclamations which have been issued as the result of petitions of electors or polls are protected. Therefore in any district which has previously come under the Early Closing Act the position will remain as it is in regard to the half holiday until the position is altered in the manner prescribed by this Bill. The only districts likely to be affected are those which have not previously come under the

provisions of the Early Closing Act. No doubt there is a large number of such districts. But even in those districts it is necessary to have a petition to say what the residents want. In the meantime this provision of the Bill will not be extended to those districts until they have had time to make their choice. This will not be done in the manner suggested by the hon. member, namely by a ballot, which would be expensive and cumbersome. The idea is that the majority of the shopkeepers should present a petition.

Hon. H. STEWART: Why not make it a petition by the electors?

The MINISTER FOR EDUCATION: Because that method would be expensive and cumbersome, and is one which we should not adopt unless it is absolutely necessary. The preliminary step in the matter is the petition of the shopkeepers. If the electors think the shopkeepers are not sufficiently studying the interests of the employees or of the public, then the electors can demand a poll.

Hon. H. STEWART: My idea is to put the half holiday and the late night on the same basis, namely that of existing custom. In the second proviso I propose to move an amendment having a similar effect. The Minister says the present position is satisfactory; then, why go to the trouble of altering it?

The Minister for Education: There is no intention of doing so.

Hon. H. STEWART: Under the Bill every district which does not want the Saturday half holiday must lodge with the Minister a petition signed by a majority of the shopkeepers. Moreover, under this measure the Saturday half holiday will be proclaimed throughout the State.

Hon. A. H. Panton: No.

Hon. H. STEWART: Yes. Mr. Panton is under a misapprehension. The Minister says that the majority of the shopkeepers can decide, but the majority of the shopkeepers may not always decide in the interests of the whole community. My proposal seems to me much simpler than the proposal in the Bill.

Hon. J. E. DODD: I hardly appreciate the point raised by Mr. Stewart, because the Early Closing Act contains almost the same provision as that in the Bill. Seeing that the provision as to a petition from the electors has been inserted, I fail to see anything in Mr. Stewart's contention. The majority of the shopkeepers decide in the first instance. If their decision is not suitable to the electors of the district, these have the right by petition to ask that a poll be taken. The carrying of Mr. Stewart's amendment would mean that a poll would have to be taken in any case.

Hon. H. STEWART: I think I shall ask leave to withdraw the amendment, because I recognise from what Mr. Dodd has said that the tendency of the amendment would be to enforce a poll. I fear the Bill will cause considerable unnecessary expense in the taking of polls. However, I am asking for a petition by only one-tenth of the electors.

The CHAIRMAN: Does the hon. member ask leave to withdraw his amendment?

Hon. H. STEWART: No.

Amendment put and negatived.

Hon. H. STEWART: I move a further amendment—

That in line 5 of the proviso the word "for" be struck out, and that the word "for" be inserted after "Saturday" in the same line.

I desire to preserve in the various parts of the State the present half holiday, subject to petition by the majority of shopkeepers to have the existing half holiday changed to Saturday.

The MINISTER FOR EDUCATION: The amendment is entirely inconsistent with Subclause 2. The clause says that Saturday shall be the closing day, and the hon. member moves an amendment referring to the substitution of Saturday for that closing day.

The CHAIRMAN: I think the amendment is out of order.

Hon. H. STEWART: If I were successful in getting the Committee to carry out my desire, it would be a very simple matter to recommit the Bill and make this clause applicable to shops in the metropolitan area and then insert a further reference to shops outside the metropolitan area. In moving these amendments I have succeeded in discovering what Mr. Pantou did not understand, namely that under this Bill the Saturday half holiday is going to be proclaimed throughout the State. The Minister knows that the prior portion of the clause could be suitably amended on further recommitment.

Amendment put and negatived.

[Hon. W. Kingsmill took the Chair.]

Hon. H. STEWART: I intend now to move an amendment in the second proviso. Under a provision dealing with the late shopping night, which was carried last week, the Bill in that respect will apply all over the State. As regards the half holiday it seems to me that under Clause 99 practically the present position will be maintained. What shopkeeper is not carrying on his business in accordance with a choice lawfully made? This being so, he can continue to carry on. The Minister said the position was that wherever shop districts had been proclaimed they would remain unaltered, but he failed to tell us that there are only two districts which have been proclaimed, Northam and Boverley. A number of very indefinite terms are used, and it is difficult to realise what some of them are supposed to cover. I move an amendment—

That after "proclamation" in line 3 of the second proviso the words "or by custom" be inserted.

I wish to maintain the existing state of affairs without the necessity for proclaiming the whole State as coming under the provisions of this measure, even if ample notice is given before the proclamation takes effect.

The MINISTER FOR EDUCATION: I can only repeat that I cannot see the slightest difficulty in a majority of the shopkeepers in these districts signifying what they want, which they will be given ample opportunity to do.

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

Ayes	..	..	..	8
Noes	..	..	..	17
Majority against				9

#### AYES.

Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. A. Lovelock	Hon. J. Duffell
Hon. C. McKenzie	(Teller.)
Hon. A. Sanderson	

#### NOES.

Hon. F. A. Baglin	Hon. J. W. Kirwan
Hon. C. F. Baxter	Hon. R. J. Lynn
Hon. E. M. Clarke	Hon. G. W. Miles
Hon. H. P. Colebatch	Hon. T. Moore
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. Cunningham	Hon. A. H. Pantou
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. E. H. Harris	Hon. R. G. Ardagh
Hon. J. W. Hickey	(Teller.)

Amendment thus negatived.

The MINISTER FOR EDUCATION: Last week we inserted a proviso at the end of Clause 100, and I undertook to have a clause drafted to meet the wishes of the Committee. I move an amendment—

That the proviso at the end of Clause 100 be struck out with a view to inserting other words.

Members will find a proposed new subclause on the addendum to the Notice Paper.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move—

That the following be inserted to stand as Subclause 5:—Notwithstanding any of the preceding provisions of this section, it shall be lawful for shops to which this section applies, excepting those in the Metropolitan Shop District, to remain open till nine o'clock on one evening in the week, subject to the following provisions, that is to say: (a) The Governor may from time to time by proclamation, issued on the petition of a majority of the shopkeepers affected, determine the day on which such shops shall so remain open in each week for any district or specified locality not within a district; but in the absence of such determination the day shall be Friday. (b) Subject as hereinafter provided, the Minister may at any time, and shall whenever he has received a petition for a poll hereunder signed by one-tenth of the electors, order a poll of electors to be taken in any district on the question:—"Do you vote that there shall be a late shopping night in this district?" and the voting papers at such poll shall be in the prescribed form. (c) No such poll shall be

taken in any district within two years of the time when a previous poll hereunder was taken therein, and every resolution of the electors on the submission of such question hereunder shall remain in force for at least two years and until a contrary resolution is carried. (d) Whilst any negative resolution on such questions is in force in any district, the permission to remain open till nine o'clock hereinbefore granted shall be deemed to be suspended therein. (e) Subject to this subsection the provisions of section one hundred and four of this Act shall, so far as applicable, apply, *mutatis mutandis*, to and in respect of polls and resolutions hereunder.

Hon. V. HAMERSLEY: Why should Friday be specified at the end of paragraph (a)? With the exception of the metropolitan area and Northam, I believe the whole of the districts make Saturday their late shopping night.

The MINISTER FOR EDUCATION: We have just taken a division on the very question that the early closing day which decides the issue as to what shall be the late shopping night shall be Saturday, unless the people themselves choose otherwise. The same thing applies here; the late shopping night shall be Friday unless the shopkeepers choose otherwise.

Hon. H. STEWART: I am pleased to hear those remarks from the Minister. Previously I did not realise the significance of the word "Friday." I can now understand why he opposed all my amendments. I would feel inclined to support Mr. Hamersley if he would move an amendment to make the day other than Friday.

Hon. J. CORNELL: Unless the shopkeepers indicate that some night other than Friday is the night on which they desire to remain open, it will be taken for granted that Friday is the night.

Hon. J. J. HOLMES: Why inconvenience a majority for the sake of Northam and some other towns. Why not include in the amendment the word "Saturday" instead of "Friday" and let the two places be inconvenienced by making an application, instead of the whole State.

Hon. A. H. PANTON: We find that where the half-holiday is on Saturday, it is logical to assume that the late night will be on Friday. Where on Saturday, the shops close at one o'clock, the late closing has always been on the night before. If the Bill becomes law it will apply to the State, and Saturday will be the half-holiday for the State. The abolition of the late night will so far apply only to the metropolitan area; consequently it will lie with the people in the country to determine as to which is to be the late night. They have the position in their hands. A majority of the shopkeepers can then petition the Government to revert back to the Wednesday, and a poll can be taken and a majority of the electors will decide the issue. My experience as

secretary of the Shop Assistants' Union is that I was continually getting requests from country shop assistants to obtain the Saturday afternoon holiday, but never did I get any assistance from the shopkeepers. When the Bill becomes law there will be petitions from shopkeepers asking to revert from the Saturday to Wednesday, and the Minister will have the right to decide whether a poll shall be taken. If Wednesday is to be the half-holiday the shops will revert to Saturday night only.

Hon. V. HAMERSLEY: We are going to inconvenience the whole State. There is going to be a complete jumble up, just as has been the case in connection with the new regulation affecting pedestrian traffic. I am perfectly satisfied that the whole of the community are rather disgusted. The department will be inundated with requests from different centres to make the change. I cannot see any sense in paying salaries to people to do work which will be quite unnecessary.

The MINISTER FOR EDUCATION: In every district brought under the provisions of the Bill the existing state of affairs will continue until altered in the way provided. There are 32 districts in the State, and it will not be necessary for them to put in fresh petitions. In addition to the metropolitan area, the Saturday half-holiday is observed in Albany, Geraldton, Katanning, Greenbushes, Northampton, Esperance, and some other places, and there are other towns which will be protected by existing proclamations. I cannot see that any inconvenience will be caused to anybody.

Hon. H. STEWART: I move an amendment—

That in line 3 of paragraph (a) the words "a majority of the shopkeepers" be struck out and "one-tenth of the electors" be inserted in lieu.

The MINISTER FOR EDUCATION: I do not know whether it is the intention of the hon. member to force a poll.

Hon. H. Stewart: No, a petition.

The MINISTER FOR EDUCATION: I am glad to know what the hon. member does mean in case the amendment should be carried. I would ask him to instruct me what to do if one-tenth petitioned to have Saturday as the late shopping day, one-tenth to have Friday as the late shopping day, one-tenth to have Thursday as the late shopping day, and so on. How can anything be done on the petition of one-tenth of the people? The only thing that can decently be done is to have a poll. One certainly cannot do anything in administering the Act on the petition of one-tenth of the people.

Hon. H. Stewart: You can have a poll.

The MINISTER FOR EDUCATION: It is not desirable to have a poll, except in cases where the decision of a majority of the shopkeepers is objected to by the community. If the people are dissatisfied, one-tenth may petition for a poll.



Hon. H. Stewart: It is provided in the clause that the Minister may at any time, on receiving a petition for a poll signed by one-tenth of the electors, order a poll to be taken.

Hon. Sir E. H. WITTENOOM: The clause should be allowed to stand as it is. The shopkeepers are not likely to do anything which will upset their customers. It has been found wise to conduct business in a way pleasing to the customers. In the circumstances, I do not think any shopkeeper would attempt to introduce anything into his methods of business which would be unwelcome to his customers.

Hon. H. Stewart: It has been done. There was the Beverley experience.

Hon. Sir E. H. WITTENOOM: I will support the clause as it stands.

Hon. V. HAMERSLEY: I cannot agree with Sir Edward Wittenoom, for I think Mr. Stewart is right. It should not be left to the shopkeepers. They are confronted with the necessity to consult the wishes of the shop assistants. The business people and the public want to do business, and they are to be inconvenienced from one end of the country to the other because the shopkeeper must study the shop assistants, who, as Mr. Panton has informed members, are constantly sending in petitions for a Saturday half-holiday. Shopkeepers must work in with their assistants; what do the latter care for the convenience of the general public, so long as they get their half-holiday? The people in the country districts want the Saturday night late shopping. It is most convenient for them and this question should be left to the majority of the people in the district to decide, rather than a majority of the shopkeepers.

Hon. H. STEWART: If Mr. Hamersley thinks I am right, he will vote against my request to withdraw the amendment. I have fought the position throughout and have not received much support. I am not so concerned about the late shopping night but what I am desirous of securing is a fair deal for all sections of the community. We do not want legislation which will be prejudicial to certain sections. I ask leave to withdraw the amendment.

Amendment on amendment by leave withdrawn.

Amendment put and passed.

Hon. H. STEWART: In paragraph (c) I wish to move an amendment.

The CHAIRMAN: Members have already passed this paragraph and the question is that the clause, as amended, stand part of the Bill. Any member can move an amendment which will come in after paragraph (c) but he cannot move anything before that.

Clause, as amended, put and passed.

Clause 104—Poll of electors for alteration of days:

Hon. H. STEWART: I move an amendment—

That in line 2 of Subclause (10) "two years" be struck out.

The experience which has been gained in Beverley and Northam prompts me to move this amendment. In those centres they made an alteration, the effect of which the shopkeepers did not appreciate. Subsequently they wished to revert to the old position. The subclause provides that no poll shall be taken within two years of the taking of a previous poll. In view of the discussion which has taken place, it is desirable to allow a poll to take place within 12 months. In any case, I do not think more than two polls will be taken, for it is quite possible that people will agree to a certain course when a poll is taken, and that decision may result in a way not anticipated.

The MINISTER FOR EDUCATION: I hope the House will not agree to the amendment. We do not desire a poll of this sort every year, for the expense is considerable. Mr. Stewart has contended that two years is a long period and that they should be able to have another poll after 12 months, as the people may arrive at a decision which they may regret. It may happen that in choosing a member for the Legislative Council, electors may regret their choice, but in that case, they have to put up with it for six years. The provision in the Bill seems to be quite short enough.

Hon. H. STEWART: My suggestion seems to be without supporters so I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause 105—Chemists' and druggists' shops:

The MINISTER FOR EDUCATION: I have an amendment on the Notice Paper which sets out that in the proviso to Subclause (1) in place of the words "in any emergency" (already struck out) insert "in a case of necessity." This is not an amendment so far as I am concerned, but although I thought it was passed when the Bill was previously in Committee, it does not appear in the minutes. I am desirous of moving that the words should be included. I know the Committee carried them. If they are in your copy, Mr. Chairman, that is all right; I shall not move it.

The CHAIRMAN: They are in my copy.

The MINISTER FOR EDUCATION: That is all right, then. The minutes did not show that they were carried.

Clause 106—Closing time for certain exempted shops:

The MINISTER FOR EDUCATION: I move an amendment—

That in the third paragraph, after the word "confectioners," insert "vegetable."

Hon. J. Duffell: That was carried the other night.

The MINISTER FOR EDUCATION: I know it was carried in relation to the earlier part of the clause but it appears in a second place towards the end of the clause. I am not sure if an amendment was made in that portion.

Hon. J. Cornell: It was put in in both places.

Hon. J. Duffell: The fact was mentioned at the time and it was pointed out that the second amendment was consequential.

The CHAIRMAN: I can only find reference to the one amendment and I think the Minister is right in this instance.

The MINISTER FOR EDUCATION: In any case, I move the amendment.

Amendment put and passed.

The MINISTER FOR EDUCATION: In the same clause there is a second amendment. I move an amendment—

That in the third paragraph the words "until the time prescribed for the opening on the week day next following" be struck out and "kept closed for the remainder of the day" reinstated.

This is necessary for the sake of uniformity as an amendment was carried in the earlier part of the clause which makes it necessary to have the words reinstated as I suggest.

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

Hon. J. DUFFELL: To be on the sure side, I would like to know whether the amendment that we carried the other night, and which has again been dealt with to-day, regarding the inclusion of vegetable shops, has been made in both portions of the clause?

The Minister for Education: Yes, the vegetable shops are in both places.

Clause 113—Effect of award under Industrial Arbitration Act:

Hon. J. J. HOLMES: I move—

That Clause 113 be deleted.

The CHAIRMAN: The hon. member will vote against the clause.

Hon. J. J. HOLMES: We had a division on this clause the other night but the House was not a full one. Some members are not quite clear as to the actual position. Up to now, all that we have expected from our judges is that they shall interpret an Act as passed by the Legislature. We have been days and weeks dealing with the Bill, and we are now engaged in finalising it, but no matter what we do, if we allow this clause to pass, a judge of the Supreme Court, in the person of the president of the Arbitration Court, can upset anything or everything we have done.

The Minister for Education: Not the president, but the court.

Hon. J. J. HOLMES: The president has told his two assessors that they should be, not on the bench with him, but in front of him, appearing on either side.

Hon. A. Sanderson: Who said that?

Hon. J. J. HOLMES: Mr. Justice Burnside. If we pass the clause we shall empower the president of the court to close the shops just when he thinks fit, merely by making an award contrary to the Act. If a section of the employers and the employees arrive at an agreement, and that agreement is registered and becomes a common rule, they can over-ride anything we have done. The Minister has said the employers want this clause.

The Minister for Education: No, I was referring to another clause.

Hon. J. J. HOLMES: It does not matter to me whether they want it or not. It is wrong in principle that the president of the court should be in a position to supersede an Act of Parliament.

Hon. J. E. Dodd: He can only rule in accordance with the Act.

Hon. J. J. HOLMES: No, if he fixes at an earlier hour than we have set the time at which men shall knock off work, the shop or factory must close at that hour.

Hon. J. E. Dodd: Well, we are giving him that power.

Hon. J. J. HOLMES: It is wrong. Are we prepared to give such power? I am not.

The MINISTER FOR EDUCATION: Clause 152 was the clause which, I informed the House, had been inserted at the request of the employers. The clause before us was in the Bill introduced in 1918. I see no objection to it.

Hon. J. J. Holmes: Is the provision to be found in any other Act in any part of the world?

The MINISTER FOR EDUCATION: I believe there is a similar provision in the Queensland Act.

Hon. A. H. PANTON: The hon. member is not right in his contention that the judge can do this or that in the Arbitration Court. The Act distinctly lays it down that it must be the decision of a majority of the court. As for judges making laws, our judges are making laws every day in the week when giving interpretations. The Arbitration Act has not been amended for 18 or 20 years. If the Arbitration Court is to be bound by an Act of Parliament which has become obsolete, it will be no inducement for the workers to go to the court.

Hon. J. J. Holmes: Not all the workers go to the Arbitration Court now.

Hon. A. H. PANTON: A large number of them do. I have in my pocket an award of the court, issued to-day, which concerns 3,800 gold miners. If those men had not gone to the Arbitration Court what would have been the position of the goldmining industry to-day? Chaos would have been reigning on the fields, and the hon. member would be urging the Government to send up armed men. Yet the hon. member wants to block the Arbitration Court from doing a fair thing, wants to say in effect that the Arbitration Court shall be bound by what we here say, and not by the evi-

dence placed before them. Another step, and the hon. member would advocate the abolition of the Arbitration Court. There is nothing to be feared from the clause. Apparently, the hon. member does not know what a common rule means.

Hon. J. J. HOLMES: It is idle for the hon. member to tell the House that nothing counts but what the Legislature thinks. Does not the Bill provide that there shall be a poll taken as to when the shops shall open and close?

Hon. A. H. Panton: That has nothing to do with arbitration.

Hon. J. J. HOLMES: Yes, because the president of the court can make an award fixing the closing time at a different hour from that which we have agreed upon. Clearly Parliament is not fixing the matter. I am in favour of the abolition of the Arbitration Court, if only for the reason that the hon. member, within the last week, has told the House that the workers would never give up their only effective weapon, namely the right to strike.

Hon. A. H. Panton: No, what I said was that I hoped the civil servants would never give it up.

Hon. J. J. HOLMES: It is not right that we should provide that any award of the Arbitration Court shall over-ride an Act of Parliament.

Hon. J. E. DODD: We do not give one iota of power to the Arbitration Court judge. All the Bill says is when the shop is to be closed. If there was an Arbitration Court award to-day fixing a certain hour for closing, the Legislature would fix the closing of shops in accordance with that award. We are fixing it in accordance with the arbitration award. We give the judge no more power than he has to-day. He has to come within the ambit of the powers conferred upon him by the Arbitration Act. It has been decided by the court that they will not fix an earlier closing hour than the Legislature fixed for the closing of shops. Now we say that provided an award is given the shops shall close at that time.

The MINISTER FOR EDUCATION: I should like to correct a remark made by Mr. Holmes as to our entrusting the question of the opening or closing hours to the people by way of a poll. The only two questions which shall be decided in this way are, firstly, as to whether there shall or shall not be a late closing night, and secondly, as to the day in the week on which the half holiday is to be observed.

Hon. J. J. Holmes: What about the metropolitan shop district? Surely we fix the hours there.

The MINISTER FOR EDUCATION: There is no question of a poll there.

Hon. J. J. HOLMES: Parliament has fixed a certain hour at which these shops shall close. The judge of the Arbitration Court can upset all that. Is the hour at which the shops shall close to be in the hands of Parliament, or in the hands of the Arbitration Court?

Hon. A. SANDERSON: I should be glad to go right through the Bill again if the hon. member wishes. A clause has been most carefully considered and a division taken with 12 votes against 7 in its favour. I must, therefore, protest against going over all this again. The attitude of the Labour party or the Government is grossly exaggerated, and their methods are contributing to the difficulty in which we find ourselves. We have also reversed another decision by 14 votes to 7.

The Minister for Education: What was that?

Hon. A. SANDERSON: The definition of "small shops."

The Minister for Education: Nothing of the kind.

Hon. A. SANDERSON: There was one division of 12 votes to 7 and another of 14 votes to 7. I thought that the decisions given by those divisions would stand. I reserve to myself the right to re-open every question in this Bill if this is the way we are going to conduct business. I thought we were to readjust things during the week-end, and now we find one of the decisions quite wrongly upset, and the hon. member asks me to upset another. I regret, after the vote I gave on Friday, that I cannot support him.

Hon. J. J. HOLMES: I ask the hon. member for what reason we have recommitment the Bill this evening, if previous decisions are to be final. Surely we can recommit and go on recommitting, until we get the expression of opinion of the majority of members. On the third reading stage we can go all over it again.

Clause put and a division taken with the following result:—

Ayes	..	..	..	..	19
Noes	..	..	..	..	7

Majority for .. .. 12

#### AYES.

Hon. R. G. Ardagh	Hon. J. W. Hickey
Hon. F. A. Baglin	Hon. J. W. Kirwan
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. E. M. Clarke	Hon. T. Moore
Hon. H. F. Colebatch	Hon. A. H. Panton
Hon. J. Cornell	Hon. E. Rose
Hon. J. Cunningham	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. J. Duffell	Hon. C. McKenzie
Hon. E. H. Harris	(Teller.)

#### NOES.

Hon. V. Hamersley	Hon. H. Stewart
Hon. A. Lovekin	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. J. J. Holmes
Hon. J. Nicholson	(Teller.)

Clause thus passed.

Clause 122—Limitation of hours of employment of women and young persons:

The MINISTER FOR EDUCATION: The amendment I proposed in regard to small shops was merely carrying out the decision of the Committee, and was not any new departure. This is the only instance

in which I am asking the Committee to go back on what was done before. I do so because I think members ought to have an opportunity of re-considering a decision which, if carried into effect, would have serious consequences. I have gone into the matter with the chief inspector, and he is quite satisfied that the provision cannot be worked. I move an amendment—

That in line 6 of Subclause 2 the word "ten" be struck out and "twelve" be re-inserted.

This has to do with the spread of shift. I am in accord with the reduction of hours to 44 hours per week for women and young persons, but if we are to reconstruct the spread of shift to ten hours serious consequences will result. I ask hon. members to look at the matter from the practical point of view. We have decided that these particular shops shall remain open until 11 o'clock at night. The convenience of the public is entitled to some consideration. If the spread of shift is to be only ten hours, those employees who work up to 11 o'clock cannot go on until 1 o'clock in the afternoon. How can anyone carry on a business in which there are at the most three busy periods, one in the morning, another at lunch time, and another in the evening, under such an arrangement. In the case of a small country hotel or boarding house, is it reasonable to provide that the girl who waits at breakfast table cannot also wait at the dinner table at night? I do not think it is workable. The chief inspector is also of that opinion. If the Arbitration Court likes to fix the spread of shift at nine hours or seven hours, we have provided that it shall stand. I do not think the Committee should pass something which is obviously unworkable.

Hon. J. CORNELL: At last the Minister and I part company. I made an attempt in another place to have some consideration given to this class of workers by reducing the time fixed for the closing of the shops in which they work. The Committee decided against that on the ground that these shops were a sort of public utility. The reduction of the closing time sought for was only one hour per day. Later on I endeavoured to extend this measure of relief towards these workers by reducing the spread of hours fixed by the Bill. I am pleased that at least two hon. members, who as regards this Bill have in most cases voted against me, intimated on that occasion their willingness to do everything possible to secure a reasonable spread of hours for these girls. I understand the Arbitration Court has given no decision as regards the spread of hours, which, however, by virtue of an industrial agreement had been fixed at 72, this being made a common rule. If the Bill becomes law a woman employed in a shop or factory can be worked for only 44 hours per week. But here, for the sake of petty conveniences, the Minister asks the Committee to declare

that the women employed in tea shops shall put in 84 hours per week in order to get in 44 working hours. Assume it to be necessary, as the Committee has decided, that these shops shall remain open till 11 p.m.; then I say the public should pay for the conveniences they obtain at that period of the night. Let shifts be worked. During the whole spread of hours the women employed are at the beck and call of the employer.

Hon. Sir E. H. WITTENOOM: The women are not obliged to stay in those positions.

Hon. J. CORNELL: That is beside the question. Ten hours is long enough for the employee to be at the employer's disposal. I hope the ten hours will not be deleted. If the ten-hours spread should prove unworkable, the effect will be the desirable one of causing the employers to introduce two continuous shifts.

Hon. A. H. PANTON: I was surprised to hear the leader of the House say that the ten-hours spread is impossible of application. Prior to this time last year, there was nothing in the industrial agreement of the hotel and restaurant employees as to spread of hours. When discussing the position of female employees in hotels and restaurants with the employers, we found that they were working practically all hours. In one tea room a girl started work at 8 a.m. and continued until 2 p.m., when she stopped. She went on again from 6 p.m. until 7, and then went off until 9.15 from which hour she worked until 11.30 p.m.—9½ hours of work which took 15½ hours to get in. In another shop a girl started at 8.30 and worked till 11 a.m., then from noon to 2 p.m. and then from 6 till 11 p.m.—a spread of 14 hours in order to get in 9½ hours. On Friday there was a 14-hours spread for 10½ hours of work. In another case a start was made at 7 a.m., and work was stopped again at 8 a.m., to be resumed at 9 a.m. and continued until 1 p.m.; then from 2 p.m. till 3 p.m.; then from 4 p.m. to 5 p.m.; then from 6 p.m. till 11 p.m.—12 hours' work in a day spread over 16 hours. That state of things obtained because the Arbitration Court had imposed no limitation on the spread of hours. We were challenged to get out a roster, which the employers said was impossible; but we produced one, and it was worked. For the tea rooms open on six days per week, a spread of 66 hours was agreed upon. For the tea rooms open on seven days per week a spread of 72 hours was fixed. Eventually we secured the concession that a girl should have one whole holiday in the seven days, instead of having two half days. The spread of 12 hours per day now proposed by the Minister will mean putting in 72 hours per week in order to get in 44 hours' work. Under the present spread of 66 hours the women work 48 hours. As the Bill provides for a working week of 44 hours, a spread of 60 hours should suffice. The girls do not work ten hours at a stretch, and it is only a matter

of drawing up a roster. All that the proprietors really desire is to obtain the services of the bulk of their staff twice per day.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. A. H. PANTON: I could not follow the argument of the Minister when he said that if a girl worked till 11 p.m. she would not be able to start before 1 p.m. on the following day. There is nothing to prevent it. Subclause (4) of Clause 122 requires a break of 10 hours only and she could be brought back to work at a few minutes after 9 a.m. on the next day. It is essential in restaurants and tearooms to have a full staff between 11 a.m. and 2 p.m. and between 5 p.m. and 7 p.m. The 5 p.m. to 7 p.m. rush is experienced principally on the Friday night, and the abolition of the late shopping night in the metropolitan area will obviate that because shop assistants are largely responsible for the rush. Consequently, the only time when the full staff would be necessary would be midday. One lot of employees would come on at 8 a.m., but there would not be much to do until 11 a.m. The other half, or perhaps more than half, would come on at 11 a.m. and work till 2 p.m. At that hour those who started at 8 a.m. would go off until 5 p.m. After having taken part in conferences with the employers I am satisfied that the roster can be worked on a 10 hours spread, which means 60 hours a week, to get in 44 hours work. That is a fair thing. Owing to the 60 hours spread girls have to start work and knock off and start work and knock off again within one day, simply because of the peculiarity of the trade. Taking 208 girls employed in the principal tea rooms and restaurants, 9 per cent. live within half a mile of their work, 23 per cent. live over half a mile and within one mile, 16 per cent. over one mile and within two miles, and 52 per cent. live over two miles away from their work. A girl starting at 8 a.m. and working till 2 p.m. and then having to start again at 5 p.m., would have to travel two miles to her home and back, or else sit about in the gardens in Perth. If we make the spread of hours more than 60 hours the girls will have to travel more often and incur greater expense for fares.

The MINISTER FOR EDUCATION: Neither Mr. Cornell nor Mr. Panton has sought to combat the argument I advanced that if the clause stands it will be impossible for the waitress who serves at breakfast to serve at tea. In comparatively small shops whether in the town or country, it is entirely unreasonable to suggest that the girl who serves breakfast should not be allowed to serve tea. Mr. Panton argued that the Arbitration Court which hears evidence and gives an award, or the court as the result of an agreement made a common rule, is better able to determine matters of this kind than are we. I want members to be consistent and adopt the same attitude. This provision was not in the Bill as

originally drafted, but when the Bill was before the select committee, witnesses pointed out the extent to which the spread of shift was carried. As a result of these representations, the select committee decided to insert a clause limiting the spread of shift to 12 hours which was, in effect, carrying out the award of the Arbitration Court. There are a large number of employees who are not covered by any Arbitration Court award, and therefore this clause gives them similar protection. What Mr. Cornell and Mr. Panton want to do is to get from Parliament a limitation they have not been able to get from the Arbitration Court. The present award or agreement provides for a 72 hours spread of shift.

Hon. A. H. Panton: Sixty-six.

The MINISTER FOR EDUCATION: Seventy-two in some cases for employees engaged over the seven days.

Hon. A. H. Panton: They work on only six days.

The MINISTER FOR EDUCATION: But the spread may be over 12 hours for the six days.

Hon. T. Moore: Why put in the 12 hours?

The MINISTER FOR EDUCATION: So that those employees not under an award of the Arbitration Court shall have a similar privilege and shall not be worked 14½ or 15 hours a day. It is competent for these employees to go to the Arbitration Court and get their spread of shift cut down to eight or ten hours, but we should not be asked to grant something beyond what the Arbitration Court has granted. If we reduce the spread of shift to 10 hours, we shall be going beyond what the Arbitration Court has done. As employers are entitled to a day off during the week, the spread of shift would be reduced to 60 hours, which is considerably less than the Arbitration Court has awarded.

Hon. J. CORNELL: The Minister is wrong in saying we desire to go beyond what the Arbitration Court has granted. He inferred that this limitation to the spread of shift was a deliberate act on the part of the Arbitration Court to prevent the spread of hours. I would point out that it operates only in the metropolitan area and was brought about by the employees, after resorting to all sorts of lawful means, going on strike and forcing the employers to agree to a definite number of hours. Then they entered into an agreement and applied to the court to have it made a common rule. The common rule had very little effect because all who mattered were practically under it. I agree that there is going to be more difficulty with regard to the spread of hours, but against that we must consider the compensation. These shops are run to serve the public convenience. If the public want these conveniences, they should be prepared to pay for them. Who paid for the concession won by these workers last Christmas? The public paid for it by increased prices. We have no right to say on the one hand that women shall work continuously in shops and factories for only 44

hours a week and in the same measure to provide, for the sake of people wishing to get a cool drink or a cup of tea, that others shall work a spread of 84 hours a week.

Hon. A. H. PANTON: I regret that the Minister can only see the metropolitan area.

The Minister for Education: I am considering the whole State.

Hon. A. H. PANTON: The arbitration agreement which became a common rule only covered the metropolitan area. There are hundreds of women workers outside the metropolitan area. The proviso to Clause 120 stipulates that a half-holiday shall be allowed from 2.30 p.m. As a result of the fight put up by the employees of the metropolitan area last year, they have been able to obtain one full day per week for employees in hotels and restaurants, but where there is a large section of unorganised workers in the country they get only what is given by this measure, namely a half-day after 2.30 p.m. It means that a girl in one of the country hotels starts at some time after 6 a.m., runs the breakfast, does the dinner, washes up and then can half a day off. On every other day in the week she can be called upon to work 44 hours per week over a spread of 12 hours in every day, which means 84 hours a week less half a day from 2.30 p.m. after she has really finished a day's work.

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

Ayes	..	..	..	13
Noes	..	..	..	11

Majority for	..	2
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#### AYES.

Hon. C. F. Baxter	Hon. E. Rose
Hon. E. M. Clarke	Hon. A. Sanderson
Hon. H. P. Colebatch	Hon. A. J. H. Saw
Hon. J. Duffell	Hon. H. Stewart
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. G. W. Miles
Hon. J. Nicholson	(Teller.)

#### NOES.

Hon. R. G. Ardagh	Hon. J. W. Hickey
Hon. F. A. Baglin	Hon. A. Lovekin
Hon. J. Cornell	Hon. R. J. Lynn
Hon. J. Cunningham	Hon. T. Moore
Hon. J. E. Dodd	Hon. A. H. Pantton
Hon. E. H. Harris	(Teller.)

Amendment thus passed.

New clause:

Hon. J. J. HOLMES: I move an amendment—

That the following new clause be added to the Bill to stand as Clause 103: (1) The closing time for butchers' shops in the Metropolitan District shall not be later than (a) six o'clock in the evening of any day except Saturday; and (b) one o'clock in the afternoon of every Saturday, and every such shop shall be kept closed until six o'clock in the morning of the week-day following except Saturday or five o'clock in the morning of the week-day next following if that day is a Saturday: Pro-

vided that when any resolution in the form of the Seventh Schedule to this Act has been carried, and is in force in any district, this section shall have effect in such district during the time that such resolution continues in force as if the word "Wednesday" were substituted for the word "Saturday" throughout this section. (2) The closing time for butchers' shops in all districts except the Metropolitan District shall be not later than (a) six o'clock in the evening on four days in every week; (b) nine o'clock in the evening on one day in every week; and (c) one o'clock in the afternoon of one day in every week; and every such shop shall be kept closed until six o'clock in the morning of the week-day next following. The days on which such shops shall be so closed at nine o'clock in the evening and one o'clock in the afternoon shall be determined under the provisions of Sections 100 and 104.

Right through the Bill there is a reference to every trade but there is no reference to that item of every-day consumption, meat, and the hours at which butchers' shops should open and close. The proposal contained in the new clause will merely incorporate in the Bill the award of the Arbitration Court.

The MINISTER FOR EDUCATION: The important feature of the new clause is the provision in regard to the opening of butchers' shops. The provision with regard to the closing is practically the same as that which applies to other shops. In the past the practice has been to open these shops at the hour stated in the new clause, 5 o'clock on Saturday and 6 o'clock on week-days. That has been done by proclamation under a section of the existing Act, and this is replaced by Clause 100 of the Bill. The Bill continues the present Act. If the Bill becomes an Act the proceedings will be exactly the same as under the present Act. The hours are fixed as provided by an Arbitration Court award. So long as that provision maintains, I agree that the hours fixed should be the opening hours, but before I would be prepared to vote for the new clause I would need to have some reason why such early hours were necessary in this State as compared with the hours that exist in other parts of the Commonwealth. In Melbourne the hours are 7.30 a.m. to 5 p.m. on five days, and 6 a.m. to 12.30 p.m. on Saturday. There they open an hour and a half later on week-days, and on Saturday an hour later than we do. In Adelaide the hours are from 7.30 a.m. to 6 p.m. on week-days—2½ hours later than we open. In Sydney the hours are on Monday to Friday from 6.30 a.m. to 5 p.m., and on Saturday from 6.30 a.m. to 1 p.m. In Brisbane the hours are from 8 a.m. to 5 p.m. on Monday to Thursday; 8 a.m. to 5.45 p.m. on Friday and 6 a.m. to 12.45 p.m. on Saturday. In New Zealand on Monday, Tuesday, Thursday, and Friday, the hours are 7 a.m. to 5 p.m., on Wednesday 7 a.m. to noon, and on Saturdays 6 a.m. to 5 p.m.

Hon. J. Duffell: It is a different climate.

The MINISTER FOR EDUCATION: But I have quoted Brisbane, Melbourne, Sydney and Adelaide. Brisbane is hotter than Perth, and Sydney is probably hotter than Perth. Melbourne is cooler, but not much. In Kalgoorlie it is much hotter than in Perth and the hours are 6 a.m. to 4 p.m., and on Wednesday 6 a.m. to noon. So long as the Arbitration Court fixes the hours I shall have no objection to them. I am not prepared, however, to put the hours into the Bill unless good reasons can be shown why that should be done.

Hon. J. J. HOLMES: We are dealing with an award of the court which was passed only a few months ago and it was on the evidence which was placed before the court that it was decided that butchers' shops should open at 5 on Saturday morning and at 6 on other mornings. Yet the Minister tells us what they do somewhere else. If butchers' shops are permitted to remain closed until 8 o'clock in the morning, when the butchers arrive with the meat, the customers will know that it has arrived.

Hon. A. H. PANTON: There is no arbitration award so far as the butchers are concerned. An agreement was framed with a certain section of the retail butchers, but when an endeavour was made to have it declared a common rule the butchers opposed it. Mr. Holmes has had experience of the butchering trade, and he would know that the business of a butcher is done largely between certain hours, and that before 3 or 4 o'clock in the afternoon everyone has received the meat required for the day. I fail to see why butchers' shops should remain open from 6 a.m. to 6 p.m. I would prefer to see them open at 7 a.m. and close at 4 p.m., if it is necessary to make any specific provision in the Bill. I would prefer, however, to leave it to be done by proclamation by the Minister. I do not see why butchers should be required to go to work two hours earlier than others. If we make the shops open earlier we should also allow them to close earlier. There is no occasion for butchers' shops to remain open after 4 o'clock in the afternoon.

Hon. J. CORNELL: If Mr. Holmes is prepared to take off in the latter portion of the day, what he puts on in the morning, I am prepared to assist him. I do not see why we should not have similar hours in the metropolitan district to those in vogue on the goldfields, namely, 6 a.m. to 4 p.m. on week-days and 6 a.m. to 12 p.m. on Saturdays. If butchers' employees are to go to work earlier, they should be allowed to knock off earlier. Under the proposal before the House they would have a spread of 12 hours within which to get their eight hours. That is not a fair thing. On the goldfields I have seen butchers' shops open from 5.30 a.m. to 9 p.m., and from that time, there has been a series of reductions until they have come down to the 6 a.m. to 4 p.m. basis,

and the public have not suffered any inconvenience.

Hon. J. J. HOLMES: We are only beating the air. There is no necessity for all this talk. Mr. Panton knows all about butchers' shops.

Hon. A. H. PANTON: I know all about the employees' disabilities.

Hon. J. J. HOLMES: The time butchers' shops should close, judging from my experience, is between 11 a.m. and 3 p.m. If those hours obtained the public would get their meat in the early hours of the day, and in the latter portion of the day, when they required their meat for dinner. So far as the hours are concerned, if we do not provide for hours in the Bill the Arbitration Court can do so. The public should receive consideration and it is time this House considered the public interests.

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

Ayes	..	..	8
Noes	..	..	17

Majority against .. 9

#### AYES.

Hon. V. Hamersley	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. E. Rose
	(Teller.)

#### NOES.

Hon. R. G. Ardagh	Hon. J. W. Hickey
Hon. F. A. Baglin	Hon. C. McKenzie
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. E. M. Clarke	Hon. T. Moore
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. Cornell	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. J. Duffell	Hon. J. Cunningham
Hon. E. H. Harri-	(Teller.)

New clause thus negatived.

New clause:

Hon. A. SANDERSON: It will be within the recollection of the Committee that last week there was a general discussion relative to exemption for agricultural and horticultural societies outside the metropolitan shopping districts. I undertook to draft a clause to deal with the position, and it exempts agricultural and horticultural shows from the provisions of the Act or any interference on the part of the Minister or inspectors under that Act. To that extent it has my entire support, but, in order to meet the wishes of Mr. Hamersley, registered race meetings have also been included in the amendment. Personally I am opposed to the inclusion of race meetings, and I, therefore, leave that aspect to the Committee to decide. The drafting of the clause has been submitted to competent authorities, and I have their assurance that under it agricultural and horticultural societies, as well as registered racing clubs, will be totally exempt. I move an amendment—

That Clause 156 be deleted and the following new clause be inserted in lieu:—

"Nothing in this Act shall apply—(1) to any bazaar or fair where goods are sold or exposed for sale in order that the net proceeds of the sale of the goods may be devoted to religious, charitable, or public purposes only; or (2) to any show held by an agricultural or horticultural society outside the metropolitan shop district."

The MINISTER FOR EDUCATION: I would offer no objection to the clause if the concluding line "outside the metropolitan shop district" were made to apply to shows as well as to registered race meetings. I admit there would be no objection to excluding a number of shows held round about the metropolitan district; but there would be a decided objection to excluding a big show like that of the Royal Agricultural Society, in view of the large number of people employed there in restaurants and booths. If the hon. member will agree to the words "outside the metropolitan shop district" being inserted also after the words "horticultural society" in Subclause 2, I will agree to the amendment.

Hon. A. SANDERSON: Not only will I agree to that, but I will go further and agree to striking out "or to any registered race meeting." That was put in only in deference to the wish of Mr. Hamersley, and I told him I was opposed to it. If he wishes to divide the Committee he will be able to do so. To meet the Minister's wishes I move—

That in line 2 of Subclause 2, the words "or to any registered race meeting" be struck out.

This will leave the words "outside the metropolitan shop district" applying only where the Minister asks that they shall apply, namely, to agricultural and horticultural shows.

Hon. V. Hamersley: I am not wedded to the exclusion of registered race meetings.

Hon. J. Duffell: How will this affect shows at Osborne Park and Canning? They should have the same exemption.

Hon. J. Cornell: What about the Jandakot show?

Hon. A. SANDERSON: The metropolitan shop district is a very distinct line. Once we try to get the metropolitan-suburban agricultural and horticultural societies in, we meet with the keen opposition of the leader of the House and his supporters. When we come to the Royal Agricultural Show and the W.A. Turf Club's meeting, I realise the force of the argument put up.

Hon. J. DUFFELL: I do not think the Committee would take any exception to the exemption of the two shows I have mentioned.

Hon. A. H. Panton: What about Jandakot and Kalamunda?

Hon. J. DUFFELL: Kalamunda does not come in, and I do not think Jandakot comes in either; but Osborne Park and Canning might well be exempted.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That the following be added to Subclause (2):—"or to any show held by an agricultural or horticultural society within the metropolitan shop district, but which does not extend over more than one day."

That would meet the case of all those little shows.

Hon. A. H. PANTON: After all, those small shows are practically picnics. Very few persons if any are employed at them, and I cannot imagine the chief inspector going along and taking exception to anything which might be done by a devoted body of voluntary assistants. Surely we have sufficient faith in our inspectors to leave it to their discretion, without loading up the Bill with all sorts of exemptions.

Hon. A. SANDERSON: Having heard the Minister, I gladly accept the amendment. I thought Mr. Panton would support us in this.

Hon. A. H. Panton: I will.

Hon. A. SANDERSON: Very well. Then this is the only amicable discussion I have heard in the whole course of the Bill.

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

Fourth Schedule:

The MINISTER FOR EDUCATION: I move an amendment—

That the words "boarding house" be struck out.

This is really consequential on a previous decision of the Committee.

Amendment put and passed.

Sixth Schedule:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 2, and again in line 3, the words "municipality or" be struck out.

This also is a consequential amendment, for we have abolished municipalities and they are all now shop districts.

Amendment put and passed.

Bill again reported with further amendments.

BILL—STAMP ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—MEEKATHARRA-HORSESHOE RAILWAY.

Second Reading.

Debate resumed from 10th December.

Hon. V. HAMERSLEY (East) [8.27]: I congratulate the Government on having at last given us an opportunity for supporting an effort on the part of private enterprise. It has been decided to test the frequently



expressed opinion that some of these big works can better be undertaken by private enterprise than by the State. Still it is rather surprising that a railway project should have been chosen, since State-owned railways are the stable policy of the country. I realise, of course, that the company will be embarking upon the construction of a railway to develop their own resources. I am glad Mr. Miles has returned, because he has announced a railway project for the State and Commonwealth which will run over practically the same route as the railway contemplated by the Bill. The question arises as to whether one proposition may or may not clash with the other. When a project of this nature is brought before us it is our duty to inquire into the bona fides of the company and into the probable effect that the private enterprise may have upon a future policy, if the State decided to construct a railway in the same locality for the opening up of these territories or some other propositions in which it may be found necessary to build railways. The Midland Railway Company, many years ago, obtained the right to construct a railway from Perth to Geraldton. They have put forward claims of late to the effect that the State was severely handicapping them by the construction of a railway parallel to theirs from Wongan to Mullewa. They claim that this has taken away a good deal of their traffic. The Government really, however, have been the means of enhancing the value of a great area of the Midland Company's territory which could not have been served by their own line. Notwithstanding this, we had the spectacle of the Midland Railway Company utilising every opportunity of blaming the Government and seeking almost to get some compensation from them, because of the fact that this line had been built, and was taking from them a certain amount of revenue. That danger is likely to crop up with this Meekatharra-Horseshoe railway. If this really opens up an immense body of ore, which is claimed to be of great value, it would undoubtedly be of great benefit to the railways of the State. It would be the means of employing a large number of people, and for that reason alone we should give it our support. We should, however, have certain safeguards in the Bill, which I do not see here now, in the event of the State at some future period wishing to construct a railway over the same area. It is not stated what class of railway is to be built. I do not know that there is anything to prevent the company putting down a mono-rail if they so desire. It would be necessary, if the Government wished to build a line over the same territory, to resume the company's line, but the resumption of a mono-rail would be of very little use to the State. It would be necessary to safeguard such a position as this. If it were a 2-foot gauge railway that the company constructed, or a line of very light rails, good only for the opening up of these deposits, it would

be of very little use to the State should the State desire to extend its railway system. In that direction, also, further safeguards should be placed in the measure. I am rather anxious to know who the Chemical Supply Company are, and if they have a fair amount of capital? What likelihood is there of their being able to pay the Government for the work which, it seems to me, the Government are likely to embark upon on their behalf? It seems to me essential the company should put up some satisfactory guarantee for the payment of any work which the Government may have to carry out; otherwise the State may be left lamenting should the company not go on with its operations. The company may take this concession for two or three years and have surveys and other works carried out by the Government, and at the end of the time may not meet their obligations. Under the Public Works Act private land can be resumed. I do not know why the Government should do this for a private company. There is no question of any compensation for the owners of such land.

Ion. Sir E. H. WITTENOOM: There is no private land there.

Hon. V. HAMERSLEY: I am viewing it from the broad sense, that if one company gets a concession of this nature another company may require the same thing. The Government might be placed at the expense of resuming certain areas of land, which is specially stipulated for in the Bill, but they would have no guarantee that they could come back upon the company in the event of their not going on with the concession. There is a good deal of doubt in regard to the merits of the whole position. Some of the clauses should be carefully watched. I am ready to support any bona fide proposition by private enterprise, and am very glad to see that there is an effort being made in this direction. If the company can open up these valuable deposits we must congratulate them. I regret that the State cannot find the money to construct this railway and assist in the development of these inland resources. Probably if we embark on this system we can benefit a great deal by it, but we must have greater safeguards than we now see in the measure. I support the second reading and will have further remarks to make in Committee.

Hon. H. STEWART (South-East) [8.42]: It is gratifying to see a measure encouraging the placing on the market of this very huge deposit of manganese ore in the centre of the State. I have a cutting here from the "West Australian" of the 29th October last which gives a certain amount of information in regard to the General Chemical Supply Company of Fremantle, the company which possesses the right over these valuable mineral concessions. The statement gives the figures already supplied by the leader of the House, namely, those which emanated from the State Mining Engineer, to the effect that there are 1,250,000 tons of high grade

manganese deposits there worth £11 a ton, in all about 1½ million pounds sterling in value. It is also stated that there is a quantity of ferruginous manganese which could probably be utilised later on.

Hon. A. Sanderson: Where is that report?

Hon. H. STEWART: Probably in the department. The leader of the House quoted the figures and they are given again in the "West Australian."

Hon. G. J. G. W. Miles: Is that supposed to be the value of the mine?

Hon. H. STEWART: It is said to be the value of the deposit. The deposits of manganese were enormous and that there were also quantities of a lower grade of ferruginous ore which was valuable for iron and steel manufacturers. In a statement by the managing director of the Chemical Supply Company it is estimated that the cost, after building this railway, of landing the ore at port would be £1 per ton, and that the total cost landed in England would be under £5 per ton, which at the selling price of over £10 per ton would yield a very handsome profit. The General Chemical Supply Company, assuming these figures are correct, hold a very valuable asset. A 13-million pound asset is no mean amount to hold in the way of an ore deposit. This statement continues—

During the recent visit of Mr. F. Teesdale, M.L.A., to England for health reasons, Mr. Lambert (the managing director) advised him of the valuable nature of these deposits, and he immediately got into touch with Lord Morris, Chairman of the Overseas Mineral Research Committee, who stated that no difficulty would be experienced in finding necessary capital to build the proposed railway if such a vast reserve of ore was available.

I entirely agree with that opinion. The Government are to be commended, if they have confidence in the company, for helping them by making arrangements to facilitate the construction of such a railway. In connection with the construction of the railway it behoves the Legislature of this State to see that further concessions are not given away, to the possible prejudice or other interests in this State. Going back to the year 1896, we find that on the west coast of Tasmania, an extremely rough country, the Mt. Lyell Company took up a deposit which had previously been worked unsuccessfully for gold and was known as the Iron Blow. That deposit is now being worked, and has for the last 20 years been worked, for gold, silver, and copper. The Mt. Lyell Company obtained a concession to build a railway connecting Strahan with Queenstown, a distance of 30 miles. At first, and in fact for years, while producing ore and blister copper, the company transported all their requirements in the way of stores and produce and also passengers a distance of 15 miles by launch and lighters up the King River to Teepookana and thence by railway to Queenstown, the location of their works. The Teepookana-Queenstown railway passed for a distance of

15 miles through extremely mountainous country—country so mountainous that to get over the most difficult part it was necessary to instal what has been installed in very few cases in the whole world. One instance is the railway up Mt. Pilatus in Switzerland, and another is the railway up Mt. Vesuvius. These are rack railways, having a road with a central tooth rail in which a gear wheel works underneath the engine in order to overcome the steepness of the gradient. I mention this fact to show the difficulties with which the company had to contend when starting to work a deposit not at that time estimated to be of a value of anything like 13 millions. That railway, running through an extremely difficult and mountainous country was built on the 3ft. 6in. gauge. Since then the line has been extended from Teepookana to connect through with the sea board. One thing I am concerned about is that the railway proposed by this Bill is of considerable length, and seems a railway which might well be used for developmental purposes and also for extension towards the north. As the location of the route is in the hands of the Public Works Department, no doubt a permanently valuable route will be chosen. Although speaking without knowledge of the country here in question, I think it is not country which for difficulty could compare with the west coast of Tasmania.

The Minister for Education: It is good country for building railways.

Hon. H. STEWART: I suggest that we should safeguard ourselves in this connection, for I notice that the route shown on the map hanging on the wall of the Chamber is one which goes over the so-called Robinson Range. Still, a railway may well pass over a range in which by careful railroad location a gap has been found, with the result of the ruling grade being kept down. In Committee I intend to move that the gauge of this line shall be 3ft. 6in. Unless the precaution is taken in connection with this measure to fix that gauge, the line may be treated as a tramway and possibly a 2ft. or a 2ft. 6in. gauge adopted. With a deposit of such value and of such tonnage—and the tonnage in the reports refers only to what is visible, on the surface—it is extremely probable that once work has been begun by a strong company in a business-like way there will be ample traffic to warrant and make remunerative a railway on the 3ft. 6in. gauge, particularly in view of the labour which will be saved as regards double handling. I want to stress this point, because 2ft. and 2ft. 6in. gauges have been installed purely on account of the necessity for saving expenditure and keeping down capital construction cost in highly difficult and mountainous country. A notable instance is to be found on the east coast of Tasmania, being the Zeehan-Dundas tramway, which has extremely sharp curves and very steep gradients. Moreover, there are two or three very short 2ft gauge lines in Victoria. These two are confined to difficult mountainous country. In

connection with such a valuable concession as this appears to be the House may well insist on the railway being constructed in such a way that it will ultimately prove most economical to the company and most serviceable to the State. We do not want another break of gauge in Western Australia. The breaks of gauge already to be found in Australia are quite enough. As Mr. Cornell has pointed out, there is no comparison between this proposed railway line over a distance of 89 miles and the line authorised last session, namely, the Ajana-Geraldine railway.

Hon. T. Moore: Why?

Hon. H. STEWART: One is of a very short distance and does not involve anything like the same tonnage to handle. The other will have to handle a very large tonnage, and will have to handle it as cheaply as possible. The price of manganese at present is very high, but that is due entirely to the abnormal conditions of southern Europe, namely, the Caucasus, where, apart from India, the greatest deposits of manganese are found. It is in consequence of the disordered state of southern Europe that manganese has risen so much in price. It is by no means certain that the present price will be maintained when things become more normal. On the contrary, it is probable that then costs will have to be closely considered. Another feature of the information published in the newspapers with regard to this proposed railway to which I think it right to draw attention is that the General Chemical Supply Company was originally floated 18 months ago and that the managing director said the company had a capital of £5,000.

Hon. A. Sanderson: Is that paid up?

Hon. H. STEWART: I do not know. Considering that the company has already secured such a valuable asset as that manganese deposit, we are justified in carefully estimating to what extent we shall be adding to the company's assets unless we take care—while affording every necessary facility—to see that in the carrying out of the construction of the railway something is done by the company to further the advancement of that portion of Western Australia by providing a railway which will be all the better for them and necessarily better for the interests of the State. When the Bill is in Committee I shall have something further to say with regard to the gauge and shall move an amendment in accordance with the views I have expressed. I notice that the provision in this Bill for the framing of by-laws is different from the corresponding provision in the Ajana-Geraldine Railway Act. In connection with railway measures coming before this House it would be just as well to have uniformity on that head. Legislation regarding the promulgation of by-laws and regulations should be the same in all cases. Another matter we should consider is the time within which construction must commence. Too long a period should

not be allowed. This Bill fixes the time for commencement at two years. In view of the pronouncement of the State Mining Engineer with regard to the value of the deposit, and the statements of Mr. Dunne, an expert in manganese, now of London but late of South Australia, who puts the value of the deposit at double the estimate of the State Mining Engineer, there ought not to be any difficulty in making the necessary financial arrangements to carry out the work, in which expression I include the construction of the railway.

Hon. T. MOORE (Central) [8.59]: Seeing that this proposed line is to be built in that portion of the State which I represent, I feel that I am called upon to offer a few remarks on the Bill. As most members are no doubt aware, I am in principle opposed to private ownership of railways. However, that does not mean that if the State cannot build a line that line should be done without altogether. Therefore I have the right to look at this measure in a broad way, asking myself whether in the best interests of the province I am a representative of, and in the best interests of the State generally, this line of railway should be constructed on the terms here proposed. Being satisfied with the report of the State Mining Engineer, who I know is conservative in his estimates, I am convinced that this proposition on the Murchison is a pretty good one. Believing that the time is ripe for the opening up of these deposits, I shall favour the construction of this line. Mr. Hamersley tried to draw an analogy between what had been done in connection with the Midland railway and what would be likely to happen in connection with this concession. This Bill, however, gives really nothing except the right to build the line. There is no such thing as a land grant in connection with it. Therefore I do not see where the company will get revenue except from the deposits they propose to operate. We have to recollect that the Government railway in the Murchison is by no means a paying proposition. It is one of the worst lines we have, owing to the fact that the gold mines are gradually being worked out. There is a possibility that we shall find other gold mines there. I have every hope that we shall, but at present it is a fact that the population of the Murchison is dwindling, and that the number of people there is growing fewer year by year. If by opening up this proposition we can create another industry, it will be better not only for the people of the Murchison but for the people of the State, because we may be able to convert our Murchison railway into a paying proposition. It would be a mistake if we stood idly by, hoping that at some future time the State would be able to build a line from Meekatharra to Port Darwin or somewhere in the North-West. We should not stand idly by and see our existing line doing very little business while there is a possibility of opening up an industry which will make it pay.

It is our bounden duty to see that every effort is made to open up this industry. Some members have taken exception to various clauses of the Bill, but if they read good sense into them, they will find that the possibility suggested by some members that the Government will be spending money before the company have put up anything is quite wrong. The company will have to find the cash before the Government do anything. It would be a foolish Government who would acquire land—though we know that no private land along the route would be required—or undertake a survey of the route without having the money put up by the company. I would rather see the line run through as marked on the map hanging in the Chamber. I would like to see a start made with the line to Darwin to open up all the deposits in the country which that line would traverse. To-day, however, we are very short of money. If we wish to borrow money we have to pay very heavy rates of interest for it. If we can get a company who have found a large deposit of rich manganese and who can command the capital to undertake the construction of this line, I do not see why we should hesitate to give them the right to build the line and develop their property.

Hon. J. E. DODD (South) [9.5]: I am opposed to the Bill. It is a curious anomaly that at the present time when we have spent large sums of money in the repurchase of lines and methods of public transport, we should be legislating to offer another concession to a private company. If we take the Great Southern line which was purchased by the Government, and the Midland railway, and compare the two, we will realise what may have happened had not we been able to purchase the Great Southern railway. The people of Western Australia are carrying two lines, the Midland railway and the Wongan Hills line, at very much greater expense than is really necessary, for after all the public have to pay. If the Midland line had been a Government line or had it been purchased as was the Great Southern line, we might have been able to work it more cheaply than has been the case by constructing the Wongan Hills line parallel to it. We have there two lines running in opposition, simply because one is a privately owned line and we have not purchased it. We have recently purchased the line near Margaret River, and we also went to enormous expense to purchase the tram lines in Perth. To-day we are asked to give a concession to a company to construct a line at the end of one of our trunk lines. This is entirely opposed to the policy of the people of Australia and to the spirit of the times. If there is such an immense deposit of manganese as has been stated, the company would have had works there already and would have been employing a large number of men.

Hon. A. Sanderson: Hear, hear!

Hon. J. E. DODD: If the deposits are worth so much as has been stated, namely,

13 millions—one estimate I saw was 22 millions—I do not think there would be much difficulty in getting the Government to construct the line. In connection with the line from Southern Cross to Coolgardie, and the line to Kalgoorlie, the Legislature might just as well have handed them over to a private company. What has happened in connection with the Broken Hill line? The Silvertown Tramway Company with a small line of railway, 36 miles I think is the length, have amassed enormous sums by reason of the concession they got. The same thing might happen here. We do not know what discoveries will take place at the back of Peak Hill. We may get another Kalgoorlie there or something even better. Only a little while ago I saw a report by a prospector that there were some very valuable minerals in that district. We do not know what might happen there. On the general principle it seems to be entirely against the spirit of the times and the policy of the Australian people to give a concession to build a line at the end of one of our trunk railways. Again, we do not know much about the company. Something is mentioned in the Bill, but that is all we know. Who comprise the company? What money have they put up? The Bill is bound to pass its second reading, but I hope it will be carefully considered in Committee. Although the Government seem to be amply protected in every clause excepting with respect to the gauge, I think we cannot be too careful in dealing with concessions of this kind.

Hon. J. NICHOLSON (Metropolitan) [9.10]: I think every hon. member will agree that in ordinary circumstances we welcome any enterprise which is calculated to open up and develop the vast resources of this State. I would be prepared to give my ready support to a Bill of this nature were I satisfied that it would be in the best interests and in accordance with the well laid down policy of this State. What Mr. Dodd and other members have said with regard to the question of the railway policy of this State cannot be emphasised too strongly. For years we have fought strenuously to maintain the ownership of our railway system. Yet, by this Bill, it is proposed to once more create that conflict which prevailed in former years when concessions were given on the Great Southern and later on on the Midland railway. At present we still have this battle going on between the Midland Railway Company and the Government. There is certain competition taking place, and oftentimes there has been acrimonious discussion. In view of this, is it in the best interests of the State that we should continue to grant concessions of this nature unless we find that it is impossible for the State to continue to maintain its railway system? I share the opinion expressed by other members that this concession would be against the pronounced policy of this State.

Hon. J. W. Hickey: As announced by whom?

Hon. J. NICHOLSON: It has been the policy for many years, namely the ownership by the State of its own railway system. This has been a recognised principle. Apart from that we have also to look at matters in this light. When the Government give a concession such as this, and even when a private individual contemplates giving a concession, the first question asked is: Are the parties to whom the concession is proposed to be granted prepared to establish their bona fides and ability to carry out the works?

Hon. Sir E. H. Wittenoom: The Bill was introduced by the Premier.

Hon. J. NICHOLSON: I am very glad of that interjection. It is an important feature. I cannot overlook the fact that a Bill, which apparently is designed to give to a private company certain very great private rights, was introduced not as a private Bill but as a public Bill. That is a very important feature, and one which we as a House should weigh very seriously indeed. It is important for us to look for some evidence of the ability of the company to carry out the work contemplated, and what evidence have we to show that the parties to whom this concession is to be granted are in a position to carry out the duties which will devolve upon them? I do not see any evidence from the speeches which have been made in another place that the company are in the position to do so. It rather savours to me, from the speeches I have read, that the capital is to be looked for in some other place.

The Minister for Education: Certainly it is.

Hon. J. NICHOLSON: I thank the leader of the House for that admission, because it shows that the proposal is to a very great extent speculative, and that the carrying out of the work is dependent solely on money being raised from other sources. This is giving a right to a company which itself is not able to carry out the very works contemplated under the Bill.

The Honorary Minister: Do you think the Government should lay the line?

Hon. J. NICHOLSON: I should prefer to see the Government lay the line. I am with every hon. member in the desire to open up industries in the State, but it would be much better for the Government to maintain their control over the railway system, particularly when we bear in mind the fact that in the Bill there is no restriction with regard to gauge, and also realising that by a certain provision of the Bill, if the works are not completed the Government will take over the rails and material. That will lay an obligation on the Government to take over the material which may have been conveyed to the spot. There is not even an option provided for.

Hon. Sir E. H. Wittenoom: Less depreciation, of course.

Hon. J. NICHOLSON: The material that may have been taken there may, in the opinion of the concessionaires, have been quite suitable for their purpose, but it may not in the opinion of the engineer be suitable in accordance with the standard of Government lines. If it is to be a 2ft. 6in. gauge railway, the weight of the rails may be such that they may be quite unsuitable for use in connection with the Government railway system. All the same, the Government would be compelled to buy that material, which would probably be useless to them. That is a provision which clearly is not wise in the interests of the Government. There are also other important provisions. In Clause 5 it is provided that the owner shall pay the cost of the acquisition of any alienated land acquired, and shall pay the compensation, if any, payable to the owners or occupiers of such land. The Government have imposed on themselves the duty of resuming the land under the Public Works Act, but there is no provision in the Bill requiring the company to find the money with which to pay the compensation. The moment the Government exercise their powers under the Public Works Act, and resume land—

Hon. G. J. G. W. Miles: It will not be necessary to resume any land.

Hon. J. NICHOLSON: I take it that some land will require to be resumed, otherwise why insert Clause 5?

Hon. H. Stewart: The leases are shown on the map.

Hon. J. NICHOLSON: I do not know exactly what the lands are.

Hon. G. J. G. W. Miles: Pastoral leases only.

Hon. J. NICHOLSON: Obviously there would have to be resumption and obviously compensation will require to be paid. It may be that the Government will be responsible for the payment of that compensation without first having the money from the company with which to pay it. That is one reason why I urge that there should be further inquiry before we pass the Bill. I would be the last to oppose any Bill which had for its object the development of an industry, but I feel that we are entitled to the fullest information. There is only one method by which that information may be obtained, and that is by referring the Bill to a select committee. If that course were adopted, then the question of the lands through which the railway will run, the probable compensation to be paid, the gauge of the line, and various other matters would be taken into consideration and fully inquired into. The report would then be presented to the House. The purpose of the railway, I understand, is to reach large deposits of manganese ore. I do not know whether hon. members have read a report which has been issued recently by the Italian Consul in Perth. I think it has been circulated amongst hon. members, but I may

be permitted to refer to one paragraph in it. The Italian Consul in his report deals with the great development that is taking place in Italy in the opening up of that country's resources. Under the heading of metallurgical and mining industry he says—

The metallurgical industries of Italy seem destined to have a remarkable development, either because explorations beneath the surface have shown that the reserves of metallic ores are greater than was supposed before the war, or because a great impetus has been given to the use of Italian fuels and electrical energy, or because there are hopes of finding beneath the surface important deposits of mineral oil and seams of coal. All the industrial magnates have moreover contributed to a fund for subsidising the physical and chemical laboratories of the Italian Universities in order that researches on specified industrial subjects may be initiated, while on its side the Italian State has largely increased its donation to the laboratories in question in order to stimulate purely scientific research. Since the end of 1916 there has been operating in Italy the Scientific Committee for the Increase and Development of Italian Industry, which is composed of the most eminent personages in science and industry, and to which are due the initiative in favour of the Italian scientific laboratories.

The report goes on to deal with the results of various investigations, and it continues—

In consequence of investigations already completed the supply of ores of lead, copper, and manganese has been increased. Hydro-electric plants on a large scale which were started during the war, and others which are being started now, will provide Italian industry with great quantities of electrical energy for the treatment of ores and for the production of special steels which used before the war to be imported from abroad.

This gives an idea of the activities in connection with industrial enterprises in Italy and it is only in keeping with what is taking place in every part of the world. We can reasonably assume that if manganese is going to be discovered in Italy and in other parts of the world in large quantities, the great value which is attached to the West Australian proposition will be found to have subsided. The value is the present day value. The figures which have been quoted show that there are millions of tons of ore available on the surface, representing a very large capital value at the present market price. That, however, will gradually disappear.

Hon. H. Stewart: No, it will depreciate.

The Minister for Education: Is that not all the more reason for making the company take the risk in constructing the line?

Hon. J. NICHOLSON: There is a certain amount of wisdom in that so long as we are protected in regard to the provision as to taking over the railway and the materials and in other matters. That, however, does not get away from the fact that in this district there are to be found

not only manganese, but many other ores, and it is reasonable to assume that if other private owners seek to develop mines in that part of the State, the same attention will not be accorded those other areas by the company owning the railway as would be extended to them by the Government.

Hon. G. J. G. W. Miles: Why?

Hon. J. NICHOLSON: The line would be in the control of the company. True it is provided that regulations will be prepared, but there will not be the safeguard which other owners of mineral leases would like. The same help would not be extended to those owners of other mines as would be extended to them by a beneficent Government. For the reasons I have given. I intend to move that the Bill be referred to a select committee.

The PRESIDENT: The hon. member cannot move that motion now.

Hon. J. NICHOLSON: Very well, I will move it later.

Hon. J. W. KIRWAN (South) [9.28]: The House ought to exercise a good deal of caution before agreeing to a Bill of this nature. It is a departure from a recognised principle that has governed the construction and control of railways in the State, and it certainly savours of private ownership. For that reason, irrespective of whether we are in favour of private ownership of railways or not, I think the House ought to go carefully into the matter before giving a valuable concession of this nature. Another feature of the matter is that the House ought to know to whom we are giving so valuable a concession. It is not only valuable as a concession, but we should remember this fact, that indirectly it tends to make the deposit of manganese ore very valuable in the minds of people at a distance. The mere fact that Parliament has passed this Bill giving the right to construct a railway 85 miles in length for the development of this deposit may in itself be regarded as an indication that Parliament considers the deposit of manganese a very valuable one. The only information we have as to the value of the deposit is contained in two reports, one by a private individual and the other by the State Mining Engineer. We know what reports on mining deposits are. We know how very often they are quite unreliable. If, by a decision of this Parliament, we imply that there is a very valuable deposit there, it would suggest that Parliament has a knowledge of the actual value of that deposit. In my opinion, we have really not sufficient knowledge to warrant us passing the Bill. It certainly would indicate to people at a distance that Parliament was satisfied as to the value of the deposit. I would like to know more particulars as to this valuable concession and some information regarding the people who desire to have this right. I want to know if they are prepared to go on with the construction of the railway, or do they intend to hawk the concession round the world in order to see

where they can get money for the construction of the line. For these reasons I think the suggestion of Mr. Nicholson is a wise one. The Bill should be referred to a select committee of this House. The Government are comprised of very busy men and they may not have been able to go into this proposition as thoroughly as they might have done, and the reference of the proposal to a select committee would be a safeguard for us. If the Bill is referred to a select committee they can go into the matter and say whether it should or should not be passed. If we had the select committee's report and it was in favour of the proposition, I would use my best endeavours to assist the passage of the measure which may be instrumental in opening up valuable resources of this State. Until we have further evidence and until we have a report from a select committee, I do not feel disposed to vote in favour of the Bill.

Hon. J. W. HICKEY (Central) [9.33]: Whatever views we have regarding State enterprise, there is one aspect upon which practically all sections are agreed and that is that the Government should control such public utilities as the railways. Irrespective of the policy of the Labour party or any other party, it has always been recognised that the Government should control such utilities. The Labour party stand for more than the mere control of railways; they stand for the control of all public utilities so far as transport is concerned and advocate the State control of shipping. Under that heading, I may assume the support of members for the North-West. I mention that fact by the way, because it has been mentioned during the course of this debate, when the policy of the Government and of other sections in the Chamber were discussed. Mr. Cornell, in the course of a very able speech, proclaimed that he would certainly be voting with a certain section of the House on the division with reference to various propositions contained in the clauses of the Bill. While the Labour party stand for the control of such utilities, I have to recognise that there is a certain amount of opposition to the Bill which has been evidenced in the speeches of some members. If I thought that the Bill was one such as that which gave concessions to the Midland Railway Company and the Great Southern Railway Company, I would vote against it. On this occasion I contend there is no comparison between the several propositions. I know more about the Midland Railway concession than that affecting the Great Southern company, and I know that in the case of the Midland Company, the main portion of the concession related to the land embraced under the concession. Irrespective of what we may feel regarding these matters, I think it will be conceded that that concession has proved a menace to the safe working of our railways. There is no analogy between the proposal under the Bill and the Midland Railway proposition. Some members have been concerned about the Government giving

concessions to this company. While having strong views in connection with State enterprise and State control of industry, I have no hesitation in supporting the second reading of the Bill, because the Government have safeguarded the interests of the people throughout. If I considered the Government were giving something away which they had no right to give away, I would endeavour to defeat the Bill. In introducing the measure the leader of the House outlined what is proposed, very thoroughly. I have no knowledge of the company but I know the country the company is dealing with. Some enterprising individuals have realised its worth, a worth which I did not appreciate in days gone by. Although I failed to recognise it I do not desire to adopt a dog-in-the-manger attitude. I desire to help in the development of the State and to develop its resources. The points raised by Mr. Nicholson require a certain amount of consideration. He suggested referring the Bill to a select committee. I wonder the hon. member did not move that the Bill should be read six months hence, or, at a later stage, move that the Chairman do leave the Chair, because in making such a suggestion he has shown his hostility to anything in the direction of the development of the country. We have heard a lot about the necessity for production and the development of our industries. Here on the very first opportunity that we have had a chance of assisting to develop the State, we are asked to fall at the first hurdle. While entirely opposed to private railway lines, I am in accord with the proposal under this Bill because the Government have safeguarded the interests of the public throughout. It is not a concession. The Government are not prepared to build the line because they have not got the money.

Hon. A. Sanderson: There is a Loan Bill before the other House for over 3½ millions.

Hon. J. W. HICKEY: They are not prepared to give this company any of it. They are prepared to allow this valuable deposit to languish. I have gone into the proposition very carefully. I have gone through the reports of Messrs. Montgomery and Dunn and have a fairly good knowledge of the proposition up there. At the same time the Government, despite all these facts, are not prepared to go on with the proposal to build the line in order to develop the manganese proposition. That being so, I do not think they should stand in the light of any other body of men who are prepared to build the line for the purpose of developing our resources. They are not out to exploit the people of the State. They want a concession such as was granted in the case of the Ajana line. That proposal received the full support of every member of the House. That proposal was for a line extending over 12 miles, and this is one for 85 miles. There is no reasonable difference between the two propositions and, as I have already stated, the Ajana proposition was agreed to practi-

ally unanimously by this Chamber. I trust the line under the Bill we are discussing will be constructed on a more businesslike arrangement than was the Ajana line. This Chamber should not stand in the light of the successful development of the manganese deposits. I believe the people's interests are safeguarded adequately throughout. Mr. Nicholson took exception to the proposition that the Government reserved the right at any time to purchase the railway at a sum to be determined by the Engineer-in-Chief, or his officer, a sum not to exceed the cost of construction less depreciation. It seems to me that nothing could be fairer. We can take the line over at our own valuation at any time the Government like. Opposition to the proposal has been evidenced to-night because the company have been allowed a 99 years' lease. While that is so, the provision enabling the Government to take over the line at their own valuation safeguards the position. Moreover, the Government have reserved the right to survey the line and, that being so, if a better proposition is brought forward, they can build a line alongside the one covered by the Bill. They reserved the same right in connection with the Ajana line, which they surveyed. The Government have conceded nothing more nor less than was the case respecting the Ajana proposition. The Government have undoubtedly safeguarded the position in every clause of the Bill. Clause 11 provides an absolute guarantee of the bona fides of the company, prescribing that the owner shall begin the construction of the railway within two years after the passing of the Act and complete it within three years after the work has begun. A company which, starting in a small way, has had sufficient enterprise to acquire a proposition such as they have, are entitled to our best consideration. Some hon. members think this line should be started within 12 months. What chance would those hon. members have of completing such a contract if they were the concessionaires? The Broken Hill Company hold the key to the situation in respect of rails, and for the next couple of years there will be no chance for getting rails in this State. That is the position with which the Government themselves are faced. Hon. members who contend that the company should start within 12 months are not familiar with the position. Probably they are merely seeking for additional information. Then we have the objection to the 2ft. 6 inch gauge. I have had a little experience of railway construction, and I know the difference in cost between the 2ft. 6 inch and the 3ft. 6 inch gauges. To insist on the company building a 3ft. 6 inch railway would be to cripple the company. In the case of the Ajana railway, the question of gauge was left to the option of the company, and I think the same condition should be conceded in this case. The railway is never likely to be used as a connecting link with Mr. Miles's big scheme, because Mr. Miles's

railway will be built for heavy, long distance traffic; but I think the Government are right in safeguarding themselves to the extent of carrying out the survey and taking charge of the muck-work, which means actually laying the foundation of the railway. This will give them the key to the situation if ever it is desired to take over the line. To talk of providing for a 3ft. 6 inch gauge and of sending the Bill to a select committee is merely to delay the whole proposition. Mr. Dodd referred to the Silvertown tramway. I have been over that tramway, and I have a very vivid recollection of the experience; I sincerely hope I shall never have to do it again. But that is an entirely different proposition. The Silvertown Company was under very different conditions. The Minister will know the conditions under which the Silvertown tramway and other railways mentioned by other hon. members operate. They are all in a different category from this proposition. When big financial institutions come along asking for concessions, very little argument is used against them. In the case of the Lake Clifton concession very few questions were asked. Personally, I made sure that the bona fides of the company were all right, and I left it at that. I do not know whether the company under review are financial, but many questions have been asked as to their bona fides. If some big German firm were to come along asking for the same concession we would welcome them with open arms and no opposition would be offered, but when it is a syndicate of local men wishing to develop the country, we have opposition from all parts of the House. This syndicate of local men—

Hon. E. H. Harris: Some of them are.

Hon. J. W. HICKEY: I am not a hypocrite, but I think the hon. member is, because he does know some of them.

The PRESIDENT: The hon. member must not say that.

Hon. J. W. HICKEY: I am sorry. However, I think the hon. member understands me. The local men in this syndicate are entitled to some consideration. Whilst I am entirely opposed to the building of railways by private enterprise, on this occasion I think I must support the Bill. The company are asking, not so much for a concession as merely for permission to lay down a railway across flat country. I must appeal on behalf of the men already in the back country. The Government have power to make regulations under which the syndicate will operate their line. They are to be compelled to carry passengers and goods over the road on conditions and at rates laid down by the Government. Could there be anything fairer than that? To transport copper ore from the mines 150 miles from Meekatharra costs from £8 to £10 per ton. The railway company will be under an obligation to carry that ore to Meekatharra at a rate to be approved by the Government. Therefore if the line is



built it will afford railway facilities to the prospectors developing that copper deposit 150 miles from Meekatharra and who are paying to-day £10 per ton for their carting. On this railway the freight will be not more than 50 per cent. of that. So, in addition to developing the manganese deposit and perhaps becoming a connecting link between the north and the south, this railway will be of great service to the prospectors and other people already in the district. It has been said in this Chamber—I did not hear the debate, but I read a somewhat scrappy report of it in the newspapers. Unfortunately we do not get "Hansard" until the Tuesday afternoon. In this respect I think it would be a great improvement if we could arrange to get our "Hansard" on Monday afternoon—it has been said that this company would have the privilege of carrying traffic over the railway, and some hon. members went on to picture the contractor finishing his road 12 months earlier than the estimated date and levying toll on all using the railway for the next 12 months.

The PRESIDENT: The hon. member is digressing from the point.

Hon. J. W. HICKEY: I am sorry, but the seriousness of this question carries me away. All these things are mixed up in that part of the country. I know what has occurred there in the past from my own experience. This was in the mind of some hon. members when they raised this objection. One of their objections was that this company would have an opportunity of carrying produce over the line. The company do not want that concession at all, but the Government have insisted that they shall carry passenger and goods traffic under Government jurisdiction. If the Government have power to resume that line on their own terms I can see no reasonable objection to the granting of the concession. Whilst I am opposed to anything in the direction of private control of railways, I am of the opinion that the company, under the conditions imposed by the Bill and the safeguards contained therein, should be allowed to have this concession. In the interests of the development of the State and that portion of it in particular, this Bill deserves a little more consideration than it has up to the present received in this House. We should deal with it on its merits and not attempt to shelve it. We should take the responsibility of saying whether it will or will not be passed. I protest against the proposition that it should be referred to a select committee. If we cannot deal with a simple Bill like this we shall be recognised as a House governed by select committees. We had a select committee to deal with a Bill recently, and it took four or five weeks to deal with it.

The PRESIDENT: The hon. member can use those arguments when the motion for the appointment of a select committee is brought forward. They are out of place on the second reading.

Hon. J. W. HICKEY: The argument has been brought forward—

The PRESIDENT: But not debated, I do not intend to have it debated at this stage.

Hon. J. W. HICKEY: We have heard a great deal about select committees recently. I support the second reading of the Bill.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [10.4]: While I agree with the contention that with a Bill of this kind it is necessary to see that the interests of the country generally are protected, I cannot imagine that any member, subject only to that condition, could wish to throw any obstacle in the way of the development of an industry of this kind. The Government are not prepared to construct this railway. Mr. Nicholson gave one reason against it and Mr. Stewart gave the same. The price of manganese ore is so much per ton. It may be a great deal less to-morrow; in 12 months' time it may be so low that it will not be profitable to mine it. The Government are not prepared to take that risk, but at the same time are not prepared to take up a dog-in-the-manger attitude and say, because we think there is an element of risk in the proposition and we are not prepared to build the railway, that we shall not allow this deposit to be developed by a private company.

Hon. A. Sanderson: It is a private Bill.

The MINISTER FOR EDUCATION: It is a Bill for a private railway. The Government are not prepared to stifle a possible industry or to prevent these people from getting their ore away. The point has been raised as to the personnel of the company. The directors are Messrs. David Dick, F. W. Teesdale, G. Lambert, and Hannah, of the Atlas Engineering Company. Another point raised was in regard to the capital of the company. Mr. Nicholson made a great point of the fact that the company had not the money ready to carry out the enterprise. Does the hon. member expect that the company would have the money?

Hon. J. Nicholson: Undoubtedly!

The MINISTER FOR EDUCATION: I have never heard such a proposition put forward before. Reference was made to the Lake Clifton Company. At the time the concession was granted to the owners of those lime deposits they had not the money, and it was not until after the concession was granted that the concessionaires went to Sydney and floated the company and obtained the money. Another point was raised as to the right of the company over these leases. They have the leases, and they have not merely an option over them. They have an asset to that extent. The intention of the people having these leases is to float a company in London and obtain sufficient capital to build this railway and carry on the work. I take it that the actual subscribed capital cannot be less than half a million sterling. Mr. Nicholson says he thinks this money should be in their hands before they come to Par-

liament for a Bill. It is an utterly absurd argument. We were told also that in the case of the Ajana mine the company had to work and develop their property before they asked for a railway. In that case the company was only a few miles from the head of the railway. Although it was expensive it was a practical proposition to mine lead ores and send them by traction engine, camel teams, or some other means, to the head of the line. I was at the Ajana mine when they were working without a railway, which they could do. The company under review, however, has a deposit 85 miles from the head of the line. It is impossible to work it without a railway. If it were a gold mine, at some considerable expense the necessary reduction plant could be carted there and the final product, the gold, could be carried over that distance without a railway. This is not a matter of gold, but a matter of a metal which has to be sent away in bulk. It is only worth £11 per ton. It must be obvious to members that it is impossible to cart an article worth only £11 a ton a distance of 85 miles before it reaches the head of a railway. The lease is practically valueless unless one of two things happens—either the Government are prepared to construct a railway, or the owners of the leases have a right to construct it in order to get their stuff away. These people would not go on the London or the local market and attempt to raise money for a proposition of this kind unless they were able to tell intending shareholders that it was a workable proposition, and that they had the right to construct a railway, and that consequently there was a chance of making something out of the whole thing. The first of these propositions cannot be entertained, because the Government are not prepared to construct the line. The only way in which these people can get an opportunity of raising the necessary capital to develop their enterprise is for them to have the right to construct the railway themselves.

Hon. J. W. Hickey: With a safeguard for the Government.

The MINISTER FOR EDUCATION: It has been contended that the State is not sufficiently safeguarded because we have to compulsorily acquire alienated land, and because we have to carry out certain services. No Government would dream of undertaking this work until the company was floated and there was a solid asset to come back on. If hon. members are nervous about it I have no objection to a clause being put into the Bill providing that before either of these things is done a deposit to cover the cost should be placed in the hands of the Government. Neither of these things would be done by the Government until the company was floated and the necessary money forthcoming. It has been said, regarding the question of gauge, that this railway ought to be of the 3ft. 6in. gauge, because it might possibly be made to link up with a comprehensive railway system to the north. We are not entitled to compel this company, because

they have a deposit of manganese ore which they think they can develop, seeing that the Government are not prepared to construct the railway, to build the first section of the contemplated northern railway. It is the intention of the company to provide a 3ft. 6in. gauge railway, but it will be a matter for investigation by their experts as to which is the cheaper proposition, whether it would be cheaper to build a 3ft. 6in. gauge line and by that means utilise the one set of trucks to the sea port, or whether it would be cheaper to build a narrower gauge and face the cost of handling the stuff and transferring it to the wider gauge at Meekatharra. The company are entitled to do that which suits them best. They do not want any right to carry passengers. The passenger and goods traffic for the public would be so trifling as to make it a matter of indifference to the company whether they carried them or not.

Hon. G. J. G. W. Miles: It matters to the public.

The MINISTER FOR EDUCATION: But it is a matter of indifference to the company. The Government, however, insist that the company should carry passengers and goods at reasonable fees.

Hon. J. Duffell: There is nothing to stop the Government from constructing a line alongside theirs.

The MINISTER FOR EDUCATION: I am just coming to that. Assuming that the company construct a line of 2ft. 6in. gauge, in what worse position are we in regard to the contemplated northern railway, which I hope at no distant date will be an accomplished fact? We are in a better position. If the company work this line and successfully develop these deposits they bring a population there and will furnish additional reasons for the construction of the main line. We shall be no worse off. If the company construct a 3ft. 6in. gauge line, and it is intended to go on with the construction of the northern railway, it is within the power of the State to resume this line and make it a portion of that railway. From no point of view can I see how, if adequately protected in the direction I have indicated, the Government or the State can possibly lose anything by allowing these people to construct the line.

Hon. A. Sanderson: They will lose their reputation.

The MINISTER FOR EDUCATION: Reference has been made to the question of the framing of by-laws. No doubt the wording of the clause is different from the wording of the section of the Act governing the line to which reference has already been made. Hon. members will find from the Interpretation Act that—

When by any Act it is provided that regulations may or shall be made and (i) it is provided that such regulations may or shall be made by the Governor; or (ii) it is not provided by whom such regulations may or shall be made, any regulation made under or by virtue of such provision (a)

shall be made by the Governor, (b) shall be published in the "Gazette."

And submitted to Parliament. Further on it provides—

When by any Act it is provided that regulations may or shall be made by any authority other than the Governor the provisions of subdivisions (b), (c) and (d) of subsection 1, and the provisions of subsections 2 and 3 hereof shall apply to any regulation so made.

Later on it provides that—

In this section the term "regulation" includes rule and by-law.

Any by-laws made by this company under the provisions of this Act will require to be published in the "Gazette" and they will also be required to be placed before both Houses of Parliament and may be disallowed by either House. In that respect the interests of the community and the rights of Parliament are fully protected. Mr. Dodd referred to the Silverton Tramway Company. I know probably as much about that as most hon. members. I ask Mr. Dodd how long would the Silverton Tramway Company have remained in operation if the New South Wales Government had granted a concession for the construction of the line and placed in the Bill this clause—

That the lease is granted subject to the condition that it shall be lawful for the Governor, at any time during the term thereof, to purchase the railway at a sum to be determined by the Engineer-in-Chief, or such other officer as, for the time being, shall be in charge of the construction of Government railways, such sum not to exceed the cost of construction less depreciation.

Hon. J. E. Dodd: It depended on the Government.

The MINISTER FOR EDUCATION: Since then New South Wales has had all sorts of Governments. That provision is not in the Silverton Tramway Company's Act. If it had been there, the company would have lost their railway long ago. I would also direct the attention of hon. members to the fact that the Silverton Tramway Company, and the Midland Railway Company and the Great Southern Railway Company of this State, were all granted authority to construct railways for public purposes, to serve the public, and that this is purely a private railway not intended to serve public purposes at all. Therefore none of the circumstances which have arisen in connection with the Midland Railway Company or any of these other railways which have been mentioned could possibly apply here. As I have already said, I do not see any objection whatever to a clause being inserted in the Bill protecting the Government in the matter of any money that they spend. I do not believe that such a clause is necessary, but it is quite harmless and could not hurt the company or anyone else, because

in no circumstances would the Government proceed to do such work unless they had ample guarantees for the return of their money. If the House wishes to insert a clause of that kind, I do not object to it. I would, however, direct special attention to that proposed feature of the Bill which is to say that the Government may at any time resume this lease at a valuation to be determined by the Engineer in Chief, and also that such sum shall not exceed the cost of construction less depreciation. What does it mean? When all is said and done, it means that if the concern is a failure the company make the loss, and that if it is a success from a railway point of view, the Government may at any time take over the line. The company do not stand to make one sixpenny-piece out of their railway. The railway concession is valueless to them except for the reason that without a railway of some kind they would have nothing to offer the public and no opportunity whatever of raising the necessary money to develop the manganese deposit. That is the whole value of the railway concession. As a railway, apart from the working of the manganese deposit, the concern would not be worth a snap of the fingers to the company, because the Government could resume at any time should the line prove to be profitable for railway purposes. If the second reading is carried, I intend to move that we go into Committee, merely in order to test the question of the proposal for a further reference of the Bill to a select committee, which proposal I shall not discuss at this stage; but I may tell the House now that if we defeat the motion, as I hope we shall, for a reference to a select committee and go into Committee, I do not propose to carry the Bill beyond the first clause to-night, because one hon. member has intimated that he wishes to put an amendment on the Notice Paper and I desire to give every opportunity for its discussion. I hope the House will agree to the passage of the second reading and further agree to consider the Bill in Committee.

Question put and passed.

Bill read a second time.

*To refer to Select Committee.*

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.21]: I move—

That the President do now leave the Chair for the purpose of considering the Bill in Committee.

Hon. A. SANDERSON (Metropolitan-Suburban) [9.22]: I move an amendment—

That the Bill be referred to a select committee consisting of the Hon. J. W. Kirwan, the Hon. T. Moore, and the mover. We know nothing whatever about the General Chemical Supply Company and have

been told nothing whatever about the company. If we are only concerned for our own reputation as business men and as guardians of the interests of the country, we should have the fullest information with regard to the company. It is very extraordinary that the Government should have introduced the Bill at all. It is not a Government Bill in any proper sense of the term. It is a private Bill. I am only too glad, as I said on the second reading, to give every reasonable encouragement to private enterprise; but we do not want to lend this country's name and reputation to something connected with mining of which we know nothing whatever. The leader of the House must be a very unsophisticated person if he does not know that one could take the speech of the Premier, reported in "Hansard," which we are not allowed to refer to, and, coupling that speech with the fact that this Bill is introduced by the Government, could draw up a prospectus that would be most misleading to the people in the East or in England; and this Government's name would be most intimately associated with anything and everything in that prospectus. The fact that the name of the State Mining Engineer has been brought into the thing is most objectionable. Surely hon. members can see at once how obnoxious it is to find the Government of the country supporting a measure of this kind and to find the name of the State Mining Engineer associated with the undertaking. In other countries, Government officials are people who naturally carry great weight. We in this country would not like the name of a Government official to be associated with any mercantile affair unless that affair could stand the fullest investigation. I think it is open to objection that members of Parliament should be associated with this matter in the way they have been. There is nothing to be ashamed of in starting an industry, but why do not they bring this Bill in as an ordinary outside person would have to bring it in, and that is as a private Bill? Now, coming to the General Chemical Supply Company, somebody has said that the company have £5,800 capital. Does that mean £5,000 paid up? At any rate, that is the kind of information which the select committee ought to get. Further, I would like to point out that the Premier's statement—a statement which would be used in the prospectus—that 27 millions pounds' worth of ore is in sight—

Members: Thirteen million pounds' worth.

Hon. A. SANDERSON: I heard something similar about our forests 25 years ago. Does anyone mean to tell me that if this ore is worth 27 millions, or even 13 millions, the railway should not be constructed by the Government of the country? I sincerely hope the Bill will be referred to a select committee. If that proposal should unfortunately be defeated, we shall be compelled to argue the point as to the deposit. I should say that the smallest deposit required in this connection would be a sum of £25,000.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—on amendment) [10.26]: I hope the amendment will not be agreed to. I can see no necessity for a select committee. There is no information that the House has not got, or cannot get, to enable it to deal with the matter. As I have already pointed out, this is not a matter in which the Government are taking any risk. These people themselves are taking the whole of the risk; and the only effect, so far as I can see, of referring the Bill to a select committee would be to make it practically impossible for the matter to be dealt with this session. It would mean the hanging up of the whole project for perhaps 12 months. I do not think we have so many industries in this country that we can afford to hang up for 12 months a project that certainly does promise very well for a portion of the State to which I think we might give some consideration.

Hon. J. E. DODD (South—on amendment) [10.28]: I hope the amendment will be defeated. At such a period as this I prefer to vote straight out against the proposal rather than give the public the idea that we are going to shelve the Bill by what may be termed a subterfuge. I think that every argument used by Mr. Hickey can be met, and that some of the arguments of the leader of the House can be refuted; but I am not prepared to say at this stage of the session that we should refer the Bill to a select committee, knowing that that will mean the defeat of the Bill.

Hon. A. Sanderson: Have I the right of reply, Mr. President?

The PRESIDENT: No. The hon. member moved an amendment, and has no right of reply.

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

Ayes	..	..	..	..	7
Noes	..	..	..	..	18

Majority against .. 11

#### AYES.

Hon. J. A. Greig	Hon. J. Nicholson
Hon. V. Hamersley	Hon. A. Sanderson
Hon. J. W. Kilwan	Hon. E. H. Harris
Hon. A. Lovekin	(Teller.)

#### NOES.

Hon. F. A. Baglin	Hon. G. W. Miles
Hon. C. F. Baxter	Hon. J. Mills
Hon. E. M. Clarke	Hon. T. Moore
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. Cunningham	Hon. E. Rose
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. J. Ewing	Hon. H. Stewart
Hon. J. W. Hickey	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. J. Duffell
	(Teller.)

Amendment thus negatived.

Question put and passed.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 1—agreed to.

Progress reported.

### BILL—APPROPRIATION.

Received from Assembly and read a first time.

*House adjourned at 10.35 p.m.*

## Legislative Assembly,

*Tuesday, 14th December, 1920.*

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

### BILL—LOAN, £3,370,000.

#### Second Reading.

The PREMIER (Hon. J. Mitchell—Northam) [4.35]: Members are fully aware that this measure merely provides authority to raise the money to carry on the works which have already been passed by the House. As a result of the discussion on the Estimates for loan expenditure, it is necessary to secure authority to raise the money to provide for the works in the schedule. This Bill provides the necessary authority. The unexpended balance of money on loan works at 30th June last was £2,806,236. The proposed loan expenditure, including Loan Suspense Account, amounts to £3,641,932, and the Loan Bill provides for £3,859,600. Of the amount of the present loan, two millions is for soldier settlement and £180,000 for capital for the Agricultural Bank. The balance of £1,690,000 is required for the following works: Departmental £75,000, railways £440,000, tramways £100,000, electric power station £80,000, harbours and rivers £180,000, water supply £260,000, development of goldfields and mineral resources £50,000, development of agriculture £150,000, State

undertakings £251,000, public buildings and roads £93,600, and discounts and flotation expenses on the loan £10,400. The total loans authorised to June 30 last aggregated £50,709,173 in addition to deficiency bonds authorised this session amounting to £690,000. The total indebtedness at June 30 last was £46,822,003 and the sinking fund £6,848,825, leaving a net indebtedness of £39,973,178. I informed the House what the various advances to individuals and investments were. Most of them are returning interest and they total £38,663,510. Members will remember that last year we raised £1,500,000 in London. That was the first loan raised in London since 1914. It was issued at 98 per cent. and bore interest at 5½ per cent. That loan was three times over-subscribed.

Mr. Troy: That was before you set the pace.

The PREMIER: It was after you had set the pace. During the war, loans were raised through the Commonwealth Government. That was by arrangement and we have some money to pay on those loans. We have some £200,000 to meet at an early date for the redemption of bonds and debentures. A good deal has been used for the purpose of purchasing machinery. Recently we were offered and accepted £50,000 in Melbourne, which we took at 6 per cent. We have on hand a certain amount of money and I think it will be enough to carry us over for a good portion of next year. I do not anticipate it will be necessary to go on the market until about June next, and probably not even then. We have an overdraft with the London County and Westminster and Parr's Bank in London of £600,000. That was provided to meet contributions to sinking fund and we secured that advance at 4½ per cent. interest. Nowadays, I think, the interest is a little bit higher. For the five months just ended, we have expended loan moneys amounting to £951,997 and of that £713,045 was for soldier settlement. Other loan expenditure accounted for £238,952. I would like the House to realise how little we have spent during the past 12 months out of loan moneys, other than for soldier settlement. We have in cash in hand to date £495,548. We have wheat certificates on hand and money to come from the dividends on wheat delivered to the pool. That money, of course, will come to the Industries Assistance Board, namely, the first advance of 2s. 6d. per bushel on wheat delivered to the pool and the second 2s. 6d. at the end of April. These two advances should total about £838,568. We have moneys to come to us from the Commonwealth Government on account of expenditure we have undertaken for them in connection with the settlement of soldiers on the land, a sum amounting to £357,110 or a total of £1,691,226. I have already told the House that we are faced with the expenditure of about £200,000 for bonds maturing towards the end of the year. In connection with soldier settlement, there is no cost in connection with the raising of